



MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE POLICY AND GOVERNANCE COMMITTEE HELD IN ANTRIM CIVIC CENTRE ON TUESDAY 8 OCTOBER 2019 AT 6.30 PM

In the Chair:	Councillor P Dunlop
Members Present:	Councillors – M Goodman, S Flanagan, P Hamill, N Kelly, V McAuley, N McClelland, M Magill, P Michael, B Webb and R Wilson
In Attendance:	Councillor A Bennington
Officers Present:	Director of Finance & Governance – S Cole Director of Organisation Development – A McCooke Head of Finance – J Balmer ICT Officer – C Bell Member Services Officer – S Boyd

CHAIRPERSON'S REMARKS

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

1. APOLOGIES

Aldermen - F Agnew and D Kinahan
Councillor - H Cushinan

2. DECLARATIONS OF INTEREST

None

3. ITEMS FOR DECISION

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

Officers had received a request from NIE Networks to carry out works on Council land at Sixmile Leisure Centre, Ballyclare. The circulated 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.

Proposed by Councillor Hamill

Seconded by Councillor Michael and agreed that

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 be approved, 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**

ACTION BY: Elaine Keenan, Legal Services Officer (Solicitor)

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.

Proposed by Councillor Flanagan

Seconded by Councillor Goodman and agreed that

Members approve issuing a licence for the lottery for Newtownabbey Mencap.

ACTION BY: *Deirdre Nelson, Paralegal*

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

Members were advised that this report had been withdrawn by Officers following further information from DfI, and that the report would be brought back to the next Committee Meeting.

ACTION BY: *Deirdre Nelson, Paralegal*

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 was marked in green on the circulated map whilst the site of the existing substation was marked in blue.

NIE Networks 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.

Proposed by Councillor McClelland
Seconded by Councillor Flanagan and agreed that

the request from NIE Networks to place a temporary substation at Castle Mall car park be approved 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.**

ACTION BY: *Deirdre Nelson, Paralegal*

3.5 F1/FIN/10 AMENDMENT TO FINANCIAL REGULATIONS

Members were 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 was circulated for approval.

Proposed by Councillor Webb
Seconded by Councillor Hamill and agreed that

the updated Financial Regulations be approved.

ACTION BY: John Balmer, Head of Finance

**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 had been received to any of the notifications to apply for Place Approval and the premises had been formally inspected and no problems had 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**

Proposed by Councillor Kelly

Seconded by Councillor Michael and agreed that

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

ACTION BY: Emma Thompson, Registrar

4. ITEMS FOR NOTING

4.1 G/LEG/268 CODE OF CONDUCT FOR COUNCILLORS

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

Councillor Webb asked if those Members who had not yet signed and submitted the letter in relation to concern about the Northern Ireland Local Government Code of Conduct would do so, return to the Chief Executive, and that Members take this request back to their party groups.

Proposed by Councillor Webb

Seconded by Councillor Goodman and agreed that

the correspondence be noted.

NO ACTION

4.2 G/MSMO/27 MEMBER DEVELOPMENT WORKING GROUP MINUTES

Members were 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 was circulated for Members' information.

The Director of Organisation Development agreed to respond to Councillor Hamill in relation to his query regarding his recent course.

Proposed by Councillor Hamill

Seconded by Councillor Goodman and agreed that

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

ACTION BY: Andrea McCooke, Director of Organisation Development

4.3 HR/HR/019 AGENCY 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 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 provided 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 (circulated).

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 (circulated) set out expenditure on agency workers in July and August 2019.

The cost of agency staff had 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 related 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 had been filled that arose from the restructuring exercise and that were temporarily covered by agency workers during the categorisation process, and it was anticipated that a further 8 posts would be filled by October 2019.

Proposed by Councillor Webb

Seconded by Councillor Flanagan and agreed that

the report be noted.

NO ACTION

4.4 HR/GEN/019 MANAGING ATTENDANCE

The purpose of this report was to update Members about the management of attendance as at 31 August 2019. Appendix 1 (circulated) provided a summary.

Sickness absence had 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 continued 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 had included phased returns, amended duties, providing physiotherapy, counselling, wellness recovery and action plans.

Members were 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 had 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 was on par with the previous year with 77% of staff having 100% attendance. Over the last 3 years 100% attendance had 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 was proposed to award an additional annual leave day to recognise staff with full attendance during a financial year and it was proposed to apply this initiative on an annual basis.

Proposed by Councillor Wilson

Seconded by Councillor Kelly and agreed 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.

ACTION BY: Joan Cowan, Head of Human Resources

4.5 HR/ER/006 CALCULATING HOLIDAY PAY

Members were 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 (circulated 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 had 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.

Proposed by Councillor Kelly
Seconded by Councillor Hamill and agreed that

the report be noted.

ACTION BY: Joan Cowan, Head of Human Resources

PROPOSAL TO PROCEED 'IN CONFIDENCE'

Proposed by Councillor Magill
Seconded by Councillor Goodman and agreed that

the following Committee business be taken In Confidence.

The Chairperson advised that audio recording would now cease.

5. ITEMS IN CONFIDENCE

5.1 IN CONFIDENCE G/LEG/G/69/14 – OFFICE RENTAL AT MOSSLEY MILL

A request had been received from SDS Energy Ltd to lease the Museum Office space located in Lower Ground Floor, Mossley Mill on a short term basis.

The request is for a month to month lease for a maximum period of six months,

The proposed tenant had agreed to pay £■■■■ per month for the office space. This is based on an LPS valuation which was carried out in January 2019 for the Flax Gallery and had been calculated pro rata for the square footage of this office space. The proposed tenant will also be responsible for the service charge of £■■■■ per month.

The proposed tenant wished to move in to the property as soon as possible.

As this is a short term arrangement, the Director of Community Planning had given approval for the lease to be entered into. In the event that the tenant wished to extend the lease period, a further report would be brought back to Council for approval.

Proposed by Councillor Webb
Seconded by Councillor Michael and agreed that

the request to lease the Museum Office on the Lower Ground Floor at Mossley Mill to SDS Energy Ltd on a monthly basis for a period of six months, subject to lease agreement, be noted.

ACTION BY: Elaine Keenan, Legal Services Officer (Solicitor)

5.2 **IN CONFIDENCE** CEMETERY BURIAL CAPACITY UPDATE

Members were reminded that in January 2018 the Council agreed that the policy relating to the pre-sale of new burial rights be amended so that, with immediate effect, these will only be sold for immediate burial and that pre-selling will end, except in cases where terminal illness has been confirmed.

The burial capacity within Council cemeteries is noted in the table below (as at 30 August 2019).

CEMETERY	NUMBER OF AVAILABLE PLOTS REMAINING	AVERAGE BURIAL PLOTS SOLD (based on previous 3 years sales)	ESTIMATED REMAINING BURIAL CAPACITY (years)
Carnmoney	■	■	■
Ballyclare	■	■	■
Rashee	■	■	■
Sixmile	■	■	■
Crumlin	■	■	■
TOTAL	■	■	■
GARDEN OF REMEMBRANCE, FOR THE BURIAL OF ASHES ONLY	NUMBER OF AVAILABLE PLOTS REMAINING	AVERAGE BURIAL PLOTS SOLD (based on previous 3 years sales)	ESTIMATED REMAINING BURIAL CAPACITY (years)
Carnmoney	■	■	■
Ballyclare	■	■	■
Mallusk	■	■	■
TOTAL	■	■	■

The estimated burial capacity for the entire Borough is currently just over ■ years.

Members were advised that the subterranean burial system, within Carnmoney Cemetery, had now been completed and it had extended the burial capacity by ■, as noted in the table above. In practical

terms there will be no new plots available for coffin burials in Carnmoney Cemetery from approximately [REDACTED], as all remaining plots will be used by then. Thereafter, only plots for the burial of ashes will be available for use at Carnmoney Cemetery.

Undertakers would be formally notified of the burial capacity within Carnmoney Cemetery and updates would be provided to Members on a quarterly basis.

Following discussion relating to suitable land for burial and the extensive unsuccessful exercise previously undertaken to secure suitable land in the Urban Newtownabbey area, it was agreed that the previous exercise be revisited to explore if land formerly deemed unsuitable, had the potential to be suitable, through the use of subterranean systems.

Proposed by Councillor Webb
Seconded by Councillor Michael and agreed that

the report be noted.

ACTION BY: Jacqui Dixon, Chief Executive

PROPOSAL TO PROCEED OUT OF 'IN CONFIDENCE'

Proposed by Councillor Hamill
Seconded by Councillor Wilson and agreed that

the remainder of Committee business be taken in Open Session.

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

There being no further committee business the Chairperson thanked everyone for their attendance. The meeting concluded at 7.05 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.