

SPECIAL COUNCIL MEETING MONDAY 28 SEPTEMBER 2020

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No	Item	Decisions
1.	Apologies	Councillors McLaughlin and Schenning
2.	Declarations of Members' Interests	Nil
3.	Notice of Motion proposed by Councillor Wilson seconded by Councillor McCandless	Support the Notice of Motion
	<i>That this Council, having sustained prolonged allegations of fraud and corruption and subsequently an erosion of public confidence , now requests that any member alleging fraud or corruption on the part of any council officer, councillor or councillors, must immediately report their allegations to the Police Service of Northern Ireland. They must also furnish the PSNI with any evidence they have, or believe they have, to substantiate their allegation(s) and to fully co-operate in a full investigation by the PSNI who are the only competent authority to investigate such allegations.</i>	
4.	Notice of Motion proposed by Councillor Wilson seconded by Councillor McCandless	Support the Notice of Motion, as amended
	<i>That this council has been aware for some time that allegations have been made in the Council Chamber insinuating some Councillors are involved or complicit in some form of 'cover up'. These accusations are in relation to the allegations of fraud and corruption which are being levelled at senior management. Any member who feels they are being maligned in this way should be able to avail of legal advice in relation to such allegations. This council should therefore permit members who feel they have been subjected to these allegations the benefit of legal advice at this Councils expense. (as amended)</i>	
5.	Legal Opinion in the matter of a call in requests in respect of two decisions of the Council Meeting dated 3 December 2019 in relation to:	

	5.1 <i>That consideration is deferred to a Special Council Meeting; that Standing Orders are waived to allow the Independent Member to address Council and G Ireland invited to attend.</i>	Reconsideration of the decision LOST.
	5.2 <i>That Council accept the report produced by Moore NI and the terms of Reference that they were working under, as set out.</i>	Reconsideration of the decision CARRIED.
6.	Legal Opinion in the matter of a call in request in respect of a decision of the Council dated 4 February 2020 (opinion attached)	
	<i>That this Council agrees to appoint independent consultants specialising in management assessment and takes immediate steps to advertise, interview and appoint a fully external independent forensic auditor. Such consultants to prepare an independent report and present to council within 3 months. This review will look at performance review and measures, at every level of the organisation a root and branch review, in the interests of transparency and public confidence</i>	Reconsideration of the decision LOST.

**MINUTES OF THE PROCEEDINGS OF THE SPECIAL COUNCIL MEETING
HELD IN THE COUNCIL CHAMBER AND VIA VIDEO CONFERENCE ON
MONDAY 28 SEPTEMBER 2020 AT 7.00PM**

In the Chair : The Mayor, Alderman Fielding (C)

Members Present : Alderman Baird, Boyle, Duddy, Hillis, McCorkell,
McKeown, S McKillop and Robinson
(All Remote Attendance)

Councillors Anderson, Bateson, Beattie, Callan, Chivers,
Dallat-O'Driscoll, Holmes, Hunter, Knight-McQuillan,
McAuley, McCandless, McCaw, McGlinchey, McGurk, MA
McKillop, McLean, McMullan, McQuillan, C McShane,
P McShane, Mulholland, Nicholl, Peacock, Quigley, Scott,
Wallace, Watton and Wilson
(All Remote Attendance)

Officers Present : A McPeake, Director of Environmental Services (C)
R Baker, Director of Leisure & Development (C)
P Donaghy, Democratic Services and Central Services Manager (R)
S Duggan, Civic Support & Committee & Member Services Officer (C)

In Attendance : A Ruddy, Audit, Risk & Governance Officer (R)
D Allen, Committee & Member Services Officer (R)
J Welsh, Head of Community & Culture (R) (Items 1- 4 inclusive)
J Mills, Council Solicitor (R)
M Anyadike-Danes QC (R)
K Morgan QC (R)
C Campbell, Solicitor, Belfast City Council (R)

J Winfield, ICT Operations Manager
A Lennox, ICT Mobile Operations
C Thompson, ICT Officer (C)

Public (1no.) (R)
Press (3 No) (R)

Key

C = Chamber

R = Remote

1. APOLOGIES

Apologies were recorded for Alderman Finlay, Councillors McLaughlin and Schenning.

2. DECLARATIONS OF MEMBERS' INTERESTS

There were no Declarations of Interest.

The Mayor stated an addendum had been circulated on Friday, he considered it urgent business and under Standing Order 15(1).6, Council had been notified within 24 hours of the meeting.

The Mayor advised the addendum would be considered next on the Order of Business.

* **Councillor Bateson joined the meeting at 7.10PM.**

3. NOTICE OF MOTION PROPOSED BY COUNCILLOR WILSON SECONDED BY COUNCILLOR MCCANDLESS (DATED 24 SEPTEMBER 2020)

'That this Council, having sustained prolonged allegations of fraud and corruption and subsequently an erosion of public confidence, now requests that any member alleging fraud or corruption on the part of any council officer, councillor or councillors, must immediately report their allegations to the Police Service of Northern Ireland. They must also furnish the PSNI with any evidence they have, or believe they have, to substantiate their allegation(s) and to fully co-operate in a full investigation by the PSNI who are the only competent authority to investigate such allegations.'

Councillor Wilson spoke in support of the Notice of Motion.

Councillor Wilson stated Councils had additional challenges in relation to the Covid 19 pandemic, however Councillors had been inhibited in carrying out their functions, due to a campaign of allegations, which significantly inhibited the process of carrying out duties Councillors were elected to do.

Councillor Wilson stated all Elected Members and staff were expected to adhere to Standing Orders, policy, rules and structures that Council and Councillors operate within. Councillor Wilson advised if any were breached, corrective action must be taken, using the correct mechanisms available to Council as an organisation and individual elected representatives.

Councillor Wilson referred to claims referencing corruption and fraud in the organisation, he had not seen any evidence of it and if produced, the ability to deal with criminality would fall outside the remit of Council. Councillor Wilson advised any wrong doing or illegal activity suspected should be investigated by those competent to do so, the only mechanism was to contact the PSNI.

Councillor Wilson stated he was left with no choice but to formally propose each and every one support his Notice of Motion and in doing so, support the rule of law and order and support the PSNI.

Councillor Wilson concluded, by presenting his Notice of Motion.

Alderman McCandless seconded the Notice of Motion, he stated;

“Fraud, corruption - serious allegations which can only be investigated by the PSNI, the body who are authorised to do so and it is incumbent upon all Councillors sitting here this evening that if they have any evidence to the same - it should be taken to the PSNI.

These continual allegations of fraud and corruption are continuing to hinder the effective cooperation and efficient operation of this Council.

This issue must be dealt with tonight and I fully endorse what my colleague Councillor Wilson has proposed this evening and remind the members that we must support the rule of law and order.”

Councillor Quigley sought clarification that Councillor Wilson and Councillor McCandless had read the information and files.

The Mayor advised Councillor Quigley the information was not available, he further advised discussion should be kept to the wording of the Notice of Motion.

Alderman Duddy raised a Point of Order 18.9, he advised anyone with information regarding corruption or fraud should report it immediately to the PSNI.

Councillor P McShane spoke against the motion referring to evidence over 22 days at a Judicial Review, numerous reports, a Special Council Meeting and Audit Committee meeting over 2 nights. Councillor P McShane queried the word malicious, stating that Council had a duty to investigate. Councillor P McShane stressed that there may be fraud.

Councillor Peacock stated any illegal activity should be reported to the PSNI. Councillor Peacock further stated responsibility also fell to Council to investigate thoroughly and proposed an amendment to the motion.

Amendment

Proposed by Councillor Peacock
Seconded by Councillor Bateson

- that this Council, having sustained prolonged allegations of fraud and corruption and subsequently an erosion of public confidence, now encourages that any member alleging fraud corruption or any illegality on the part of any council officer, councillor or councillors, must immediately report their allegations to the Police Service. They should also furnish the PSNI with any evidence they have, or believe that they have, and this must be conducted in tandem with any internal processes that the Council deems appropriate.

Following further discussion, Councillor Quigley requested a Recorded Vote.

The Mayor put the Amendment to the Council to vote.

12 Members voted For; 23 Members voted Against; 1 Member Abstained.
The Mayor declared the Amendment lost.

Recorded Vote (Amendment)

For (12)	Alderman Boyle
	Councillors Bateson, Beattie, Chivers, Dallat O'Driscoll, McCaw, McGlinchey, McGurk, McMullan, C McShane, Nicholl, Peacock
Against (23)	Alderman Baird, Duddy, Fielding, Hillis, McCorkell, McKeown, S McKillop, Robinson
	Councillors Anderson, Callan, Holmes, Hunter, Knight-McQuillan, McAuley, McCandless, McLean, McQuillan, Mulholland, Quigley, Scott, Wallace, Watton, Wilson
Abstain (1)	Councillor P McShane

The Mayor put the substantive Notice of Motion to the Council to vote.

Councillor P McShane requested a Recorded Vote.

20 Members voted For; 3 Members voted Against; 13 Members Abstained.

The Mayor declared the Notice of Motion carried.

Recorded Vote

For (20)	Alderman Baird, Duddy, Fielding, Hillis, McCorkell, McKeown, S McKillop, Robinson
	Councillors Anderson, Callan, Holmes, Hunter, Knight-McQuillan, McAuley, McCandless, McLean, Scott, Wallace, Watton, Wilson
Against (3)	Councillors P McShane, Muholland, Quigley
Abstain (13)	Alderman Boyle
	Councillors Bateson, Beattie, Chivers, Dallat O'Driscoll, McCaw, McGlinchey, McGurk, MA McKillop, McMullan, C McShane, Nicholl, Peacock

4. NOTICE OF MOTION PROPOSED BY COUNCILLOR WILSON SECONDED BY COUNCILLOR MCCANDLESS (DATED 24 SEPTEMBER 2020)

Councillor Wilson proposed the Notice of Motion:

That this council has been aware for some time that allegations have been made in the Council Chamber and on social media insinuating some Councillors are involved or complicit in some form of 'cover up'. These accusations are in relation to the allegations of fraud and corruption which are being maliciously levelled at senior management. Any member who feels they are being maliciously maligned in this way should be able to avail of legal advice in relation to such allegations. This council should therefore permit members who feel they have been subjected to these allegations the benefit of legal advice at this Councils expense and furthermore if legal action is warranted this council permits the member(s) to proceed with such action at the Council's expense. This Council has already set a precedent by paying legal costs for another Councillor'.

Councillor McCandless seconded the Notice of Motion and stated his support:

"For the past few years, serving as a Councillor on Causeway Coast and Glens Borough Council has been extremely difficult due to the allegations of fraud and corruption in this Council. These allegations of fraud and corruption have been bandied about in this Chamber, picked up upon by the news media and for months now there has been open vilification of certain councillors on social media, accusing them of being complicit in a cover up of fraud and corruption.

I have been reminded of my obligations and duties as a Councillor as published in the Northern Ireland Local Government Code of Conduct for Councillors :-

4.2 “ You must not conduct yourself in a manner which could reasonably be regarded as bringing your position as a Councillor, or your Council into disrepute. “

Reminded of this I have felt ashamed that under a duty of care to our Council officers I have not spoken out before this. The greater good should be the priority, but many of us have remained silent because we don't want to cause offence; but when persons or indeed the team is headed down a dangerous path it is selfish to put your own need to be comfortable above the needs of others and by remaining silent you could be harming the people you need to help.

The worst case scenario I face this evening is that some of you may disagree with me on this, but at least I have brought the issue to the forefront of council.

The stress that has been placed on those Councillors who have been openly accused on social media and within this Chamber over the past months has been clearly damaging to them, not only for their physical well being and mental health, but reputational damage in connection with their ability to perform their roles could be undoubtedly construed as intimidation, bullying or harassment. These allegations have gone beyond what would be termed as robust challenging.

This constant verbal barrage of fraud and corruption has no doubt left many of our Councillors in Council having been deeply hurt, feeling unappreciated, worthless and certainly not feeling valued or respected. The discrediting damage which has been done to this Council is incalculable. Sitting here this evening as a Councillor I should not be feeling vulnerable, yet I am aware that every word I say is being dissected, analysed, inspected, examined, investigated, even possibly recorded - you are waiting for your words to be turned and used against you, and allegations in turn made against Councillors who have faith in our Senior Officers.

I wish to represent the Ward I have been elected to, to work in collaboration with my fellow councillors for the betterment of all the citizens of this Borough and be that bridge between the community and the functioning of Council, as I am sure the majority of you do.

I need to work in an atmosphere of openness and trust, not constantly under the fear of the next meeting where good relationships are being destroyed and feeling branded and marginalised.

This is why (reluctantly) I have brought this NOM forward this evening due to the concerted abuse which is being levelled at certain Councillors in this Chamber.

Those involved in those remarks are failing in their requirements to abide by the code of conduct.”

Councillor P McShane requested Legal Advice on the Notice of Motion stating he considered it was not a good use of ratepayers’ money and queried whether the motion had been tested legally.

Councillor Dallat O’Driscoll considered in the interests of transparency and cost effective governance, to look into Indemnity Insurance targeted at Councillors and potentially libellous claims.

Alderman Boyle advised Facebook had a polarising effect, she felt it was important to listen and debate. Alderman Boyle felt uncomfortable with the word ‘malicious’, she felt Council had tensions on issues, apart from this issue.

The Mayor advised Council would be required to move ‘*In Committee*’ to obtain Legal advice.

MOTION TO PROCEED ‘*IN COMMITTEE*’

Proposed by Councillor Callan

Seconded by Alderman McCorkell and

AGREED – that Council move ‘*In Committee*’

The information contained in the following items is restricted in accordance with Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014.

*** Press, Public left the meeting at 7.58PM.**

Legal advice was provided in relation to Members’ queries by the Solicitor in attendance.

Councillor Quigley stated she was not comfortable with the word ‘malicious’. Councillor Quigley stated she did not wish to have seen or heard what she did, she had been investigated by NIPSO and was happy to stand over her comments.

Councillor Peacock advised there was clear reference to defamation and insinuations, she felt the use of the word ‘malicious’ was not needed, that there was predetermination and the Notice of Motion not something she could support.

Councillor McCandless stated there were key words, subjected to allegations of fraud and corruption, as a Councillor he felt maligned and referred to the Code of Conduct Point 7.

Councillor Callan requested a recess prior to the vote.

The Mayor declared a recess at 8.08PM.

* **The meeting reconvened at 8.19PM.**

Councillor Wilson stated he wished to amend his Notice of Motion, if Members felt adrift, and not afforded the level of protection and cover others in the organisation had. He advised the spirit was some form of security against allegations levelled against Members, he advised people would not come forward to represent citizens in the Borough.

Proposed Councillor Wilson

Seconded by Councillor McCandless

- That this Council has been aware for some time that allegations have been made in the Council Chamber insinuating some Councillors are involved or complicit in some form of 'cover up'. These accusations are in relation to the allegations of fraud and corruption which are being levelled at senior management. Any member who feels they are being maligned in this way should be able to avail of legal advice in relation to such allegations. This Council should therefore permit members who feel they have been subjected to these allegations the benefit of legal advice at this Councils expense.

Following further queries in relation to legal advice Councillor Quigley requested a Recorded Vote.

The Mayor put the Notice of Motion, as amended, to the Council to vote. 17 Members voted For; 16 Members voted Against; 3 Members Abstained. The Mayor declared the Notice of Motion, as amended, carried.

Recorded Vote

For (17)	Alderman Duddy, Fielding, Hillis, McCorkell, S McKillop, Robinson
	Councillors Anderson, Callan, Holmes, Knight-McQuillan, McAuley, McCandless, McLean, Scott, Wallace, Watton, Wilson
Against (16)	Alderman Boyle

	Councillors Bateson, Beattie, Chivers, Dallat O’Driscoll, McCaw, McGlinchey, McGurk, MA McKillop, McMullan, C McShane, P McShane, Mulholland, Nicholl, Peacock, Quigley
Abstain (3)	Alderman Baird, McKeown
	Councillor Hunter

5. LEGAL OPINION IN THE MATTER OF A CALL IN REQUESTS IN RESPECT OF TWO DECISIONS OF THE COUNCIL MEETING DATED 3 DECEMBER 2019

Confidential report, previously circulated.

The Mayor put reconsideration of the decision to Council to vote.

- 5.1** *That consideration is deferred to a special council meeting; that standing orders are waived to allow the independent member to address council and G Ireland invited to attend.*

13 Members voted For; 20 Members voted Against; 3 Members Abstained.

The Mayor declared reconsideration of the decision lost.

The Mayor moved to the second decision put for reconsideration.

- 5.2** *That Council accept the report produced by Moore NI and the terms of Reference that they were working under, as set out.*

Councillor P McShane advised the document was required to be fully debated and not shut down. Councillor P McShane stated the report had identified procedures and policies that should have been in place since the inception of Causeway Coast and Glens Borough Council. Councillor P McShane stated that Council should not accept the report.

Councillor P McShane requested a Recorded Vote.

Councillor Peacock stated debate had taken place at the Audit Committee, any failure was not the outcome intended. Councillor Peacock stated Sinn Féin’s position and she referred to paragraph 55 of the ‘Call In’, that the report be accepted based on its limitations, in addition to a forensic audit as the Audit Committee intended.

Councillor Quigley noted that a Member whom put their name to the ‘Call In’ was not present at the 3-4hour meeting discussion, she stated the Terms of Reference were not right. Councillor Quigley concurred with Councillor Peacock.

The Mayor put reconsideration of the decision to Council to vote.
30 Members voted For; 6 Members voted Against; 0 Members Abstained.
The Mayor declared reconsideration of the decision carried.

Recorded Vote

For (30)	Alderman Baird, Boyle, Duddy, Fielding, Hillis, McCorkell, McKeown, S McKillop, Robinson
	Councillors Anderson, Bateson, Callan, Chivers, Holmes, Hunter, Knight-McQuillan, McAuley, McCandless, McCaw, McGlinchey, McGurk, McLean, McMullan, C McShane, Nicholl, Peacock, Scott, Wallace, Watton, Wilson
Against (6)	Councillors Beattie, Dallat O’Driscoll, MA McKillop, P McShane, Mulholland, Quigley

6. LEGAL OPINION IN THE MATTER OF A CALL IN REQUEST IN RESPECT OF A DECISION OF THE COUNCIL DATED 4 FEBRUARY 2020

Confidential report, previously circulated.

“That this Council agrees to appoint independent consultants specialising in management assessment and takes immediate steps to advertise, interview and appoint a fully external independent forensic auditor. Such consultants to prepare an independent report and present to Council within 3 months. This review will look at performance review and measures, at every level of the organisation a root and branch review, in the interests of transparency and public confidence.”

The Mayor put reconsideration of the decision to Council to vote.
15 Members voted For; 20 Members voted Against; 1 Member abstained.

The Mayor declared reconsideration of the decision lost.

MOTION TO PROCEED ‘IN PUBLIC’

Proposed by Councillor Callan
Seconded by Councillor Quigley

AGREED: that Council move *'In Public'*.

This being all the business, the Mayor thanked everyone for their attendance and the meeting closed at 8.56PM.

Mayor