

Minutes of Meeting of Policy & Resources Committee of Mid Ulster District Council held on Tuesday 13 January 2015 in Magherafelt District Council Offices

Members Present:	In the Chair, Councillor McPeake (Chair) Councillors Ashton, Bateson, Elattar, Forde, Glasgow, Mallaghan, McFlynn, McGinley, S McGuigan, Molloy, M Quinn, Reid and Totten
Members in Attendance:	Councillor G Shiels
Officers in Attendance:	Mr A Tohill, Chief Executive Mrs Campbell, Director of Policy and Development (MDC) Mrs Canavan, Lead HR Officer Mrs Mezza, Marketing Communications Manager Mr Moffett, Change Management Officer Mr O'Hagan, ICT Manager Mr JJ Tohill, Lead Finance Officer Mrs Smith, Council Business Manager (D&STBC)
In Attendance:	Land & Property Services Mr William Goss Mr Gary Sloan

The meeting commenced at 7.00 pm

PR1/15 Apologies

Councillors Buchanan and McLean

PR2/15 Declarations of Interest

The Chair reminded members of their responsibility with regard to declarations of interest.

PR3/15 Deputation – Land & Property Services on Revaluation of Non-Domestic Properties

The Chair welcomed William Goss and Gary Sloan from Land & Property Services (LPS) who were in attendance to brief members on the revaluation of non-domestic properties.

The officers with the use of a powerpoint presentation advised that this was a non-domestic revaluation of shops, offices, factories, warehouses, pubs, playing fields, power stations, and involved some 73,000 properties. They said that the business rate is a tax paid on business premises and other non-domestic properties. In relation to re-valuation LPS valuers follow the market by analysing all relevant

transactions and then assessing a rental value for every property as at 1 April 2013. They added that a common date ensures fairness and as new buildings come on board they are valued as at 2013. The officer outlined the key stages in the revaluation process and the need for revaluation.

Councillor McGuigan stated that statistics can be presented in many ways and the flip side of positive figures presented is that the remainder will be worse off. The Member asked for an explanation on the differential.

Mr Goss stated that any average is going to have some above and some below. He said it was however important to get information out without swamping the public with too much. In relation to differential he provided an example of a retail park being developed and initially offering low rents to attract businesses and when demand for space within the park grows rents can go up. All is driven by demand and the point of regular revaluation is to take into account differentials which happen.

The Chair, Councillor McPeake, referred to previously circulated example figures and asked why some revaluations had doubled.

Mr Goss stated that some have seen large increases such as petrol filling stations, public houses and certain utilities such as wind farms.

Councillor McFlynn asked what the logic was in rating businesses such as hotels, pubs and restaurants based on their existing profits.

Mr Goss stated that this is a property tax and as hotels, pubs and restaurants are not normally rented and are purchased based on their profitability revaluations are assessed by taking into account trading receipts.

Councillor Reid stated that in relation to domestic properties he continually received complaints from residents that their valuation is higher than neighbouring properties and when he contacted relevant officers for revaluations to be undertaken he was experiencing no movement and would have concerns if the same happens in the business sector.

Councillor G Shiels arrived at 7.30 pm

Mr Goss stated that applications can be placed but if there is no physical change then property valuation is still based on 2005 valuations.

The Chief Executive stated that in doing some quick sums 850 properties will face increased rateable values of 50 per cent or greater. The likely outcome could be a significant number of appeals and asked the representatives if they had any idea of the likely impact of those appeals and the expected timeframes.

Mr Goss stated that this was unknown but would depend on how many applications there would be to review, subsequent appeals to the Commission for Valuations and if necessary appeals to Land Tribunal. He added that until rates are known it is quite difficult to predict the number of reviews and a lot of properties still fall within the small business relief scheme.

The Chief Executive stated that this would present the Council with difficulties in striking a rate as somewhere down the line this may have the impact of reducing the Council's rate base and it may have to take decisions on whether or not it begins to make financial provision to take account of this.

Mr Goss stated that the difference between the 2003 revaluation and this revaluation is that in 2003 there was growth and any rates base reduction, due to appeals, would have been hidden in natural growth. With very little growth expected in 2015 this will not happen. There will be some reductions but how much is not known, appeals process could take up to two years with appeal aggregates backdated to April 2015.

The Chair, Councillor McPeake, stated that this could have serious ramifications for the Council, he thanked the officers for their attendance following which they left the meeting at 7.35 pm.

PR4/15 Receive and confirm minutes of the Policy & Resources Committee held on Tuesday 2 December 2014

Proposed by Councillor Molloy
Seconded by Councillor M Quinn and

Resolved That the Minutes of the Meeting of the Policy & Resources Committee held on Tuesday 2 December 2014 (PR64/14 – PR76/14 & PR79/14) were considered and were signed as accurate and correct.

Matters for Decision

PR5/15 Draft Counter Fraud, Whistleblowing, Anti-Bribery, Data Protection and Bereavement policies

The Chief Executive stated that Members would be fully aware of the importance of effective corporate governance and one of the integral parts of this was to have robust policies in place. The report presented provided members with a number of draft policies for review and consideration before being brought as recommendation for approval at a future meeting.

The paper sought commentary on (i) draft Whistleblowing Policy; (ii) draft Counter Fraud Policy; (iii) draft Anti-Bribery Policy; (iv) draft Data Protection Policy; and (v) draft Managing Notification of Bereavements to Council. The Chief Executive made reference to each draft policy.

Draft Whistleblowing Policy

A whistleblowing policy is intended to provide employees with the process to raise any concerns they may have within the Council over concerns of administrative malpractice and wrong doing which contravenes council policies, procedures and statutory codes of conduct

Draft Counter Fraud Policy

This policy sets out the council's position on and how it will deal with fraud and corruption. It includes a fraud response plan. The fraud response plan extends to suspected financial act of impropriety against council's resources and assets.

Draft Anti-Bribery Policy

An Anti-Bribery Policy sets out how the Council will deal with alleged and actual circumstances of where officers and members of council are offered bribes. This stems from the Bribery Act 2011 requirements placed upon authorities.

Draft Data Protection Policy

This policy details how Council will meet its obligations under the Data Protection Act 1998 on processing personal data, by striking the needs of the organisation to run effectively whilst respecting the rights of individuals. The processing of personal data requires a consistent approach to ensure the Council maintains compliance with its legislative responsibilities. This policy has been developed to assist in meeting these requirements.

Managing Notification of Bereavements to Council

This short policy confirms and clarifies how bereavements may be raised and acknowledged at meetings of council and its committees. This policy will aid the efficient and smooth transaction of business. The Chief Executive stated that how Council would acknowledge bereavements was discussed by the Party Representatives group and the draft policy reflects the direction given by the group.

The Chief Executive asked that members approve the draft policies.

The Chair, Councillor McPeake, asked if the policies were basically the same across the public sector.

The Chief Executive stated that policies were developed taking into consideration what currently exists within the three Council, best practice and good practice from the audit office.

In relation to the Draft Whistle Blowing Policy Councillor Ashton stated that the wording in section 7.2 needs review.

Councillor Mallaghan arrived at 7.40 pm.

Proposed by Councillor Reid
Seconded by Councillor Bateson and

Resolved That it be recommended to the Council to approve the draft policies.

PR6/15 Winding up and Internal Audit Arrangements

The Lead Finance Officer stated that as previously notified to Committee the Council is required to maintain an adequate system of internal audit and designate an officer to have responsibility for the winding up of the predecessor councils. The officer has

also to ensure the preparation of the predecessor councils' accounts in the requisite format. The Officer presented a report which provided Members with the information necessary to discharge both duties.

Internal Audit function

Regulation 3(A)(1) of the Local Government (Accounts and Audit) Regulations (Northern Ireland) 2006 as amended by the Local Government (Accounts and Audit) (Amendment) Regulations (Northern Ireland) Regulations 2006 requires all local government bodies whose accounts are to be subject to audit by a local government auditor (i.e. including new councils) to maintain an adequate and effective system of internal audit.

Paragraph 3.2 of the Guidance issued to councils on the financial operation of new councils during the shadow period states "new councils may utilise the financial expertise, systems and controls of the administrative council." Paragraph 3.3 states, in relation to the requirement to maintain an adequate and effective system of internal audit, "a new council may adopt the systems, financial policies and procedures of the administrative council to meet its legislative obligations."

The administrative council is Dungannon and South Tyrone Borough Council and its internal audit function is delivered by outsourcing to Deloitte.

Although it is possible that Deloitte's existing operational internal audit plan for Dungannon and South Tyrone Borough Council already includes provision for sufficient audit resource to confirm that Mid Ulster District Council's has an adequate and effective system of internal control, it is appropriate that the officers be authorised to engage with Deloitte to ensure that this is the case.

Winding up arrangements

Regulation 11(1) of the Local Government (Transitional, Supplementary Incidental Provisions and Modifications) Regulations (Northern Ireland) 2014 requires a new council to designate an officer as having responsibility for the winding up of its predecessor councils.

Regulation 11(2) requires the designated officer to ensure that the final statement of accounts of the predecessor councils are prepared in the form required by Regulation 4 of the Local Government (Accounts and Audit) Regulations (Northern Ireland) 2006 as amended by the Local Government (Accounts and Audit) (Amendment) Regulations (Northern Ireland) Regulations 2006.

Section 1(2) of the Local Government Act (Northern Ireland) 2011 states:

"A council shall designate an officer of the council as its chief financial officer"

As Mid Ulster District Council has already designated the Chief Executive as the Chief Financial Officer of Mid Ulster District Council, it makes sense for the Chief Executive to also be designated as having responsibility for winding up the predecessor councils.

The Lead Finance Officer recommended that:

- (1) The officers engage with Deloitte to ensure that adequate internal resource is reserved to deliver upon the Council's duty to have an adequate and effective internal audit function
- (2) The Chief Executive be designated as having responsibility for the winding up of the predecessor councils

Proposed by Councillor S McGuigan
Seconded by Councillor McFlynn and

Resolved That it be recommended to the Council to adopt the officer's recommendation.

The Chair, Councillor McPeake, asked if the DOE had set aside any monies for this process.

The Lead Finance Officer stated that DOE providing an amount of approximately £50,000.

In response to a query from Councillor Reid regarding the date for winding up, the Lead Finance Officer stated that come 1 April 2015 Mid Ulster District Council would take responsibility for legacy Council's work. There will be a few exceptions such as outstanding insurance claims that will continue to be dealt with by legacy councils' insurers and these could be protracted over a period of time.

PR7/15 Regional Minority Languages and Draft Policies

The Chief Executive presented a report which advised Members of the preparation of draft policy documents in respect of Regional and Minority Languages and sought authority to assess the equality impacts of the draft policies.

Council's obligations in respect of Irish and Ulster Scots arise from commitments the UK Government made when the European Charter for Regional and Minority Languages (The Charter) was signed and ratified. The Charter is an international convention designed to protect and promote regional and minority languages. It is designed to protect and promote regional and minority language as a threatened aspect of Europe's cultural heritage. The Charter does not cover sign language or the languages of minority ethnic communities.

The Mid Ulster Council area is made up of a multi-cultural and multi lingual society with linguistic diversity forming part of the cultural and historical heritage of the area. The 2011 census indicates that out of a Mid Ulster District population of 132,025:

- 22,984 or 17.4% of the population have some ability in Irish;
- 8,063 or 6.1% of the population could speak, read, write and understand Irish;
- 8,131 or 6.2% of the population have some ability in Ulster Scots; and
- 1,056 or 0.8% of the population could speak, read, write and understand Ulster Scots.

The European Charter places an onus on Council to proactively promote Irish and Ulster Scots. The district has a growing Irish speaking population and Ulster Scots culture that can enhance the rich linguistic nature and culture of the area and so add to the appeal of the district as a tourist destination.

The draft policies will need to be equality screened and may be subject to an EQIA. Professional support of £9,000 may be required to undertake the EQIA

The Chief Executive asked that Members consider and comment on the draft Mid Ulster District Council Irish Language Policy and draft Mid Ulster District Council Ulster Scots Language Policy. Approval was also sought to assess the equality impacts of the draft policies.

Councillor Glasgow asked for further consultation to be carried out on the two policies as there have been a few queries and it was important to have the process right rather than rushed. He proposed that further consultation take place.

The Chief Executive stated that two workshops had been held to advance the formulation of policies being presented as draft policies on Irish and Ulster Scots. He indicated that consultation was ongoing with the Irish language fraternity and the Ulster Scots Agency, and commentary had been received. The Chief Executive indicated that members were not being asked to ratify the policies but rather make comments on the policies to allow officers to continue discussions with outside groups and to begin to assess the equality impacts of the draft policies.

The Chair, Councillor McPeake, asked in relation to the time frame and when a decision would be required to inform branding activity.

The Chief Executive stated that this is not something that is going to be completed by April 2015 and interim arrangements could be put in place.

The Chair, Councillor McPeake asked Councillor Glasgow if the concerns he referred to were major or minor.

Councillor Glasgow stated that feels the process is being rushed and Council should take a bit of time out to make sure everyone is happy with process and to deal with any queries appropriately.

Councillor S McGuigan spoke in relation to the time frame, the equality impact assessment process and the draft policies going out to consultation.

The Chief Executive stated that the draft Irish Language Policy is more advanced as it is largely based on 2.5 years of work undertaken in Magherafelt District Council. The draft Ulster Scots Policy is a new area of work. In terms of the timeframe, it would be best to look at the two policies together and be assess them for any impact before going to public consultation.

Councillor Bateson stated that existing policy within Magherafelt went through an Equality Impact Assessment and that the Irish Language policy could be expedited on the basis of the volume of work completed at that time.

Councillor Mallaghan stated that it is seven months from this item was first raised at this committee which is ample time for any concerns to be dealt with.

Councillor McFlynn stated that she has read both policies, both allow for the written and spoken word and proposed that the Committee proceed as recommended by the Chief Executive.

Councillor Ashton advised that she attended all the workshops where there had been very open and frank discussions. She added that she was opposed to the differences within Guiding Principle 7 on the Visibility within the two policies and it should be no surprise that she would not be supporting the officer recommendation or the policies.

Councillor McPeake stated that the basis for moving forward was the European Charter for Regional and Minority Languages

Councillor Reid stated that if the two policies proceed together it will come across as a positive message and on the back of the information received from the Ulster Scots Agency time should be taken to review it.

Proposed by Councillor S McGuigan

That it be recommended to the Council that the draft policies are adopted, that approval is given to officers to assess the equality impacts, if any, and that approval is given for professional support up to a value of £9,000 to assist with this process.

The Chair, Councillor McPeake, stated that there were two proposals.

Councillor McFlynn withdrew her proposal and seconded Councillor S McGuigan's proposal.

The proposal was put to the meeting, 10 (ten) members voting in favour and 2 (two) against.

The Chair declared the proposal carried.

Mrs Campbell left at 8.05 pm
Councillor McGinley left at 8.05 pm.

Matters for Information

PR8/15 EU Services Directive

The Lead Finance Officer presented a report updating Members in relation to Council's responsibilities with respect to the EU Services Directive

The EU Services Directive came into effect on 28 December 2009 with the aim of opening up the EU internal market for service provision in the EU. Services covered by the Directive are “economic activities” normally provided in exchange for a remuneration and which is not provided under a contract of employment. There are a number of exclusions from the Directive, e.g. financial services and electronic communications services and networks.

Mid Ulster Council, like the legacy councils, is a competent authority (defined as a body which has supervisory or regulatory functions in the UK in relation to service activities).

Competent authorities must ensure that all requirements imposed on service providers are compliant with the Provision of Services Regulations 2009 (the Regulations). They must also be reported on via the Department for Business Innovation & Skills (BIS) to the European Commission. Authorisations and associated information also need to be accessible remotely and electronically through businesslink.gov.uk (the UK Point of Single Contact (PSC)).

As a competent authority the Council must put a relevant authorisation online through business link. This can either be done via:

- An electronic form on its website enabling a service provider to apply for and pay for an authorisation (the PSC on businesslink.gov.uk will link directly to that form). In such circumstances the website must satisfy the information requirements of the Regulations and provide the necessary deep links to the PSC; or
- A form incorporated into businesslink.gov.uk

The Council will have to register on the Internal Market Information System (IMI) in order to reply to and make requests for assistance from other EEA states.

The Council, as a competent authority, must comply with the European Commission recommendation issued in March 2009 on the exchange of data via IMI.

The Lead Finance Officer stated that it is the intention to transfer Dungannon & South Tyrone Borough Council's deep links and registration on IMI to the Mid Ulster District Council therefore any costs should be minimal.

Councillor McGinley returned at 8.08 pm.

PR9/15 Council Bye-Laws

The Change Management Officer presented a report updating Members on the process for reviewing and making of bye-laws for the use and application by Mid Ulster District Council from 1 April 2015.

The Officer stated that a bye-law is a local law, particularly affecting a given geographical area, made by a statutory body under an enabling power established by an Act of Parliament, an Order of Council or an Act of the NI Assembly. Bye-laws are required to address an existing problem and should be; (i) consistent and not in conflict with general law; (ii) clear and certain in its terms; (iii) reasonable and not

unduly restrictive; (iv) intra vires; (v) enforceable; (vi) general in nature; and (v) obligatory upon all persons equally and indiscriminately.

An audit has identified that bye-laws currently exist for 9 subject areas across the three legacy Councils with 27 separate bye-laws in place. The subject areas are:

- Cosmetic Piercing
- Semi-permanent Skin Colouring
- Tattooing
- Hairdressers
- Ear Piercing and Electrolysis
- Acupuncture
- Use of Designated Pleasure Grounds
- Rules and Regulations of Public Cemeteries
- Consumption of Alcohol in Public Places

Some bye-laws relate to specific geographical areas within districts whilst the remaining relate to specific strands of business. Mid Ulster District Council is enabled to make bye-laws under the Local Government (Transitional) Regulations (NI) 2014 but they will not become operational until 1 April 2015.

A working group of relevant officers of the predecessor councils has been tasked to review the existing bye-laws and bring forward recommendations to confirm, revoke, amend or revoke and replace each of the 27 bye-laws in line with DOE guidance and these will be taken through the relevant committee with responsibility for the subject matter.

The Officer further stated that given consultative requirements stipulated in guidance when making amendments to existing bye-laws activity will focus on confirming existing bye-laws ensuring they are in place for 1 April 2015. He added thereafter activity would focus on making amendments as required.

Councillor Reid left 8.10 pm

PR10/15 Retention and Disposal Policy and Schedule

The Change Management Officer presented a report updating members on requirements set by the Public Records Office for NI (PRONI) for the development of a Retention and Disposal Policy and Schedule for Mid Ulster District Council.

PRONI has communicated with the Council requesting that a Retention and Disposal Policy and Schedule be compiled and provided under the Disposal of Documents Order 1925, stemming from the Public Records (NI) Act 1923. A draft schedule must be provided to PRONI by September 2015 for quality assurance purposes and final versions submitted by December 2015. This will then be submitted for approval to the DCAL Minister as Keeper of the Records and laid before the NI Assembly.

A Retention & Disposal Policy and Schedule allows the Council to apply standardised controls over how records are created, stored and disposed of by the organisation. Its aim is to ensure standardised access to records therefore avoiding

unnecessary time spent by employees on the retrieval of both physical and electronic records. It will also aid Council's statutory requirements on data protection (Data Protection Act 1998), freedom of information (Freedom of Information Act 2000) and environmental information (Environmental Information Regulations 2004).

Work to prepare the document is part of the transition process but not a day one critical issue and will be undertaken within resource across the cluster.

PR11/15 Website for Mid Ulster District Council

The Marketing Communications Manager presented a report providing an update on the development of the new Mid Ulster District Council web site.

The officer stated that a priority for 1 April 2015 is the development of a new web site which will be the Council's main digital platform and central communications' tool, reflecting the full range of services for which the Council will assume responsibility, as well as new functions and transferring functions.

In developing the site, the key aims are to create a responsive site which functions across all devices from PCs and laptops to tablets and mobile phones; a site which meets accessibility standards; and one which is intuitive with users' needs at its core, where content structure is designed around customers' requirements, rather than any internal organisation of the Council's services.

The officer indicated that development work began in October and the first research and evidence gathering phase was completed in November, allowing a wireframe to be created. A wireframe, a two-dimensional illustration of a page, was presented which focuses on how space is to be allocated and how content is to be prioritised, along with page functionality.

The Officer further stated that what is of most importance is the structure's flexibility, ensuring that content can remain fresh and dynamic at all times, changing to reflect seasonality, popularity and emerging priorities, from both an internal and external perspective.

PR12/15 Code of Conduct for Local Government Employees

The Lead HR Officer presented a report informing members that a Code of Conduct for Local Government Employees (the Code) has been agreed by the Local Government Reform Joint Forum (LGRJF). This Code is issued by the Local Government Staff Commission (LGSC) under Article 35(1) (b) of the Local Government (Miscellaneous Provisions) (NI) Order 1992 and represents the minimum standards of behaviour expected from district council employees. The document is issued by the LGSC as a statutory recommendation for adoption by all councils and the Staff Commission from 1 April 2015.

The aim of the Code is to set guidelines for council employees which will help maintain and improve standards and protect employees from criticism or misunderstanding. It also provides guidance to assist councils and their employees in their day-to-day work and sets out the minimum standards of behaviour expected.

The code builds on, and is in keeping with, the seven principles of public life articulated by the Nolan Committee and the further five principles adopted by the Northern Ireland Assembly.

PR13/15 Corporate Risk Register

The Chief Executive presented the Corporate Risk Register. The register is a business tool and as such is a fluid document which will be updated as the transition programme progresses. Members were asked to review and note the Corporate Risk Register to December 2014.

PR14/15 Consultation List

Northern Ireland Policing Board Reconstitution

Closes: 16 January 2015

The Chair, Councillor McPeake, stated that there are some issues within this consultation which the Council should consider making a response on, particularly around the reconstitution and rolling process for appointing independent members. As the member understood it the consultation period had been extended to the end of January 2015

The Chief Executive stated the document had been issued to members prior to Christmas for parties to consider a response should they wished to do so. He further stated that he would bring it back to the January Council Meeting on consultation list.

IN COMMITTEE

Proposed by Councillor Totten
Seconded by Councillor Ashton and

Resolved That items PR15/15 and PR16/15 be taken in committee.

PR17/15 Duration of Meeting

The meeting was called for 7 pm and ended at 8.20 pm.

CHAIR _____

DATE _____