



MINUTES OF THE PROCEEDINGS OF A MEETING OF THE POLICY AND GOVERNANCE COMMITTEE HELD IN ANTRIM CIVIC CENTRE ON TUESDAY 7 JUNE 2016 AT 6.30PM

- In the Chair** : Councillor B Duffin
- Members Present** : Aldermen - F Agnew and W DeCourcy
Councillors - J Bingham, P Brett, M Goodman, P Hamill, D Hollis, N Kells, M Maguire, N McClelland and B Webb
- Non-Committee Members Present** : Councillors - D Arthurs and S Ross
- Officers Present** : Director of Organisation Development - Mrs A McCooke
Head of Governance - Mrs L Johnston
Head of Finance - Mr J Balmer
Legal Advisor - Mr P Casey
ICT Officer - Mr J Higginson
Senior Administrative Officer - Mrs K Smyth

CHAIRMAN'S REMARKS

The Chairman welcomed everyone to the June Meeting of the Policy and Governance Committee and reminded all present of recording requirements.

He paid tribute to the outgoing Chair and Vice-Chair, Councillor David Arthurs and Alderman Pamela Barr and thanked all Members for nominating him into the role. He welcomed his Vice-Chair, Alderman DeCourcy, and looked forward to working closely with him on all aspects of Committee business throughout the year.

On behalf of the Committee he took the opportunity to convey best wishes to the Director of Finance & Governance in her future career.

1 APOLOGIES

Alderman P Barr.

2 DECLARATIONS OF INTEREST

Item 3.9 - Director of Organisation Development.

3.1 CE/GEN/40 DRAFT CORPORATE IMPROVEMENT PLAN 2016-17

Members were reminded that Part 12 of the Local Government Act (Northern Ireland) 2014 put in place a new framework to support the continuous improvement of Council services, in the context of strategic objectives and issues.

Section 85 of the Act requires a Council, for each financial year, to set itself improvement objectives for improving the exercise of its functions and to have in place arrangements to achieve those objectives. These objectives must be framed so that each improvement objective so as to bring about improvement in at least one of the specified aspects of improvement as defined in Section 86:

Strategic Effectiveness; Service Quality; Service Availability; Fairness; Sustainability; Efficiency; Innovation.

Guidance from the Department of the Environment, indicated that Councils should *'develop an on-going dialogue with our communities and areas that it serves, so that the setting of improvement objectives is a jointly owned process centred on a balanced assessment of the needs of the community as a whole, rather than any particular organisation or interest group within it.'* A Corporate Improvement Plan (Working Draft) was brought for Members' consideration in February 16 and it was agreed to conduct an eight week consultation exercise to encourage feedback from our stakeholders.

On Tuesday 1 March officers initiated an eight week public consultation to derive feedback from Elected Members; Residents and Stakeholders; Local Businesses; Statutory and other community planning partners and other bodies with which collaborative working is taking place or is being planned.

An online questionnaire enabled them to seek opinion on the range of corporate improvements as set out in the draft Plan. In addition, an article was included in Council's magazine 'Borough Life' (issue 2, March 2016, page 22) and a pop up stand was provided at both Council civic building receptions. In addition further consultation was conducted with key officers across the Council.

The consultation closed on the 29th April 2016 and twenty responses were received. A summary of the consultation responses was circulated for Members' consideration.

The Draft Corporate Improvement Plan 2016-17 had been updated following the consultation exercise and a copy was available for Members Consideration.

Proposed by Councillor Webb
Seconded by Alderman Agnew and agreed that

- 1. The comments and feedback from the consultation exercise on the Corporate Improvement objectives are incorporated into the Implementation Plans derived out of the final Corporate Improvement Plan 2016-17 and/or associated documents such as the Community Plan and relevant departmental Business Plans;**
- 2. The Draft Corporate Improvement Plan 2016-17 be approved.**

NOTED: the Director of Organisation Development undertook to respond to Councillor Webb clarifying the origin of 10.5% categorised as others.

ACTION BY: Helen Hall / Andrea McCooke

Councillor Goodman joined the meeting during consideration of the next item.

3.2 FI/FIN/2 - 2015/16 TIMETABLES FOR WHOLE OF GOVERNMENT ACCOUNTS - ALL NI BODIES

Members were advised that correspondence had been received from the Department of Finance in relation to 2015/16 Timetable for Whole of Government Accounts (copies of correspondence were circulated).

Under the Whole of Government Accounts (Designation of Bodies) Order (Northern Ireland) 2016 Council had responsibility to submit to HM Treasury the financial information necessary for WGA accounts preparation. This work would coincide with preparation of Council's year-end financial statement.

Proposed by Councillor Maguire
Seconded by Councillor Webb and agreed that

all relevant accounts are returned in line with 2015/16 Timetable for Whole of Government Accounts.

ACTION BY: John Balmer, Head of Finance

3.3 FI/FIN/15 NILGOSC FUNDING STRATEGY STATEMENT DRAFT RESPONSE

Members recalled that correspondence had been received from the Northern Ireland Local Government Officers Superannuation Committee (NILGOSC) with regard to their Funding Strategy Statement.

A copy of the draft response was circulated for consideration.

Proposed by Councillor Brett
Seconded by Councillor Kells and agreed that

Council approves the draft response in relation to NILGOSC Funding Strategy Statement, incorporating any comments from Members.

ACTION BY: John Balmer, Head of Finance

3.4 G/BCEP/3 NORTHERN EPG EMERGENCY SUPPORT CENTRE PROTOCOL, MAY 2016

As Members recalled Antrim and Newtownabbey Borough Council (ANBC) approved an Emergency Support Centre Protocol for our new Borough in August 2015.

With the re-establishment of the Northern Emergency Preparedness Group (EPG) to ensure consistency across all Northern area Council's, Emergency services and Multi-Agency partners with regards Emergency Planning arrangements and protocols, a joint Northern EPG Emergency Support Centre Protocol was required.

The circulated document had been developed in line with the Civil Contingencies Group NI template and was based on Antrim and Newtownabbey Borough Council's own protocol. Officers have reviewed the document internally and made necessary amendments to ensure the document meets all Antrim and Newtownabbey Emergency requirements.

Proposed by Councillor Hamill
Seconded by Councillor McClelland and agreed that

the Northern EPG Emergency Support Centre Protocol be approved.

ACTION BY: Perry Donaldson, Emergency Planning Co-ordinator

3.5 CE/GEN/60 BUSINESS PLANS

Members were advised that draft Business Plans for Finance; Governance; Human Resources; Customer Services and Communications; Change Management; ICT and Corporate Objectives had been produced for 2016/2017.

Copies were circulated for Members' attention.

Proposed by Councillor Kells
Seconded by Councillor Maguire and agreed that

the 2016/2017 draft Business Plans and Corporate objectives be approved.

ACTION BY: Helen Hall, Business Change Manager

NOTED: the Head of Governance noted comments from Councillor Maguire and undertook to liaise with Helen Hall, specifically on the recording of Governance targets/objectives within the Business Plans.

ACTION BY: Liz Johnston, Head of Governance

3.6 G/MSMO/1 GUIDANCE ON COUNCILLOR ALLOWANCES

Members recalled that an updated Councillor Allowance Scheme was brought to Committee in May 2016 for approval.

Circulated appendices and addenda were issued by local Government Policy Division on 28th April 2016 and brought to committee in May 2016 for approval and further discussion. It was agreed that the matter would be deferred to ascertain the outcome of discussions between the National Association of Councillors (NAC) and the Department.

Consolidation Councillor Allowances Circular LG 12/2016

The Local Government Circular provided a consolidated record of current councillor allowances and supersedes Local Government Circular 10/2016. To note is the introduction of a Rate per Mile for electric cars back dated with effect from 1st April 2015.

Type of Vehicle	Rate per Mile
An electric car	45.0p **25.0p

***For mileage above 8,500 miles**

****For mileage above 10,000 miles**

Addenda to Guidance on Councillor Allowances LG 04/2015

Paragraph 4 (iv) related to the Basic Allowance payable to Councillors and for clarity an amendment was made to change wording of "the full time commitment" to "all the time commitment".

Paragraph 4 (v) related to the incidental costs included within the Basic Allowance payable to councillors and for clarity added the wording "/broadband provision/mobile data charge" after "mobile phone calls". The implication for Councillors is the removal of the broadband allowance, which may currently be claimed up to £20 per month and the addition of mobile data charges over their allowance.

Proposed by Councillor Brett

Seconded by Councillor Maguire and agreed that

a decision on updating the Scheme of Allowances Payable to Councillors, to reflect the changes in Circular LG/12/2016 and Addendum No.3 to Circular LG 04/2015, be deferred until the outcome of current NAC negotiations reach a conclusion stage.

ACTION BY: Alistair Mawhinney / John Balmer

3.7 NILGOSC - THE LOCAL GOVERNMENT PENSION SCHEME (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2016

Members were advised that correspondence had been received from NILGOSC in connection amendments to the Local Government Pension Scheme Regulation (Northern Ireland) 2016. (Copies had been circulated)

Employers in the scheme were required to update their policy statement for deferred members to take into account the new regulations.

Proposed by Councillor Bingham
Seconded by Councillor Hamill and agreed that

Council reviews existing policies in line with amendments to the Regulations.

ACTION BY: John Balmer, Head of Finance

3.8 CE/OA/5 NILGA - LOCAL GOVERNMENT ANNUAL CONFERENCE AND EXHIBITION - OCTOBER 2016

Members were advised that notice had been received of the NILGA Annual Conference and Exhibition to be held on Thursday 6 October 2016 in the Hastings Everglades Hotel, Derry/Londonderry - the theme for the Conference is "Growing Enterprise, Strengthening Communities - Local Councils delivering in the Digital Age". (Copies of the programme were circulated).

The attendance of Councillors and Officers was welcomed and two free places had been allocated for the First Citizen and Senior Council Representative.

Proposed by Councillor Brett
Seconded by Councillor Kells and agreed that

the Chair and Vice-Chair of the Policy and Governance Committee, or their nominees, attend the NILGA Annual Conference and Exhibition on Thursday 6 October 2016 as an approved duty.
(Amended by Council 27.6.16)

ACTION BY: Member Services

3.9 HR/HR/10 PAY NEGOTIATIONS AGREEMENT 2016/17 AND 2017/18

Correspondence had been received from the Northern Ireland Local Government Association regarding the National Pay Agreements for 2016/17 and 2017/18. The headline pay increase of 1% each year had been reached with the relevant Trade Unions.

A copy of the correspondence was circulated for information.

Proposed by Councillor Bingham
Seconded by Councillor Hamill and agreed that

the correspondence be noted.

NO ACTION

3.10 CE/OA/7 ELECTORAL OFFICE FOR NORTHERN IRELAND REFORM

Correspondence had been received from Ben Wallace MP, Parliamentary Under Secretary of State setting out initial details for the proposed reform of the Electoral Office for Northern Ireland (copies of the correspondence were circulated).

The correspondence highlighted that the process was at a very early stage, with options being formulated at this stage, prior to consultation with all stakeholders.

Proposed by Councillor Brett
Seconded by Councillor Kells and agreed that

the correspondence be noted, subject to the undernoted points being recorded for inclusion in a future corporate response from Council to the consultation exercise when opened -

- **electronic counting - the proposed move by EONI towards electronic counting of ballot papers will be a controversial issue around elections in Northern Ireland and, again that would preclude the tallying process which, for many parties, is a vital part of the election process;**
- **centralisation of Electoral Offices - the consultation was proposing closure of all satellite offices with one based on the City Centre and while this is complemented by the move towards electronic registration, there would remain a vast majority of people who would still prefer and require the face to face situation.**

ACTION BY: Liz Johnston / Minnie Aiken

3.11 ST/HS/207 AGENCY STAFF UPDATE

Members were reminded that agency staff are used across the Council to provide temporary cover for absence such as maternity leave, secondments and temporary and permanent vacancies due to restructuring.

Members were advised that a Framework had been developed to improve the management of agency staff use, and this included an authorisation process which was finally approved by the Corporate Leadership Team.

The table below provided an update for Members on the use of agency staff as at May 2016.

Reason for Agency Worker	Number of Agency Workers	Position Covered
Additional Resource	40	28 x Seasonal Grounds Maintenance employees 2 x Operatives, Bruslee & O'Neill Road Sites IT System Support Officer Cleaner, Sentry Hill Community Development Assistant x2 Administrative Assistant, Cleansing Building Control Surveyor Graphic Designer Pavilion Attendant Financial Accounting Officer Environmental Health Officer
Filling Funded Posts	5	Clerical Assistant Affordable Warmth Project Affordable Warmth Project Officer x2 Affordable Warmth Project Officer Grange Community Project Officer
Covering Sickness/Maternity	7	Environmental Health Officer Environmental Health Officer Accounts Administrator Finance Assistant Receptionist/Administrator IT Systems Assistant Customer Services Assistant
Covering vacancies until structures filled	9	Clerical Officer, Environment & Leisure Enforcement Officer Dog Warden Facilities Officer, Property & Building Property Asset Management Assistant Project Manager, Capital Development Human Resources Assistant Human Resources Assistant Conferencing Administrator
Covering career breaks/secondments	6	Heritage Assistant Playzone Assistant Environmental Health Officer Technical Officer (Building Control)

		Specialist Driver, Parks IT System Support Assistant
TOTAL	67	

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

A year to date analysis of payments included in the Treasurers Advice, starting from 1 April 2016, was circulated for Members' information. Members were also advised that, shortly, a budget report relating to employment agencies would also be made available.

Proposed by Councillor Maguire
Seconded by Councillor Webb and agreed that

the report be noted.

NO ACTION

3.12 FI/FIN/4 BUDGET REPORT - APRIL 2015 TO MARCH 2016

A budget report for the period April 2015 to March 2016 was circulated for Members information. This report showed the updated financial position of the council at 31 March 2016 with an increase in the General Fund of £2.4m; however final accruals, prepayments and other financial adjustments were still to be made to arrive at the final position for the year.

Favourable variances have occurred across a number of areas with income from Planning £400k and Building Control £254k applications, Waste Management trade refuse income £71k, and Environmental Health grants £218k being higher than the budget set for the year. Additional income was also received in relation to a HMRC VAT reclaim within Finance & ICT £49k and from the DOE in relation to the Shadow Council £54k; both of which were unknown at the time of setting the Council's budget for the year.

Income from DFP in the form of District Rates £718k and the DOE in the form of the De-Rating grant £131k were both higher than estimated.

Expenditure had also generated favourable variances across a number of areas with Supplies and Services £828k and Premises costs £98k being notable with the Minimum Revenue Provision (MRP) and Loan Interest Payable also being £688k and £193k favourable respectively. The MRP for 2015/16 was based on the number of projects completed by 31 March 2015, however the number of projects completed was lower than anticipated therefore the MRP is favourable for the year. The favourable variances above also contributed to the Council holding higher cash balances; therefore borrowings were less than projected and loan interest payable was favourable as a result.

Currently any overall favourable variance will be added to the Council's General Fund balance, however the Corporate Leadership Team may wish to ring-fence some of this surplus for e.g. capital projects going forward.

Proposed by Councillor Kells
Seconded by Councillor Webb and agreed

that the report be noted.

NO ACTION

3.13 FI/FIN/4 BUDGET REPORT - APRIL 2016

A budget report for the period 1 April 2016 to 30 April 2016 was circulated for Members information.

Proposed by Councillor Kells
Seconded by Councillor Webb and agreed that

the report be noted.

NO ACTION

3.14 FC/G/25 PAYMENTS REPORT

The schedule of payments for Antrim and Newtownabbey Borough Council dated 22 April 2016 to 13th May 2016 and schedule of manual payments for April 2016 were circulated with any payments over £5,000 having been analysed in more detail.

Proposed by Councillor Kells
Seconded by Councillor Webb and agreed that

the report be noted.

NO ACTION

3.15 G/BCEP/3 EMERGENCY TRANSPORTATION OPTIONS - PRIVATE COACH/TAXI HIRE

During the Councils Emergency Test Exercise completed on 15th March, a discussion took place regarding provision of transport to an Emergency Support Centre (ESC).

The ESC Protocol stated that PSNI would assist with transport where there is a threat to life; NHSCT & NIAS would assist with transporting frail and vulnerable persons. Outside of these situations, there is no obligation for transport to be provided.

The consensus at the exercise was that Council should have some level of capacity to assist in the provision of transport to those who might need it, when additional assistance is requested by the PSNI or NHSCT. This was more likely to be in the event of a major emergency, and less likely for minor incidents such as bomb scare alerts.

Elected members also voiced support at the Policy & Governance Committee in April, for some arrangements to be considered. Further to this, a list of local transport companies have been compiled. Companies have been contacted with regards to their capabilities and this was listed below.

Activation arrangements would need to be confirmed with PSNI and NHSCT. It was proposed that the Emergency Coordination Officer (ECO), acting as the on-call contact for ANBC, would activate transport provision arrangements where assistance is requested by the PSNI or NHSCT, by contacting the CX or a Director who would approve the activation of the procedure.

The ECO should obtain suitable details from the PSNI requesting officer, including location, number of evacuees requiring transportation, and a PSNI point of contact number to allow effective communication between the transport company and the PSNI Officer in charge of the evacuation.

The ECO would then contact a company from the list below, in the relevant area who have the capability to assist, based on the requirement for transport. If required, they can report back to the CX/Director on the cost before committing to a service being provided.

The ECO must record details of the companies contacted, the services requested and the cost involved as part of their notification report. When the ECO has completed their Incident report form, details of the transport services utilised needs to be detailed within the report. The finance department need to be made aware of the services obtained so that payment can be made accordingly.

After any activation of the transportation procedure, feedback from all involved will be collected to identify any learning or improvements that can be implemented in advance of future activations.

Proposed by Councillor Kells
Seconded by Councillor Webb and agreed that

the above Emergency Transportation arrangements be noted.

ACTION BY: Perry Donaldson, Emergency Planning Co-ordinator

3.16 G/BCEP/5 DARD EPIZOOTIC DISEASE PROTOCOL AND DISTRICT COUNCIL MUTUAL AID PROTOCOL.

Council had been consulted on two draft Protocols which address arrangements between organisations in times of emergency. Two useful summaries were circulated which show:

- a. The background to the documents
- b. Overview of the role/expectations of local government in the documents
- c. Issues or queries which need to be considered or addressed by local government
- d. Actions which would be required by local government to implement the document.

The DARD Epizootic Disease Protocol: This protocol between DARD and the Councils was agreed in July 2012 to enable councils to provide support to DARD if an emergency is declared as the result of an epizootic disease outbreak (e.g. Foot and Mouth), or if there is an emergency such as a suspect rabid dog at a port or airport.

The District Council Mutual Aid Protocol: This protocol was developed in 2009. It provides a statement of intent rather than a binding protocol to enable councils to provide mutual aid to each other during an emergency or business continuity disruption that goes beyond the resources of an individual council.

Council EPOs have been requested to review the document for accuracy and acceptability and engage internally to ensure that the proposed document is acceptable and accurate or to provide amendments. There is no requirement to sign or complete the Schedule until this consultation process is completed.

The Director of Operations, Environmental Health, Parks and Waste have been consulted without adverse comment on the DARD Protocol. The Councils legal adviser has been consulted on both Protocols and has requested the following addition to the DARD Protocol.

"INSURANCE"

It is intended that the User of the Service and Providers of the Service will, for the duration of their participation in this MOU, maintain suitable insurance arrangements to cover any loss, claims, proceedings, actions, damages, legal costs, expenses or other liabilities arising from the deployment of resources under the terms of this MOU. However, the User shall not hold liable a Provider of the Service in respect of any claims arising from any loss injury or damage suffered by the User or any third party as a result of the Provider of the Service providing assistance under this MOU unless such loss injury or damage arises from the negligence of the Provider of the Service or any of its employees or agents".

Both legacy Councils signed up to these Protocols and completed the DARD Schedule. It was our understanding that SOLACE were aware of and in support of this work stream now required to reflect local and central government reform and the new emergency planning structures.

When agreed, the emergency planning team would liaise with relevant Heads of Service regarding operational implementation issues and any relevant training needs identified.

Following conclusion of the consultation, the final documents would return to Committee for approval.

Proposed by Councillor Kells
Seconded by Councillor Webb and agreed that

the proposed protocols be noted, subject to there being no extra insurance premium to Council for provision of the service.

NOTED: the Head of Governance to seek clarification.

ACTION BY: Perry Donaldson / Liz Johnston / Paul Casey

3.17 G/MSMO/8/VOL1 LIBRARIES NI - CONSULTATION ABOUT REDUCTION IN OPENING HOURS IN GLENGORMLEY LIBRARY

Correspondence had been received from Libraries NI to advise that a consultation process is being undertaken in relation to proposals to reduce the opening hours of Glengormley Library from 50 hours to 45 per week (correspondence circulated).

A questionnaire, together with some background information, was available on the Libraries NI website at www.librariesni.org.uk. The consultation would end on 17 July 2016 with new hours due to be implemented in November 2016.

Proposed by Councillor Webb
Seconded by Councillor McClelland and agreed that

Council respond to Libraries NI corporately requesting that service delivery opening hours be retained at 50. In addition, Alderman Campbell, as Council's representative on the Libraries Board NI, be officially advised of Members' concerns at the potential reduction in library provision, particularly, in advance of any similar future proposals being received.

ACTION BY: Member Services

3.18 HR/SG/1 - ANBC SAFEGUARDING

1. BACKGROUND

The term 'Safeguarding' encompasses the prevention of harm and protection of both children and adults at risk where harm has occurred or is likely to occur.

The Department for Health, Social Services and Public Safety (DHSSPS) and the Department for Justice (DoJ) published the new Safeguarding Policy for Northern Ireland entitled 'Adult Safeguarding – Prevention and Protection in Partnership'. Whilst there had been a focus on child protection in recent years, the priority was to focus on preventing and protecting both children and adults at risk of harm across Northern Ireland.

2. POLICY UPDATE

Work has been ongoing to develop a new Safeguarding Policy which will take account of the changes in Adult Safeguarding as directed from the DHSSPS and the DoJ. At present, it is anticipated that further guidance will be issued from the Northern Ireland Adult Safeguarding Partnership (NIASP) early June 2016 on revised reporting procedures which will also be considered in the revised policy.

With regard to Adult Safeguarding, a draft Domestic Violence policy had been prepared and reviewed by ONUS. Consultation with the Trade Unions would shortly take place on the Draft Domestic Violence and Safeguarding policies and a further report would be made to Members.

3. PRELIMINARY SAFEGUARDING AUDIT

A Preliminary Safeguarding Audit had been completed to review the standard procedure for vetting Staff, Volunteers, Self Employed Coaches, Contractors/Suppliers including those in receipt of grants/funding and promotion.

Members were advised that the existing procedures for vetting meet all statutory obligations and that to further develop areas of best practice, a Vetting and Safeguarding Compliance Statement would be used, where appropriate.

A further report would be made to Members to include the draft Domestic Violence and Safeguarding Policies.

Proposed by Councillor Bingham
Seconded by Councillor Brett and agreed that

the report be noted.

*ACTION BY: Jennifer Buckley, Human Resource Manager
(Organisation Development)*

SUPPLEMENTARY REPORT

3.20 SUPPLEMENTARY REPORT - THE SOLDIERS' CHARITY ANNUAL BEATING RETREAT & AWARDS

For those not participating in the Somme Trip this month, The Soldiers' Charity Annual Beating Retreat & Awards would take place in the Sergeants' Mess, Thiepval Barracks on Wednesday 29th June at 7.30pm.

This was a Black Tie event which sought to entertain lovers of Military Music and to showcase those who had gone beyond the call of duty to fundraise for ABF The Soldiers' Charity. Tickets were £35pp which included a Champagne Reception and Canapés, followed by the ancient ceremony of the BEATING RETREAT, performed by the BAND OF THE IRISH GUARDS, supported by the Drum & Pipes of 1st Battalion, The Irish Guards.

The Awards Ceremony would be hosted by UTV's Pamela Ballantine.

Tickets for this special occasion could be obtained at £35pp (add £1 for P&P) by calling 02892 678112 or ni@soldierscharity.org. Only 130 tickets were available and would be sold on a first come, first served basis.

Dress for the occasion would be Black Tie & Miniatures for Gentlemen, Cocktail Dresses for Ladies.

Proposed by Councillor Brett
Seconded by Councillor Hamill and agreed that

any Members wishing to attend the Soldiers' Charity Annual Beating Retreat and Awards do so at their own expense.

NO ACTION

PROPOSAL TO PROCEED 'IN CONFIDENCE'

Proposed by Councillor Bingham
Seconded by Councillor Hamill and agreed that

the following Committee business be conducted 'In Confidence'.

The Chairman advised that audio-recording would cease at this point.

IN CONFIDENCE

3.19 G/LEG/43 NUTTS CORNER CIRCUIT LTD NOISE NUISANCE CASE

SUMMARY OF COSTS

As Members were aware, this case had been ongoing for a number of years. At the end of each financial year we were obliged to make provision for any significant legal cases for which we were likely to incur substantial costs. (*Appendix 1, a copy of which had been circulated*).

On this basis we had made provision in our accounts for the last number of years totalling £150,000, which effectively meant that these monies were not paid for from annual revenue budgets from which we struck our rate.

The costs incurred by Council to date were approximately £100,000 and we recently lost the case. [REDACTED]

As we were now in the process of completion of the annual accounts there was an opportunity to increase this provision to allow for the cost of an appeal to be included. It would also be prudent to include an amount in the event that costs were awarded against us.

In consultation with our legal advisors, we were proposing to increase the provision to £250k (£100k incurred to date, £50k for an appeal and £100k for possible costs awarded to [REDACTED]. This would be a net increase of £100k in our provision.

Members should note that the Council, as a prosecutorial authority, had a statutory obligation to abate noise nuisance and therefore the Council had to engage in the Court processes in relation to this case.

Proposed by Councillor Brett
Seconded by Councillor Agnew and agreed that

the report be noted.

ACTION BY: Catherine McFarland / Liz Johnston

PROPOSAL TO MOVE OUT OF 'IN CONFIDENCE'

Proposed by Councillor Hamill
Seconded by Councillor McClelland and agreed that

any remaining Committee business be conducted in 'Open Session'.

The Chairman advised that audio-recording would re-commence at this point.

ANY OTHER RELEVANT BUSINESS

3.21 RELATED PARTY TRANSACTIONS

Councillor Webb referred to completion of the Related Party Transaction Forms and sought assistance from the Finance Section, in terms of an internal mapping exercise, assisting Members to properly complete the forms.

NOTED: officers to investigate what options might be available to assist with Members with annual completion of these forms.

ACTION BY: Liz Johnston / Paul Casey

The Chairman reminded all present that the next Policy and Governance Committee Meeting would take place on Tuesday 6 September 2016.

There being no further Committee business the Chair thanked everyone for their attendance and the meeting concluded at 7.07pm.

MAYOR

Council Minutes have been redacted in accordance with the Freedom of Information Act 2000, the Data Protection Act 1998 and legal advice.