

**COUNCIL MEETING 6 SEPTEMBER 2022**

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<b>No.</b>	<b>Item</b>	<b>Decision</b>
<b>1.</b>	The Mayor's Business	<b>Received</b>
<b>2.</b>	Apologies	<b>Councillors Bateson, McCandless and Storey</b>
<b>3.</b>	Declaration of Members' Interests	<b>Alderman Duddy Councillor Anderson Councillor McCorkell Councillor Wilson</b>
<b>4.</b>	Deputation, Northern Ireland Housing Executive Housing Investment Plans 2022 Annual Update	<b>Received</b>
<b>5.</b>	Minutes of Special Council Meeting held 26 July 2022	<b>Taken as read and Signed as a correct record</b>
<b>6.</b>	Minutes of Council Meeting held Tuesday 2 August 2022, reconvened Tuesday 9 August 2022	<b>Taken as read and Signed as a correct record</b>
<b>7.</b>	Matters for reporting to the Partnership Panel	<b>None</b>
<b>8.</b>	Conferences	<b>Noted</b>
<b>(i)</b>	NAC UK Licensing Conference & Regional AGM	
<b>(ii)</b>	NAC NI at 30 years, Defining Our Positive Future	
<b>9.</b>	Correspondence	<b>Noted</b>
<b>(i)</b>	Northern Ireland Housing Council	
<b>10.</b>	Consultation Schedule	<b>Noted</b>
<b>11.</b>	Seal Documents	<b>Seal affixed (Items (i) – (iv) inclusive)</b>
<b>(i)</b>	Grave Registry Certificates, No's 5391 – 5407 inclusive;	
<b>(ii)</b>	Provision for the treatment of biowaste (awarded to Natural World Products) (Ref ES 220308, CM 220405)	

<b>(iii)</b>	Provision for residual waste treatment services (awarded to River Ridge Recycling) (Ref ES 220510, CM 220607)	
<b>(iv)</b>	Provision of waste services for the collection, disposal and treatment of hazardous paints varnishes, non-hazardous paints, vegetable oil, engine oil and other oils that include: oily rags, oil filters, and used engine oil containers (awarded to Enva) (Ref ES 200811, CM 200901)	
<b>12.</b>	Notice of Motion proposed by Councillor Mulholland, seconded by Councillor Quigley	<b><i>Referred to Environmental Services Committee</i></b>
<b>13.</b>	Notice of Motion proposed by Alderman Fielding, seconded by Alderman S McKillop	<b><i>Referred to Environmental Services Committee</i></b>
<b>14.</b>	Notice of Motion proposed by Councillor C McShane, seconded by Councillor Nicholl	<b><i>Referred to Leisure &amp; Development Committee</i></b>
	<b><i>'In Committee' (Items 15-17 inclusive)</i></b>	
<b>15.</b>	Trade Union Local Pay and Condition Demands	<p><b><i>Motion Lost</i></b>  <i>That Council approve example 3 in the Paper – that Council increase the pay scales as requested and £500 hardship payment; hardship fund level reach PO 6</i></p> <p><b><i>Motion Lost</i></b>  <i>That Council approve the National Pay Award of £1,925; that additional requirements from the Unions become part of the National negotiations.</i></p> <p><b><i>Motion Lost</i></b>  <i>That Council approve two spinal payments and a hardship payment of £400 on top of it, up to Band 6.</i></p>

16.	NIAO Extraordinary Audit Report – Legal Representation	<p><b><i>That Council puts in place control measures including not engaging its own employment legal advisors during the implementation of Recommendations 6 &amp; 7.</i></b></p> <p><b><i>That if legal advice is required by the Staff Commission it will be sought through the Staff Commission’s external legal services provision.</i></b></p>
17.	NIAO Extraordinary Audit Report – Investigation Sub-Committee	<p><b><i>That Council approves the appointment of the following Elected Members to the Investigation Sub-Committee.</i></b></p> <ul style="list-style-type: none"> <li><b><i>- Councillor Mervyn Storey - DUP</i></b></li> <li><b><i>- Councillor Kathleen McGurk – SF</i></b></li> <li><b><i>- Alderman Joan Baird – UUP</i></b></li> </ul>

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE  
COUNCIL HELD IN THE COUNCIL CHAMBER AND VIA VIDEO CONFERENCE  
ON TUESDAY 6 SEPTEMBER 2022**

**In the Chair** : The Mayor, Councillor Wallace (C)

**Present** : Alderman Baird (R), Boyle (C), Duddy (C), Fielding (C), Hillis (R), McKeown (R), Knight-McQuillan (R), S McKillop (C), McLean (C), McQuillan (C)

Councillors Anderson (C), Beattie (R), Callaghan (C), Callan (R), Chivers (R), Dallat O'Driscoll (R), Holmes (C/R), Hunter (R), McAuley (C), McCaw (R), McCorkell (R), McGurk (R), MA McKillop (R), McMullan (C), C McQuillan (C), C McShane (R), P McShane (C), Mulholland (C), Nicholl (C), Peacock (C), Quigley (C), Scott (C), Watton (C), Wilson (C)

**Officers Present** : D Jackson Chief Executive (C) (Items 1-15 inclusive)  
A McPeake, Director of Environmental Services (C) (Items 16-17 inclusive)  
M Smyth, Director of Finance (Interim) (R)  
D Wright (Chief Finance Officer) (R)  
S Duggan, Civic Support Officer (C)  
I Owens, Committee and Member Services Officer (R)

A McAuley, PR Manager (R)  
A Lennox, ICT Officer (C)  
C Ballentine, ICT Officer (C)

**In Attendance** : S McCauley (Director) (C)  
F O'Connor (Regional Manager, North) (C)  
L Vincent (Asset Management) (R)  
A Kennedy (Asset Management) (R)  
M Alexander (Area Manager) (C)  
L Clarke (Head of Place Shaping North) (R)  
C O'Carroll (Place Shaping North) (R)

Public (2 No) (R)  
Press (3 No) (R)

**Key –**                    **C** = Attended in the Chamber  
                              **R** = Attended Remotely

The Chief Executive undertook a roll call.

The Mayor opened the meeting and extended a welcome to members of the press and public in attendance and provided guidance in relation to Council's Remote Meetings Protocol and audio recordings.

Alderman Hillis experienced difficulties with remote connectivity throughout the meeting.

## **1. THE MAYOR'S BUSINESS**

The Mayor advised his Mayor's Charity was Muscular Dystrophy, specifically Duchenne Muscular Dystrophy and referred to local affected boys within the area. He advised a Golf Tournament would be held on Friday 11<sup>th</sup> October 2022 at Portstewart Golf Club, and a Couch To 5K in the New Year and asked anyone interested to contact him.

## **2. APOLOGIES**

Apologies were recorded for Councillors Bateson, McCandless and Storey.

## **3. DECLARATION OF MEMBERS' INTERESTS**

Alderman Duddy declared an Interest in Item 15 (Trade Union Local Pay And Condition Demands. Alderman Duddy left The Chamber prior to consideration of the Item; and did not vote.

Councillor Anderson in Item 15 (Trade Union Local Pay And Condition Demands. Councillor Anderson left The Chamber prior to consideration of the Item; and did not vote.

Councillor McCorkell in Item 15 (Trade Union Local Pay And Condition Demands. Councillor McCorkell left the meeting during consideration of the Item following clarification of the Trade Unions involved; and did not vote.

Councillor Wilson in Item 15 (Trade Union Local Pay And Condition Demands. Councillor Wilson left the meeting prior to consideration of the Item and did not vote.

## **4. DEPUTATION, NORTHERN IRELAND HOUSING EXECUTIVE HOUSING INVESTMENT PLANS 2022 ANNUAL UPDATE**

Report, previously circulated.

The Mayor invited the NIHE Director to present on the Northern Ireland Housing Executive Housing Investment Plans 2022 Annual Update, a copy of which was previously circulated. The Regional Manager, North and Area Manager accompanied the NIHE Director in The Chamber to answer questions.

The Mayor invited strategic questions from Elected Members for the NIHE representatives.

Councillor Scott queried, that given the price of oil and gas, the status of the programme for insulation for Housing Executive properties across Causeway Coast and Glens.

The Regional Manager advised the Programme was currently going on, insulating properties externally; and responded on the cavity wall insulation programme for insulation installed 30 years ago, he advised that a number of pilot schemes were in place.

Alderman Baird queried what the Housing Executive were doing to try to help people solely dependent on one form of heating, mainly gas for example, being unable to light a fire. Alderman Baird sought information on private sector grants meeting the costs of disabled adaptation, given the rising costs and whether there was a waiting list.

The NIHE Regional Manager advised 64% properties were heated by oil, that the programme had eased of encouraging people where gas was available, to move to gas, it was the intention that people will have a secondary source of heat, the intention electricity.

The NIHE Director advised of a home energy conservation agency role to signpost people to grants. She advised there were Oil buying Clubs and Grants on Warmer Homes and Boiler Replacements and other pilots. Disabled adaptation grants allowed a maximum of £70,000, was originally, £50,000 and had increased the schedule of rates. She advised there were Partners in delivering disabled adaptations and stated she would come back to Alderman Baird regarding more information on waiting lists.

Councillor Mulholland queried how NIHE were coping with the number of people who have had to leave private rented accommodation, due to landlords selling, and people being unable to afford to pay their rent. She questioned what steps were being taken to ensure people suffering were protected from eviction, due to rental arrears, as a result of the current cost rises relating to food and energy.

Regional Manager, stated he had not seen much of a change, there may be a lag. 75% receive help with rent through Universal Credit or Housing Benefit, and generally do not get into serious arrears, he advised it tended to be people who they know are working and do not pay their rent, that the Courts evict people and people are given every opportunity to come to arrangements. The NIHE Director clarified a duty of care to find a property and stated of additional pressures and homelessness.

Alderman McQuillan referred to inherent tenancies and stated a specific case.

Alderman McQuillan queried the Affordable Warmth Scheme, where an individual could not get anyone to take out old insulation. Alderman McQuillan queried compensation for people who bought their house many years ago and there was no cavity wall insulation; and he also sought clarification of Latent Demand tests in Garvagh, Kilrea, Moneydig, Ballerin, Glenullin, what expectation did the Housing Executive have of building in these areas.

Regional Manager advised rules were based on Housing Legislation, beyond that, in the case of genuine circumstances, NIHE Director's have discretion to pass additional tenancy but in some cases people may be living somewhere else and checks are placed.

Regional Manager clarified there would be no compensation for the example stated by Alderman McQuillan, that it was Buyer Beware; a survey undertaken and full details disclosed.

Regional Manager clarified all results are considered, a demand for Social Housing will look for sites, the process had resulted in schemes being built, Meeting Rural Need one of the priorities, a proportion of allocation is designed to go to Rural areas. Regional Manager clarified the Housing Association process and advised he would provide Alderman McQuillan with figures.

Councillor Quigley referred to statistics for Housing stress, she stated there was very little stock, living in the Coleraine area, landlords were selling and people in crisis had been offered accommodation in Larne and Belfast, she queried whether NIHE were going to build any more locally. Councillor Quigley referred to a specific maintenance case, of substandard work, the work signed off and the people did not have a voice and requested a Site Visit.

Regional Manager advised the onus on a Contractor to quality assure their own work, NIHE operate a KPI system, and if a contractor fails, financial penalties imposed; he invited the Area Manager to follow up on the photographs referred to by Councillor Quigley. Regional Manager advised on the funding from Government, NIHE allocated housing of new build across the Province and there are not enough when looking at figures of waiting lists compared to stock. Regional Manager advised of a competitive market for temporary accommodation, with various Refugee Programmes, Home Office dispersing across the UK, resulting in a reduction of the available market.

The NIHE Director clarified the Housing Association process and advised Place Shapers also engaged in land identification, planning and a rigorous regime to monitor new build. She advised of difficulties during Covid, material costs, pricing, sourcing products and dealing with legal and conveyancing. That a move was being made to a level of stability, whilst aware of the inflationary

position. The NIHE Director stated she was content to ask Place Shaper to engage and go through the process.

Alderman McKeown queried housing allocation in coastal areas and the common selection scheme, he advised England had taken steps to resolve this issue, where local people would have priority.

Regional Manager clarified all allocation of social housing was through the common selection scheme, that the scheme belonged to the Department for Communities. A public consultation had made twenty recommendations for change, a number awaiting Ministerial clearance. He advised that anyone was entitled to put their name down for any location in Northern Ireland and allocated to the highest number of points.

Councillor McMullan stated it took on average a year for a disability grant, he suggested Partners eg Health, short cut some of the system they presently using for example the Planning Office. He stated accommodation had been a problem before covid.

Regional Manager stated a spectrum of providers, dedicated Hostels, 3 no, single let properties to accommodate people in Ballycastle, other locations for example in Cushendall and Carnlough the number of properties needed was low. He stated he would look again at the figures and take the comments on board.

Councillor Peacock stated cavity wall issues affects a significant percentage of stock and was glad to see movement there. Councillor Peacock disputed the effectiveness of Latent Demand Tests of actual demand, particularly smaller and rural communities. Councillor Peacock welcomed the announcement of ten Phase 1 Properties in Rasharkin and Church Road.

Regional Manager stated various initiatives had been tried to make latent demand tests more accurate and invited suggestions for improvement.

Councillor McCorkell stated all good work was let down by Government, the key challenges, that there was no stock and no bungalows, the points system needs changed at Legislation stage and allocation system. He felt NIHE were let down by Contractors and agreed with Councillor Quigley regarding workmanship. Councillor McCorkell referred to debt and rent arrears in the Winter months, that was going to get worse and queried whether that affected the challenges.

Regional Manager advised the Landlord side was self-financing, that rental income pay for schemes and work, staff were devoted to chase bad debt, and



he would not know yet what impact there would be as regards the cost of living, but ultimately would have an impact and at the margin.

Councillor Watton referred to daily housing issues, and the shortfall. He stated the Social Housing Budget in Derry Strabane area was 23% of the budget and Causeway Coast and Glens obtain 3%, Councillor Watton asked why the inequality the Borough was not getting a fair allocation of the Social Housing budget.

Regional Manager advised it was the length of time people were waiting in the other Council and level of points, the two indicators in part, driving the distribution of the new build starts. Also an issue, a large area of land zoned for Housing in Derry, a Housing Association and private developer bought the land and a very large scheme built on it.

Alderman Fielding stated demand outstrips supply and the difference between private and social sector rent can be £300 (Portstewart) in the area. If land is not zoned and private developers can obtain more, he questioned what efforts were being made to find social housing in a town and Portstewart, when the difference between private and social sector is so high.

Regional Manager advised that Council, as a statutory body, can zone land for housing through Development Plan, NIHE produce a Need Prospectus, Housing Associations look at and identify areas, in addition areas where there are perceived to be difficulties, NIHE have internal planning to also look for sites that are available on an opportunity basis and engage with the public sector.

Councillor Nicholl sought clarification of the process surrounding refusal of taking a property. Regional Manager advised of the process of three reasonable offers and then losing the priority.

Councillor Quigley sought clarification of the Refugee families and Home Office; was unaware of displaced families put into social housing.

Regional Manager clarified that Refugees were a matter for the Home Office. Whilst people are being assessed by the Home Office, they are put into Temporary Accommodation, if given a Right to Remain, entitled to Social Housing and on to the waiting list.

The Mayor thanked the representatives.

\* **NIHE Director, Regional Manager, North and Area Manager left the Chamber at 8.18pm.**

**5. MINUTES OF SPECIAL COUNCIL MEETING HELD TUESDAY 26<sup>TH</sup> JULY 2022**

Proposed by Alderman McQuillan  
Seconded by Councillor Watton and

**RESOLVED** - that the Minutes of the Council meeting held Tuesday 26<sup>th</sup> July 2022 were taken as read and signed as correct.

**AGREED** - Alderman Boyle asked for the following words to be inserted, page 10, last paragraph, *“the words of the Extraordinary Audit report to be our Guide”*.

**6. MINUTES OF COUNCIL MEETING HELD TUESDAY 2 AUGUST 2022, RECONVENED TUESDAY 9 AUGUST 2022**

Proposed by Alderman Duddy  
Seconded by Councillor Anderson and

**RESOLVED** - that the Minutes of the Council meeting held Tuesday 2<sup>nd</sup> August 2022, reconvened Tuesday 9<sup>th</sup> August 2022 were taken as read and signed as correct.

**7. MATTERS FOR REPORTING TO THE PARTNERSHIP PANEL**

There were no matters for reporting to the Partnership Panel.

**8. CONFERENCES**

The purpose of the report is to inform Elected Members of conferences and courses they may wish to attend.

**(i) NAC UK Licensing Conference & Regional AGM**

This Licensing Conference is open to all members of the NAC.

Licensing makes a fundamental contribution to how our communities develop, live, work and relax. With the right tools councils can use licencing to significantly improve the chances of businesses and residents moving to an area whether in the heart of a city or in a more rural district.

Licensing can be controversial and objections to certain types of licenses may come from various groups, members of the public and Local Authorities. Lots of small groups and small councils do not have the resources to employ Lawyers etc to fight an application. Many members of the community look to their local councillor to help and represent them in such cases.

We will look at ways to both support and object to applications to give good outcomes for the community.

- 23-25 September 2022, Eastwood Hall Near Nottingham
- Delegate Fees: £350 plus VAT

- Accommodation is available for delegates at the Conference Hotel at the special NAC Conference Delegate rate of £85 plus VAT per night. If you book the hotel direct the rate will be £135 inc VAT The accommodation fee is payable by delegate on arrival at the hotel unless otherwise indicated on the booking form.

Elected Members should contact Democratic Services to register interest.

## **(ii) NAC NI at 30 years, Defining Our Positive Future**

Advance Notice and further information will follow.

Date and Location: Tuesday 27 September 2022, Glenavon House Hotel, 52 Drum Road, Cookstown, BT80 8JQ

The Conference is planned to run from 9.30am - 4pm approximately and will be independently facilitated by Mr Derek McCallan, former CEO of NILGA. NILGA's current CEO, Ms Alison Allen, will also support the day.

Elected Members should contact Democratic Services to register interest.

**It is recommended** that Council consider the Conference listed.

**RESOLVED** – That Council note the Conference schedule.

## **9. CORRESPONDENCE**

Report, previously circulated.

### **2.1 Northern Ireland Housing Council (correspondence dated 11<sup>th</sup> August 2022)**

The Housing Council August bulletin dated 11<sup>th</sup> August 2022 and 491<sup>st</sup> Meeting of the Northern Ireland Housing Council minutes.

**RESOLVED** – That Council note the Correspondence schedule.

## **10. CONSULTATION SCHEDULE**

Report, previously circulated.

- Department of Agriculture, Environment and Rural Affairs, Northern Ireland Peatland Strategy - Consultation on the Equality Impact Assessment, submission by 4th November 2022
- Waterways Ireland, Interim Equality Action Plan (2021-2022) and Interim Disability Action Plan (2022)
- Northern Ireland Electricity, Cluster Methodology Review Consultation, submission by 9th September 2022
- Health and Safety Executive for Northern Ireland Consultation on HSENI's 2023-2028 Corporate Plan submission by 10th October 2022

- Department of Health Consultation on Violence and Aggression in the Workplace HSC Framework submission by 9th September 2022
- Department of Education, Consultation on Period Products (Free Provision) Regulations submission by 16th October 2022
- Regulation and Quality Improvement Authority, Consultation on RQIA's Draft Strategic Plan 2022-27 submission by 17th November 2022
- Department of Finance, EQIA Screening Document for Starting Pay on Transfer to a New Substantive Grade Policy
- Translink, Equality Screening Reports for April-June 2022
- Department of Agriculture, Environment and Rural Affairs, DAERA Quarterly Screening Report April-June 2022
- Equality Screening 2022 | Department of Agriculture, Environment and Rural Affairs (daera-ni.gov.uk)
- Department of Agriculture, Environment and Rural Affairs, DAERA's Annual Progress Report for 2021/22

**RESOLVED** – That Council note the Consultation Schedule.

## 11. SEAL DOCUMENTS

Members were advised of the undernoted items for signing and sealing by Council, approval having been previously granted and all necessary legislative requirements being met.

- (i) Grave Registry Certificates, No's 5391 – 5407 inclusive;
- (ii) Provision for the treatment of biowaste (awarded to Natural World Products) (Ref ES 220308, CM 220405);
- (iii) Provision for residual waste treatment services (awarded to River Ridge Recycling) (Ref ES 220510, CM 220607);
- (iv) Provision of waste services for the collection, disposal and treatment of hazardous paints varnishes, non-hazardous paints, vegetable oil, engine oil and other oils that include: oily rags, oil filters, and used engine oil containers (awarded to Enva) (Ref ES 200811, CM 200901).

Proposed by Alderman McQuillan  
 Seconded by Councillor MA McKillop and

**RESOLVED** – that the sealing of documents, as listed, be approved (items (i) – (iv) inclusive).

**12. NOTICE OF MOTION PROPOSED BY COUNCILLOR MULHOLLAND,  
SECONDED BY COUNCILLOR QUIGLEY**

*That this Council resolves and amends within Council/amenity site policy to solve issues affecting disposing of bulk waste.*

The Notice of Motion was referred, without discussion, to the Environmental Services Committee.

**13. NOTICE OF MOTION PROPOSED BY ALDERMAN FIELDING, SECONDED BY  
ALDERMAN S MCKILLOP**

*That this Council supports the Royal British Legion by providing and installing a Flagpole at their Portstewart War Memorial.*

The Notice of Motion was referred, without discussion, to the Environmental Services Committee.

**14. NOTICE OF MOTION PROPOSED BY COUNCILLOR C MCSHANE,  
SECONDED BY COUNCILLOR NICHOLL**

*Propose that Council renames the Ballycastle Tennis Courts to the 'Alex McFarland Tennis Courts'.*

The Notice of Motion was referred, without discussion, to the Leisure and Development Committee.

**MOTION TO PROCEED 'IN COMMITTEE'**

Proposed by Councillor Quigley  
Seconded by Councillor Mulholland and

**AGREED** – that Council move, 'In Committee'.

- \* **Members of the press and public were ejected from the meeting at 8.26pm.**
- \* **Alderman Duddy, having declared an Interest left the Chamber.**
- \* **Councillor Anderson, having declared an Interest left the Chamber.**
- \* **Councillor Wilson, having declared an Interest left the Chamber.**

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

**15. TRADE UNION LOCAL PAY AND CONDITION DEMANDS**

Confidential report, previously circulated, presented by the Chief Executive.

## **Purpose Of Report**

This report is to inform Members on the trade union local pay and condition demands.

Background and Local Bargaining offers in 3 undisclosed neighbouring Council's were presented within the Report.

The confidential report provided information presented within the following headings:

- National pay award
- Costs of local bargaining offers
- Financial Considerations and Year-End Projections 2022/23

## **Recommendation**

It is recommended that Elected Members consider the Trade Union Side pay and condition demands and make an offer to alleviate further strike action.

The Chief Executive provided updated financial information for Elected Members consideration; highlighting the Trade Union Demands, particularly the hardship payment value. He advised the Pay Scale request was up to PO 12, excluding Chief Officers. The value of the National Pay Awards not provided for in the budget. The Chief Executive advised he had received notification of intention to resume Industrial Action from Thursday by Unite The Union.

Councillor P McShane requested information on the impact on Reserves and Rate rise over the next number of years; and rise thereafter when Reserves would need replenished.

The Chief Executive provided information on the in-year budgetary provision that would bring Reserves down by £3.56million.

The Chief Finance Officer confirmed the quoted figures, without considering next year's pay award and inflationary costs.

In response to Councillor Peacock, the Chief Executive clarified the Trade Union Region demands, clarified there would be an opportunity to come back again, however, had seen coordinated action in other Council's.

Councillor Peacock stated a situation of trying to be fair employers, whilst balancing the burden on the ratepayers; bearing in mind Strike Action also places a burden on ratepayers and those that Council employ are also ratepayers.

It was Proposed by Councillor Peacock, Seconded by Councillor McGurk That Council move forward with a similar offer as in example 3.3 of the report, in terms of the pay increments and £500 hardship payment.

*(Pay Scales to be moved up by one spinal column point with effect 1<sup>st</sup> April 2022; Pay Scales to be moved up by one further spinal column point with effect 1<sup>st</sup> April 2023; Hardship payment totaling £500).*

Councillor McAuley referred to the balancing act, the information in the public domain, the private sector not content and do have a duty of care for its own employees. Councillor McAuley stated concern regarding breaking the National Agreement, he sought clarification whether hardship payments had been considered as a voucher scheme for example, in the case of affecting universal credit payments.

The Chief Executive stated the Green book would allow the approach. The Chief Executive stated he could go back with an alternative proposal such as a voucher scheme.

It was proposed by Councillor McAuley - That Council Stay with the National Agreement and the Union's discuss and agree nationally the Spinal Column Pay Awards.

The Mayor clarified there was a proposal on the table.

Alderman McLean stated he would have supported Councillor McAuley's proposal had it been allowed. Alderman McLean stated dissatisfaction with higher salaried Officers receiving hardship payments, pension arrangements were better than within the private sector. Alderman McLean questioned how Council could afford it, taking money from Reserves, and whilst not sounding hard to staff.

The Chief Executive clarified Council offers that did not include higher Scale Officers.

Councillor Watton supported up to PO 6 Grade, he stated the cost-of-living inflation at 10% and gas rises and to ask the Union to delay Strike Action, as there was the basis of agreement.

Councillor McCorkell sought clarification of the Unions involved.

The Chief Executive stated the names of the three Unions, that he advised were Joint Negotiations.

\* **Councillor McCorkell declared an Interest and left the meeting.**

Councillor Scott was supportive of the National Pay Award and felt Council could not afford it, having to pay for fuel and energy, overspends on budget, and may ask people to take a rise in their rates and did not support the proposal.

Councillor Holmes stated concern divergence from the National Deal, stated the average pay rise in the private sector, he sought clarification of the average salary in Council £27,000, £4,000 higher than the private sector and pension contributions much better; business were closing down weekly, and other parts of the paper had not been not costed.

The Chief Executive clarified the average pay in the Council £27,021; in the Borough £23,100, and in the Region £27,600.

The Mayor invited Councillor Peacock to restate her proposal.

Councillor Peacock clarified the lowest paid staff in the area was £18,000, significantly below the average.

Proposed by Councillor Peacock  
Seconded by Councillor McGurk

- That Council approve example 3 in the Paper – that Council increase the pay scales as requested and £500 hardship payment; hardship fund level reach PO 6 (being content with Councillor Watton's suggestion).

The Mayor put the motion to the Council to vote.

14 Members voted For, 16 Members voted Against, 0 Members Abstained.

The Mayor declared the motion lost.

The Mayor proceeded to move to the next Item of business.

Councillor P McShane sought clarification of the position, continuing to negotiate.

The Chief Executive clarified, if there was a proposal on the table.

Councillor P McShane stated issues were to do with Central Government and local government being punished, inflation outstripping pay rises, the Unions had brought all of their wishes and stated revisiting the vote and encouraged not to bring strike action on the organization, recognizing Council are good employers.

Councillor P McShane proposed incremental spinal increases over the 2-year period and an offer of £400.

Proposed by Councillor McAuley  
Seconded by Councillor Holmes

- That Council approve the National Pay Award of £1,925; that additional requirements from the Unions become part of the National negotiations.

The Chief Executive clarified that was the current Employers offer on the table and had not currently been accepted.

Councillor Quigley requested a five-minute recess.

The Mayor declared a recess at 9.11pm.

\* **The meeting reconvened at 9.19pm.**

The Mayor put the motion to the Council to vote.

14 Members voted For, 15 Members voted Against, 0 Members Abstained.

The Mayor declared the motion lost.

Proposed by Councillor P McShane  
Seconded by Councillor Peacock

- That Council approve two spinal payments and a hardship payment of £400 on top of it, up to Band 6.



The Mayor put the motion to the Council to vote.  
15 Members voted For, 15 Members voted Against, 0 Members Abstained.  
The Mayor applied his casting vote Against.  
The Mayor declared the motion lost.

- \* **Chief Executive left The Chamber at 9.32pm.**
- \* **Alderman Duddy rejoined the meeting.**
- \* **Councillor Anderson rejoined the meeting.**
- \* **Councillor McCorkell rejoined the meeting.**

The Director of Environmental Services moved to the top table at 9.32pm.

## **16. NIAO EXTRAORDINARY AUDIT REPORT – LEGAL REPRESENTATION**

Confidential report, previously circulated, presented by the Director of Environmental Services.

### **Purpose of Report**

The report updates Council in relation to issues raised by Councillor P McShane to enable a decision to be made on the legal representation during the implementation of Recommendation 6 & 7 of the Extraordinary Audit.

### **Background**

At the Council meeting held on 9th August 2022, Councillor P McShane suggested there was a potential conflict of interest in the legal firm appointed to advise on employment law matters arising from the recommendations of the Extraordinary Audit.

An investigation is still ongoing in relation to the matters raised. However, control measures have been put in place. The Local Government Staff Commission has confirmed the following - 'I can confirm that in respect of the Staff Commission assisting the Council to address recommendations 6 & 7 of the extraordinary audit, that if legal advice is required by the Staff Commission it will be sought through the Staff Commission's external legal services provision.'

### **Proposals**

That Council puts in place control measures including not engaging its own employment legal advisors during the implementation of Recommendations 6 & 7.

That if legal advice is required by the Staff Commission it will be sought through the Staff Commission's external legal services provision.

### **It is recommended:**

That Council puts in place control measures including not engaging its own employment legal advisors during the implementation of Recommendations 6 & 7.

That if legal advice is required by the Staff Commission it will be sought through the Staff Commission's external legal services provision.

Councillor P McShane stated he welcomed the removal of [REDACTED] however, it had not been acceptable that an Elected Member advised Council of a potential conflict of Interest, not identified by [REDACTED] themselves.

Councillor P McShane stated more information had come to light, one of the two Directors whom were identified last week received large sums for work carried out by this firm. Councillor P McShane stated he had asked a number of questions after last month's meeting and questions had remain answered.

Proposed by Councillor P McShane

Seconded by Councillor Quigley

- It is my belief that [REDACTED] should not be engaged by the Council on any level, until this process concludes, and beyond, if the Law Society has concerns about their actions.

Councillor P McShane requested a Recorded Vote.

Councillor Quigley stated that if the Law Society were aware of the actions of this practice, she did not feel the organisation should be involved in this process and stated concern of their professional standards.

The Director of Environmental Services sought clarification of Councillor P McShane's proposal.

Councillor P McShane reiterated his proposal and background and sought clarification of who was investigating the issue.

The Director of Environmental Services advised he was gathering facts to bring back to Elected Members, the request had been for a significant piece of information and was being gathered.

Alderman Baird queried whether Council do have a contract with the company and further sought information on sub-contracting and when the information would be obtained.

The Director of Environmental Services advised the company were engaged through Council's insurance company and they direct Council to a particular firm. The Director of Environmental Services advised Council were obtaining clarification within the next couple of weeks.

Councillor Quigley sought clarification of the value of the tenders / monies [REDACTED] had obtained from Council and put values to the Director, she stated the Chamber were not aware.

The Director of Environmental Services advised the information was being collated and would be available within the next couple of weeks. The Director of Environmental Services confirmed [REDACTED] did receive money from Council.

Councillor Quigley stated they should not be involved and asked the information be forwarded, she stated members of staff were concerned also.

Alderman Duddy observed discussion on something that was not in the report and left to make a decision, he stated the proposal was nothing to do with the report.

Amendment

Proposed by Alderman Duddy

Seconded by Alderman Baird

- that Council puts in place control measures including not engaging its own employment legal advisors during the implementation of Recommendations 6 & 7.
- That if legal advice is required by the Staff Commission it will be sought through the Staff Commission’s external legal services provision.

Alderman Duddy requested a Recorded Vote.

An Elected Member spoke, the Director of Environmental Services stated the vote was underway.

The Mayor put the Amendment to the Council to vote.

21 Members voted For; 10 Members voted Against; 0 Members Abstained.

The Mayor declared the Amendment carried.

**RESOLVED** - that Council puts in place control measures including not engaging its own employment legal advisors during the implementation of Recommendations 6 & 7.

That if legal advice is required by the Staff Commission it will be sought through the Staff Commission’s external legal services provision.

Recorded Vote Table

<b>For (21)</b>	Alderman Baird, Boyle, Duddy, Fielding, Knight-McQuillan, McKeown, S McKillop, A McQuillan
	Councillor Anderson, Beattie, Callaghan, Callan, Dallat O’Driscoll, Holmes, Hunter, McAuley, McCaw, McCorkell, McLean, Scott, Wallace
<b>Against (10)</b>	Councillor Chivers, McGurk, McMullan, C McQuillan, C McShane, P McShane, Mulholland, Nicholl, Peacock, Quigley

**17. NIAO EXTRAORDINARY AUDIT REPORT – INVESTIGATION SUB-COMMITTEE PANEL**

Confidential report, previously circulated, presented by the Director of Environmental Services.

**Purpose of Report**

The report requires Council consider and approve the appointment of the Elected Members to the Investigation Sub-Committee.

Background was circulated within the confidential report.

## **Proposals**

The Mayor has appointed the following Elected Members to the Investigation Sub-Committee based on the d'Hondt method.

- Councillor Mervyn Storey - DUP
- Councillor Kathleen McGurk – SF
- Alderman Joan Baird – UUP

**It is recommended** that:

Council approves the appointment of the following Elected Members to the Investigation Sub-Committee.

- Councillor Mervyn Storey - DUP
- Councillor Kathleen McGurk – SF
- Alderman Joan Baird – UUP

**It was** proposed by Councillor Scott, seconded by Councillor McMullan that Council approves the appointment of the following Elected Members to the Investigation Sub-Committee.

- Councillor Mervyn Storey - DUP
- Councillor Kathleen McGurk – SF
- Alderman Joan Baird – UUP

Councillor P McShane stated Council should have had the opportunity to debate in the Chamber, Council was left open to Judicial Review, the inclusion of Alderman Baird who was openly critical of investigations and downplayed findings. A call for an Audit into Council, Alderman Baird had signed a Call In document. Councillor P McShane rejected the proposal of the Executive Officer and methodology how it came about.

Councillor Mulholland referred to The Mayor appointing Elected Members to the investigation Panel by d'Hondt, she advised Councillors that had been instrumental in the development of the Audit report should be included in the group, one person representing and make an exception in this case.

The Mayor advised it had been proposed at the meeting that would be the way going forward, through d'Hondt.

Councillor McMullan withdrew his seconding of the motion.

Alderman Duddy stated Council decisions were the democratic process and Members complain when followed, to attack a member of a Party, a part of the panel the Mayor appointed. Alderman Duddy stated a Call In or change to Standing Orders could have been made, however, Council were bound by timescale of DfC (Department for Communities).

Councillor Peacock stated that while the d'Hondt mechanism had been agreed, the number of the panel had not and she would have liked to see more Members sit on the Panel, to be more representative of the Chamber.

The Mayor clarified it was at his discretion.

Proposed by Councillor Scott  
Seconded by Alderman Duddy

- That Council approves the appointment of the following Elected Members to the Investigation Sub-Committee.

- Councillor Mervyn Storey - DUP
- Councillor Kathleen McGurk – SF
- Alderman Joan Baird – UUP

The Mayor put the motion to the Council to vote.  
19 Members voted For, 13 Members voted Against, 0 Members Abstained.  
The Mayor declared the motion carried.

**RESOLVED** - That Council approves the appointment of the following Elected Members to the Investigation Sub-Committee.

- Councillor Mervyn Storey - DUP
- Councillor Kathleen McGurk – SF
- Alderman Joan Baird – UUP

**MOTION TO PROCEED ‘*IN PUBLIC*’**

Proposed by Alderman Duddy  
Seconded by Councillor Anderson and

**AGREED** – that Council move, ‘*In Public*’.

This being all the business, The Mayor thanked everyone for their attendance and the meeting concluded at 10.08pm.

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Mayor