



**MINUTES OF THE PROCEEDINGS OF THE SPECIAL COUNCIL MEETING HELD IN
MOSSLEY MILL ON THURSDAY 11 JUNE 2020 AT 6.30 PM**

- In the Chair** : Mayor (Alderman J Smyth)
- Members Present** : Aldermen – F Agnew, P Brett, T Burns, T Campbell, L Clarke
M Cosgrove, M Girvan and D Kinahan
- Councillors – J Archibald, A Bennington, M Cooper,
H Cushinan, P Dunlop, G Finlay, S Flanagan, R Foster,
J Gilmour, M Goodman, P Hamill, L Irwin, N Kelly,
R Kinnear, AM Logue, R Lynch, V McAuley,
N McClelland, T McGrann, V McWilliam, M Magill,
P Michael, J Montgomery, V Robinson, S Ross, L Smyth,
M Stewart, R Swann, B Webb and R Wilson
- Officers Present** : Chief Executive - J Dixon
Director of Economic Development and Planning – M McAlister
Director of Operations – G Girvan
Director of Finance and Governance – S Cole
Director of Community Planning – N Harkness
Director of Organisation Development – A McCooke
Borough Lawyer and Head of Legal Services – P Casey
Head of Finance – J Balmer
Head of ICT – G Smyth
ICT Manager – P Allan
ICT Change Officer – A Cole
Member Services Manager – V Lisk

MAYOR'S REMARKS

The Mayor welcomed everyone to the Special Council Meeting and advised all present of the recording protocol. The Mayor thanked the Deputy Mayor for chairing previous meetings and a number of Members welcomed the Mayor back to the Chamber.

In order to protect public health during the current COVID-19 emergency it was not possible to allow the public or the press to attend the Council meeting. The Council minutes and audio recording would be published on the Council's website.

1 APOLOGIES

Alderman McGrath.

2 DECLARATIONS OF INTEREST

None.

3. ITEMS FOR DECISION

3.1 LOUGH NEAGH SAND EXTRACTION – REGIONALLY SIGNIFICANT PLANNING APPLICATION REFERENCE: LA03/2017/0310/F

Members of the Planning Committee were provided with an update in May 2019 regarding the Enforcement Notice served by the Department for Infrastructure (DfI) in May 2015 in relation to ongoing sand dredging operations at Lough Neagh as well as the regionally significant planning application submitted in March 2017 (details below) that was currently being processed by DfI.

Application Ref: LA03/2017/0310/F

Proposal: Application for the extraction, transportation and working of sand and gravel from Lough Neagh. Sand and gravel to be extracted from within two distinct areas totalling some 3.1km², in the north-west of Lough Neagh situated approximately east of Traad Point, north of Stanierds Point, west of Doss Point and south of Ballyronan and the ancillary deposition of silt and fine material.

Location: Lough Neagh within the Mid Ulster District Council Antrim and Newtownabbey Borough Council Armagh Banbridge and Craigavon Borough Council and Lisburn and Castlereagh Council Areas

Applicant: Lough Neagh Sand Traders Ltd

Full details of the application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk

At that time Members were made aware that the Planning Appeals Commission (PAC) had issued its advisory report to DfI following an inquiry in relation to the current planning application which was seeking planning permission to continue dredging operations for a 15 year period in the 3.1km² dredging areas, identified by the Sand Traders and all of which are located in the Mid Ulster Council area.

The PAC Report recommended that planning permission should be granted by DfI, however as Members were aware the final decision on this application rests with the Minister for Infrastructure taking account of the PAC Report.

As part of the ongoing processing of this regionally significant application the Department had now issued a consultation to the Council (copy circulated),

as well as to Mid Ulster District Council, Armagh, Banbridge and Craigavon Borough Council and Lisburn and Castlereagh City Council, under Section 76(3) of the 2011 Planning Act regarding matters considered necessary for inclusion within a Section 76 Planning Agreement should the Minister determine to grant planning permission in this case.

A planning agreement under Section 76 of the Planning Act (NI) 2011 can be used to overcome obstacles to the grant of planning permission where these cannot be addressed through the normal use of planning conditions. As indicated in the Strategic Planning Policy Statement, such an Agreement may facilitate or restrict the development or use of land in any specified way and, amongst other matters, may be considered appropriate:

- to enable the development in question to proceed;
- is designed to secure an acceptable balance of uses;
- is otherwise so directly related to the proposed development and to the use of the land after its completion, that the development ought not be permitted without it; or
- is intended to offset the loss of, or impact on, any amenity or resource present on the site prior to development.

In this case the Department had indicated the following were the matters it considered should be incorporated into any Section 76 Planning Agreement should the Minister determine to grant planning permission:

- (1) Submission of a report detailing best practice measures to minimise sand accumulating on the shore.
- (2) A Decommissioning Plan to be submitted for the removal of all above ground structures at each landing site and the restoration of the land following cessation of activities.
- (3) A scheme for a Protection Zone with otter friendly fencing around each otter (Lutra lutra) holt entrance
- (4) A scaled map of each landing site showing the details of the extent of shoreline delineation.
- (5) Submission of an Emergency Response Plan (ERP) for all onshore activities
- (6) Restriction on the hours of operation for land-based activities at each site to protect residential amenity.
- (7) Provision of Noise Mitigation measures at Sites 4, 5 & 6.
- (8) Provision of a noise report demonstrating compliance specified with noise levels.
- (9) Submission of a Dust Management Plan for each of the 8 landing sites.
- (10) Provision of a video record of all local haulage routes from each of the landing sites to the nearest A Class road to establish the condition of the local road network
- (11) Submission of a landscape and visual mitigation scheme for the 8 landing sites.

The Department had stressed that this consultation was on a 'without prejudice' basis and that no decision had been reached on the proposal. A Section 76 Agreement does not, in itself, confer planning permission nor does it determine the outcome of a related planning application.

Officers would confirm that the Council was not the decision maker in respect of this regionally significant application nor was it responsible for the contents of the Section 76 Planning Agreement; rather the Council is one of a number of Councils which has been consulted by DfI on this matter.

Any comments made by the Council on the Section 76 Agreement would be considered by DfI as part of the processing of the application together with all other consultation replies and other representations received. In addition, while the Council had been consulted on the proposed contents of the Section 76 Agreement, there was no obligation on the Council to provide a corporate view.

There were a number of options available to the Council in responding to the consultation by DfI:

1. Provide a corporate view in support of the proposed contents of the Section 76 Agreement.
2. Provide a corporate view opposing the proposed contents of the Section 76 Agreement.
3. Provide no corporate view on the proposed contents of the Section 76 Agreement. In this case individual Members or parties may express their own views directly to DfI.

Moved by Alderman Brett
Seconded by Councillor Wilson and

RESOLVED – that Option 3 be approved.

ACTION BY: John Linden, Head of Planning

3.2 L/GEN/075 LEISURE RECOVERY PLAN

Members were reminded that over 10,000 More Leisure Memberships were in place prior to the COVID-19 emergency. These memberships were suspended in March due to the emerging restrictions and leisure facilities had been closed since 19 March.

As we moved towards recovery of leisure services, in line with the Northern Ireland Executive's Approach to Decision Making document, progress was being made through the 5 Steps. Golf courses, tennis courts, and angling facilities had already re-opened.

There were a number of additional elements of the leisure service which could now re-open, albeit on a limited basis.

Bowling Greens

The Council's three bowling greens, at Allen Park, Lilian Bland, and Mossley Pavilion are home to local clubs; Antrim Lawn Bowling Club, Glengormley Bowling Club, and Mossley Bowling Club. It was proposed, as per guidance, that greens would be re-opened but that no pavilions/clubhouses would open at this stage. The clubs would have responsibility for applying specific guidelines as outlined by the Irish Bowling Association. No additional staffing was required with this proposal. Antrim Lawn Bowling Club has a lease in place whilst the other clubs operate through normal extended lets as set out in the Pricing Schedule approved annually.

If approved, it was proposed that bowling greens would re-open week commencing 15 June 2020.

Antrim Stadium

Officers had been liaising with Athletics Northern Ireland (NI) which had recently published its 'Covid Exit Plan' setting out guidelines relating to use of athletics tracks. Such outdoor facilities are able to be used for training purposes only and the Athletics NI guidelines recommended a maximum of 30 people using the track at any one time but in groups of up to 10.

A new operating model would be required for the Stadium as it is normally managed by staff from Antrim Forum which was closed. Access to the track was normally during the opening hours of Antrim Forum. The Stadium could be re-opened through bookings which would require staff to be on site. Bookings could be managed online for the local club and Pay as You Go using a similar booking process to that used for golf. For those without internet access bookings could be taken at Antrim Civic Centre.

A total of 1.4 FTE staff would be required to return from furlough to facilitate this. This would cost just over £28,000 to the year end. Income was estimated to be approximately £10,000, provided a net cost estimated at £18,000. It was noted that there will be no school use nor any competitions until late spring 2021 – into the new financial year.

	Normal Opening (Pre Closure)	Proposed Opening
Weekdays	6.15am – 10pm	12pm – 8pm
Weekends	9.30am – 6pm	10am – 4pm

Total proposed opening hours 52.

As with the bowling clubs, Ballymena and Antrim Athletics Club would be responsible for complying with the guidelines set by Athletics NI.

If approved, it was proposed to re-open Antrim Stadium on 1 July 2020.

Outdoor Pitches (including 3G)

With the easing of restrictions in relation to outdoor spaces and public sports amenities, it was possible for grass and 3G pitches to reopen. At the current

Step of the Approach to Decision Making document, team sports training on a non-contact basis in small groups was permitted.

In normal circumstances the grass playing pitches would be resting at this time of the year with the competitive football season completed. The Northern Ireland Football League, which is responsible for all amateur football, had cancelled the 2019/20 season with no current date for a resumption of the 2020/21 season. The NI Executive Approach to Decision Making document referenced the resumption of competitive sport and full use of sporting facilities in Step 5, although at this stage it was not clear when this will be. As Council's grass pitches are used for competitive matches it was recommended that the pitches remain closed until these matches can proceed.

The re-opening of synthetic and 3G pitches was proposed as follows with opening hours. Smaller pitches cannot be used due to social distancing.

Location	Facilities	Proposed opening hours
Valley	3G pitch 3 synthetic hockey pitches	1pm – 9pm weekdays and 10am – 4pm at weekends
Allen Park	3G pitches	
Crumlin	3G pitches	
Foundry Lane	Synthetic hockey pitch	
Antrim Forum	Marks Arena	
	MUGA	

Across the sites, a total of 5 FTEs would be required (staff for Antrim Stadium as set out above would also cover the Marks Arena), at an estimated cost of £112,000. With estimated income of £85,000 for the remainder of the year, the net cost is estimated at £27,000.

If approved, it was proposed to re-open pitches as set out above from 1 July 2020.

Fitness Classes/Gyms

As a means to start to create awareness in preparation for the phased re-opening of leisure facilities it was proposed to introduce live streaming of exercise programmes through digital platforms. Branded as 'MORE Live', the virtual classes would commence on 1 July as follows:

- initially offer fitness classes for customers to follow at home whilst leisure centres are closed
- thereafter provide a service for customers who are more comfortable exercising at home while lockdown restrictions are easing

- offer a valuable suite of recorded classes which will provide a virtual catalogue for More members to avail of 'on demand' as an addition to their membership package when these resume
- offer an additional product for pay as you go customers going forward.

'MORE Live' would broadcast across an existing live streaming platform through which customers can gain easy access by downloading an App.

The majority of classes within the proposed programme do not require customers to have equipment at home. There would be a balanced mix of class types within the programme to ensure the majority of ages and exercise levels are properly catered for.

Initially there will be 24 classes provided at peak times between
6.30am – 11.30am and,
6pm – 8pm weekdays
10am – 1pm weekends

The proposal was to offer virtual classes free of charge for the first week of an individual customer's use before introducing a £10 per month charge.

It was proposed that 'MORE Live' would become part of the More membership in due course and also remain available at the £10 per month option for non-members. It was estimated that an initial 500 subscriptions would be generated.

The restricted opening of leisure centres for fitness classes and gyms is likely to take place in August and a further report would be brought for consideration in due course.

Moved by Alderman Brett
Seconded by Councillor Webb and

RESOLVED – that approval be given for

(a) the re-opening of

- **bowling greens,**
- **Antrim Stadium; and**
- **the pitches listed above for training purposes only at this stage;**

In relation to pitches it was also agreed that, when safe to do so, all pitches should be re-opened for training and matches.

(b) the introduction of "More Live" at a cost of £10 per month.

ACTION BY: Matt McDowell, Head of Leisure

3.3 ED/ED/151 COVID-19 BUSINESS RECOVERY STRUCTURES

Council's Economic Development Section continued to provide support and advice to businesses during COVID-19. To help inform the immediate business reaction to the pandemic a Council-specific Business Resilience and Revival Package of mentor support was put in place. Businesses can also easily access advice by texting 'Business' to 80039 for a personal call-back service or access the full range of support available on our/coronavirus-business-info webpage. Dedicated free Chartered Accountancy support was also made available to businesses, primarily targeting sole traders/self-employed and partnerships. Webinars were created and promoted providing guidance across a range of topics including critical financial analysis, e-commerce, innovation, remote working and re-opening. Since the outbreak of COVID-19 Council's Economic Development Team had had 517 direct business engagements arising from Facebook, Twitter and LinkedIn social media platforms which reached 546,508 persons.

There was still a demand for Council's support services and the section continues to assist the Department for Economy with business verification for the award of grant payments. To aid business cash flow management grant funding via GROW and Department for Community supported projects had also been expedited.

The introduction of restrictions had created opportunity for innovation and collaboration, particularly in the sectors of retail and accommodation. The type and nature of enquiries being received by the Council had changed from 'reactionary' to 'recovery', with retail and tourism businesses seeking guidance and support from Council to assist with the safe re-opening and scaling up of their businesses.

Summary issues pertaining to the retail industry were:

- Installation of physical barriers to protect employees and customers
- In some instances the need for structural changes to buildings
- Management of customers queueing on pavements
- Personal Protective Equipment (PPE) availability
- Private sector waste collection
- Assistance with sourcing and implementation of contactless payment technology
- Implementation of social distancing arrangements
- New technology for display of menus
- Opportunities to innovate via collaborative click and collect type services

Summary issues pertaining to the tourism industry were:

- Challenges with the application of 2m social distancing and the introduction of new operating procedures
- Customer confidence to visit attractions and stay in accommodation
- Clarity of local offer and itineraries for visitors
- A need for greater opportunities to collaborate with regional tourism clusters

- Limited ability to create an 'experience' in hotels without bar, restaurant and spa elements being operational in some form
- Guidance regarding best practice for opening accommodation safely;
- Grant eligibility issues regarding employment status, company status and rates calculations
- Coach operators significantly impacted. Current social distancing means 50 seater coach capacity is reduced to 11

These issues had been identified by direct engagement with businesses and 32 tourism respondents to an online survey.

The Council would continue to support other sectors with their economic recovery including rural businesses through the administration of the DAERA TRPSI grant funding for capital equipment. However, the easing of regulations had created an immediate need for coordinating support to the retail and tourism sectors. Across both sectors there was an opportunity to rationalise resources, communicate more effectively and promote a collaborative action plan to aid and accelerate recovery. It was proposed that the best model to inform recovery action plans for each sector were separate engagement forums, representing Borough-wide interests.

Draft terms of reference for a Retail and Town Centre Re-opening Mobilisation Team and a Tourism COVID-19 Recovery Team were circulated as Appendix 1 and Appendix 2 for Members' consideration. Each Forum included supporting officers across a range of Council services, such as Environmental Health, Health and Safety and Parks and Operations.

Council Officers were working with Tourism NI's Recovery Working Group which was planning domestic campaigns under their message of 'a small step to a giant adventure'. The Department for Communities (DfC) had also approached the Council regarding funding opportunities for capital initiatives in town centres to mitigate the impacts of COVID-19. A copy of the correspondence was circulated. A fund of up to £11 million was available cross the 10 Councils with individual bids based on need to be submitted.

Moved by Alderman Brett
Seconded by Alderman Cosgrove and

RESOLVED - that

- i. a Retail and Town Centre Re-opening Mobilisation Team and a Tourism COVID-19 Recovery Team be established;**
- ii. draft terms of reference for each group be approved with a view to initiating the first meetings as soon as possible;**
- iii. a bid be submitted to DfC for Town Centre recovery actions;**
- iv. support be made available to other retail areas not included in the definition of a town centre;**

- v. a paper be brought to the Council to include the health and safety implications and the costs of re-opening public toilets.

ACTION BY: Colin McCabrey, Head of Economic Development

MOTION TO PROCEED 'IN COMMITTEE'

Moved by Councillor Lynch
Seconded by Alderman Kinahan and

RESOLVED - that the Council proceeds to conduct the following business 'In Committee'.

4. ITEMS IN COMMITTEE

4.1 IN CONFIDENCE FI/FIN/043 EMERGENCY FINANCIAL PLAN

Members were reminded that it had been agreed to keep the current financial position under review.

All non-essential services continue to be suspended.

Members were aware that to continue to provide Essential Services only would fall short of the expectations of our residents and ratepayers and that this position was not sustainable.

The Council would be asked to approve the operational recovery of each Council service in line with the Northern Ireland Executive's Recovery Plan (copy circulated).

Officers had prepared a revised budget for the current financial year based on reasonable "do something" scenario (copy circulated). This showed a shortfall of £5.7m taking into account COVID-19 related grants and furlough.

The scenario assumed the following:

- Leisure Centres will reopen on a limited basis in August
- Theatres, etc, will reopen by Christmas with Social Distancing
- 75% of all grants reinstated
- Outdoor events resuming from 1 August
- A decision to be made in due course about Capital Schemes

This scenario would reduce the number of staff who will be furloughed.

Officers had also prepared a rates calculation scenario for 2021/22 based on normal services (copy circulated).

Income

Members were aware that Income sources for the Council come from three main elements: Rates Income (80%), Earned Income (18%) & Grant income (2%).

Council rates income was budgeted at £52m in the 2020/21 estimates process. This is made up of a number of elements: Rates, De-rated grant and Transferred Function Grant. Within our assumptions as a reasonable worst case scenario, it was anticipated that:

- Domestic rates income will reduce by at least 2% i.e. £500,000
- Non Domestic rates will reduce by 25% i.e. £5m in line with forecasted reduction in GVA in line with the projected economic downturn – this assumes that LPS will continue to pay the Council for rates not collected as a result of the rates exemption scheme
- The Council's earned income will reduce by £7.5m in this financial year
- COVID-19 additional spend will be approximately £400,000

This impact will be partially mitigated by applications for 'Furlough' through the HMRC Job Retention Scheme and the Northern Ireland Assembly emergency funding package at an amount of approximately £1.9m (circulated).

Furlough

Outline of Scheme

The Scheme from 19 March to 31 July allows employers to apply for grant based on 80% of an employee's usual wage plus employer's national insurance and a 3% contribution to employer pension costs.

Furlough grant claims had been submitted for the period March to May. Claim amounts and estimated claim amounts for June and July are tabled below:

Month	Employees	Claim Amount
March	309	65,966
April	310	246,874
May	355	250,544
June (estimated)	350	245,000
July (estimated)	350	245,000

Scheme changes

The chancellor on 12 May announced an extension to the Scheme to 31 October. Further detail of the scheme extension was announced on 29 May. The main impacts for Council were

- August – employers will pay employers NIC and pension costs – there is no discretion around this;
- September – 80% funding reduces to 70%; employer to subsidise the 10% funding gap – there is no discretion around this;

- October – further reduction to 60% funding; employer to subsidise the 20% funding gap – there is no discretion around this.

The total intervention funding from the Job Retention Scheme to the end of July was estimated at £1.1m.

Use of Reserves

Council Total Reserves are made up of a number of Balances and Reserves. Some of these had been set up for specific purposes e.g. Rates Appeal Reserve. The Council's General Fund (usable reserve) at 31 March 2019 was £7.3m. However, this Reserve would be impacted when the Financial Statements for 2019/20 were finalised. Also, the estimates process for 2019/20 provided for £700,000 to be released from this Reserve. This means that the estimated General Fund at 31 March 2020 was £5.6m. This was subject to any changes after the NIAO process is complete. The Council Reserves Policy is set at 9% of Gross Revenue spend of £66m (£5.9m).

The use of Reserves beyond this would require a change to the Reserves Policy of Council. Members were aware that it was prudent to hold a minimum of one month's expenditure in reserves (£5.5m).

It was important to differentiate the Council's cash position from its reserves position.

The General Fund Reserve (£5.6m) is an accumulation of surpluses over time. It does not sit as cash in the bank but has been invested by the Council in the assets and facilities throughout the Borough as part of prudent treasury management. In normal circumstances, the Council operates to have neither surplus cash nor a significant overdraft at the end of each month. Use of reserves would not therefore assist in the current situation.

The Local Government Finance Act (NI) 2011 (Part 1 para 7) stipulates that if in any financial year it appears to the Chief Financial Officer (CFO) of a Council that reserves are likely to be inadequate, the CFO shall report to Council on:

- o The reasons for that situation; and
- o The action which the CFO considers appropriate to prevent that reserve continuing to be inadequate in the next financial year.

This reserve can only be spent once, while service demands continue month on month and year on year.

In normal circumstances the Council's reserves were adequate to cushion uneven cash flows and prevent unnecessary temporary borrowing as well as a contingency for unexpected events. They were, however, insufficient to cover an event of the scale of the current situation.

The ongoing funding gap was simply too large to be funded by reserves alone.

Members were aware that Land and Property Services produced a new Non Domestic Valuation list which came into effect on 1 April 2020. The purpose of this was to rebalance business rates. The new list was available online, however, the rates bills based on these new valuations had not been delivered to businesses due to the pandemic. Traditionally there was always a challenge to values on the list which may result in NAV reductions. Council Officers were aware of one challenge by network utilities. It was anticipated that any reductions in NAV as a result of appeals would be covered by the provision above.

Cash Position

The current reduction in income was having an immediate impact on the Council's cash flow.

Members were already aware that the Council has other significant cash outlays over the next six months including repayment of rates appeals monies to Belfast International Airport (BIA):

	£'000
Loan Repayments	█
Rates	█
Insurance	█
BIA Appeal Repayment	█

In order to help with the stress on cash resources the Council's overdraft limit on its current account had been increased from £█ to £█

The Council was required to be mindful of its legal responsibility to avoid insolvency and maintain an adequate level of reserves: Local Government Finance Act (NI) 2011 states that 'A council shall make arrangements for the proper administration of its financial affairs'.

Members noted that unless measures were put in place soon to mitigate the situation as outlined above the "business as usual" rates calculation for 2021/22 estimates an increase of 28%. Members also noted that to proceed with a reasonable "do something" option in the current year will exhaust the Council's current level of reserves.

The Mayor commended the Chief Executive and the Team.

Moved by Alderman Brett
 Seconded by Councillor Lynch and

RESOLVED – that the report be noted, that the Parties engage to achieve a consensus on the way forward and a further report be brought to the next Council Meeting.

ACTION BY: Jacqui Dixon, Chief Executive

4.2 **IN CONFIDENCE** P/PLAN/016 REPLACEMENT OF THE NI PLANNING PORTAL – 10 COUNCIL MODEL

Members were reminded that approval was granted in April for the Council to contribute up to £[REDACTED] to the new Regional NI Planning Portal, which is due to go live in 2022. The figures presented were based on an 11 Council model, however, since then Mid Ulster Council had decided that it would no longer be continuing with the regional procurement process and as a consequence the figures had been revised to reflect a 10 Council model.

The financial impact on the Council of a 10 Council model would be approximately £[REDACTED] per annum.

Moved by Councillor Webb
Seconded by Councillor Goodman and

RESOLVED – that the report be noted.

ACTION BY: John Linden, Head of Planning

MOTION TO PROCEED ‘OUT OF COMMITTEE’

Moved by Councillor Magill
Seconded by Councillor Dunlop and

RESOLVED - that the Council proceeds to conduct any remaining business ‘In Public’.

The Mayor thanked Members for attending and the meeting concluded at 7.12 pm.

MAYOR

Council Minutes have been redacted in accordance with the Freedom of Information Act 2000, the Data Protection Act 2018, the General Data Protection Regulation, and legal advice.