

#### MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE POLICY AND GOVERNANCE COMMITTEE HELD IN ANTRIM CIVIC CENTRE ON TUESDAY 6 MARCH 2018 AT 6.30PM

In the Chair:	Councillor N Kells
Members Present:	Aldermen – F Agnew, W DeCourcy Councillors – B Duffin, M Goodman, P Hamill, T Hogg, D Hollis, A Logue, M Maguire, W Webb
Non-Committee Members Present:	Alderman J Smyth
Officers Present:	Director or Organisation Development – A McCooke Head of Governance – L Johnston Head of Finance – J Balmer Head of Communications and Customer Service – T White Borough Lawyer – P Casey ICT Officer – J Higginson Governance Support Officer – D Conlan

#### CHAIRPERSON'S REMARKS

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

#### 1. APOLOGIES

Apologies were recorded for Councillors J Bingham, T Girvan and N McClelland

#### 2. DECLARATIONS OF INTEREST

None.

#### 3. **REPORT ON BUSINESS TO BE CONSIDERED**

#### 3.1 CCS/CIV/007 ROYAL AIR FORCE CENTENARY CIVIC EVENT

Members were reminded that The Royal Air Force (RAF) is a Freedom of the Borough recipient and there is an RAF base within the Borough. On 1 April 2018, the RAF will be celebrating its 100th birthday. The centenary, RAF100, will be marked by special events, activities and other initiatives at local, regional and national levels running from April to the end of November 2018.

The centrepiece of RAF100 will take place on 10 July, with a centenary service in Westminster Abbey, followed by a parade in The Mall and spectacular flypast over Buckingham Palace.

It was proposed that Council marks the Royal Air Force centenary by hosting a civic reception at Mossley Mill. It was hoped to do this on 6 April. This date is subject to confirmation with the Royal Air Force. The event would cost approximately £5,000 and there is provision in the civic events budget.

Proposed by Councillor Hogg Seconded by Alderman Agnew and agreed that

## the Council hosts a civic reception for the RAF at Mossley Mill to mark the RAF centenary at a future suitable date.

ACTION BY: Tracey White, Head of Communications and Customer Service

#### 3.2 CCS/CEA/11 ARMORIAL BEARINGS

Members were reminded that the College of Arms was commissioned to produce the new armorial bearings following the formation of the new Council. The College of Arms is responsible for approving the Armorial Bearings designs and for issuing the Letters of Patent, which make the formal Grant of Arms. In May 2017 Members approved that a presentation ceremony would be arranged to officially mark receipt of the Letters of Patent. This presentation has now been progressed in conjunction with the College of Arms to mark this historic event.

Proposed by Councillor Hamill Seconded by Councillor Duffin and agreed that

#### a Royal College of Arms representative attend to formally present the Letters of Patent before the Council meeting on 29 May 2018.

ACTION BY: Tracey White, Head of Communications & Customer Service

## 3.3 G-LEG-84 COUNCIL'S SCHEME OF DELEGATION IN RELATION TO COURT PROCEEDINGS

Members were advised that the following are relevant functions in relation to court proceedings in the Council's Scheme of Delegation which are delegated to the Chief Executive and Directors:

## The exercise of the following general functions is delegated to the Chief Executive and Directors: -

#### **General Administration**

Instructing the Deputy Chief Executive and Director of Finance and Governance to take legal proceedings in regard to the recovery of debt(s), the enforcement of contractual rights, the service of notices, the prosecution of statutory offences and the instituting and defending of claims and proceedings affecting the Council.

A suggested amendment was proposed regarding the Council's Scheme of Delegation as follows:

## The exercise of the following general functions is delegated to the Chief Executive and Directors: -

#### **General Administration**

To take legal proceedings in regard to the recovery of debt(s), the enforcement of contractual rights, the service of notices, the prosecution of statutory offences and the instituting and defending of claims and proceedings affecting the Council.

Proposed by Councillor Hogg Seconded by Alderman Agnew and agreed that

Members resolve to change the Council's Scheme of Delegation to the following:

The exercise of the following general functions is delegated to the Chief Executive and Directors:

#### **General Administration**

To take legal proceedings in regard to the recovery of debt(s), the enforcement of contractual rights, the service of notices, the prosecution of statutory offences and the instituting and defending of claims and proceedings affecting the Council.

ACTION BY: Paul Casey, Borough Lawyer

#### 3.4 G-LEG LAND ABANDONED BY THE DEPARTMENT – DFI ROADS - LAND BESIDE 1 BERRYFIELDS ROAD, JORDANSTOWN, NEWTOWNABBEY

Members were advised that correspondence had been received from Dfl Roads concerning a proposed abandonment of a roadway alongside 1 Berryfields Road, Jordanstown, Newtownabbey under Article 68(1) of the Roads (Northern Ireland) Order 1993.

The letter and map circulated outlined the proposal and highlighted the area considered for abandonment in red.

Dfl Roads were requesting any comments the Council may have in relation to this proposal.

Dfl had granted the Council an extension to the end of March to make any comments on this matter.

Proposed by Alderman Agnew Seconded by Councillor Duffin and agreed that

#### the correspondence be noted.

ACTION BY: Paul Casey, Borough Lawyer

Councillor A Logue arrived during the next item.

#### 3.5 CCS/CPRM/5 BEST OF THE NORTH

Members were advised that the Council had been approached by the Belfast Media Group (BMG) in relation to sponsorship for its 'Best of the North' competition.

The BMG had advised that the competition aims to showcase popular services and businesses across greater North Belfast in a range of categories, nominated and voted by readers. These categories include:

- Business Newcomer
- Dentist
- Bakery
- Chemists
- Coffee Shop
- Employer
- Customer Service

In the 2017 awards some businesses within the Newtownabbey area won in their respective categories. The BMG advised that there were over 147,000 votes received last year and that due to this success an initiative is being organised for 2018. The sponsorship package on offer includes pre and post event publicity, Council branding on all published/on line materials and tickets to the celebration event of  $16^{th}$  June 2018 and costs £1,000. If approved, the sponsorship costs can be met from within the current budgets.

Proposed by Councillor Hogg Seconded by Alderman Agnew and

on the proposal being put to the meeting 7 members voted in favour, 3 against and 1 abstention and it was agreed that

#### the request be noted.

ACTION BY: Andrea McCooke, Director of Organisation Development

#### 3.6 FI/FIN/9 PROMPT PAYMENT PERFORMANCE

Members were reminded that the Department for Communities (DfC) issued revised guidance (Local Government Circular 19/2016) on prompt payments and the recording of invoice payments in November 2016. This guidance requested councils to record specific performance targets of 10 working days and 30 calendar days and continue a cycle of quarterly reporting on prompt payment performance by councils to the DfC and its publication on their website.

The Council's prompt payment performance for the period 1 October 2017 to 31 December 2017 is set out below:

The default target for paying invoices, where no other terms are agreed, is 30 days.

(N.B. 30 days target is 30 calendar days and 10 days is 10 working days).

During the above period, the Council paid 6,367 invoices totalling £8,234,573

The Council paid 5,606 invoices within the 30 day target. (88%)

The Council paid 4,679 invoices within the 10 day target. (73%)

The Council paid 761, invoices outside of the 30 day target. (12%)

The Council has set a target of paying 90% of invoices within 30 days and 80% within 10 days.

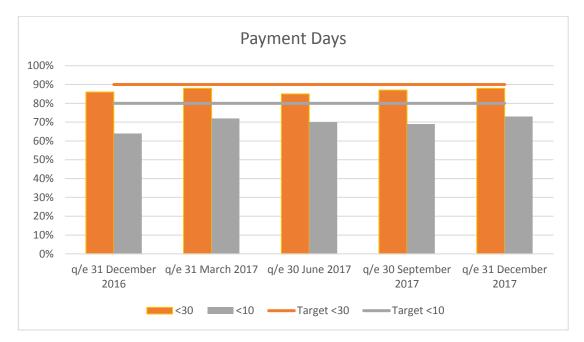
The results for the last 2 quarters of 2016/17 and the first 3 quarters of 2017/18 are as follows:

Period	Total Number of	% Paid Within	% Paid Within 10
	Invoices Paid	30 Days	Days
Target		90%	80%

2016/17			
q/e 31 Dec 2016	8,160	86%	64%
q/e 31 March 2017	6,494	88%	72%
2017/18			
q/e 30 June 2017	6,384	85%	70%
q/e 30 Sept 2017	5,980	87%	69%
q/e 31 Dec 2017	6,367	88%	73%

The performance presented graphically highlighted how the improvement made in the quarter ended December 2016 has been sustained.

For Quarter 3 of 2017/18 the performance against the 30 day target improved by 1% to 88%; for the10 day target there was an improvement in performance of 4% to 73%, relative to Quarter 2.



The prompt payment performance for Councils in Northern Ireland is published quarterly by the Department for Communities (DfC). The prompt payment performance for the quarter ended 30 September 2017 is shown in Appendix 1 (circulated; the Council's performance ranked against the other Councils for the first 2 quarters of 2017/18 is set out in the table below.

Period	% Paid Within 30 Days - Ranking	% Paid Within 10 Days - Ranking
q/e 30 June 2017	3rd	Joint 4th
q/e 30 Sept 2017	3rd	2nd

The Council recognised the importance of paying its suppliers promptly. As previously reported, to improve performance the Optical Character Recognition (OCR) software implemented in quarter 4 of 2016/17 is now well embedded. The aim is to register 60% of invoices received via OCR by 31 March 2018, for the month of December 2017 46% of invoices received were registered via OCR.

Officers continued to proactively work with budget holders to process invoices efficiently.

Procedures and performance would continue to be kept under review and performance updates will be provided to Members.

Proposed by Alderman Agnew Seconded by Councillor Hamill and agreed that

#### the report be noted.

NO ACTION

#### 3.7 G/MSMO/009 NI COURTS AND TRIBUNALS SERVICE

Members were advised that correspondence had been received from the NI Courts and Tribunals Service advising that the second phase of the agreed three year phased increase to court fees would come into effect on 1 April 2018 when a 7.5% increase would be applied to all court fees (circulated).

Proposed by Councillor Duffin Seconded by Councillor Hamill and agreed that

#### the correspondence from NI Courts and Tribunals Service be noted.

NO ACTION

#### 3.8 HR/HR/019 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
- Sickness absence
- Vacant posts.

The use of agency staff was 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 as at January 2018 as compared to January 2017.

Reason for Agency Worker	Jan	Position Covered	Jan 17	Comments
Additional Resource	7	Cleaner, Sentry Hill 6 x Recreation Assistant/Leisure Attendant at Antrim Forum for extended opening	20	Reflects the reduction of additional resources, some of which were related to temporary projects.
Filling Funded Posts	5	3 x Affordable Warmth Project Officer Grange Community Project Officer PCSP Support Officer (PT)	6	
Covering Sickness/ Maternity Leave/ Shared Parental Leave	6	3 x Waste Operative, ESD Receptionist, Valley Good Relations Support Officer Theatre Technician	5	
Covering vacancies until structures filled	32	Conferencing & Cultural Events Manager 2 x Theatre Technician (PT 1 x FTE) Front of House & Sales Assistant, Old Court House Receptionist, Clotworthy System Support Assistant HR Assistant Leisure Attendant, Sixmile Hook-Loader, Bruslee Pavilion Attendant, Lilian Bland Pavilion Team Leader Parks, CSD 4 x Grounds Maintenance Operative Greenkeeper, Parks Gravedigger Working Chargehand, Parks Central Services Supervisor 4 x Waste Operatives, CSD 3 x Waste Operatives, ESD Home Safety Officer 3 x Driver Site Operatives, Recycling	10	Increase due to vacant posts to be filled related to the new structures and the completion of the categorisation exercise.

		Planning Assistant			
		Conferencing Administrator			
Covering	6	System Support Assistant	4	Additional	
career breaks/		2 x Grounds Maintenance		Secondments/Career	
secondments		Operative Breaks		Breaks	
		Clerical Officer, Leisure			
		Clerical Officer,			
		Environmental Health			
		Clerical Officer, Waste			
TOTAL	56		45		

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

Appendix 1 (circulated) set out expenditure on agency workers in January 2018. The cost of agency staff had reduced for the period 1 April 2017 to 31 January 2018 at 7.28% of all staffing costs compared to 7.47% for the same period last year.

Alderman Smyth sought clarification in relation to the structures for leisure and community centres which the Director of Organisational Development will respond to.

Proposed by Councillor Webb Seconded by Councillor Duffin and agreed that

#### the report be noted.

NO ACTION

#### 3.9 G/DPFI/003 GENERAL DATA PROTECTION REGULATION (GDPR)

#### Background

A recent report had set out for Members the need to individually register if they hold and process information arising from a resident having approached the Councillor directly (eg in relation to Benefits, Housing, Health Care) and not due to an issue having been raised through the Council.

Examples of the type of personal data that may be held included:

- Correspondence received from a resident (either by email or letter) which include personal details such as name, address, email address, date of birth, health information etc.
- Notes taken as a result of a phone call which included personal details of a resident
- Databases or spreadsheets which hold the contact details of residents

#### Update

The purpose of this report was to update Members about the EU new data protection regime - the EU General Data Protection Regulation (GDPR) – to

harmonise data protection law across the EU to ensure that organisations face more consistent data protection compliance requirements. The GDPR is also designed to address technological and societal changes that have taken place over the last 20 years. The new legislation would replace the Data Protection Act (1998) and becomes effective on **25 May 2018**.

In the UK the Data Protection Act 1998 (DPA), will be replaced by a new Act which will meet the requirements of the GDPR. The Bill that will become the new Act is currently being processed through the Houses of Parliament and will be published in the next few months (date to be confirmed). In the interim organisations have been advised by the Information Commissioner's Office (ICO) that they need to understand the GDPR and bring their data processing practices into line with its requirements. However, the guidance on some of the new requirements is not yet available from the ICO. The Council, as a Data Controller, is required to ensure that it is able to comply with the new legislation by the implementation date of 25 May 2018.

The Data Protection Principles, as set out in the DPA, remain but they have been condensed into six as opposed to eight principles. Article 5 of the GDPR states that personal data must be:

- 1. Processed fairly, lawfully and in a transparent manner in relation to the data subject.
- 2. Collected for specified, explicit and legitimate purposes and not further processed for other purposes incompatible with those purposes.
- 3. Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- 4. Accurate and, where necessary, kept up to date.
- 5. Kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed.
- 6. Processed in a way that ensures appropriate security of the personal data including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

The circulated infographic summary outlined the key GDPR points to assist Members when processing data on behalf of constituents. GDPR training would also be arranged for Members in due course

Members were advised that an action plan was being implemented to ensure that the Council takes the necessary steps to ensure compliance with the legislation by the implementation date of 25 May 2018.

Officers answered Members' questions and agreed to report back to Members on information provided by the National Association of Councillors on individual registration costs as required by the ICO.

Proposed by Councillor Maguire Seconded by Alderman DeCourcy and agreed that

#### the report be noted and a further report be provided about the National Association of Councillors' advice in relation to registration costs for individual Members.

ACTION BY: Liz Johnston, Head of Governance

#### 3.10 G/DPFI/004 OPEN DATA/REUSE OF PUBLIC SECTOR INFORMATION

#### Background

Members were advised that Open Data is about ensuring non personal data held by the public sector is freely available so that it can be used, re-used and redistributed by anyone. All data should be considered as open data unless it falls under an exemption eg FOI, EIR, DPA. The Re-use of Public Sector Information Regulations 2015, regulated by the Information Commissioner's Office (ICO), came into force in July 15 requiring public sector bodies to carry out a number of functions including:

- 1. Make information available in machine readable format such as CSV (Comma Separated Values) file format
- 2. Only charge in exceptional circumstances for reproduction, provision and dissemination of information
- 3. Specify the licence used to cover the information provided, provide information in relation to the licence, appropriate hyperlinks and an attribution statement
- 4. Publish an information list
- 5. Publish a description of their public task is ie core role and functions

Information to be provided as Open Data will be kept under review.

#### NI Open Data Portal

All public sector organisations are obliged to use the NI Open Data Portal to publish data. This portal includes an interactive section where the public can make suggestions as to what data should be published. Requests for open data have been received by the Information Governance Team and where appropriate, it has been provided in CSV format and uploaded to the Portal by the Information Governance Manager and included on the Council website.

To date the Council had received 10 requests for data via the Open Data Portal and these are listed below:

- 1. Car Parks information provided
- 2. Building Control Construction Projects response provided by Building Control Group
- 3. Licenced Landfill Sites directed to NIEA
- 4. Waste Processing Sites directed to NIEA
- 5. Planning Application Data directed to Department for Infrastructure
- 6. Recycling Locations information provided
- 7. Fly Tipping information provided
- 8. Local Nature Reserves information provided
- 9. Public Rights of Way in progress
- 10. Councillor Information information provided

#### Identification of Open Data for publication

The Council would proactively identify data sets for publishing and open data publication would be embedded into routine data workflows. The proactive release of data may assist in mitigating against some FOI responses and where information is already available by other means a Section 21 exemption could be applied directing requesters to the source.

Proposed by Councillor Maguire Seconded by Councillor Duffin and agreed that

#### the report be noted.

NO ACTION

#### 3.11 G/MSMO/2 CHANGES TO COMMITTEE AND PARTNERSHIP MEMBERSHIPS BY THE ULSTER UNIONIST PARTY

Following the recent membership changes within the Ulster Unionist Party, the Nominating Officer, had advised of the following adjustments to Committee and Partnership Memberships:

Councillor	Committee	Effective Date	
Cllr S McCarthy	Community Planning and Regeneration Committee	1 February 2018	
Cllr R Foster	Operations Committee	1 February 2018	

Councillor	Partnership	Effective Date	
Cllr S McCarthy	Community Planning Partnership	1 February 2018	
Cllr R Foster	Rathcoole Neighbourhood Renewal Partnership	1 February 2018	

Proposed by Councillor Maguire Seconded by Councillor Webb and agreed that

#### the changes to Committee and Partnership Memberships by the Ulster Unionist Party be noted.

ACTION BY: Member Services

#### MOTION TO PROCEED 'IN COMMITTEE'

Moved by Councillor Duffin Seconded by Councillor Maguire and agreed that

#### the Committee proceeds to conduct the following business 'In Committee'.

#### 3.12 IN CONFIDENCE CE/STC/SC/101 COUNCIL BRANDING UPDATE

Members were reminded that the Council's corporate logo was developed in-house and that prior to the 1 April 2015, the new branding implementation programme commenced to rebrand the range of Council assets including facilities and vehicles.

Following a procurement process the Council awarded contracts to suppliers for parks, cemetery, boundary and miscellaneous signage. Contracts were awarded on 31 March 2017 however,

this contract was terminated in February 2018. In line with procurement procedures others suppliers will complete any outstanding work.

The table (appendix 1) (circulated) noted the completed and outstanding areas of work.

Proposed by Councillor Webb Seconded by Councillor Duffin and agreed that

the report be noted and the Director of Organisation Development respond to Councillor Webb's query in relation to the positioning of signage at facilities, such as The White House.

ACTION BY: Andrea McCooke, Director of Organisation Development

### 3.13 IN CONFIDENCE G/LEG/43 NUTTS CORNER CIRCUIT LTD NOISE NUISANCE CASE BACKGROUND

Members were advised that this case is a noise abatement case issued by Antrim Borough Council and Lisburn Borough Council Environmental Health Departments against Nutts Corner Circuit Ltd due to the noise levels at the track constituting a nuisance and thereby affecting local residents.

Following complaints from residents close to the track, investigations were carried out by Officers from both Councils, and in 2010 a Noise Abatement Notice was jointly served on Nutts Corner Circuit Ltd in order to deal with the noise nuisance. Nutts Corner thereafter appealed the Noise Abatement Notice and the Councils instructed Cleaver Fulton Rankin Solicitors to represent both Councils at the appeal. The case commenced in the Magistrates Court in 2012.

The case was part heard in November 2015 and finalised in March 2016 at Ballymena Magistrates Court. The Judge delivered his judgement on 19 May 2016 and he found in favour of Nutts Corner Circuit Ltd and implemented their noise management plan. Nutts Corner Circuit Ltd applied to the Court for costs against both Councils, however their application was unsuccessful.

On the advice of the external legal advisors both Councils lodged an appeal of the Magistrates decision as the opinion is that the order made by the Judge does not abate the noise nuisance.

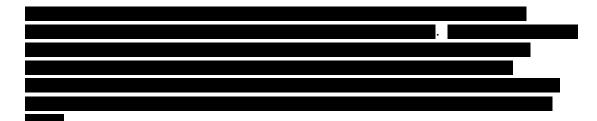
The Councils are currently waiting for a date for the appeal in the County Court.

#### COSTS UPDATE

To date the total cost to the Council is  $\pounds 114,543.88$ . Of this  $\pounds 54,530.93$  relates to the legacy Antrim Borough Council period, and  $\pounds 60,012.95$  relates to the Antrim and Newtownabbey Borough Council period. The reason the greater amount relates to this Council is that the case in the Magistrates Court completed in 2016 and thereafter the legal fees were submitted.

The estimated costs of the appeal are £

The Council has made a provision for this case of  $\pounds$ 



Officers would continue to update Members about this case.

Proposed by Councillor Logue Seconded by Councillor Hamill and agreed that

#### the report be noted.

#### 3.14 IN CONFIDENCE FI/PRO/TEN/182 TENDER FOR CORPORATE BANKING SERVICES

# Contract Period: 1 May 2018 to 30 April 2021 (with an option by the Council to extend for up to a maximum of 24 months subject to review and performance).

Members were advised that the current three year contract for Council's core transactional banking services expires on 30 April 2018. To ensure that

Council continued to receive value for money, a new public tender exercise had been completed.

One tender for the provision of corporate banking services was opened via eSourcingNI on 21 February 2018 and referred to the evaluation panel for assessment. The tender was evaluated on a two stage basis as follows:

#### **STAGE 1 – SELECTION STAGE**

The tender was evaluated using criteria such as mandatory exclusion and financial compliance, economic and financial standing, management systems and practices, previous relevant experience, and declarations and form of tender. The tender met all the requirements of Stage 1 of the assessment and proceeded to Stage 2 – Award Stage. The tender was evaluated as follows:

#### STAGE 2 – AWARD STAGE

#### Confirmation of Compliance with the Specification of Services

The tenderer demonstrated how their system and services met all of the essential criteria stated in the compliance matrix and proceeded to the next stage of the assessment.

#### **Qualitative/Commercial Assessment**

The tender was evaluated on the basis of service delivery proposals (60%) and cost (40%). Details are as follows:

Tenderer	Total Estimated Cost for all Services over 3 Years £ (excl VAT)	Quality Score %	Cost Score %	Total Score %
Northern Bank t/a Danske Bank		55%	40%	95%

Proposed by Alderman Agnew Seconded by Councillor Duffin and agreed that

having achieved an excellent score of 95%, the tender from Northern Bank t/a Danske Bank for the provision of corporate banking services in the estimated sum over three years of £ (excl VAT), be accepted. Should the Council decide to exercise the option to extend for a further two years, years 4 and 5 prices will reflect the costs tendered for year 3 inflated by the Services Producer Price Index (SPPI).

ACTION BY: Sharon Logue, Procurement Manager

#### MOTION TO PROCEED 'OUT OF COMMITTEE'

Moved by Councillor Maguire Seconded by Councillor Webb and agreed that

#### the Committee proceeds to conduct any remaining business 'In Public'.

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

#### 4. ANY OTHER RELEVANT BUSINESS

(1) Councillor Duffin requested that contact be made with CDE Global to congratulate the company on taking over the Caterpillar building in Monkstown and the opportunities this will create to increase employment in the area.

Proposed by Councillor Duffin Seconded by Councillor Hogg and agreed that

Officers arrange a meeting with CDE Global to welcome them to the Antrim and Newtownabbey Borough and to explore beneficial opportunities for the Borough.

ACTION BY: Jacqui Dixon, Chief Executive

(2) Alderman Smyth sought clarification regarding the use of pest control companies within Council facilities.

ACTION BY: Bronagh Doonan, Head of Property and Building Services

(3) The Chairperson requested that condolences from the Committee be conveyed to Councillor McClelland on her recent bereavement.

ACTION BY: Member Services

There being no further business the Chairperson thanked the Members for attending and the meeting ended at 7.12 pm.

MAYOR

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