

# Causeway Coast and Glens Borough Council

Corporate Policy & Resources Committee Tuesday 19<sup>th</sup> May 2015

Table of recommendations

No	Item	Recommendation
3.	Draft Corporate Plan	<i>Comments to be made prior to final submission at June Council Meeting</i>
4	Draft Standing Orders	<i>Defer one month Set up Sub-Committee</i>
5.	Draft Constitution	<i>For information</i>
6.	Proposal for the Provision of Legal Services	<i>Approve</i>
7.	Performance Improvement Objectives	<i>Approve</i>
8.	Finance Issues 8.1 Banking Arrangements 8.2 VAT Claim 8.3 Financial Operations & Payments 8.4 Annual Tenders	<i>Approve Approve Approve Approve</i>
9.	Diversity Champion	<i>Defer to Council Meeting 23<sup>rd</sup> June 2015</i>
10.	Notice of Motion – Councillor Watton (Deferred to Committee from Council Meeting 28 <sup>th</sup> April 2015)	<i>Proposal by Councillor Watton to be forwarded to Council</i>
11.	Notice of Motion – Alderman Hillis (Deferred to Committee from Council Meeting 28 <sup>th</sup> April 2015)	<i>Clarify Standing Order 21 Defer to CP&amp;R Meeting 16<sup>th</sup> June 2015</i>
12.	Matters for Reporting to Partnership Panel	<i>None</i>
13.	WiFi in Council Chamber	<i>Investigate</i>

## **Corporate Policy & Resources Committee**

Minutes of the Meeting of Causeway Coast & Glens Borough Council Corporate Policy & Resources Committee, held in the Board Room, Moyle District Council on Tuesday 19<sup>th</sup> May 2015 at 7.00pm.

**In the Chair:** Alderman Hillis

**Members present:** Aldermen Hickey, S McKillop  
Councillors Beattie, Blair, Callan, Chivers, Duddy,  
Knight-McQuillan, McCandless, McCorkell, McGuigan, McShane C,  
Quigley, Wilson

**In attendance:** Mr D Jackson, Chief Executive  
Mrs M Quinn, Director of Performance  
Mr S McMaw, Head of Convergence  
Mr D Wright, Chief Finance Officer  
Mrs L Johnston, Head of Democratic Services  
Mrs E Beattie, Head of Policy  
Mrs P Donaghy, Democratic Services Manager  
Ms D Bader, Member Services Officer  
  
Councillor Watton

**Also in attendance:** Press

### **1. APOLOGIES**

Apologies were recorded from Alderman Campbell.

### **2. DECLARATIONS OF INTEREST**

No declarations of interest were reported.

### **3. DRAFT CORPORATE PLAN**

The Director of Performance presented the final draft of the Council Strategy 2015-2019 as previously circulated, and reported that there had been some minor changes from discussions in the recent workshop.

The Chair stated that if any member wished to suggest any changes they should do so prior to the final draft being presented to the Council Meeting on 23<sup>rd</sup> June 2015 for approval.

#### **4. DRAFT STANDING ORDERS**

The Director of Performance presented the report as previously circulated and as undernoted.

***Article 37 (1) of the Local Government Act (Northern Ireland) 2014 states that:***

- (1) A council must make standing orders for the regulation of the proceedings and business of the council.***
- (2) A council may vary or revoke standing orders.***

***As a temporary measure, Causeway Coast and Glens Borough Council agreed to continue to utilise the interim standing orders which had been used by Causeway Coast and Glens Shadow Council. This was to be for a temporary period until the Department for the Environment put in place a legislative basis for the provision of new standing orders for Councils in Northern Ireland.***

***To date the draft Local Government (Standing Orders) Regulations, which were to have provided this legislative basis, have not been approved by the Assembly. The Department of the Environment, however, has prepared a guidance framework for Council Standing Orders which has been provided by them to assist Councils in the development of standing orders for the regulation of their proceedings and business.***

#### **Draft Standing Orders**

***The framework provided by the Department has now been used to develop new draft Standing Orders for Causeway Coast and Glens Borough Council.***

***The framework introduced a number of new Standing Orders along with a number of other changes to existing Standing Orders. In order to highlight the changes proposed by the framework, a list of these new Standing Orders along any changes to existing Standing Orders are outlined (previously circulated).***

***These changes have been incorporated into the draft Standing Orders document which was previously circulated.***

***As indicated, the Local Government Act (NI) 2014 enables the Council to vary its Standing Orders and included in the draft Standing Orders document are two new Standing Orders for consideration by the Committee; one on a procedure for "Changes to the Constitution" and the other on "Protocol for the Operation of the Planning Committee".***

**It was recommended** that the Committee recommend to Council the adoption of the draft Standing Orders, previously circulated.

Some Members felt that Draft Standing Orders of Council was a large document to read and digest and that it should be discussed within the various parties before making a recommendation to Council for approval.

It was proposed by Councillor McCandless, seconded by Councillor Duddy: **that the Standing Orders be deferred for one month to allow for discussion within the various party groups.**

Councillor McGuigan proposed an amendment, seconded by Councillor C McShane: **that the Standing Orders be deferred for one month, and that a Sub-Committee be set up to consider the Standing Orders in detail.**

The Chair put the amendment to a vote.

There were 6 votes in favour of and 5 votes against the amendment. The amendment was **carried.**

After further discussion Alderman Hickey proposed, seconded by Councillor McGuigan and **AGREED: that one person from each of the five parties represented on the Corporate Policy & Resources Committee be nominated to sit on the Sub-Committee.**

## **5. DRAFT CONSTITUTION**

The Director of Performance presented the report as previously circulated and as undernoted.

***Section 2 (1) of the Local Government Act (Northern Ireland) 2014 places a duty on a Council to prepare and keep up to date a Constitution which contains, among other things:***

- (a) A copy of the Council's standing orders;***
- (b) A copy of the Northern Ireland Local Government Code of Conduct for Councillors;***
- (c) Such information as the Department may direct; and***
- (d) Such other information (if any) as the Council considers appropriate.***

***In addition to the documents specified in section 2(1), the Act also requires a Council's Constitution to include the information specified in a "Direction" issued by the Department of the Environment.***

## **Update on Progress**

***The “Direction” in accordance with section 2(a) (c) of the Local Government Act (Northern Ireland) 2014 has been received by Council from the Department, together with a recommended draft framework for the layout of the Council Constitution.***

***Officers are currently using the framework as the basis of the Causeway Coast and Glens Borough Council Constitution and are pulling together all the information required for the Constitution.***

***A summary of the contents of the Constitution as required by the Department’s framework are outlined below:***

### ***Part 1 – Summary, Explanation and Articles of the Constitution***

***This section contains 15 Articles which outline how the Council operates, the roles and functions of Councillors, decision making structures and procedures, financial matters, etc.***

### ***Part 2 – Responsibility for Functions***

***This section contains the Scheme of Delegation, details on each committee established by Council, joint committees established by Council, etc.***

### ***Part 3 – Rules of Procedure***

***This section contains access to information procedure rules, budget and policy framework procedure rules, Council Standing Orders, financial procedure rules, etc.***

### ***Part 4 – Codes and Protocols***

***This section contains the Code of Conduct for Councillors, Conduct of Conduct for Local Authority Employees and the Local Government Employee and Councillor Working Relationship Protocol.***

### ***Part 5 – Members’ Allowance Scheme***

***This section contains the agreed Members’ Allowance Scheme.***

### ***Part 6 – Officers’ Management Structure***

***This section contains an organisational structure and brief outline of the functions of each Directorate and Department of Council.***

***Completion of the Constitution is dependent on the completion of other elements of the Council's governance structure such as the adoption of the new Standing Orders, adoption of a Scheme of Delegation, development of a new Procurement policy and financial procedure rules. These areas are currently being worked on at present.***

The Director of Performance stated that the Draft Constitution would be brought back to Committee for consideration at a later date.

In answer to a query raised as to whether changes could be made to Standing Orders at any time the Chief Executive replied that they could be reviewed annually and adjustments made as long as any amendments were not contrary to the Local Government Act.

## **6. PROPOSAL FOR PROVISION OF LEGAL SERVICES**

The Head of Convergence presented the report previously circulated and as undernoted.

***The Causeway Coast and Glens Borough Council (the Council) is required to consider the options available for the future provision of Legal Services.***

***At the 13<sup>th</sup> April 2015 Corporate Policy and Resources Committee meeting, a report was presented to Elected Members regarding potential future delivery options.***

***The report recommended a Service Level Agreement (SLA) with Derry and Strabane District Council. The SLA will involve the Council having an embedded Solicitor at PO1 grade (£28,746 plus on costs). Additional advice from the Legal Hub at Derry and Strabane District Council will be charged at cost price, approximately £70 per hour. Should the Hub require the services of the embedded Solicitor, fees will be charged to the Hub by Causeway Coast and Glens Borough Council for their services.***

***In response to the recommendation, Elected Members agreed that Belfast City Council be contacted to ascertain if they would be interested in developing a Service Level Agreement with the Council.***

***Belfast City Council has been approached and has confirmed that the Council is unable to offer a SLA that could match the terms proposed by Derry and Strabane District Council.***

**Belfast City Council has a pricing structure for Legal Services as follows:**

Level of Advice	Cost
Solicitor	£95 per hour
Divisional Solicitor	£125 per hour
Town Solicitor	£160 per hour

### **Cost Comparison**

**The four Legacy Councils together spend approximately £80k per annum on legal services. This sum can be approximately broken down to 70% standard activity and 30% specialist advice. The new planning function is likely to require a minimum of 10 hours legal support per month (3 hours preparation and 7 hours per meeting). The following depicts an approximate cost comparison based on the previous annual accumulated spend of £80k, to include the new planning function, between the proposed SLA and the cost matrix provided by Belfast City Council.**

**Estimated cost comparisons based on assumption of £80k per annum spend and additional requirements of the planning function.**

	Areas of cost	Estimated Cost
<b>SLA</b>	Annual cost of embedded Solicitor	£36,400
	Cost of normal legal activity estimated at 70%	Allowed for within staff salary
	Additional cost of 30% specialist advice	£19,000 based on £75 per hour
	Additional cost of planning function	Approx. 120 hours per annum. Cost allowed for in staff salary
	<b>Total estimated cost</b>	<b>£55,400k per annum</b>
<b>BCC</b>	Annual cost of embedded Solicitor	£0
	Cost of normal legal activity estimated at 70%	£56,000 (70% of £80k at £95 per hour)
	Additional cost of 30% specialist advice	£24,000 (30% of 80k at <b>minimum</b> of £95 per hour)
	Additional cost of planning function	120 hours per annum at £95 per hour equates to £11,400 plus travel of 120 miles x12 meetings x 65 pence equates to £936 per annum
	<b>Total estimated cost</b>	<b>£92,336</b>

## **Summary**

***The annual requirement for legal support services by the Causeway Coast and Glens Borough Council is unknown. The table above assumes a baseline of activity similar to that of the four Legacy Councils and the additional requirements for the planning function.***

***The table above illustrates a cost differential of 66% between the SLA arrangement and the cost matrix submitted by Belfast City Council.***

**It was recommended** that the Causeway Coast and Glens Borough Council approve the original recommendation to set up a 2-year Service Level Agreement with Derry and Strabane District Council for the provision of Legal Services as detailed.

It was proposed by Alderman Hickey seconded by Councillor Callan and **AGREED: to recommend that Council approve the original recommendation to set up a 2-year Service Level Agreement with Derry and Strabane District Council for the provision of Legal Services as detailed.**

In response to a query from Councillor Callan the Chief Executive stated that the report on the live cases Council would be taking on was work-in-progress and that it would be issued once completed.

## **7. PERFORMANCE IMPROVEMENT OBJECTIVES**

The Head of Convergence presented the report previously circulated and as undernoted.

***The Local Government Act (NI) 2014 (the Act) places a general duty on a Council to make arrangements to secure continuous improvement in the exercise of its Duty.***

***The legislation that relates to this duty, the Draft Local Government (Performance Indicators and Standards) Order (NI) 2015 has been out to consultation and the DoE Minister is currently considering responses received.***

***In the absence of this legislation, there still remains a duty within the Local Government Act (NI) 2014 for Councils to make arrangements to secure continuous improvement. Each Council must have at least one improvement objective to be selected from a prescribed list from within the Act. The list is as follows:***

- **Strategic effectiveness**
- **Service quality**
- **Service availability**
- **Fairness**
- **Sustainability**
- **Efficiency**
- **Innovation**

***A timetable for year 1 performance improvement activity has been published by the Department of the Environment and is attached as Appendix 1. Each Council is required to identify their year 1 improvement objective by 31<sup>st</sup> May 2015.***

***Causeway Coast and Glens Borough Council (the Council) will have a number of performance improvement objectives within the Corporate Plan. Aligned with these objectives will be a transformational change process and business planning regime. A report relating to these issues will be presented at the June Corporate Policy and Resources meeting.***

**DoE Year 1 Improvement Objective**

***An outcome of the current Corporate Planning process will be a number of performance improvement objectives to be approved by Elected Members. Within the 2015/2016 rates setting process, high level year 1 financial efficiency targets were agreed by Elected Members. These targets require in year cost reductions across Council services. A report will be presented at the June Corporate Policy and Resources meeting with detail in relation to the targets and how they will be achieved.***

***As highlighted above, the DoE require the Causeway Coast and Glens Borough Council to identify a performance improvement objective for 2015/2016. Given in year cost efficiency has been agreed by Council as part of the rates setting process, it is recommended that the “efficiency” improvement objective be submitted to the DoE in line with the requirements of the Act.***

**It was recommended** that for year 1, the Causeway Coast and Glens Borough Council approve the selection of the “efficiency” performance improvement objective for submission to the Department of the Environment to meet the Councils obligations under the Local Government Act (NI) 2014.

**It was AGREED: to recommend that for year 1, Council approve the selection of the “efficiency” performance improvement objective for submission to the Department of the Environment to meet the Councils obligations under the Local Government Act (NI) 2014.**

## 8. FINANCE ISSUES

### 8.1 BANKING ARRANGEMENTS

The Chief Finance Officer presented the report previously circulated and as undernoted.

***Causeway Coast and Glens Borough Council has inherited the operation of banking accounts with RBS Worldpay which facilitate the receipting of online payments from each of the four legacy councils.***

#### **Detail**

***The process for the setting up of new accounts with RBS Worldpay is quite lengthy and complicated and could have had an adverse impact on the ability of various Council facilities to receive web based payments from customers thereby creating the potential for reduced satisfaction for users. In order to minimise the disruption to users the Lead Finance Officer undertook to approach the banking provider asking them to suggest an acceptable approach to have the various accounts passed over to Causeway Coast and Glens Borough Council. RBS Worldpay offered a solution which the key contacts for each of the legacy councils followed and have succeeded in the transfer of each of these accounts into the name of Causeway Coast and Glens Borough Council. I am also happy to report that there was no disruption to service caused by this process.***

***This now means we have all accounts in the name of one Council however the governance of these accounts remains with several individuals by virtue of their connections with the legacy councils, this situation needs to be rationalized to bring the whole arrangement under a single point of contact and control.***

**It was recommended** that the Causeway Coast and Glens Borough Council approve that the key contact for each of these accounts be the Chief Finance Officer and that the Chief Finance Officer be authorized to appoint 2 further key contacts once the Finance departmental structure has been agreed and implemented.

**It was AGREED: to recommend that Council approve that the key contact for each of these accounts be the Chief Finance Officer and that the Chief Finance Officer be authorized to appoint 2 further key contacts once the Finance departmental structure has been agreed and implemented.**

## 8.2 VAT CLAIM

A copy of the letter sent to Council from Solicitors Mishcon de Reya dated 30<sup>th</sup> April 2015, was circulated to members at the meeting. Members raised concern that they did not have enough time to read the correspondence and that as this was a legal matter, that it should be discussed In Committee.

It was proposed by Councillor Duddy, seconded by Alderman S McKillop and **AGREED: that the VAT Claim would be discussed In Committee at the end of the Meeting.**

## 8.3 FINANCIAL OPERATIONS AND PAYMENTS

The Chief Finance Officer presented the report previously circulated and as undernoted.

***Causeway Coast and Glens Borough Council authorized the Chief Finance Officer (Lead Finance Officer in the interim) to make such payments as necessary to staff and suppliers and to report back to council on these.***

### **Detail**

***During the period from 1 July 2014 to 31 March 2015 finance staff have worked tirelessly to ensure sufficient resource, systems and facilities were in place to enable the payment of staff and suppliers on behalf of Causeway Coast and Glens Borough Council from 1 April 2015 onwards. The first payment run was in relation to staff wages payable on Friday 10<sup>th</sup> April, a task which was made all the more difficult given the Easter holidays over the previous weekend. I am pleased to report to Council that the run was completed both successfully and on time, this was only made possible by the dedication and diligence of the staff involved who put in a tremendous effort over this period to make it possible. Subsequently further wages payments have been successfully made, monthly paid staff have received their wages, Councillors have received their allowances and suppliers have been paid on three weekly runs.***

***I have appended supplier payment listings for information pertaining to the two payment runs.***

#### **Summary of Payments – April 2015**

<b>Week 1 – Wages</b>	<b>151,428.33</b>
<b>Week 2 – Wages</b>	<b>207,993.13</b>
<b>Week 3 – Wages</b>	<b>159,795.35</b>
<b>Week 4 – Wages</b>	<b>253,499.73</b>
<b>Month 1 – Salaries</b>	<b>1,608,373.79</b>
<b>Month 1 – Councillors</b>	<b>63,350.97</b>
<b>Creditors (1)</b>	<b>776,426.98</b>
<b>Creditors (2)</b>	<b>223,050.75</b>
<b>Total</b>	<b>£3,443,619.03</b>

#### **8.4 ANNUAL TENDERS**

The Chief Finance Officer presented the report previously circulated and as undernoted.

***At our Corporate, Policy and Resources Committee on 6 November 2014 it was proposed that Council proceed with a new round of annual tenders for the new organization.***

##### **Detail**

***Following on from full council approval to initiate the procurement process for annual tenders tender lots were advertised, tenders received, assessed and contracts awarded. Unfortunately during the initial process Lot No. 12 – PPE was not awarded due to no tender being received that met all the criteria. The Lot has since been re-tendered and returns have been received allowing both a preferred and backup supplier to be identified. The preferred supplier is Safetycare and the backup supplier is Safety Solutions.***

**It was recommended** that the Causeway Coast and Glens Borough Council approves the contract award with Safetycare as the preferred supplier and Safety Solutions as the back-up supplier. The contract will be awarded for a period of one year with the option to extend for two further periods of one year each.

**It was AGREED: to recommend that Council approves the contract award with Safetycare as the preferred supplier and Safety Solutions as the back-up supplier. The contract will be awarded for a period of one year with the option to extend for two further periods of one year each.**

## 9. DIVERSITY CHAMPION

In 2011, the Local Government Staff Commission NI established a single Equality and Diversity Group which encompasses all the equality and diversity work in Councils, including Section 75 statutory duties.

One of the key elements of the initiative has been the appointment of a network of Diversity Champions to actively promote the equality and diversity agenda in Councils.

The Commission has encouraged all councils to commit to the initiative and appoint both an officer and an elected member to act as Diversity Champions. They are now inviting the 11 new Councils to participate in this and to confirm which officer and elected Member will act as Champions for the Causeway Coast & Glens Borough Council.

The closing date for nominations of an officer and elected Member to act as Diversity Champions is **22<sup>nd</sup> May 2015**.

The Chair stated that this was not a statutory requirement and the Chief Executive suggested that the Staff Commission may allow Council more time.

It was proposed by Councillor Wilson, seconded by Alderman S McKillop and **AGREED: that this be deferred until the Council Meeting of 23<sup>rd</sup> June 2015**.

## 10. NOTICE OF MOTION – COUNCILLOR WATTON

Proposed by Councillor Watton, seconded by Alderman S McKillop and deferred from the Council Meeting of 28<sup>th</sup> April 2015.

***“That this Council calls on the Education Minister to rescind his decision to cut £2M (i.e. 4/5 of the budget) from the D E Early Years Fund. This disastrous loss of services in the most disadvantaged parts of N. Ireland cannot be justified and should be rectified immediately.”***

Councillor Watton stated that the decision to cut £2M from the DE Early Years Fund would affect 177 jobs, 2500 early child places and result in a loss of support to over 1800 single parent families.

It was proposed by Councillor Watton, seconded by Councillor Wilson: **to recommend that Council calls on the Education Minister to rescind his decision to cut £2M (i.e. 4/5 of the budget) from the D E Early Years Fund. This disastrous loss of services in the most disadvantaged parts of N. Ireland cannot be justified and should be rectified immediately.**

Members voiced support for the Motion and comments were made that a decision would have a direct impact on the most vulnerable people in society.

Councillor McGuigan proposed an amendment, seconded by Councillor C McShane: **to recommend that this Council asks the 5 Executive Parties to support the call of the Education Minister for additional funding in the June monitoring round so that he can resume funding the Early Years Project.**

The Chair put the amended motion to the vote.

There were 3 votes in favour of and 8 votes against the amendment. The amendment was **lost**.

The Chair put the original motion to the vote.

There were 11 votes in favour of and 3 votes against. The motion was **carried**.

## **11. NOTICE OF MOTION – ALDERMAN HILLIS**

In the absence of the Vice Chair the Chair nominated the Deputy Mayor – Councillor Wilson to take the Chair for the duration of this motion.

Proposed by Alderman Hillis, seconded by Councillor Duddy and deferred from the Council Meeting of 28<sup>th</sup> April 2015.

***“That this council supports the following policy with regard to the flying of the Union flag in Causeway Coast and Glens Borough Council Area.***

***Civic Centres and former centres of local Government (Coleraine Town Hall, Ballymoney Town Hall, Roe Valley Arts and Cultural Centre - formerly Limavady Town Hall, Portrush Town Hall and Portstewart Town Hall) - 365 Days.***

***Council Admin HQ (Cloonavin) - Working Days and Designated Days plus, including other days at the discretion of the Chief Executive.***

***Council Admin Centres (Riada House, Limavady Council Offices and Sheskburn House) - Working Days and Designated Days plus, including any other days at the discretion of the Chief Executive.***

***This proposal is supported by all members of the DUP, UUP, TUV, PUP and Independent Unionist.”***

Councillor McGuigan raised a point of order referring to Council’s Standing Order 21; Rescission of a Preceding Resolution.

The Chief Executive stated that he would seek legal opinion before further discussion.

It was AGREED: **that the Notice of Motion would be deferred for one month to allow the Chief Executive to seek legal opinion on the point of order raised regarding Standing Order 21 in Council's Interim Standing Orders.**

## **12. MATTERS FOR REPORTING TO PARTNERSHIP PANEL**

There were no matters for reporting to the Partnership Panel.

## **13. WIFI IN COUNCIL CHAMBER**

In response to a query on the poor service of Wi-Fi in Council, the Chief Executive responded that this would be investigated.

### **8.2 VAT CLAIM**

\* It was agreed earlier in the meeting that Item 8.2 would be taken at this point.

It was proposed by Councillor Duddy, seconded by Councillor Chivers and AGREED: **that the meeting would continue In Committee.**

Other Officers and members of the press left the meeting.

The Chief finance Officer presented the report previously circulated and as undernoted.

***At the Council meeting on 28 April 2015 an item was tabled under correspondence relating to the possibility of an action to make a claim for VAT on postal services.***

#### **Detail**

***Council has been contacted in recent weeks by a legal firm with information regarding a potential Group Litigation Order (GLO) against Royal Mail Group Limited (Royal Mail) in relation to VAT incurred in the purchase of postage services. The situation arose as a result of another case which has opened the door for organisations who have used postal services under a licence agreement with Royal Mail and the suggestion is that claims can be made as far back as 1973.***

***The Lead Finance Officer gave an indication that Causeway Coast and Glens Borough Council would join such an action and Council ratified this***

***on 28 April. Since then some more information has been received setting out the process and potential fees. The initial fee is £3,000 and is capped at £5,000 for the initial claim. A copy of the letter received from Mishcon de Reya has been attached as an appendix for information. It should be noted that the letter requires an officer to be authorized to act on behalf of Council and that this be communicated by way of letter.***

Following requests from Members the Chief Finance Officer discussed details outlined in the letter received from Mishcon de Reya.

The Chief Finance Officer stated that Members would be provided with regular updates as and when further information became available.

**It was recommended** that the Causeway Coast and Glens Borough Council approves the Chief Finance Officer to act on behalf of Council on this matter.

It was proposed by Alderman S McKillop, seconded by Councillor and **AGREED: to recommend that Council approves the Chief Finance Officer to act on behalf of Council on this matter.**

It was proposed by Councillor McGuigan, seconded by Councillor Wilson and **AGREED: that the meeting would continue 'out of committee'.**

**The meeting concluded at 20:30.**