



**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE POLICY AND GOVERNANCE COMMITTEE HELD AT MOSSLEY MILL ON TUESDAY 5 APRIL 2022 AT 6.30 PM**

- In the Chair:** Alderman P Michael
- Members Present:** Councillors – H Cushinan, R Foster, S Flanagan, N Kelly, A McAuley, M Magill, B Mallon, N Ramsay, V Robinson, M Stewart, B Webb and R Wilson
- Non Committee Members:** Councillor V McWilliam
- Officers Present:** Deputy Chief Executive of Finance & Governance – S Cole  
Director of Organisation Development – D Rogers  
Deputy Director of Finance – J Balmer  
Head of Governance – L Johnston  
ICT Helpdesk Officer – J Wilson  
ICT Helpdesk Officer – D Mason  
Member Services Officer – A Duffy  
Member Services Manager – V Lisk
- In Attendance:** Caoimhe Donnelly, Head of Operations, Legitimate

**CHAIRPERSON'S REMARKS**

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

Although the COVID restrictions had been relaxed, to manage numbers and minimise risk, members of the public and press could continue to access those parts of the Council meetings which they are entitled to attend through the livestream on the Council's website.

**1. APOLOGIES**

None

**2. DECLARATIONS OF INTEREST**

None

*Councillor McAuley joined the meeting during the next item.*

### **3. PRESENTATION**

#### **3.1 PRESENTATION – LEGITIMATE – ONLINE ABUSE**

The Chairperson welcomed Caoimhe Donnelly, Head of Operations for Legitimate, to the meeting via Zoom. Ms Donnelly provided a presentation and responded to Members' queries.

The Mayor outlined his experience and suggested that Members consider using the platform.

The Chairperson and Members thanked Ms Donnelly for her presentation and she left the meeting.

Proposed by Councillor Magill  
Seconded by Councillor Foster and agreed that

**the presentation be noted.**

*NO ACTION*

### **4 ITEMS FOR DECISION**

#### **4.1 G/IG/007 REVIEW OF FOI POLICY**

The purpose of the FOI Policy is to ensure that the provisions of the Freedom of Information Act 2000 are adhered to and in particular that:

- A significant amount of routinely published information about the Council is made available to the public as a matter of course through the Publication Scheme;
- Other information not included in the Publication Scheme is readily available on request and such a request is dealt with in a timely manner; and
- In cases where information is covered by an exemption, consideration is given as to whether or not the information should be released.

A review of the Council's policy was now required under a two-year review cycle.

The review had identified a number of minor amendments as being required:

- update regarding changes in organisational structure (Deputy Chief Executives, Directors and Deputy Directors)
- inclusion of Rural Needs and Data Protection Impact Assessment statements in accordance with the Policy Framework template.

The amendments to the policy had been approved by CLT. The draft policy with the amendments incorporated was circulated.

Proposed by Councillor Kelly  
Seconded by Councillor Robinson and agreed that

**the reviewed FOI Policy be approved.**

*ACTION BY: Helen McBride, Information Governance Manager*

#### **4.2 G/BCEP/009 CLIMATE CHANGE WORKING GROUP MINUTES**

The minutes of the eighth Climate Change Working Group Meeting, which took place on 8 March 2022, were circulated.

In summary, Members were updated on progress made to mitigate against climate change including:

- A presentation by Dr Jade Berman from Climate NI
- Parks and Leisure update on their Action Plan
- Revised Energy Action Plan

It was proposed that all Elected Members be invited to the June Climate Change Working Group meeting to hear an update on the Peace Plus Geothermal Project, when a presentation on the scheme will be given by Geological Survey Northern Ireland.

Proposed by Councillor Webb  
Seconded by Councillor Magill and agreed that

**the minutes of the Climate Change Working Group be approved.**

*ACTION BY: Liz Johnston, Head of Governance*

#### **4.3 G/MSMO/1 SCHEME OF ALLOWANCES PAYABLE TO COUNCILLORS 2022-23**

Members were reminded that the Council is required under the Local Government (Payments to Councillors) Regulations (Northern Ireland) 2012 to make a scheme for the payment of allowances to councillors and committee members in respect of each year.

Circular LG 10/2022 Consolidated Councillor Allowances – Updated March 2022, circulated, had been received from the Department for Communities reflecting an increase in the maximum rates for Basic and Special Responsibility Allowance from 1 April 2021 and an increase in the maximum rates for Dependants' Carers' Allowance applicable from 1 April 2022. The Council's Scheme of Allowances Payable to Councillors had been updated to show the new maximum rates applied from the valid dates.

All previously agreed Special Responsibility Allowances had been increased by 1.75% in line with the increase in the Basic Allowance.

A review of the scheme of allowances was currently being undertaken and any amendments would be reported to Members, along with any future notifications from the Department for Communities in relation to changes to the allowances payable for the 2022-23 financial year, for approval.

In response to a query from a Member, the Deputy Chief Executive of Finance and Governance provided clarity in relation to the dates included in the scheme.

Proposed by Councillor Robinson  
Seconded by Councillor Webb and agreed that

**the Scheme of Allowances Payable to Councillors for 2022-23 be agreed.**

*ACTION BY: Richard Murray, Head of Finance*

*The Chairperson advised that the undernoted supplementary report would be taken at this point of the meeting.*

#### **4.4 HR/HR/012 HARKIN SUMMIT BELFAST, 7-8 JUNE 2022**

Members are advised that correspondence, a copy of which is circulated, has been received from the Department for Communities to advise that the Harkin International Disability Employment Summit will take place at the Waterfront Hall Belfast from 7-8 June 2022.

Tom Harkin is a retired US Senator who co-sponsored and co-authored the landmark Americans with Disabilities Act.

The summit, working in partnership with the Department for Communities and Disability Action, will attract global leaders to discuss disability employment, challenges and barriers faced, along with sharing best practice and challenging for change at macro levels.

An invitation has been extended to the Council to send a delegation to the event. The attendance rate for both days is £250.

Proposed by Councillor Kelly  
Seconded by Councillor Webb and agreed that

**a representative from Human Resources attend the Harkin International Disability Employment Summit.**

*ACTION BY: Jennifer Close, Head of Human Resources*

## **5 ITEMS FOR INFORMATION**

### **5.1 FI/FIN/4 BUDGET REPORT – FEBRUARY 2022 – Period 11**

A budget report for February 2022 – Period 11 was circulated for Members' information.

The Council's financial position at the end of February 2022 showed a favourable variance of £1.19m.

Should the favourable position continue until the end of the financial year, contributions may be made to Reserves to offset future operational or rates losses, or for Borough Recovery and Strategic Projects.

Proposed by Councillor Foster  
Seconded by Councillor Flanagan and agreed that

**the report be noted.**

*NO ACTION*

### **5.2 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 is subject to a rigorous approval process, which requires the approval of the Corporate Leadership Team and there is budgetary provision for the majority of posts filled via departmental salary budgets, salary contingency and grant funding.

The table circulated at Appendix 1 provided an update for Members on the use of agency staff as at February 2022 as compared to February 2021. It excluded limited ad-hoc agency cover, which is necessary to provide operational cover, at short notice.

Appendix 2 circulated set out expenditure on agency workers in February 2022.

The cost of agency staff had increased for the period of 1 April 2021 to 28 February 2022 at 7% of all staffing costs compared to 3.9% for the same period last year. It should be noted that agency expenditure was significantly reduced last year following the release of agency workers in May 2020. This year's costs had also increased due to the late application of the April 2020 pay award and the respective back charges incurred.

Proposed by Councillor Foster  
Seconded by Councillor Flanagan and agreed that

**the report be noted.**

*NO ACTION*

### **5.3 G/MSMO/27 ELECTED MEMBER DEVELOPMENT WORKING GROUP MINUTES**

Members were advised that a meeting of the Member Development Working Group took place on Monday 14 March 2022 and a copy of the minutes was circulated for Members' information.

Proposed by Councillor Foster  
Seconded by Councillor Flanagan and agreed that

**the report be noted.**

*NO ACTION*

### **5.4 HR/GEN/019 MANAGING ATTENDANCE**

The purpose of this report was to update Members on the management of attendance from April 2021 – February 2022 (summary circulated).

#### **April 2021 to February 2022 - Attendance Update**

Members were advised that absence at the end of February 2022 was 13.36 average days per employee against a target of 11.12 days. The annual corporate target for absence is 12 average days per employee.

Whilst COVID related absence is excluded from these figures it does include days lost for employees who were not in receipt of sick pay for part of their absence. No additional cost is incurred by the Council during the 'no pay' periods.

If days lost to employees who were not in receipt of sick pay were not included in these figures, the average days lost per employee at the end of February 2022 would have been 12.31 days.

#### **Reasons for absence**

In February, long term cases (in excess of 20 days) accounted for 88% of absence, representing 19 employees (17 employees in January). Stress remains the main cause for long term cases, currently representing 55% of these absences which is a small increase from 53% in January.

Short term cases account for 12% of absence which is a small decrease on the previous month. The main reason for short term cases remain minor illnesses including colds and infections, both of which are typical of the season.

In February, 64% of employees had achieved 100% attendance.

### **Actions to improve absence levels**

HR Business Partners continue to work with Heads of Service and Managers to monitor absence cases, and to do all that is possible to proactively accomplish employee health and wellbeing in order to improve the ongoing management of attendance.

Actions include:

1. The Head of Human Resources and Human Resources Manager have held meetings with relevant Deputy Chief Executives, Deputy Directors/Heads of Service to schedule 9 formal case reviews and to agree next steps for any further complex cases. These targeted meetings will continue on a bi-monthly basis.
2. Virtual meetings or telephone calls will be undertaken with absent employees for regular contact
3. Identification of plausible return to work options e.g. alternative duties across the organisation.
4. Timely referrals to Occupational Health and use of Physio provision where appropriate
5. Promotion of the new wellbeing resource tool, 'STAYWELL' across the organisation in addition to the ongoing support services from Inspire and the courses available through Northern Trust Recovery College.

Proposed by Councillor Foster

Seconded by Councillor Flanagan and agreed that

**the report be noted.**

*NO ACTION*

## **5.5 FI/GEN/015 EXTENSION TO LOCAL GOVERNMENT REMOTE MEETINGS LEGISLATION**

Members were advised that correspondence circulated had been received from the Department for Communities in relation to the extension to Local Government Remote Meetings Legislation.

Section 78 (local authority meetings) of the Coronavirus Act 2020 contained the provision to provide Councils with the flexibility to hold meetings by remote or hybrid means during the Coronavirus emergency.

This was scheduled to expire on 25 March 2022, however the Department had now brought forward legislation to extend the expiry by six months under provisions of section 90(2) of the Coronavirus Act. The current arrangement would continue to apply until the 24 September 2022.

Proposed by Councillor Foster  
Seconded by Councillor Flanagan and agreed that

**the report be noted.**

*NO ACTION*

#### **5.6 FI/GEN/019 COVID-19 FUNDING SUPPORT 2021/22**

Correspondence had been received from the Department for Communities detailing a further allocation of COVID-19 funding. Council will receive £1,567,502 out of £17M allocated to Councils for exceptional losses and Covid related costs.

The correspondence circulated also stipulated the accounting treatment to ensure consistency in the preparation of Financial Statements to the 31 March 2022 across all Northern Ireland Councils.

Proposed by Councillor Foster  
Seconded by Councillor Flanagan and agreed that

**the report be noted.**

*NO ACTION*

#### **5.7 ED/ED/202 JOBSTART SCHEME CLOSURE**

Members were advised that correspondence had been received from the Department for Communities in relation to the Jobstart Scheme Closure.

The JobStart Scheme had been an integral component of the Department's COVID-19 response to support young people who, because of the impact of COVID-19, had fallen out of the Labour Market and were at risk of long-term unemployment.

The Scheme was scheduled to run for a one-year period. Closure and associated timescales details were outlined further within the circulated correspondence.

Proposed by Councillor Foster  
Seconded by Councillor Flanagan and agreed that

**the report be noted.**

*NO ACTION*



## **PROPOSAL TO PROCEED 'IN CONFIDENCE'**

Proposed by Councillor Robinson  
Seconded by Councillor Ramsay and agreed

**that the following Committee business be taken In Confidence and the livestream and audio recording would cease at this point.**

### **6 ITEMS IN CONFIDENCE**

#### **6.1 IN CONFIDENCE FI/GEN/018 SALARY SACRIFICE PENSION AVC SCHEME**

Regulation 19 of the Local Government Pension Scheme Regulations (Northern Ireland) 2014 provides the option for pension scheme members to pay additional voluntary contributions (AVC's) either directly or to contribute to a 'shared cost' contribution arrangement with their employer.

To date Council NILGOSC members have only had the option to pay AVC's directly.

#### **CURRENT ARRANGEMENT**

Currently NILGOSC scheme members can pay AVC's directly to Prudential. The uptake of this is tabled below:

NILGOSC Members	708
Number of AVC Payers	37
Monthly value of AVC payments	£5,235

The main attraction of AVC's is the income tax saving each month.

#### **PROPOSED ARRANGEMENTS**

It was proposed to introduce a further AVC scheme for NILGOSC members called a 'Shared Cost AVC' scheme.

In a 'Shared Cost' arrangement the scheme member agrees with the Council to reduce their pay (i.e. a salary sacrifice) for exactly the same amount of the AVC payment. The purpose of this agreement is that the AVC then falls under HMRC salary sacrifice scheme arrangements so that as well as the income tax saving each month there is also a national insurance saving for both the scheme member and employer.

The AVC amount is still paid to Prudential.

A quotation had been received from PS Tax who are local government tax specialists to deliver a SCAVC scheme for Council as a fully managed solution. This is branded as 'AVC Wise'. This would include;

- HMRC scheme registration and compliance
- Employee / Councillor communication service

- Self –service portal provision
- Transfer of existing AVC members (if requested)
- GDPR accountability
- Co-ordination with AVC fund providers

## **SCHEME COST**

The quotation received was for a 3-year period at a cost of [REDACTED] % of AVC contributions.

It would be the aim of PS Tax to grow the membership of the SCAVC scheme to around 10% of potential contributors and their past experience also shows that current AVC payees increase their contributions when a SCAVC scheme is introduced.

This would give an approximate 3-year service charge of around £[REDACTED] and employers national insurance savings of around £48K i.e. a net saving to Council of £33K.

In response to a query from a Member, the Deputy Director of Finance clarified that the Company would provide information to individuals as part of the service.

Proposed by Councillor Kelly  
Seconded by Councillor Webb and agreed that

**PS Tax be contracted for 3 years to provide a fully managed SCAVC scheme to Council at an approximate 3 year cost of £[REDACTED]**

*ACTION BY: John Balmer, Deputy Director of Finance*

## **6.2 IN CONFIDENCE FI/PRO/GEN/044 PROCUREMENT TENDER REPORTS AND AWARD OF CONTRACTS**

Members were reminded that Council agreed in June 2021 that the Council Scheme of Delegation be used for the award of contracts and Members be updated retrospectively.

This process allows service and project delivery to be expedited more efficiently and facilitates timely delivery of actions against the Council's Recovery plan.

A list of contracts approved by the Corporate Leadership Team and awarded in March 2022 was circulated.

Proposed by Councillor Foster  
Seconded by Councillor Kelly and agreed that

**the report be noted.**

*NO ACTION*

The Chairperson advised that the undernoted supplementary report would be taken at this point of the meeting.

### 6.3 **IN CONFIDENCE** HR/HR/038 REAL LIVING WAGE

Members were reminded the Council agreed to investigate the cost and implications of fully implementing the Real Living Wage for all Council staff.

#### **Current Payscale within Council**

With the 1.75% pay increase now in place, the lower end of the Council's pay scales, based on the National Joint Council (NJC) pay points are as follows:

Grade	NJC Spinal point	April 2021
Scale 1c	2	£9.60
	3	£9.79
Scale 2	3	£9.79
	4	£9.99
Scale 3	5	£10.19
	6	£10.39

Table 1

The 2021/22 pay award was finalised on 1 March 2022 and had been actioned during March 2022.

With effect from 1 April 2022, the statutory National Living Wage (NLW) rises to £9.50 per hour. All Council employees are paid at or above the National Living wage.

The Real Living Wage rate is £9.90 and is a voluntary rate set independently by the Real Living Wage Foundation.

When applied to the Council's current (2021) pay scales, there are 11 permanent employees who are currently paid below the Real Living Wage. The relevant roles were detailed in the following table:

Grade	April 2021	Number of Staff	Roles
Hourly rate (NLW)	£9.50	2	[REDACTED]
Scale 1c (SCP 2-3)	£9.60 - £9.79	7	[REDACTED]
Scale 2 (SCP 3-4)	£9.79	2	[REDACTED]

Table 2

To apply the Real living wage to these staff, the estimated cost to the Council would be £4,985.

### **Key Considerations**

#### **Real Living Wage Supplement**

The Real living wage rate of £9.90 per hour does not align with the NJC pay scales and would therefore see the Council deviating from the NJC for Local Government Services National Agreement on Pay and Conditions of Service (Green Book).

To facilitate immediate payment of those employees, a Real Living Wage supplement can be introduced.

#### **Casual Staff**

A number of Council's casual roles are also currently paid at the lower end of the Council's pay scales as detailed below:

<b>NJC Spinal point</b>	<b>April 2021</b>	<b>Number of Casual workers</b>	<b>Casual Roles</b>
SCP2	£9.60	28	[REDACTED]
SCP3	£9.79	160	[REDACTED]

Table 3

To apply the Real living wage to the casual posts whose rate falls below £9.90 it was estimated that the cost to the Council would be £4,683.

#### **Agency Staff**

Council operates two key agency contracts for the provision of seasonal workers and the provision of temporary agency workers. These tenders operate on the principle of pay parity.

Proposed by Councillor Wilson  
Seconded by Councillor Webb and agreed that

**the Real Living Wage is paid to all Council staff, effective from 1 April 2022, at a total estimated cost of £9668 via a Real Living Wage supplement and engagement takes place with the Trade Unions to resolve pay point issues.**

*ACTION BY: Jennifer Close, Head of Human Resources*

**PROPOSAL TO PROCEED OUT OF 'IN CONFIDENCE'**

Proposed by Councillor Robinson  
Seconded by Councillor Foster 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 and the meeting concluded at 6.58 pm.

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**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.***