



3 October 2019

Committee Chair: Councillor P Dunlop

Committee Vice-Chair: Alderman D Kinahan

Committee Members: Alderman – F Agnew
Councillors – H Cushinan, S Flanagan, N Kelly,
M Goodman, P Hamill, V McAuley, N McClelland, M Magill,
P Michael, B Webb and R Wilson.

Dear Member

MEETING OF THE POLICY & GOVERNANCE COMMITTEE

A meeting of the Policy & Governance Committee will be held in the **Round Tower Chamber, Antrim Civic Centre on Tuesday, 8 October 2019 at 6.30pm.**

You are requested to attend.

Yours sincerely

A handwritten signature in black ink that reads 'Jacqui Dixon'.

Jacqui Dixon, BSc MBA
Chief Executive, Antrim & Newtownabbey Borough Council

For any queries please contact Member Services:

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3. ITEMS FOR DECISION

3.1 G/LEG/14/447 REQUEST FROM NIE NETWORKS TO CARRY OUT WORKS ON COUNCIL LAND

Officers have received a request from NIE Networks to carry out works on Council land at Sixmile Leisure Centre, Ballyclare. The enclosed correspondence and map detail the proposed works to be carried out at the location.

NIE Networks have proposed to remove the wooden poles and wire stays from the sports pitch. This equipment is currently overhead above ground level and will be cleared from the site. A new 11,000 volt underground cable will take its place to keep the sports pitch free from overhead equipment. The duration of the works is expected to be one week.

Officers have been consulted and have met with NIE networks on site to agree the scheme of works.

RECOMMENDATION: that Members approve the request from NIE Networks for access to Council land to remove/recover the overhead line, wooden poles and two wire stays from the sports ground area, to be replaced by an underground cable, subject to the following conditions:

1. NIE Networks will reinstate Council land to its current condition
2. NIE Networks will indemnify the Council for any liabilities associated with the works
3. A Wayleave Agreement will be agreed between the parties
4. The work will be carried out between Monday – Thursday so as not to interfere with normal operations on site

Prepared by: Elaine Keenan, Legal Services Officer (Solicitor)

Approved by: Paul Casey, Borough Lawyer and Head of Legal Services

3.2 G/LEG/291/4 SOCIETY LOTTERY RENEWAL APPLICATION

An application from Newtownabbey Mencap to hold a Society Lottery at their premises on 14 February 2020 has been received. The purpose of the lottery is for the benefit of adults and children with learning disabilities in the Newtownabbey area.

The application meets all statutory requirements and PSNI have no objections.

RECOMMENDATION: that Members approve issuing a licence for the lottery for Newtownabbey Mencap.

Prepared by: Deirdre Nelson, Paralegal

Agreed by: Liz Johnston, Head of Governance

Approved by: Sandra Cole, Director of Finance and Governance

3.3 G/LEG/308 DfI ROADS – AMENDED PROPOSED WAITING RESTRICTIONS ON CHURCH STREET AND FOUNTAIN STREET, ANTRIM

Correspondence has been received from DfI Roads outlining details regarding their proposal to amend the current legislation on Church Street and Fountain Street, Antrim from Monday – Saturday 8.30am – 6.30pm 1 hour No Return within 2 hours to Monday – Saturday 9am – 5pm 1 hour No Return within 2 hours.

The Department also propose to place an additional disabled space outside No. 2 Church Street and No Waiting at Anytime (loading and unloading not permitted) restrictions at each vehicular entrance. A copy of the letter and plan showing the proposed locations is **enclosed**.

DfI Roads are requesting a letter of confirmation that the Council are in agreement with these proposals.

RECOMMENDATION: Members' instructions are requested.

Prepared by: Deirdre Nelson, Paralegal

Approved by: Paul Casey, Borough Lawyer and Head of Legal Services

3.4 G/LEG/14/468 REQUEST FROM NIE NETWORKS TO PLACE A TEMPORARY SUBSTATION AT CASTLE MALL CAR PARK

Officers received a request from NIE Networks to place a temporary substation on Council land at Castle Mall car park. These works are to facilitate the replacement of the existing substation at Railway Street, Antrim. The site of the temporary substation is marked in green on the **enclosed** map whilst the site of the existing substation is marked in blue.

NIE Networks have advised officers that they will require an area approximately 4m x 4.5m for a period of three weeks. Officers are of the opinion that the works will have a minimal impact to Council land and they will liaise with NIE Networks to oversee the works. All works are to be carried out by NIE Networks or the appointed contractor for NIE Networks.

RECOMMENDATION: that Members approve the request from NIE Networks to place a temporary substation at Castle Mall car park subject to them agreeing to the following:

- 1. Reinstate Council land to its current condition.**
- 2. Indemnify the Council for any liabilities associated with the works.**
- 3. A Wayleave Agreement is agreed between the parties.**

Prepared by: Deirdre Nelson, Paralegal

Approved by: Paul Casey, Borough Lawyer and Head of Legal Services

3.5 F1/FIN/10 AMENDMENT TO FINANCIAL REGULATIONS

Members are reminded that Council approved the Financial Regulations in August 2018.

The Financial Regulations provide a framework through which the Chief Executive can satisfy herself that proper financial administration is being achieved. The aim of these Regulations is to help ensure that high standards of propriety and best value are achieved. All the Council's Members and employees have a duty to promote these aims, not just by following Financial Regulations but in their general approach.

It is necessary to review the Financial Regulations regularly to ensure that this is maintained, and to seek approval for those amendments required. Following review there have been no significant amendments, deletions or additions. The only addition of note was in relation to Section 7 'Procurement' which now cross references the Financial Regulations to the Scheme of Delegation contained within the Council's Constitution.

A copy of the proposed updated Financial Regulations is **enclosed** for approval.

RECOMMENDATION: that the updated Financial Regulations be approved.

Prepared by: John Balmer, Head of Finance

Approved by: Sandra Cole, Director of Finance and Governance

**3.6 CCS/REG/8, CCS/REG/10, CCS/REG/5, CCS/REG/4, CCS/REG/12
APPLICATION FOR APPROVAL OF PREMISES FOR CIVIL MARRIAGE / CIVIL
PARTNERSHIP CEREMONIES**

Under the terms of the Marriage (NI) Order 2003 and the Civil Partnership Act (2004), the Council has the responsibility to approve the renewal of appropriate applications for Place Approvals for Civil Marriages and Civil Partnerships.

Applications have been received from the following for the approval of an area at the specified premises:

Corrs Corner Hotel, Newtownabbey
Dunadry Hotel, Antrim
Sentry Hill, Newtownabbey
Barnabys, Ballyrobert
Maldron Hotel, Belfast International Airport

Part of the process requires that a Notice of Interest be displayed for a three-week period in a prominent place at the complex to allow for public objection.

No objections have been received to any of the notifications to apply for Place Approval and the premises have been formally inspected and no problems have been found with regard to the application.

- (a) Corrs Corner Hotel**
 - i. Mulberry Suite, Maple Suite and Cedar Suite**
- (b) Dunadry Hotel**
 - i. Linen Mill Room, Ballroom and Garden**
- (c) Sentry Hill**
 - i. Audio visual room and Garden**
- (d) Barnabys**
 - i. Turrent Suite and Garden Suite**
- (e) Maldron Hotel**
 - i. Island Suite**
 - ii. Rathlin Suite**

RECOMMENDATION: that the named premises are approved to hold Civil Marriages under the terms of the Marriage (NI) Order 2003 and Civil Partnerships under the Civil Partnership Act (2004)

Prepared by: Emma Thompson, Registrar

Approved by: Andrea McCooke, Director of Organisation Development

4. ITEMS FOR NOTING

4.1 G/LEG/268 CODE OF CONDUCT FOR COUNCILLORS

Members are referred to the **enclosed** correspondence received by Tracy Meharg, Permanent Secretary, Department for Communities, regarding the Code of Conduct for Councillors.

RECOMMENDATION: that the correspondence be noted.

Prepared by: Paul Casey, Borough Lawyer and Head of Legal Services

Approved by: Jacqui Dixon, Chief Executive

4.2 G/MSMO/27 MEMBER DEVELOPMENT WORKING GROUP MINUTES

Members are advised that a meeting of the Member Development Working Group took place on Monday 2 September 2019.

A copy of the minutes of the meeting is **enclosed** for Members' information.

RECOMMENDATION: that the Minutes of the Member Development Working Group Meeting held on Monday 2 September 2019 be noted.

Prepared by: Fiona Gunning, Organisation Development Officer

Approved by: Andrea McCooke, Director of Organisation Development

4.3 HR/HR/019 AGENCY UPDATE

Members are reminded that agency staff are used across the Council to provide temporary cover for absence such as:

- Maternity leave
- Secondments
- Sickness absence
- Vacant posts

The use of agency staff is subject to a rigorous approval process, which requires the approval of the Corporate Leadership Team.

There is budgetary provision for the majority of posts filled via departmental salary budgets, salary contingency and grant funding.

The table below provides an update for Members on the use of agency staff for July and August 2019 as compared to July and August 2018. The posts covered by agency staff are noted in Appendix 1 (**enclosed**).

Reason for Agency Worker	July 2019	July 2018	August 2019	August 2018	Comments
Additional Resource	11	4	9	6	Reduction in cover required
Seasonal Cover	79	81	80	78	Increase required for seasonal Parks work
Filling Funded Posts	3	4	2	4	Reduction in need to cover funded posts via agency
Covering Sickness/ Maternity Leave/ Shared Parental Leave	8	9	10	4	Increase is due to the need to provide cover, mainly for sickness absence
Covering vacancies until structures filled	27	25	28	27	Increase is due to the cover needed whilst filling vacant posts
Covering career breaks/ secondments	5	11	4	10	Reduction due to the use of Interchange and temporary contracts, wherever feasible
TOTAL	133	134	133	129	

The table above excludes limited ad-hoc agency cover, which is necessary to provide operational cover, at short notice.

Appendix 2a and 2b (**enclosed**) set out expenditure on agency workers in July and August 2019.

The cost of agency staff has increased for the period of 1 April 2019 to 31 July 2019 at 6% of all staffing costs compared to 4.71% for the same period last

year. The cost of agency staff also increased for the period 1 April 2019 to 31 August 2019 at 7% of all staffing costs compared to 4.66% for the same period last year. These increases substantively relate to the 2% pay increase and 1% increase in Employers pension contributions effective from April 2019, and the earlier starting date required for parks seasonal staff this year.

Over the summer months, vacant posts have been filled that arose from the restructuring exercise and that were temporarily covered by agency workers during the categorisation process, and it is anticipated that a further 8 posts will be filled by October 2019.

RECOMMENDATION: that the report be noted.

Prepared by: Victoria Stewart, Human Resources Administrator

Approved by: Andrea McCooke, Director of Organisation Development

4.4 HR/GEN/019 MANAGING ATTENDANCE

The purpose of this report is to update Members about the management of attendance as at 31 August 2019, Appendix 1 (enclosed) provides a summary.

Sickness absence has reduced since June 2019 and for the period 1 April 2019 to 31 August 2019 it was 5.48 days per employee against a target of 5.43 days, which represents a small deviance of 0.05 days from our target.

HR Partners continue to work with Heads of Service and Managers to monitor long term cases with a view to doing everything possible to enable employees to return at the earliest possible date. This has included phased returns, amended duties, providing physiotherapy, counselling, wellness recovery and action plans.

Members are advised that 39% of all sickness absence is accounted for by stress, which amounts to 1061 days. A significant proportion, 470 days or 44% of this stress is connected to grievance and disciplinary cases and a standard process has been developed for managing these cases in particular to ensure the earliest possible return to work. If these sickness days were removed from the overall absence figures, the Council would be well within its absence target as the average would be 4.71 days per employee against a target of 5.43 day per employee.

Positively, full attendance during 1 April 2019 to 31 August 2019 is on par with the previous year with 77% of staff having 100% attendance. Over the last 3 years 100% attendance has increased or been sustained as follows:

1 April 2016 to 31 March 2017	53%
1 April 2017 to 31 March 2018	53%
1 April 2018 to 31 March 2019	57%

Full attendance is recognised through a number of initiatives, including personal letters from the Mayor and entry into a free iPad draw.

An exercise was recently completed to establish further initiatives to recognise full attendance and this included the consideration of staff feedback from the employee engagement surveys.

It is proposed to award an additional annual leave day to recognise staff with full attendance during a financial year and it is proposed to apply this initiative on an annual basis.

RECOMMENDATION: that the report be noted and approval be given to further recognise staff with 100% attendance at the end of a financial leave period, through the reward of an additional annual leave day.

Prepared by: Joan Cowan, Head of Human Resources

Approved by: Andrea McCooke, Director of Organisation Development

4.5 HR/ER/006 CALCULATING HOLIDAY PAY

Members are reminded that in June 2019 a report was made to Committee regarding an ongoing issue within employment law relating to the calculation of holiday pay in order to reflect regular overtime worked.

The June report referred to several successful legal cases, the most recent of which was lodged by PSNI employees. In its outcome to this case the court determined that employees could potentially claim arrears of holiday pay back to 1998 when the Working Time Regulations were introduced. The PSNI appealed this decision and the outcome of that appeal was not expected until later this year.

Management had been consulting and negotiating with the Trade Unions about the calculation of holiday pay for our employees since January 2019 and agreement in principle was reached with the Trade Unions (**enclosed** at Appendix 1).

In relation to the issue of arrears of holiday pay the agreement stipulated under section 8, that agreement relating to any compensation payments in relation to holiday pay will be subject to review following the outcome of the appeal of the cases of Alexander Agnew and Others v Chief Constable of the Police Service of Northern Ireland and David Brian Anderson and Others v Police Authority for Northern Ireland. It was a term of the agreement that, notwithstanding a ruling of a court or tribunal in any case, any future compensation payments in respect of back pay would not include payment in respect of any period prior to 1 April 2013."

However, immediately prior to the Trade Unions formally accepting the agreement, the outcome of the PSNI appeal case was announced. The Court of Appeal determined that PSNI officers were entitled to claim arrears in respect of enhanced holiday pay back to 1998 when the Working Time Regulations were introduced. The PSNI has now lodged a further appeal to the supreme Court and this is likely to take some time to be heard.

The Trade Unions have informed management that they will not sign off on any agreement with the Council until the outcome of the PSNI's further appeal is known. Management has consulted with the Trade Unions as to whether agreement can be reached to proceed as previously agreed for the calculation of holiday pay going forward (with the issue of arrears to be progressed following the PSNI appeal to the Supreme Court). The Trade Unions are to revert to management on this matter and a further report will be made to Members regarding this issue.

RECOMMENDATION: that the report be noted.

Prepared by: Joan Cowan, Head of Human Resources

Approved by: Andrea McCooke, Director of Organisation Development