



11 January 2023

Dear Councillor

You are invited to attend a meeting of the Policy & Resources Committee to be held in The Chamber, Magherafelt and by virtual means Council Offices, Ballyronan Road, Magherafelt, BT45 6EN on Wednesday, 11 January 2023 at 19:00 to transact the business noted below.

A link to join the meeting through the Council's remote meeting platform will follow.

Yours faithfully

Adrian McCreesh
Chief Executive

AGENDA

OPEN BUSINESS

1. Notice of Recording
This meeting will be webcast for live and subsequent broadcast on the Council's You Tube site [Live Broadcast Link](#)
2. Apologies
3. Declarations of Interest
Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.
4. Chair's Business

Matters for Decision

- | | | |
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| 5. | Policy Amendment - Employer Discretions under Local Government Pension Scheme (NI) 2014 Regulations and other related Regulations | 3 - 30 |
| 6. | Request to Illuminate Council Properties | 31 - 32 |
| 7. | Member Services | |

Matters for Information

- | | | |
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| 8 | Minutes of Policy and Resources Committee held on 1 December 2022 | 33 - 42 |
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Items restricted in accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014. The public will be asked to withdraw from the meeting at this point.

Matters for Decision

10. Staffing Matters for Decision
11. Refurbishment of the War Memorials in Dungannon & Moy
12. Access route options for lands at Desertcreat and Site Acquisition
13. Drumcoo lands Access and Accommodation works
14. 2023/24 Rate Estimates Update

Matters for Information

15. Confidential Minutes of Policy and Resources Committee held on 1 December 2022
16. Staff Matters for Information
17. Calculation of holiday pay to recognise regular overtime worked by part time contracted staff
18. Financial report for 8 months ended 30 November 2022
19. Contracts and DAC Registers - Update

Report on	Policy Amendment - Employer Discretions under Local Government Pension Scheme (NI) 2014 Regulations and other related Regulations
Date of Meeting	11 th January 2023
Reporting Officer	Marissa Canavan, Strategic Director Organisational Development, Strategy and Performance
Contact Officer	Geraldine Dyson, Head of Human Resources Philip Moffett, Assistant Director Organisational Development

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	x

1.0	Purpose of Report
1.1	To seek approval for the revisions to Council's Policy Statement in respect of Employer's Pension Discretions (LGPS) (NI), within Appendix A of this report.
2.0	Background
2.1	It has been necessary to make some procedural amendments to the Council's pension's discretion policy arising from revisions made by the Northern Ireland Local Government Superannuation Committee (NILGOSC) affecting discretions 1 and 2, together with the Council's approval to enter a 'Shared Cost AVC' following a decision taken at June 2022 Committee. Minute reference PR124/22 refers.
2.2	Amendments, as necessary have been made as follows: <ul style="list-style-type: none"> Revision of Discretions 1 and 2 in line with NILGOSC's annual revisions for maximum amounts specific to granting extra annual pension (discretion 1) and contributing towards cost of purchasing extra pension (discretion 2) and pension contribution bands as notified by with effect from 1st April each year. Revision of Discretion 6 to now allow the Council to enter into a Shared Costs Additional Voluntary Contribution (SCAVC). It was agreed at the June 2022 Policy & Resources Committee to recommend to Council that it enter into a Shared Cost AVC arrangement and that the pension policy discretion be amended to allow for this. This was subsequently agreed by June Council.
3.0	Main Report
3.1	Council Officers have now reflected on the relevant elements of the current pensions discretion policy and made the relevant amendments to incorporate the necessary revisions as documented at 2.2 above. The appropriate advices have been sought, received from NILGOSC and incorporated.

<p>3.2</p> <p>3.3</p>	<p>Shared Cost AVC</p> <p>By way of background the current AVC arrangement which employees have the option of entering into, enables employees to avail of tax relief on their Additional Voluntary Contributions. The revision and update of pension Discretion 6 to reflect the decision of June 2022 will now allow employees (and Council) to enter into a Shared Cost AVC scheme with the benefit of reducing National Insurance as well as employees benefiting from tax savings.</p> <p>AVC Wise is the managing agent for the proposed Shared Cost AVC as agreed at June 2022 Council. The Council will pay the managing agent, a management fee of approximately 4.5% (plus VAT) with estimated typical savings on National Insurance contributions for Council of 9.8%.</p>
<p>4.0</p>	<p>Other Considerations</p>
<p>4.1</p> <p>4.2</p> <p>4.3</p>	<p>Financial, Human Resources & Risk Implications</p> <p>Human Resources: Entry into this Shared Cost AVC arrangement is optional. The Council’s exercise of Discretion 6 is subject to the contract of employment of the relevant employee(s) wishing to participate in the approved Scheme. This amendment will reflect the fact that the employer contribution to the Scheme is a pension emolument, and the relevant employee(s) has formally confirmed in advance their participation in the scheme. Information sessions on the Scheme will be provided before its introduction.</p> <p>This is a fully managed Shared Cost AVC Scheme to Council. Staff and Trade Unions have been informed of the policy revisions.</p> <p>Financial: - Council will only pay Shared Cost AVC contributions in circumstances where legislative provisions allow it to maintain the current nil cost to it in terms of both direct contribution of funds (i.e. will only pay employer superannuation contributions on the amount of salary sacrificed) and the net cost for the management of the scheme (i.e. management fees and costs do not exceed employer national insurance cost savings accruing to the Council as a result of the employee participating). The managing agent fees will be paid by the Council from employer National Insurance contribution savings.</p> <p>Risk Management: Amendments to the policy are to the extent of reflecting decisions already taken by Council to enter a Shared Cost AVC and necessary changes arising from NILGOSC notifications on Discretions 1 and 2</p>
<p>4.4</p>	<p>Screening & Impact Assessments</p> <p>Equality & Good Relations Implications: N/A</p> <p>Rural Needs Implications: N/A</p>

5.0	Recommendation(s)
	That Members consider approval of the revised policy that now reflects:
5.1	<ul style="list-style-type: none"> the updated necessary annual monetary amendments as referenced at 2.2 above to Pension Discretions 1 and 2, as notified by NILGOSC.
5.2	<ul style="list-style-type: none"> changes to Pension Discretion 6 to allow the council to enter a Shared Costs AVC arrangement, with it being the option for relevant employees and Council to participate in an HMRC approved scheme.
5.3	<ul style="list-style-type: none"> the annual revisions to the pension contribution bands from 1 April 2022, as contained within the Council's Policy Statement Employer Discretions under the Local Government Pension Scheme (NI) 2014 Regulations & other related Regulations, as notified by NILGOSC.
6.0	Documents Attached & References
	Appendix A - Mid Ulster DC Pension Discretions Policy Statement – Employer Discretions under the LGPS (NI) 2014 Regulations and other related Regulations

**Mid Ulster District Council Policy Statement
Employer Discretions under the Local
Government Pension Scheme (Northern Ireland)
2014 Regulations and other related Regulations**

Document Control			
Policy / Procedure Owner (name, role & section)	Marissa Canavan, Director of Organisational Development, Mid Ulster DC		
Policy/ Procedure Author (name, role & section)	Marissa Canavan, Mid Ulster DC		
Version	v1.5		
Consultation	Senior Management Team	Yes	
	Trade Unions	Yes	
	NILGOSC	Yes	
Equality Screened by	Sinead McAleer	Date	
Equality Impact Assessment	Yes / No	Date	
Approved By	Policy & Resources Committee	Date	
Adopted By	Council	Date	
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APPENDIX 1

POLICY ON BANDING CONTRIBUTION

21-23

1. Background

Mid Ulster District Council (the Council) is required to (or where there is no requirement, is recommended to) formulate, publish and keep under review a Statement of Policy on certain other discretions it may exercise in accordance with:

- The Local Government Pension Scheme Regulations (NI) 2014
- The Local Government Pension Scheme (Amendment & Transactional Provisions) Regulations (NI) 2014
- Local Government Pension Scheme Regulations (NI) 2002 – in respect of leavers between 1 February 2003 and 31 March 2009
- Earlier LGPS Regulations (Northern Ireland) in respect of members of the LGPS who left prior to 1 April 2015, and
- The Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations (Northern Ireland) 2007 and earlier compensation regulations.

In formulating and reviewing its policies under the LGPS Regulations referred to above the Council has considered:

- whether and to what extent the exercise of its discretionary powers could lead to a serious loss of confidence in the public service, and
- that the policy is workable, affordable and reasonable having regard to the foreseeable costs.

Decisions under this policy will be taken by the Council and will be supported by a business case outlining how it is in the financial and/or managerial interests of the Council to exercise its discretions.

Any amendments to this policy will be published and sent to the Northern Ireland Local Government Officers' Superannuation Committee within one month of the date the revisions to the policy were made.

This policy statement applies to the exercise of discretions under the above regulations in relation to:

- Active scheme members and members who cease active membership after 31 March 2015, and
- Scheme members who ceased active membership prior to 31 March 2015 (deferred members).

2. Consultation

The Council is not required to consult with the recognised trade unions when it intends to adopt new, or change existing, discretionary policies. However, it was considered appropriate to give advance notification to the recognised trade unions that this policy would be considered by the Council following discussion at the H.R. Policy Working group meeting and a draft was shared with the Mid Ulster Local Joint Forum.

3. Scope

This policy applies to all employees who are active members of the Local Government Pension Scheme or who will be so eligible. It excludes former Northern Ireland Civil Service (NICS) staff who transferred to Mid Ulster District Council following Review of Public Administration on 1st April 2015.

4. Effective date of policies

The policies on discretions to be exercised under the LGPS Regulations (Northern Ireland) 2014 take immediate effect from the date the Council agrees the relevant policies, or from 1 April 2015. Any change to the policies on existing discretions to be exercised under the LGPS Regulations in respect of pre 1 April 2015 leavers take immediate effect from the date Mid Ulster District Council agrees the policies.

Any change to the discretions exercised under the Discretionary Compensation Regulations 2003 and 2007 cannot take effect until one month after the date the Council publishes a statement of its amended policy.

5. Non-fettering of discretions

In applying its policy discretions the Council will:-

- Act reasonably and will not fetter the employer's discretion;
- Exercise discretion where it is deemed essential to assist in attracting and retaining employees or to compensate employees who leave through no fault of their own.
- Ensure that its discretionary powers will be used with regard to all relevant factors
- Will be duly recorded when used.

The policies will confer no contractual rights and whilst the Council will endeavour to discuss changes with the recognised trade unions the Council retains the right to change the policies at any time without prior notice or consultation.

Only the policy which is current at the time a relevant event occurs to an employee / scheme member will be the one applied to that employee / member.

If any staff member has a query in relation to this policy, he/she may contact:-

Name:- Marissa Canavan E mail:- Marissa.canavan@midulstercouncil.org

Tel No:- 03000 132 132 Ext 23316

It should be noted that the view given by the Pensions Ombudsman is that:-

- Where regulations allow an employer to exercise discretion a policy should be put in place to set out how to exercise that discretion
- A policy is there to guide the decision maker on how to exercise discretion
- An employer cannot generally bind itself as to how it will exercise discretion – fettering discretion is unlawful
- Every case could be considered on its merits; a decision is to be made on whether to follow the policy or make an exception
- Policies do not override the law; they should not apply a stricter test

6. Employer Discretions

Discretions to be exercised on and after 1 April 2015 under the LGPS Regulations (Northern Ireland) 2014 in relation to active scheme members and members who cease active membership after 31 March 2015.

Discretion and explanation	Mid Ulster District Council policy
<p>1. Discretion – Power to grant extra annual pension (LGPS 2014, Regulation 32)</p> <p>Explanation. Whether, at full cost to the Council, to grant extra annual pension of up to £7,385; (figure at 1 April 2022 & subject to revision on an annual basis) to an active scheme member or within 6 months of leaving to a member who is dismissed by reason of redundancy or business efficiency or whose employment is terminated by mutual consent on the grounds of business efficiency.</p>	<p>The Council will not make use of the discretion to grant extra annual pension of up to £7,385 (figure at 1 April 2022) to an active scheme member or within 6 months of leaving to a member who is dismissed by reason of redundancy or business efficiency or whose employment is terminated by mutual consent on the grounds of business efficiency except in exceptional circumstances where the Council considers it is in its financial or operational interests to do so. Each case will be considered on the merits of the financial and / or operational business case thus leaving Council the option to grant extra annual pension in exceptional circumstances e.g. where it is felt necessary in order to attract an employee who has the specialist skills and experience or where it is felt necessary in order to induce an employee with specialist skills and experience not to leave.</p>
	<p>The Council will only voluntarily contribute towards the cost of purchasing</p>

<p>2. Discretion – to contribute towards the costs of purchasing extra pension (LGPS 2014, Regulation 18)</p> <p>Explanation. Whether, where an active scheme member wishes to purchase extra annual pension of up to £7,385; (figure at 1 April 2022) by making Additional Pension Contributions (APCs), the Council will voluntarily contribute towards the cost of purchasing that extra pension via a Shared Cost Additional Pension Contribution (SCAPC). The employee must make an election to pay an APC within 30 calendar days of returning to work or any such longer period that the employer may permit if there has been an administrative error.</p>	<p>extra pension via a Shared Cost Additional Pension Contribution (SCAPC) where:</p> <ul style="list-style-type: none"> - An active scheme member returns from a period of authorised leave of absence, and - the member does not, within 30 days of returning from the leave of absence, make an election to buy-back the amount of pension ‘lost’ during that period of leave of absence, and - the member subsequently makes an election to do so and it can be demonstrated that the reason for the member missing the original 30 day deadline was because the member had not been made aware of that deadline, and - the election is made no more than 6 months after the member returns from the period of leave of absence or such longer period as the Council may deem reasonable in any individual case. - A decision on whether the member meets the above criteria (and on whether the 6 month period referred to should be extended in any individual case) will be taken by the council and, where it is agreed that the conditions are met, the Council will contribute 2/3rds of the cost of buying back the ‘lost’ pension via a SCAPC.
<p>3. Discretion – Flexible Retirement (LGPS 2014, Regulation 31 & LGPS 2014 Transitional Regs, Regulation 10)</p> <p>Explanation. Whether to permit flexible retirement for staff aged 55 or over who, with the agreement of the Council, reduce their working hours or grade and, if so, as part of the agreement:</p> <ul style="list-style-type: none"> - whether, in addition to the benefits the member has accrued prior to 1 	<p>The Council will not agree to flexible retirement except in circumstances where the Council considers it is in its financial or operational interests to do so. Each case</p> <ul style="list-style-type: none"> - will be considered on the merits of the financial and / or operational business case put forward, - will set out whether, in addition to any pre 1 April 2009 benefits, the member

<p>April 2009 (which the member must draw if flexible retirement is agreed), to permit the member to choose to draw</p> <ul style="list-style-type: none"> • all, part or none of the pension benefits they accrued after 31 March 2009 and before 1 April 2015, and / or • all, part or none of the pension benefits they accrued after 31 March 2015, and <p>- whether to waive, in whole or in part, any actuarial reduction which would otherwise be applied to the benefits taken on flexible retirement before Normal Pension Age (NPA)</p>	<p>will be permitted, as part of the flexible retirement agreement, to take</p> <ul style="list-style-type: none"> a) all, some or none of their 1 April 2009 to 31 March 2015 benefits, and /or b) all, some or none of their post 31 March 2015 benefits, and <p>- will require the approval of Council</p> <p>The Council will only consider requests for flexible retirement as a means to ease employees into full retirement for a period of no more than 2 years subject to business case review in consultation with employee and TU representative as applicable.</p> <p>There must be a reduction of at least one grade or a reduction at least 20% of the contractual hours of work. Any reduction will be a permanent change and employees will not be permitted to subsequently apply for a position that would result in an increase in hours or salary.</p> <p>Where flexible retirement is agreed, the benefits payable will be subject to any actuarial reduction applicable under the Local Government Pension Scheme Regulations (Northern Ireland) 2014 and the Local Government Pension Scheme (Amendment and Transitional Provisions) Regulations (Northern Ireland) 2014. The Council will only waive any such reduction, in whole or in part, where it considers it is in its financial or operational interests to do so. Each case will be considered on the merits of the financial and / or operational business case put forward and will require the approval of the Council.</p> <p>Any strain on fund costs or any cost to waive the reduction in benefits will have to be met by, and paid to the Pension fund by Council.</p>

<p>4. Discretion – 85 year rule for members voluntarily drawing benefits (LGPS 2014 Transitional Regulations, Schedule 3)</p> <p>Explanation. Whether to switch the 85 year rule back on in full for active scheme members who would otherwise be subject to it and who choose to voluntarily draw their benefits on or after age 55 and before age 60.</p>	<p>The Council will not agree to switch the 85 year rule on in full where members choose to voluntarily draw their benefits on or after age 55 and before age 60 except in circumstances where the Council considers it is in its financial or operational interests to do so. Each case</p> <ul style="list-style-type: none"> - will be considered on the merits of the financial and / or operational business case put forward, and - will require the approval of Council
<p>5. Discretion – Waiving reduction on benefits which a member voluntarily draws before Normal Pension Age (LGPS 2014, Regulation 31 and LGPS 2014 Transitional Regulations, Schedule 3)</p> <p>Explanation.</p> <p>Under Regulation 31 (5) of the LGPS Regulations (NI) 2014, employees voluntarily retiring on or after age 55 and before Normal Pension Age (NPA) may elect to immediately draw benefits and deferred members to draw benefits (other than on ill health grounds) on or after age 55 and before NPA, in each case reduced by the amount shown in actuarial guidance issued by the Department.</p> <p>The amount of the reduction will vary in accordance with the age of the member, membership in the Scheme and the extent to which the transitional provisions with regard to the 85 Year Rule Schedule 3 to the Transitional Regulations) apply to the individual member (if at all).</p> <p>Council:</p>	<p>The Council will not agree under Regulation 31 (8) to waive in whole or part any reduction in benefits as described except in circumstances where Council considers it is in its financial or operational interests to do so or there are compelling compassionate reasons for doing so.</p> <p>Each case:-</p> <ul style="list-style-type: none"> will be considered on the merits of the financial and/or operational business case put forward, or will be considered on the merits of the compassionate case put forward, and will require the approval of the Council including, where the reduction is only to be waived in part, approval for the amount of reduction to be waived. <p>As the employer, Council will have to meet the cost of the strain on the fund resulting from any waiver in actuarial reduction.</p>

<ul style="list-style-type: none">• Under Regulation 31(8), may agree to waive any relevant reduction under Regulation 31 (5) in whole or in part in respect of membership from 1 April 2015. No ground is stipulated by the Regulations.• Under Paragraph 2 (1) of Schedule 3 to the Transitional Regulations, may determine on compassionate grounds to waive in full any relevant reduction calculated in accordance with Schedule 3.	
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6. **Discretion** – Shared Cost AVC (LGPS 2014, Regulation 19)

Explanation. Whether, how much, and in what circumstances to contribute to a shared-cost Additional Voluntary Contribution (SCAVC) arrangement entered into on or after 1 April 2015 and whether, how much, and in what circumstances to continue to contribute to any shared cost Additional Voluntary Contribution (SCAVC) arrangement entered into before 1 April 2015.

~~The Council will not enter into a shared cost AVC arrangement other than in exceptional circumstances in which case the decision to contribute, and the amount of the contribution, will be subject to the approval of the Council.~~

The Council allows its employees to make Additional Voluntary Contributions (AVC) in accordance with relevant legislation.

Where an employee satisfies the conditions for admission into an HMRC approved Salary Sacrifice Shared Cost AVC Scheme (SCAVC), has elected to pay AVC by salary sacrifice, and relevant legislation permits, the Council will, having due regard to NILGOSC administrative requirements, pay Shared Cost AVC contributions.

The Council will only pay Shared Cost AVC contributions in circumstances where legislative provisions allow it to maintain the current nil cost to it in terms of both direct contribution of funds (i.e., it will only pay employer superannuation contributions on the amount of salary sacrificed under the SCAVC) and net cost for the management of the proposed SCAVC (i.e., management fees and costs do not exceed employer national insurance cost savings accruing to the Council as a result of the employee(s) participating in the SCAVC).

The Council's exercise of the discretion is subject to the contract(s) of employment of employee(s) wishing to participate in the approved SCAVC being amended to reflect the fact that the employer contribution to the SCAVC is a pensionable emolument¹, and the

¹ Wording to be confirmed following consultation with NILGOSC

	<p>relevant employee(s) formally confirming their acceptance of the contractual amendment.</p> <p>As with all discretions, the Council reserves the right to amend or withdraw the discretion in the future.</p>
<p>7 Discretion – Aggregating Benefits (Concurrent Employments & Deferred Members) (LGPS 2014, Regulation 24)</p> <p>7 (a) Aggregating Benefits – Concurrent Employments</p> <p>Explanation.</p> <p>Whether to extend the 12 month time limit which an employee with concurrent employments ceases an employment with an entitlement to a deferred pension may elect not to have the deferred benefits aggregated with those in their ongoing employment’s active member pension account.</p>	<p>The Council will only extend the 12 month time limit within which;</p> <p>A scheme member with concurrent employments ceases an employment with entitlement to a deferred pension may elect not to have their deferred benefits aggregated with those in their ongoing employment’s active member pension account.</p> <p>a) where the Council agrees that the available evidence indicates the member had not been informed of the 12 month time limit due to maladministration;</p> <p>b) where the Council agrees that the available evidence indicates the member had made an election within 12 months of ceasing the concurrent employment but the election was not received by the Northern Ireland Local Government Officers’ Superannuation Committee (e.g. the election form was lost in the post); or</p> <p>c) where the member has pre 1 April 2015 membership and the Council agrees the available evidence indicates that, due to maladministration, the member had not been informed of the implications of having separate benefits</p>
<p>7 (b) Aggregating Deferred Benefits –</p> <p>Explanation</p>	<p>The Council will only extend the 12 month time limit within which;</p>

<p>Whether to extend the 12 month time limit within which;</p> <p>A deferred member becomes an active member again may elect to aggregate the benefits in the deferred pensions account with those in the new active member's pension account.</p>	<p>A deferred member who becomes an active member again may elect to aggregate the benefits in the deferred pensions account with those in the new active member's pension account</p> <p>a) where the Council agrees that the available evidence indicates the member had not been informed of the 12 month time limit due to maladministration;</p> <p>b) where the Council agrees that the available evidence indicates the member had made an election within 12 months of joining the LGPS but the election was not received by the Northern Ireland Local Government Officers' Superannuation Committee (e.g. the election form was lost in the post); or</p> <p>c) where the member has pre 1 April 2015 membership and the Council agrees the available evidence indicates that, due to maladministration, the member had not been informed of the implications of having benefits aggregated and would in consequence, suffer a detriment to their pension benefits (e.g. where member's whole time equivalent pensionable pay on commencing with Council is, in real terms after allowing for inflation, significantly more than the whole-time equivalent pensionable pay upon which the deferred benefits were calculated).</p>
<p>8 Determining Contribution Rates for Employees (LGPS 2014, Regulation 11)</p> <p>Explanation</p> <p>How the pension contribution band/rate to which an employee is to be allocated on joining the scheme, and at each subsequent April, will be determined and the circumstances in which (following a material change which affects</p>	<p>The Council will determine the contribution band applicable for employees in accordance with its Contribution Banding Policy (See Appendix 1) & Council's intranet:- Human Resources Tab/Retirement Related/Pensions Discretionary & Contribution Banding Policy Council does not currently make any 'regular lump sum payments' to its employees. Therefore, if any lump sum payment were made to an</p>

<p>pensionable pay in the course of a Scheme year (1 April to 31 March) the pension contribution band/rate to which an employee has been allocated will be reviewed.</p> <p>9a Discretion – Assumed Pensionable Pay and determination of whether a lump sum that was received by the member was a regular lump sum (LGPS 2014, Regulation 23 (5))</p> <p>Explanation. Council must provide NILGOSC with a member's Assumed Pensionable Pay (APP) when a member:-</p> <ul style="list-style-type: none"> • is absent due to illness or injury and on reduced contractual pay or no pay • is absent on child-related leave (as defined) and the actual pay received is not greater than APP would be for that period • is absent on reserve forces leave • where an ill health retirement or death has occurred <p>APP is calculated in accordance with Regulation 23. The annual rate of APP must include any regular lump sum payment received by the member in the 12 months prior to the <u>relevant event, as set out above (Reg 23(4)(a)(iv) and 23(5)(a)(iv)). Regulation 23(5)</u> defines a regular lump sum payment as <i>“a payment for which the member's employer determines there is an expectation that such a payment would be paid on a regular basis.”</i></p> <p>The employer must therefore determine in relation to any lump sum the member received in that 12-month period whether or not there was an expectation that that payment would be paid on a regular basis. Where it determines that there is such an expectation, the lump sum must be</p>	<p>employee, generally there would be no expectation that such a payment would be regular. However, Council will consider each case on its merits and any final decision will be subject to the approval of Council.</p> <p>In calculating APP, Council will usually substitute a revised pensionable pay for the actual pensionable pay received in the reference period where it is materially different to the pay normally received by the employee. The revised pensionable pay used will reflect the employee's normal pensionable pay.</p> <p>In determining the employee's normal pensionable pay, Council will take into account the pensionable pay received by the employee in the previous 12 months.</p> <p>Each case will be determined on its merits and exceptional circumstances will be taken into account.</p>
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<p>included in the calculation of the annual APP figure.</p> <p>9b – Whether to substitute a revised pensionable pay in calculating APP</p> <p>Where the pensionable pay received by a member in the relevant reference period for the calculation of APP under Regulation 23 is materially different from the level of pensionable pay that member normally received (“normal pensionable pay”), the employer may substitute in the calculation of APP a revised level of pensionable pay that reflects the member’s normal pensionable pay.</p> <p>The employer must have regard to the level of pensionable pay received by the member in the previous 12 months.</p>	
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<p>NEW</p> <p>10. Discretion:- Time limit for elections to cover lost pension due to a permitted absence. (LGPS 2014, Regulation 18)</p> <p>Whether to allow a member longer than 30 days following return to work after a period of absence with permission (not due to illness, child-related leave or reserve forces service leave) to decide to apply to cover the lost pension through an Additional Pension Contract</p> <p>Note: if a longer period is allowed, then Council will be responsible for meeting two-thirds of the cost of the arrangement up to a maximum period of 36 months.</p>	<p>Council will only extend the 30-day deadline following a member’s return to work after a period of authorised absence where he/she can decide to apply to cover the lost pension through an APC where:</p> <ul style="list-style-type: none"> • an active scheme member returns from a period of authorised leave of absence (other than illness, child related leave or reserve forces service leave), and • the member does not, within 30 days of returning decide to apply to cover ‘lost’ pension through an APC, and • the member subsequently makes an application and it can be demonstrated the reason for missing the original 30 day deadline was because they had not
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	been made aware of that deadline.
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Discretions to be exercised on and after 1 April 2015 under the LGPS Regulations in relation to scheme members who ceased active membership between 1 April 2009 and 31 March 2015

<p>11. Discretion – Waiving reduction to deferred benefits (LGPS 2009, Regulation 30)</p> <p>Explanation. Whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to deferred benefits which are paid before age 65.</p>	<p>The Council will consider an application to waive, on compassionate grounds, any actuarial reduction that would normally be applied to deferred benefits which are paid before age 65. Each case will be considered on its merits and will be subject to the approval of the Council.</p> <p>Council will have to meet the cost of the strain on the fund resulting from a decision to waive any actuarial reduction.</p>
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<p>NEW</p> <p>12. Discretion – Application of 85 year rule for deferred members (LGPS 2014, Transitional Regs, Schedule 3)</p> <p>Explanation. Whether, as the 85 year rule* does not (other than on flexible retirement) automatically apply to former employees who would otherwise be subject to it, and who choose to voluntarily draw their deferred benefits on or after age 55 and before age 60, to switch the 85 year rule back on in full for such members.</p> <p><i>*The 85 year rule is satisfied if the person was an LGPS member on 30 September 2006 and if the member's age at the date they draw their benefits and their scheme membership (each in whole years) add up to 85 or more. If they are part-time, their membership counts</i></p>	<p>Council will not agree to switch the 85 year rule on in full where a deferred member chooses to voluntarily draw their benefits on or after age 55 and before age 60 except in circumstances where Council considers it is in its financial or operational interests to do so. Each case will be considered on the merits of the financial and/or operational business case put forward; and will require the approval of the Council.</p> <p>Council will have to meet the cost of the strain on the fund resulting from a decision to pay benefits before age 60 i.e. where the member has met the 85 year rule or would <u>meet it before age 60.</u></p>
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<i>towards the 85 year rule at its full calendar length.</i>	
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Discretions to be exercised on and after 1 April 2015 under the LGPS Regulations in relation to scheme members who ceased active membership between 1 February 2003 and 31 March 2009

Discretion and Explanation	Mid Ulster District Council Policy
<p>13. Discretion – Waiving reduction to deferred benefits (LGPS Regulations (NI) 2002, Regulation 5)</p> <p>Explanation. Whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to deferred benefits which are paid before age 65.</p>	<p>The Council will consider an application to waive, on compassionate grounds, any actuarial reduction that would normally be applied to deferred benefits which are paid before age 65. Each case will be considered on its merits and will be subject to the approval of the Council.</p> <p>Council will have to meet the cost of the strain on the fund resulting from a decision to agree to waive any actuarial reduction.</p>

Discretion and Explanation	Mid Ulster District Council Policy
<p>NEW</p> <p>14. Discretion – Application of 85 year rule for deferred members (LGPS Regs 2014, Transitional Regs, Schedule 3)</p> <p>Explanation Whether as the 85 rule does not (other than on flexible retirement) automatically apply to former employees who would otherwise be subject to it, and who choose to voluntarily draw their deferred benefits on or after age 55 and before age 60, to switch the 85 year rule back on in full for such members.</p>	<p>The Council will not agree to switch the 85 year rule on in full where a deferred member chooses to voluntarily draw their benefits on or after age 55 and before age 60 except in circumstances where Council considers it is in its financial or operational interests to do so. Each case will be considered on its merits and will require the approval of Council.</p> <p>Council will have to meet the cost of the strain on the fund resulting from a decision to pay benefits before age 60 i.e. where the member has met the 85 year rule or would meet it before age 60.</p>

Discretions to be exercised under the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations (Northern Ireland) 2007

Discretion and Explanation	Mid Ulster District Council policy
<p>15. Discretion – Redundancy Payment (LGPS 2007 Regulation 4)</p> <p>Explanation. Whether to base a redundancy payment on an employee’s actual weeks’ pay where this exceeds the statutory week’s pay limit of, currently £594 per week (as at 6 April 2022) subject to annual review.</p>	<p>Staff whose employment is terminated on the grounds of redundancy or business efficiency will receive a termination payment (to incorporate any redundancy pay) calculated using the statutory redundancy payment formula but based on actual week’s pay (where this exceeds the statutory maximum) enhanced by a multiplier of 3.46</p> <p>**To be further updated re: Voluntary & Compulsory Redundancy</p>
<p>16. Discretion – Enhanced compensation (LGPS 2007 Regulation 5)</p> <p>Explanation. Whether to make a termination payment (inclusive of any redundancy payment) of up to a maximum of 104 weeks’ pay to employees whose employment is terminated on the grounds of redundancy or efficiency of the service.</p>	<p>An employee whose employment is terminated early due to redundancy or business efficiency will receive a termination payment (inclusive of any redundancy pay) calculated using the statutory redundancy payment formula:- Age x Length of Service x Actual Week’s Pay, enhanced by a multiplier of 3.46</p>

Discretions to be exercised under the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations (Northern Ireland) 2003

Discretion and Explanation	Mid Ulster District Council policy
<p>17. Discretion – Abatement of annual compensatory added years pension (LG (Early Termination of Employment) (Discretionary Compensation) Regulations (NI) 2003, regulations 16 and 18)</p> <p>Explanation. How a person's annual compensatory added years pension is to be abated during, and following the cessation of, any period of re-employment by an employer who offers membership of the LGPS to its employees, regardless of whether or not the employee chooses to join the LGPS</p>	<p>Mid Ulster District Council will, during any period of re-employment in local government (see note below), abate a person's annual compensatory added years’ payment by the 'excess' if the aggregate of:</p> <ul style="list-style-type: none"> - the annual compensation, and - the annual pension from the LGPS, and - the annual rate of pay from the new employment <p>exceeds the pay the person would have received from the employment in respect of which the compensatory added years were granted, based on the annual rate of pay at the date of ceasing</p>

the former employment as increased by the relevant cost of living increases (i.e. as increased by the rate at which an 'official pension' is increased under the Pensions (Increase) Act 1971). Index.

Where compensatory added years were awarded on or after 24 March 2003, Mid Ulster District Council will reduce a person's annual compensatory added years' payment following the cessation of a period of re-employment in local government (see note below) to the extent necessary to secure that if:

- the period of compensatory added years granted in respect of the former employment,

plus

- the period of membership the person has accrued in the LGPS (or would have accrued had he / she joined the scheme when first eligible to do so) during the period of re-employment in local government, counted at its part-time length, if the person was part-time, exceeds
- the period of membership the person would have accrued during the period from the cessation of the former employment until age 65 on the assumption that he / she had continued in that former employment to age 65 (again counted at its part-time length if the person was part-time at the date of cessation of the former employment),

then

- the annual pension and lump sum from the first job combined with the annual pension and lump sum from the second job (based on the assumption that the employee joined the LGPS when first eligible to do so), plus the annual compensation and lump sum compensation, shall not in aggregate exceed the pension and lump sum the person would have achieved if he / she had

remained in the first job through to age 65.

Where there is an excess, the annual compensation will be reduced by the excess pension and, if the annual compensation is not reduced to nil, the amount of the remaining (reduced) basic annual compensation will then be suspended until the excess lump sum (if any) is recovered.

In calculating whether or not, in aggregate, the annual pension and lump sum from the first job, plus the annual pension and lump sum (if any) from the second job (based on the assumption that the employee joined the LGPS at the first opportunity), plus the annual compensation and lump sum compensation, exceeds the pension and lump sum the person would have achieved if he/she had remained in the first job through to age 65 it will be necessary to compare:

a) the actual LGPS pre 1 April 2009 1/80th pension and 3/80ths lump sum, plus the actual LGPS post 31 March 2009 1/60th pension (ignoring any commutation for a lump sum), plus the actual 1/80th annual compensation and 3/80ths lump sum compensation, with
b) the 1/80th LGPS pension and 3/80ths lump sum the member would have achieved in their first job to 31 March 2009, plus the 1/60th LGPS pension the member would have achieved in their first job (ignoring any potential commutation for a lump sum), if the member had stayed in the first job through to age 65.

In determining the benefits the employee could have achieved had he / she remained in the first employment through to age 65 it will be necessary to determine the pensionable pay to be used in the calculation. For this purpose, the pensionable pay figure used in the

	<p>calculation of the pension benefits in the first job will be used as brought up to date by increasing it in line with the Pensions Increase (Review) Orders.</p> <p>If a person has been awarded more than one previous period of compensatory added years, e.g. as a result of being made redundant more than once, the abatement / claw back provisions are modified. In such a case, the rules under the former Local Government (Discretionary Payments) Regulations (Northern Ireland) 2001 will be applied where a person ceases a period of re-employment in local government and has previously been granted more than one period of compensatory added years, but using the pay in the first job as increased in line with inflation (i.e. ignoring regulations 17(5)(a)(ii), 17(6) and 17(7) of the Local Government (Discretionary Payments) Regulations (Northern Ireland) 2001.</p> <p>Where compensatory added years were awarded before 24 March 2003, Mid Ulster District Council will reduce a person's annual compensatory added years' payment following the cessation of a period of re-employment in local government (see note below) in accordance with the Local Government (Discretionary Payments) Regulations (Northern Ireland) 2001.</p>
<p>18. Discretion – Survivor compensatory added years apportionment (LG (Early Termination of Employment) (Discretionary Compensation) Regulations (NI) 2003, Regulation 20(4))</p> <p>Explanation. How any surviving spouse's or civil partner's annual compensatory added year pension is to be apportioned where the</p>	<p>The Council will apportion any surviving spouse's or civil partner's annual compensatory added years pension where the deceased person is survived by more than one spouse or civil partner in such proportions as, at its sole discretion, it sees fit (based on the merits of the individual cases).</p>

<p>deceased person is survived by more than one spouse or civil partner.</p>	
<p>19. Discretion – Annual compensation suspension rules (LG (Early Termination of Employment) (Discretionary Compensation) Regulations (NI) 2003, Regulation 20(5))</p> <p>Explanation. Whether, if the spouse or civil partner of a person who ceased employment before 1 February 2003 remarries, enters into a civil partnership or cohabits after 1 February 2003, the normal annual compensation suspension rules will be disapplied i.e. the spouse's or civil partner's annual compensatory added years pension will continue to be paid.</p>	<p>If the spouse or civil partner of a person who ceased employment before 1 February 2003 remarries, enters into a new civil partnership or cohabits after 1 February 2003, the normal annual compensation suspension rules will be disapplied i.e. the spouse's or civil partner's annual compensatory added years pension will continue to be paid.</p>
<p>20. Discretion – Annual compensation suspension rules (reinstatement) (LG (Early Termination of Employment) (Discretionary Compensation) Regulations (NI) 2003, Regulation 20(7))</p> <p>Explanation. Whether, where a spouse's or civil partner's annual compensatory added years pension is suspended as a result of remarriage, entering into a new civil partnership or cohabitation, the spouse's or civil partner's annual compensatory added years pension should be reinstated after the end of the period of remarriage, new civil partnership or cohabitation.</p>	<p>This discretion is not applicable.</p>

Appendix 1 - Policy on Contribution Banding – this policy is reviewed annually.

Introduction

- 1.1 The purpose of this policy is to set out how Mid Ulster District Council intends to allocate LGPS (NI) members to a contribution band.
- 1.2 The policy also sets out how Mid Ulster District Council intends to reassess and reallocate contribution bandings as well as provide details on how a member can appeal a decision regarding their banding.

2 Contribution Bands

- 2.1 The Regulations governing the Local Government Pension Scheme introduced contribution bands from 1 April 2009 for each active Scheme member. The contribution bands for members from 1 April 2022 are detailed in the table below.

Band	Pensionable pay range for an employment at April 2022	Contribution Rate	50/50 Section
1	£0 - £15,400	5.5%	2.75%
2	£15,401 - £23,700	5.8%	2.90%
3	£23,701 - £39,500	6.5%	3.25%
4	£39,501 - £48,000	6.8%	3.40%
5	£48,001 - £95,100	8.5%	4.25%
6	More than £95,100	10.5%	5.25%

The pensionable pay ranges will be reviewed on 1 April each year in line with Pensions Increase Orders from 1 April.

3 Allocation to Contribution Band

- 3.1 Staff will pay contributions at the appropriate band rate on all pensionable pay received for each job (or half that rate if in the 50/50 section of the Scheme).
- 3.2 Staff, including part-time staff, will have their banding determined on their actual pensionable pay as at 1 April each year, or on their date of joining (if later), or at the date of any material change (see below) Any reduction in pay due to sickness, child related leave, reserve forces leave or other absence from work will be disregarded when assessing or reviewing contribution bands and rates.

4 Reallocation to Contribution Bands

- 4.1 Ad hoc payments - pensionable pay includes non-contractual overtime and additional hours. As overtime and additional hours are not regular features in Mid Ulster District Council, an employee's contribution band will be based on their contractual pay. Should it be determined at the end of the year that an employee has worked a significant amount of non-contractual overtime, that would have placed their contribution rate in a different band, then Mid Ulster District Council will apply the revised rate in the following year if it is considered likely that a similar level of overtime will be worked in the next year. This

arrangement will be reviewed if and when overtime/additional hours become a regular feature of a job.

- 4.2 **Change in contractual hours** – an employee’s contribution rate will be based on their actual pensionable pay. Contribution rates will therefore be revised at the point when the new contractual hours (whether a permanent or temporary change) take effect.
- 4.3 **Cost of living increases** – these are normally payable in April but are often not agreed until mid-way through the year. Contribution bands will be reassessed at 31 March each year and are subject to the pay remit approval process. Contribution bands will be reassessed at 1 April each year, therefore if, for example, a cost of living increase is paid in October 2022 and backdated to April 2022 it is intended that the member will remain on the contribution rate determined at April 2022 for that year.
- 4.4 **Spine point increases** - Staff due to receive a spine point increase on 1 April (or six months after joining, whichever the later) will have their contribution banding determined on their actual pensionable pay at 31 March each year or at their date of joining (if later).
- 4.5 **Acting up allowance** – This is normally payable when a member of staff fills a more senior position on a temporary basis, if in post for 4 weeks or more. Contribution rates will be revised, at the point when an acting up allowance becomes payable, and adjusted to reflect the new actual pensionable pay.
- 4.6 **Maternity leave, paternity leave, adoption leave, sick leave** – The member will pay contributions on the actual pensionable pay received during the period of absence and will accrue benefits at 1/49th of their assumed pensionable pay. As the employer, Mid Ulster District Council will pay contributions on the assumed pensionable pay.
- 4.7 **Backdated pay increase due to Job Evaluation** – this is a permanent material change which affects pensionable pay however, while the pay increase may be backdated, the revised contribution rate will not be backdated but will be changed at the next payroll date. In instances where a pay increase is backdated over previous years the contributions due on arrears will be deducted at the rate already set for the year (i.e. the rate the member was paying in that year).
- 4.8 **Change in pay due to new appointment** – this is a permanent material change which affects pensionable pay therefore the contribution banding will be revised at the next payroll date when the change is effective. This will also apply to those accepting a temporary appointment (for example to cover a period of maternity leave) and in such circumstances the contribution percentage will revert to reflect the original banding on the next payroll date, after the member returns to their substantive post.
- 4.9 Members will be notified of changes to their contribution band as soon as is reasonably practicable when the change has been determined.

5 Appeal Procedure

- 5.1 Staff who believe their contribution rate has been determined incorrectly can raise an enquiry by following the procedure set out below:-
- **Informally** – by contacting the Head of Human Resources who will seek to resolve or explain any misunderstanding as quickly as possible.
 - **Formally** – by invoking the Grievance Procedure, a copy of which can be found on the staff intranet:- <http://intranet.midulstercouncil.org/HR> Tab/Disciplinary & Grievance/MUDC Grievance Procedure.
- 5.2 This procedure does not detract from a member's right to appeal to the county court, please refer to www.courtsni.gov.uk for further information.

Report on	Request(s) to Illuminate Council Property – January 2023
Date of Meeting	Wednesday 11 January 2023
Reporting Officer	Joseph McGuckin, Head of Strategic Services and Engagement
Contact Officer	Eileen Forde, Member Support Officer

Is this report restricted for confidential business? If 'Yes', confirm below the exempt information category relied upon	Yes	
	No	X

1.0	Purpose of Report
1.1	<p>To consider requests received to illuminate and light up the Council's three designated properties to raise awareness for the following:</p> <ul style="list-style-type: none"> • NI Chest Heart and Stroke <p>Details on request received are set out below.</p>
2.0	Background
2.1	The Council has a policy and procedural arrangements in place to facilitate the illuminating/lighting-up of its designated properties from requests made by charitable organisations for charitable causes. The designated properties are the Bridewell, the Burnavon and Ranfurly.
2.2	The policy confirms that requests are considered by the Council's Policy and Resources Committee. Should the scheduling of the committee not permit requests being considered within the timeframes for determination, they can be presented to monthly Council.
3.0	Main Report
3.1	<p>The Council has received correspondence from two organisations requesting that consideration be given to lighting up our three designated council properties. Requests for consideration and recommendation by Committee:</p> <ul style="list-style-type: none"> • 1 February 2023 – NI Chest, Heart and Stroke; colour red;
3.2	<p>Scope of the Council Arrangements</p> <p>The policy scope extends to requests made by charitable organisations for the promotion of its charitable cause on a given date or set of dates.</p>

4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: Not applicable
	Human: Not applicable
	Risk Management: Not applicable
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: Council policy and procedural arrangements have been referred to.
	Rural Needs Implications: Not applicable
5.0	Recommendation(s)
5.1	That the Committee considers making recommendation to light up the designated properties on the dates specified to mark: <ul style="list-style-type: none"> • 1 February 2023 – NI Chest, Heart and Stroke; colour red;
6.0	Documents Attached & References
	None

Minutes of Meeting of Policy and Resources Committee of Mid Ulster District Council held on Thursday 1 December 2022 in the Council Offices, Circular Road, Dungannon and by Virtual Means

Members Present	Councillor S McAleer, Chair Councillors Ashton, Buchanan, Cuddy, Doris*, Elattar*, Gildernew*, S McGuigan, McKinney*, McLean, S McPeake*, Molloy (7.10 pm), Quinn*, Totten*
Officers in Attendance	Mr McCreesh, Chief Executive* Mr Black, Strategic Director of Communities & Place (SD: C&P)* Mrs Campbell, Strategic Director of Environment (SD: Env) Mrs Canavan, Strategic Director of Organisation Development, Strategy and Performance (SD: ODSP) Mrs Dyson, Head of Human Resources (HoHR)* Mr McGuckin, Head of Strategic Services and Engagement (HoSS&E) Ms McNally, Assistant Director of Corporate Service and Finance (AD: CS&F)* Mr Moffett, Assistant Director of Organisation Development, Strategy and Performance (AD: ODSP) Miss Thompson, Democratic Services Officer
Others in Attendance	Deputation – Communications Workers Union Mr Hannaway*** and Mr McKane

* Denotes members present in remote attendance

** Denotes Officers present by remote means

*** Denotes others present by remote means

The meeting commenced at 7.00 pm

The Chair, Councillor S McAleer welcomed everyone to the meeting and those watching the meeting through the Live Broadcast. Councillor S McAleer in introducing the meeting detailed the operational arrangements for transacting the business of the committee in the chamber and by virtual means, by referring to Annex A to this minute.

PR226/22 Notice of Recording

Members noted that the meeting would be webcast for live and subsequent broadcast on the Council's You Tube site.

PR227/22 Apologies

Councillors Forde and Kearney and Strategic Director of Corporate Service and Finance.

PR228/22 Declarations of Interest

The Chair, Councillor S McAleer reminded Members of their responsibility with regard to declarations of interest.

Councillor Buchanan declared an interest in agenda item 17 – Connecting Pomeroy – Contract Award as a member of the Connecting Pomeroy Committee.

PR229/22 Chairs Business

None.

PR230/22 Deputation – Communications Workers Union

The Chair, Councillor S McAleer welcomed Messrs Hannaway and McKane from Communications Workers Union and invited them to address the Committee.

Mr McKane thanked Council for their invitation and the interest shown in the Royal Mail strike action. Mr McKane advised that he was the Communications Workers Union representative for the Dungannon office and works to ensure staff are treated properly and that procedures are followed by management. Mr McKane stated that staff have been involved in industrial action since August this year due to the fact that a pay deal was requested in March to deal with the cost of living. At that stage Royal Mail advised they had no money however they later announced a £758 million profit of which £500 million was then distributed to shareholders. Staff were advised there was no money for new uniforms or vehicles, modernisation or investment. Mr McKane stated that management are also trying to change staff terms and conditions and public service benefits such as sick leave. Mr McKane stated that management wanted to destroy the union and anything that made the job worth having. Mr McKane stated that management want to introduce annualised hours which would mean working less hours in the summer and more in the winter. Management also want staff to work Sundays and are trying to recruit owner drivers. Mr McKane highlighted that this is all on the back of Royal Mail staff being key workers during the pandemic. Mr McKane stated that staff worked right through this period which was the busiest time for the postal service and generated massive profits for Royal Mail and that management now want to hammer staff instead of rewarding them. Mr McKane stated that staff have been engaged in ten strike days to date but that he felt the dispute was getting more bitter as time progresses and that management are trying to intimidate staff in order to break the strike and morale.

Mr Hannaway stated that the introduction of annualised hours would mean that staff would have set pay with no overtime and that hours during the summer could be banked with staff left owing hours during the winter. Mr Hannaway stated that currently sick pay is six months full pay and six months half pay and that management are trying to do away with this and introduce statutory sick pay for the first week of illness and then normal pay from the second week however staff have not been advised how long that would then continue for. Mr Hannaway stated that Sunday working is currently voluntary with a payment allowance but that management want to remove that payment allowance so there would just be a set pay for working Sunday as well. Mr Hannaway stated that there is currently an option of ill health retirement but that again management are trying to do away with this by removing a weeks ill health retirement

payment for every week a person is off. Mr Hannaway stated that staff have a connection with the community and may be aware of people sick who are waiting on hospital letters but that due to overtime being banned staff are being told by management to leave letters and prioritise packets.

Councillor Molloy entered the meeting at 7.10 pm.

Councillor Cuddy thanked the representatives for coming in and hoped that management, staff and unions can get a resolution soon.

Councillor Elattar thanked Messrs Hannaway and McKane for their presentation and that she felt most people are supportive of the action being taken. Councillor Elattar stated that the Royal Mail staff are not alone and that as an employee of the health service there is a lot of solidarity with them.

Councillor S McGuigan thanked the representatives for the presentation and stated it was good to get clarity on the issues. Councillor S McGuigan asked if there was any practical support Council could offer.

Mr McKane stated that all Members are welcome to visit the picket line and to have a conversation with postal staff. Mr McKane advised that the next strike day is Friday 9 December. Mr McKane stated it would be appreciated if some heat or protection from the elements could be arranged ie. gas heater or canopy.

The Chair, Councillor S McAleer thanked Messrs Hannaway and McKane for attending the meeting and providing an update.

Councillor Doris expressed solidarity with the Royal Mail staff and stated there were very few organisations who had done so well out of the pandemic and it is now a disgrace that management are letting down those who were on the front line. Councillor Doris referred to the personal relationships postal staff have with the community and the importance of hospital letters.

Messrs Hannaway and McKane left the meeting at 7.15 pm.

Matters for Decision

PR231/22 Social Inclusion – Hardship Fund

Policy and Resources Committee have delegated authority to deal with this matter.

Strategic Director of Communities & Place (SD: C&P) presented previously circulated report which sought approval for use of Covid reserves funding, following the announcement by the former Communities Minister which provides greater flexibility for this funding. The use of the funding will be to enhance existing funding for the delivery of a hardship fund.

Councillor Molloy welcomed the money going to the hardship fund and felt that it would be good for Council governance if a report was brought back outlining how the money has been spent, the amounts distributed to each of the groups and how the groups

distribute the money in the community. Councillor Molloy stated that similar reports are provided for other services Council contribute towards.

Councillor S McGuigan stated he would be supportive of Councillor Molloy's comments and that it is important to get the money out to people but that it is also important that it is clear where the money has gone to. In relation to the earlier presentation, Councillor McGuigan asked if it is appropriate for Council to do something in relation to supporting the postal staff in their strike action.

The Strategic Director of Environment (SD: Env) advised that she would have to look into that matter and how appropriate it would be and report back.

Councillor Doris stated she would also concur with the previous comments and that she did not have a full understanding of the breakdown of monies being spent. The Councillor agreed that a report should be brought back on a breakdown of the money distributed and the number of people it has supported. Councillor Doris stated she did not want to delay any monies being distributed but that it is important to look at the legacy.

Councillor McKinney agreed that a report should be brought back which provides detail on the monies distributed to each group and how many people are supported and to give an idea of the scale of hardship. Councillor McKinney proposed that when a report is brought back that it is taken in confidential business.

Councillor Quinn declared an interest in this item as a member of St Vincent de Paul.

Councillor Quinn agreed with the previous comments and would like to see a breakdown of the funding and that this should be brought back in confidential business. The Councillor stated that without the Council funding being proposed now and funding provided over the previous two years there would be a lot of people in difficulties.

The Chair, Councillor S McAleer asked if a report would be brought back to the P&R Committee.

The SD: C&P advised that it may be more appropriate for the report to be brought back to the Development Committee as it is the parent committee of the overall fund but that there is no issue in getting a cumulative report in terms of all of the elements of the hardship fund and the previous monies which has gone out to strategic partners.

Councillor McLean stated there seemed to be a lack of understanding as to where all the monies are going. The Councillor referred to representation made to himself and that he spoke to officers on this and that he felt Council made the best judgement based on the information they had. Councillor McLean stated he concurred with the previous comments and that it would be good to get feedback which can be built upon for the future but that there should be no delay in getting the monies distributed now.

Proposed by Councillor Molloy
Seconded by Councillor S McGuigan and

Resolved That an allocation of up to £124,000 from Council Covid reserves be allocated as a one off contribution towards the agreed Council Hardship Fund and that report be brought back detailing breakdown of monies distributed to groups and the number of people this helped to support. This report should be brought back under confidential business to the Development Committee.

PR232/22 Response to Consultation Provision of Dementia Inpatient Services in SHSCT

The Head of Strategic Services and Engagement (HoSS&E) presented previously circulated report which sought approval for Council's draft response to the consultation on the provision of Dementia Inpatient Services in SHSCT.

Councillor Ashton thanked the officers for the response and that the consultation highlights the pressures on the health service and that Dementia is now another area falling short of the resources required. The Councillor stated that there is a problem in the West in relation to staffing and that this comes across in the consultation and is something the health service needs to get a grip of.

Councillor S McGuigan stated he had attended the workshop which discussed the consultation and felt that the response captures that discussion.

Proposed by Councillor S McGuigan
Seconded by Councillor McLean and

Resolved That it be recommended to Council to approve the draft response as circulated at appendix A of report for submission to SHSCT by 23 December 2022.

PR233/22 Requests to Illuminate Council Properties

The Head of Strategic Services and Engagement (HoSS&E) presented previously circulated report which sought approval to illuminate and light up the Council's three designated properties to raise awareness for the following:

- Holocaust Memorial Day Trust: Purple
- Congenital Diaphragmatic Hernia International: Diaphragmatic Hernia Awareness Day: Blue
- Encephalitis Society: World Encephalitis Day: Red

Proposed by Councillor Buchanan
Seconded by Councillor Molloy and

Resolved That it be recommended to Council to illuminate the three designated Council properties as follows: -

- Friday 27 January 2023: Holocaust Memorial Day Light of Darkness Campaign – Purple.
- Wednesday 22 February 2023: Encephalitis Society: World Encephalitis (Inflammation of the Brain) Day – Red.

- Wednesday 19 April 2023: Congenital Diaphragmatic Hernia International: Diaphragmatic Hernia Awareness Day – Blue.

PR234/22 Civic Recognition Working Group

The Head of Strategic Services and Engagement (HoSS&E) presented previously circulated report which provided the outworkings of the most recent Civic Recognition Working Group meeting held on Tuesday 22 November 2022.

Councillor S McPeake referred to the addition of industry category and asked if business will come under this and if not he would suggest a business and industry category as there had recently been a number of businesses awarded through civic recognition and he did not want these to be excluded going forward.

The Assistant Director of Organisation Development, Strategy and Performance (AD: ODSP) stated that it was his understanding based on discussion at the working group that industry and business were one in the same and therefore business would be included in the industry category but that consideration needs to be given to the other awards ceremonies already held within the Mid Ulster area. The AD: ODSP stated that the report tonight details the outworkings of the working group meeting held on 22 November and that further detail on the way forward will need to be discussed.

Councillor S McPeake stated he was content with the response and that business was included.

Councillor Quinn stated he had been at the working group and that when industry was raised it was to engulf business as well.

Councillor Ashton asked that the working group be reconvened as early as possible in the New Year in order to move forward.

Proposed by Councillor Quinn
Seconded by Councillor Ashton and

Resolved That it be recommended to Council to approve the report of the Civic Recognition Working Group meeting held on Tuesday 22 November 2022.

PR235/22 Member Services

None.

Matters for Information

PR236/22 Minutes of Policy and Resources Committee held on 3 November 2022

Members noted Minutes of Policy and Resources Committee held on 3 November 2022.

PR237/22 Performance Improvement Six Month Progress Update (Q1 to Q2 - 2022/23)

Members noted previously circulated report which outlined a review of Council's performance against its seven statutory and three corporate performance improvement indicators and standards, along with an overview of the Corporate Health Indicators for the first six months of 2022/23. The report also provided a performance progress summary against the Council's four corporate improvement objectives and their associated project. The indicators and standards, the 4 improvement projects and corporate health indicators are contained within our Two Year Performance Improvement Plan for 2021/22 to 2022/23.

Councillor McLean stated that a lot of work goes into providing this update which should not be glossed over and that it was good to see Council was heading in the right direction.

The Chair, Councillor S McAleer concurred with the remarks and that the work that goes into providing the report is appreciated.

Live broadcast ended at 7.28 pm.

Local Government (NI) Act 2014 - Confidential Business

Proposed by Councillor Molloy
Seconded by Councillor Buchanan and

Resolved In accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014 that Members of the public be asked to withdraw from the meeting whilst Members consider items PR238/22 to PR248/22.

Matters for Decision

PR238/22	Gortgonis Health and Wellbeing Hub
PR239/22	2023/24 Rate Estimates
PR240/22	Staffing Matters for Decision
PR241/22	Land and Property Matters
PR242/22	Connecting Pomeroy – Contract Award
PR243/22	Derrynoyd / Drumcairn – Contract Award

Matters for Information

PR244/22	Confidential Minutes of Policy and Resources Committee held on 3 November 2022
PR245/22	Financial report for 7 months ending 31 October 2022
PR246/22	Contracts and DAC Registers - Update
PR247/22	Financial Statements 2022/23 Update
PR248/22	Staffing Matters for Information

PR249/22 Duration of Meeting

The Chair, Councillor S McAleer wished everyone a Happy Christmas.

The meeting was called for 7.00 pm and ended at 8.10 pm.

Chair _____

Date _____

Annex A – Introductory Remarks from the Chairperson

Good evening and welcome to the Council's [Policy & Resources/Environment/Development] Committee in the Chamber, [Dungannon/Magherafelt] and virtually.

I specifically welcome the public watching us through the Live Broadcast. The Live Broadcast will run for the period of our Open Business but will end just before we move into Confidential Business. I let you know before this happens.

Just some housekeeping before we commence. Can I remind you:-

- If you have joined the meeting remotely please keep your audio on mute unless invited to speak and then turn it off when finished speaking
- Keep your video on at all times, unless you have bandwidth or internet connection issues, where you are advised to try turning your video off
- If you wish to speak please raise your hand in the meeting or on screen and keep raised until observed by an Officer or myself
- Should we need to take a vote this evening I will ask each member to confirm whether they are for or against the proposal or abstaining
- When invited to speak please introduce yourself by name to the meeting
- For any member attending remotely, if you declare an interest in an item, please turn off your video and keep your audio on mute for the duration of the item
- If referring to a specific report please reference the report, page or slide being referred to
- Lastly, I remind the public and press that taking photographs of proceedings or using any means to enable anyone not present to see or hear proceedings, or making a simultaneous oral report of the proceedings are not permitted

Thank you and we will now move to the first item on the agenda - apologies and then roll call of all other Members in attendance.

Report on	Performance Improvement - Local Government Auditor's Audit and Assessment (Section 95) Report 2022-23
Date of Meeting	Wednesday 4 th May 2022
Reporting Officer	J Mc Guckin, Head of Strategic Services and Engagement
Contact Officer	L Jenkins, Performance & Quality Officer

Is this report restricted for confidential business? If 'Yes', confirm below the exempt information category relied upon	Yes	
	No	X

1.0	Purpose of Report
1.1	To update the committee and members of the key findings of the Local Government Auditor's Audit and Assessment Report 2021-22.
2.0	Background
	Local government Auditor's Improvement Audit and Assessment Report 2021-22
2.1	Part 12 of the Local Government Act (NI) 2014 ('the Act') places a duty on Councils' to make arrangements to secure continuous improvement in the exercise of their functions. This includes setting improvement objectives for each financial year and putting in place arrangements to achieve those objectives, as well as publishing annual progress reports.
2.2.	The Act places a statutory duty on the Local Government Auditor to: <ul style="list-style-type: none"> a) Report (the Improvement Audit) whether each Council has discharged its duties in relation to improvement planning, the publication of improvement information and the extent to which each Council has acted in accordance with the Department's Guidance (LG Circular 21/2016 - <i>Guidance for Local Government Performance Improvement 2016 onwards</i> – the Guidance). During the course of this work the LGA may make statutory recommendations under section 95 of the Act. b) Assess annually (the Improvement Assessment) whether a Council is likely to make the required arrangements to secure continuous improvement in that year. This is called the "improvement assessment". The Local Government Auditor also has the discretion to assess and report whether a Council is likely to comply with these arrangements in future years.
3.0	Main Report
3.1	Audit and Assessment (Section 95) Report 2021 to 2022 and Certificate of Compliance NI Audit Office issued correspondence on the 25 th February 2022, which included a letter to the Chief Executive (Appendix One), which clarified that the Local Government Auditor

had now certified the improvement audit for Council with a standard, unqualified opinion. The correspondence also highlighted, in terms of the audit assessment, that the LGA has concluded that she is unable to assess whether Council is likely to comply with Part 12 of the Local Government Act (Northern Ireland) 2014 (the Act) during 2021-22, due to the impact of the COVID-19 pandemic on Council services. No statutory recommendations have been made to the Department this year in respect of the Council nor is there a requirement for a special inspection.

Accompanying the letter was a copy of the original Audit and Assessment Certificate of Compliance (Appendix Two) and the final Audit and Assessment Section 95 Report 2021-22 (Appendix Three). The Local Government Auditor had also forwarded the Council's letter and attachments to the Department of the Communities (DfC).

It is noted by the LGA, that due to the impact of COVID-19, legislation was amended so that Councils were not required to produce a Performance Improvement Plan (PIP) for 2020 – 2021, and thus there was no requirement to set self-imposed objectives for that year. As a result Council did not have to perform a self-assessment of self-imposed objectives in their 2020-21 self-assessment report, nonetheless the report still required to note outturn performance on the statutory indicators and how the general duty to improve was taken forward during the year

3.2. Certificate of Compliance – Council's Performance Improvement Arrangements

Audit Opinion – Improvement Audit

The LGA has certified the performance arrangements with unqualified opinion, without modification. She certifies an improvement audit and improvement assessment has been conducted. The LGA states that as a result, she believes that Mid Ulster District Council (the Council) has discharged its performance improvement and reporting duties, including its assessment of performance for 2020-2021 and its improvement plan for 2021-2022, and has acted in accordance with the Guidance.

Improvement Assessment

The LGA has assessed whether Mid Ulster District Council is likely to comply with its performance improvement responsibilities under Part 12 of the Act. This is called the "Improvement Assessment". In normal circumstances this work would have been undertaken at the time of the report being issued by November 2021. However, this was impacted in delays completing the previous period's report when legislative changes were required to clarify the performance improvement arrangements before work could be concluded. In light of the impact of COVID-19 pandemic on Council services, the LGA concluded that she is unable to reach an opinion on whether the Council was likely to have complied with its performance responsibilities for 2021-2022.

The LGA did not exercise her discretion to assess and report whether the Council is likely to comply with these arrangements in future years.

Audit Findings

During the audit and assessment the LGA identified no issues requiring a formal recommendation under the Act. The LGA made one proposal for improvement. Proposals for improvement represent good practice which should assist the Council meeting its

responsibilities for performance improvement. The LGA is not minded to carry out a special inspection under section 95(2) of the Act.

3.3

Audit & Assessment (Section 95) Report 2021-22 – Proposal for Improvement

Following significant engagement with relevant council officers throughout December 2021 and January 2022, no formal recommendations were issued to the Council as a result of the audit. One proposal for improvement was introduced, as outlined under the thematic area of, “Collection, use and publication of performance information”.

Thematic Area	Proposal For Improvement	Management Response
1. Collection, use and publication of performance information	<p>Appropriate validation procedures should be put in place for all information reported.</p> <p>The Council continues to use Microsoft Excel for all performance improvement data recording, from identification to measurement and monitoring. This is however, a very labour intensive method of collating performance information, and is more susceptible to human error in terms of its robustness and accuracy.</p> <p>An electronic performance management system would be more efficient way of capturing the growing central repository of performance information. It would also provide a platform to demonstrate the alignment and interdependencies across the Business Planning and Performance Management Framework, create capacity for further analysis of the information and focus on key improvement areas across the organisation.</p> <p>Pending the implementation of any such system, data input to or extracted from excel (or other sources) should be checked for accuracy prior to publication.</p>	<p>Officers will research benchmark (good practice in other Councils) and introduce a validation procedure.</p> <p>Officers will undertake a business process improvement tools (BPI) to establish the “as is” process with view to determining/analysing improvements/efficiencies for utilisation in moving to an electronic platform (business intelligence/data platform).</p> <p>Officers have commenced research into current data performance/business intelligence electronic platforms, which would capture Council’s hierarchy of plans (Strategic and Operational Performance Management) and cross checks will be utilised for accuracy of data prior to publication</p>

4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: not applicable, arrangements being delivered within existing resource
	Human: not applicable, arrangements currently being delivered within existing resource
	Risk Management: Will assist in council's compliance with Part 12 of the Local Government (NI) Act 2014
4.2	<u>Screening & Impact Statements</u>
	Equality & Good Relations Implications: Not applicable No specific implications neutral impact on S75 groups and neutral impact on promotion of good relations
	Rural Needs Implications: not applicable
5.0	Recommendation(s)
5.1	That the committee notes the findings of Audit and Assessment (Section 95) Report 2021-22.
6.0	Documents Attached & References
	Appendix One: NIAO Correspondence dated 25 th February 2022 Appendix Two: Audit & Assessment Certificate of Compliance Appendix Three: Audit and Assessment (Section. 95) Report 2021-22

Mrs Colette Kane LGA
106 University St,
Belfast BT7 1EU

28 November 2022

Adrian McCreesh
Chief Executive
Mid Ulster District Council
Ballyronan Road
Magherafelt
BT45 6EN

Dear Adrian,

**MID ULSTER DISTRICT COUNCIL: IMPROVEMENT AUDIT AND ASSESSMENT –
FINAL AUDIT AND ASSESSMENT REPORT 2022-23**

I have now certified the improvement audit for the Council with a standard, unqualified opinion. In terms of the audit assessment, I have concluded that I am unable to assess whether Council is likely to comply with Part 12 of the Local Government Act (Northern Ireland) 2014 (the Act) during 2022-23. This is due to the changing landscape and refocusing of priorities as a result of the Covid-19 pandemic and the ongoing cost of living crisis, that has impacted on the ability to rely on past trends in councils' performance to assess the likelihood of future compliance with Part 12 of the Act. No statutory recommendations will be made to the Department this year in respect of the Council nor is there a requirement for a special inspection.

The report sets out the findings and conclusions from our work, it includes the audit and assessment certificate as an Annex. I also attach a copy of the original certificate I have signed. Our audit and assessment procedures may not have brought to light all areas in which improvements could be made and our findings should not be seen as comprehensive in this respect. Responsibility for determining whether they should be implemented, and the effects of such implementation, necessarily rests with management.

This letter and attachments have been copied to the Department for Communities as the legislation requires. I would like to thank you and your staff for the assistance and cooperation we received throughout the audit.

Yours sincerely,



Colette Kane
Local Government Auditor

Audit and assessment of Mid Ulster District Council's performance improvement arrangements

Certificate of Compliance

I certify that I have audited Mid Ulster District Council's (the Council) assessment of its performance for 2021-22 and its improvement plan for 2022-23 in accordance with section 93 of the Local Government Act (Northern Ireland) 2014 (the Act) and the Code of Audit Practice for local government bodies.

I also certify that I have performed an improvement assessment for 2022-23 at the Council in accordance with Section 94 of the Act and the Code of Audit Practice.

This is a report to comply with the requirement of section 95(2) of the Act.

Respective responsibilities of the Council and the Local Government Auditor

Under the Act, the Council has a general duty to make arrangements to secure continuous improvement in the exercise of its functions and to set improvement objectives for each financial year. The Council is required to gather information to assess improvements in its services and to issue a report annually on its performance against indicators and standards which it has set itself or which have been set for it by Government departments.

The Act requires the Council to publish a self-assessment before 30 September in the financial year following that to which the information relates, or by any other such date as the Department for Communities (the Department) may specify by order. The Act also requires that the Council has regard to any guidance issued by the Department in publishing its assessment.

As the Council's auditor, I am required by the Act to determine and report each year on whether:

- The Council has discharged its duties in relation to improvement planning, published the required improvement information and the extent to which the Council has acted in accordance with the Department's guidance in relation to those duties; and
- The Council is likely to comply with the requirements of Part 12 of the Act.

Scope of the audit and assessment

For the audit I am not required to form a view on the completeness or accuracy of information or whether the improvement plan published by the Council can be achieved. My audits of the Council's improvement plan and assessment of performance, therefore, comprised a review of the Council's publications to ascertain whether they included elements prescribed in legislation. I also assessed whether the arrangements for publishing the documents complied with the requirements of the legislation, and that the Council had regard to statutory guidance in preparing and publishing them.

For the improvement assessment I am required to form a view on whether the Council is likely to comply with the requirements of Part 12 of the Act, informed by:

- a forward looking assessment of the Council's likelihood to comply with its duty to make arrangements to secure continuous improvement; and
- a retrospective assessment of whether the Council has achieved its planned improvements to inform a view as to its track record of improvement.

My assessment of the Council's improvement responsibilities and arrangements, therefore, comprised a review of certain improvement arrangements within the Council, along with information gathered from my improvement audit.

The work I have carried out in order to report and make recommendations in accordance with sections 93 to 95 of the Act cannot solely be relied upon to identify all weaknesses or opportunities for improvement.

Audit opinion

Improvement planning and publication of improvement information

As a result of my audit, I believe the Council has discharged its duties in connection with (1) improvement planning and (2) publication of improvement information in accordance with section 92 of the Act and has acted in accordance with the Department for Communities' guidance sufficiently.

Improvement assessment

Councils continue to operate in a challenging environment with focus on recovery from the Covid-19 pandemic and the ongoing cost of living crisis, impacting both on performance and the way in which services are delivered. This changing landscape and refocusing of priorities has impacted my ability to rely on past trends in councils' performance to assess the likelihood of future compliance with Part 12 of the Act. In light of this, I am unable to reach an opinion on whether the Council is likely to discharge its duties under Part 12 of the Act and act in accordance with the Department for Communities' guidance sufficiently during 2022-23.

I have not conducted an assessment to determine whether the Council is likely to comply with the requirements of Part 12 of the Act in subsequent years. I will keep the need for this under review as arrangements become more fully established.

Other matters

I have no recommendations to make under section 95(2) of the Local Government (Northern Ireland) Act 2014.

I am not minded to carry out a special inspection under section 95(2) of the Act.



Colette Kane
Local Government Auditor
Northern Ireland Audit Office
106 University Street
BELFAST
BT7 1EU

28th November 2022

Audit and Assessment Report 2022-23

Report to the Council and the Department for Communities under Section 95 of the Local Government (Northern Ireland) Act 2014

Mid Ulster District Council
xx November 2022

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We have prepared this report for Mid Ulster District Council and the Department for Communities sole use. You must not disclose it to any third party, quote or refer to it, without our written consent and we assume no responsibility to any other person.

1. Key Messages

Summary of the audit

Audit outcome	Status
Audit opinion	Unqualified opinion
Audit assessment	The LGA has concluded that she is unable to assess whether Council is likely to comply with Part 12 of the Local Government Act (Northern Ireland) 2014 (the Act) during 2022-23
Statutory recommendations	The LGA made no statutory recommendations
Proposals for improvement	The LGA made two proposals for improvement

This report summarises the work of the Local Government Auditor (LGA) on the 2022-23 performance improvement audit and assessment undertaken on Mid Ulster District Council. We would like to thank the Chief Executive and his staff, particularly the Performance Improvement Manager for their assistance during this work.

We consider that we comply with the Financial Reporting Council (FRC) ethical standards and that, in our professional judgment, we are independent and our objectivity is not compromised.

Audit Opinion

The LGA has certified the performance arrangements with an unqualified audit opinion, without modification. She certifies an improvement audit and improvement assessment has been conducted. The LGA also states that, as a result, she believes that the Mid Ulster District Council (the Council) has discharged its performance improvement and reporting duties, including its assessment of performance for 2021-22 and its 2022-23 improvement plan, and has acted in accordance with the Guidance.

Audit Assessment

The LGA has assessed whether Mid Ulster District Council (the Council) is likely to comply with its performance improvement responsibilities under Part 12 of the Local Government Act (Northern Ireland) 2014 (the Act). This is called the 'improvement assessment'.

Councils continue to operate in a challenging environment with focus on recovery from the Covid-19 pandemic and the ongoing cost of living crisis, impacting both on performance and the way in which services are delivered. This changing landscape and refocusing of priorities has impacted on the ability to rely on past trends in councils' performance to assess the likelihood of future compliance with Part 12 of the Act. In light of this, the LGA has concluded that she is unable to reach an opinion on whether the Council is likely to have complied with its performance improvement responsibilities for 2022-23.

The LGA did not exercise her discretion to assess and report whether the council is likely to comply with these arrangements in future years.

Audit Findings

During the audit and assessment we identified no issues requiring a formal recommendation under the Act. We made two proposals for improvement (see Section 3). These represent good practice which should assist the Council in meeting its responsibilities for performance improvement. Detailed observations on thematic areas are provided in Annex B.

Status of the Audit

The LGA's audit and assessment work on the Council's performance improvement arrangements is now concluded. By 31 March 2023 she will publish an Annual Improvement Report on the Council on the NIAO website, making it publicly available. This will summarise the key outcomes in this report.

The LGA did not undertake any Special Inspections under the Act in the current year.

Management of information and personal data

During the course of our audit we have access to personal data to support our audit testing. We have established processes to hold this data securely within encrypted files and to destroy it where relevant at the conclusion of our audit. We can confirm that we have discharged those responsibilities communicated to you in accordance with the requirements of the General Data Protection Regulations (GDPR) and the Data Protection Act 2018.

Other matters

Sustainability and Climate Change

Councils have begun to address the issue of climate change and sustainability, with individual councils at varying stages of progress. If councils are to link climate change and sustainable action to their performance objectives or even as part of their wider continuous improvement arrangements in future years, it will be necessary to consider arrangements to improve, including ensuring adequate resourcing and gathering of accurate data.

2. Audit Scope

Part 12 of the Act provides all councils with a general duty to make arrangements to secure continuous improvement in the exercise of their functions. It sets out:

- a number of council responsibilities under a performance framework; and
- key responsibilities for the LGA.

The Department for Communities (the Department) has published '*Guidance for Local Government Performance Improvement 2016*' (the Guidance) which the Act requires councils and the LGA to follow. Further guidance to clarify the requirements of the general duty to improve was issued by the Department during 2019.

The improvement audit and assessment work is planned and conducted in accordance with the Audit Strategy issued to the Council, the LGA's Code of Audit Practice for Local Government Bodies in Northern Ireland and the Statement of Responsibilities.

The improvement audit

Each year the LGA has to report whether each council has discharged its duties in relation to improvement planning, the publication of improvement information and the extent to which each council has acted in accordance with the Department's Guidance. The procedures conducted in undertaking this work are referred to as an "improvement audit". During the course of this work the LGA may make statutory recommendations under section 95 of the Act.

The improvement assessment

The LGA also has to assess annually whether a council is likely to comply with the requirements of Part 12 of the Act, including consideration of the arrangements to secure continuous improvement in that year. This is called the 'improvement assessment'. She also has the discretion to assess and report whether a council is likely to comply with these arrangements in future years.

The annual improvement report on the Council

The Act requires the LGA to summarise all of her work (in relation to her responsibilities under the Act) at the Council, in an 'annual improvement

report'. This will be published on the NIAO website by 31 March 2023, making it publicly available.

Special inspections

The LGA may also, in some circumstances, carry out special inspections which will be reported to the Council and the Department, and which she may publish.

3. Audit Findings

This section outlines key observations in the form of proposals for improvement, arising from following thematic areas of the Council's audit and assessment:

- General duty to improve;
- Governance arrangements;
- Improvement objectives;
- Consultation;
- Improvement plan;
- Arrangements to improve
- Collection, use and publication of performance information; and
- Demonstrating a track record of improvement.

These are not formal recommendations, which are more significant matters which require action to be taken by the Council in order to comply with the Act or Guidance. Proposals for improvement include matters which, if accepted, will assist the Council in meeting its performance improvement responsibilities. The LGA may follow up how key proposals have been addressed in subsequent years. We recommend however that the Council's Audit Committee track progress on all proposals for improvement.

Our procedures were limited to those considered necessary for the effective performance of the audit and assessment. Therefore, the LGA's observations should not be regarded as a comprehensive statement of all weaknesses which exist, or all improvements which could be made.

Detailed observations for the thematic areas can be found at Annex B.

Thematic area	Issue	Proposal for improvement
Collection, use and publication of performance information	Council continues to use a Microsoft Excel based system to identify, measure and monitor performance improvement. This however, is a very labour intensive method of collating performance information. An electronic performance management system would be a more efficient way of capturing the growing central repository of performance information. It would also provide a platform to demonstrate the alignment and interdependencies across the Business Planning and Performance Management Framework, create capacity for further analysis of the information and focus on key improvement areas across the organisation.	Council should consider procuring an electronic performance management system.
Collection, use and publication of performance information	The use of Microsoft Excel for collection and reporting of performance information data, as referred to above, can be susceptible to human error and instances of this have been identified in the past.	Council should ensure there is a strong quality review process and appropriate validation of performance information. Internal Audit could be used to assist with this.

4. Annexes

Annex A – Audit and Assessment Certificate

Audit and assessment of Mid Ulster District Council’s performance improvement arrangements

Certificate of Compliance

I certify that I have audited Mid Ulster District Council’s (the Council) assessment of its performance for 2021-22 and its improvement plan for 2022-23 in accordance with section 93 of the Local Government Act (Northern Ireland) 2014 (the Act) and the Code of Audit Practice for local government bodies.

I also certify that I have performed an improvement assessment for 2022-23 at the Council in accordance with Section 94 of the Act and the Code of Audit Practice.

This is a report to comply with the requirement of section 95(2) of the Act.

Respective responsibilities of the Council and the Local Government Auditor

Under the Act, the Council has a general duty to make arrangements to secure continuous improvement in the exercise of its functions and to set improvement objectives for each financial year. The Council is required to gather information to assess improvements in its services and to issue a report annually on its performance against indicators and standards which it has set itself or which have been set for it by Government departments.

The Act requires the Council to publish a self-assessment before 30 September in the financial year following that to which the information relates, or by any other such date as the Department for Communities (the Department) may specify by order. The Act also requires that the Council has regard to any guidance issued by the Department in publishing its assessment.

As the Council’s auditor, I am required by the Act to determine and report each year on whether:

- The Council has discharged its duties in relation to improvement planning, published the required improvement information and the extent to which the Council has acted in accordance with the Department’s guidance in relation to those duties; and

- The Council is likely to comply with the requirements of Part 12 of the Act.

Scope of the audit and assessment

For the audit I am not required to form a view on the completeness or accuracy of information or whether the improvement plan published by the Council can be achieved. My audits of the Council's improvement plan and assessment of performance, therefore, comprised a review of the Council's publications to ascertain whether they included elements prescribed in legislation. I also assessed whether the arrangements for publishing the documents complied with the requirements of the legislation, and that the Council had regard to statutory guidance in preparing and publishing them.

For the improvement assessment I am required to form a view on whether the Council is likely to comply with the requirements of Part 12 of the Act, informed by:

- a forward looking assessment of the Council's likelihood to comply with its duty to make arrangements to secure continuous improvement; and
- a retrospective assessment of whether the Council has achieved its planned improvements to inform a view as to its track record of improvement.

My assessment of the Council's improvement responsibilities and arrangements, therefore, comprised a review of certain improvement arrangements within the Council, along with information gathered from my improvement audit.

The work I have carried out in order to report and make recommendations in accordance with sections 93 to 95 of the Act cannot solely be relied upon to identify all weaknesses or opportunities for improvement.

Audit opinion

Improvement planning and publication of improvement information

As a result of my audit, I believe the Council has discharged its duties in connection with (1) improvement planning and (2) publication of improvement information in accordance with section 92 of the Act and has acted in accordance with the Department for Communities' guidance sufficiently.

Improvement assessment

Councils continue to operate in a challenging environment with focus on recovery from the Covid-19 pandemic and the ongoing cost of living crisis, impacting both on performance and the way in which services are delivered. This changing landscape and refocusing of priorities has impacted my ability to rely on past trends in councils' performance to assess the likelihood of future compliance with Part 12 of the Act. In light of this, I am unable to reach an opinion on whether the Council is likely to discharge its duties under Part 12 of the Act and act in accordance with the Department for Communities' guidance sufficiently during 2022-23.

I have not conducted an assessment to determine whether the Council is likely to comply with the requirements of Part 12 of the Act in subsequent years. I will keep the need for this under review as arrangements become more fully established.

Other matters

I have no recommendations to make under section 95(2) of the Local Government (Northern Ireland) Act 2014.

I am not minded to carry out a special inspection under section 95(2) of the Act.



Colette Kane
Local Government Auditor
Northern Ireland Audit Office
106 University Street
BELFAST
BT7 1EU

28th November 2022

Annex B – Detailed observations

Thematic area	Observations
General duty to improve	<p>The Council’s arrangements to secure continuous improvement (including community planning, corporate planning, Service Plans and its Performance Improvement Framework and processes within) incorporate the seven aspects of improvement into its assessments of functions and services. The Council held workshops with Senior Management and Heads of Service to identify current and future issues for Mid Ulster citizens that the Council should focus on. The Council engaged with the public through its community planning consultation process to strengthen its understanding of community needs and what its citizens and stakeholders want. Key improvement areas designated by the Council within its Performance Improvement Plan include Infrastructure and Economic Growth which are aligned to its Community Plan outcomes.</p> <p>The Council have a Corporate Management and Improvement Policy last reviewed in December 2019 which aims to explain the framework to managers, employees, members, partners and the public to demonstrate the Council’s commitment to continuous improvement. The Council had also developed “A Guide to Developing Engaging and Performing in Mid Ulster District Council – Managing Performance Toolkit (DEP).” This is based around Deming’s PDCA cycle and is a continuous quality improvement model. This aids the implementation of the Council’s eight step approach to managing performance and is in line with the guidance definition of ‘improvement framework’.</p> <p>Quarterly performance reports are prepared for the Chief Executive, Senior Management Team, and Policy and Resources Committee.</p>

Thematic area	Observations
Governance arrangements	<p>The Council’s governance arrangements support effective decision making and oversight, relating to its responsibility for continuous improvement in its functions and it continues to develop these.</p> <p>Responsibility for delivering performance improvement objectives rests with established project teams under the direction of a Senior Responsible Officer appointed by the Chief Executive’s Directorate. The team looks after the corporate planning and service delivery and improvement planning processes alongside performance management and improvement.</p> <p>The Council has assigned responsibility for scrutiny of its performance improvement framework to the Policy and Resources Committee. The Audit Committee oversight role has developed to include quarterly monitoring of the activity of the Policy and Resources Committee, specifically in respect of the scrutiny of the Council’s Performance Improvement Plans and Reports, and this is a standing item on the agenda for reporting. The Policy and Resources Committee Terms of Reference have been updated to reflect performance improvement responsibilities.</p> <p>A proposal for improvement raised in the 2016-17 performance improvement audit and assessment suggested that the Council consider that the internal audit function be used to provide assurance on the integrity and operation of the Council’s performance framework and identify areas for improvement. The Council should also consider using internal audit to obtain independent validation of data collected for published self-imposed KPIs and standards. There was no internal audit review on performance improvement undertaken in 2020-21 or 2021-22, and whilst this was understandable given the impact of the pandemic, having regular internal audit coverage of performance improvement arrangements remains a point of good practice. This is referred to in section 3.</p>

Thematic area	Observations
Improvement objectives	<p>The Council have clearly detailed the rationale for selecting each of the four objectives within the Performance Improvement Plan and have provided results from the consultation to support the selection of each objective held in April 2022. On review of the consultation commentary the Council concluded that outcomes did not warrant the removal, amendment to or addition to the objectives proposed going forward for 2022-23.</p> <p>The improvement objectives set all meet at least one of the seven criteria required by legislation and relate to the functions and services identified for improvement sent out in the 10-year Community Plan and the Council’s Corporate Plan (2020-2024) themes and outcomes. The objectives were selected on the basis of a range of factors including an analysis of available statutory, corporate and service performance measures, information from performance reports, as well as engagement with elected Members, the Senior Management Team, Heads of Service and consultation with citizens.</p> <p>For each improvement objective, the Council sets out:</p> <ul style="list-style-type: none"> • Why have we chosen this Improvement Objective? • Actions – What are we going to do? (Including Activities and Outcomes) • How will we know? (What we delivered and Achievement) • Visible improvements residents, businesses or visitors expect to see • Partnerships – Who do we need to work with? • Link to District Community Plan Themes and Outcomes • Link to Corporate Plan Theme • Performance Improvement Aspects which this improvement objective aims to deliver against <p>The outcomes of each objective are clearly documented within the performance improvement plan and each of the objectives are robust, deliverable, and demonstrable.</p>

Thematic area	Observations
	<p>Specific measurements and targets have been included for each activity which will allow the Council to determine if they have been achieved and therefore contribute to the overall performance of the objective.</p>
Consultation	<p>An internal process involving Heads of Service and Senior Management identified emerging objectives and improvement projects for 2022-23 which would contribute to achieving the Council’s objectives. The proposed objectives were approved by the Policy & Resources Committee prior to consultation. The Council carried out consultation on its improvement objectives with ratepayers, local business representatives, community, voluntary groups, and staff.</p> <p>The Council undertook a six week consultation exercise in 2022 on the Council’s draft corporate improvement objectives. In order to help raise the profile and transparency of the performance improvement framework, a number of communication channels were used including advertising in local newspapers, on the Council website, through multiple social media platforms and internal staff meetings. The council received 55 responses. The questions within the consultation survey directly related to each improvement objective.</p> <p>The consultation process was conducted in line with the Council’s consultation policy which was approved in February 2020. The full implementation of the policy and the associated awareness raising of the policy has been impeded by the COVID-19 pandemic. However, the policy was due for review in February 2022 and this would allow for COVID compliant/hybrid consultation mechanisms to be considered in the revised version. The review of the policy on consultation commenced in January 2022. This initial review consisted of internal consultation with senior council officers. The full review however cannot be completed until the impact of the implementation of the Digital Transformation Strategy can be mapped out and progressed. Once any proposed digitally focused public consultation mechanisms are confirmed, then review can be re-</p>

Thematic area	Observations
	<p>prioritised and completed. It is anticipated that the full policy review will be completed by beginning of new business year, though the impact the Digital Strategy is having on the timeliness of the consultation policy review should be noted.</p> <p>With such significant support for the four proposed improvement objectives, together with additional commentary provided, the council concluded that outcomes did not warrant the removal, amendment to or addition to the objectives proposed going forward for 2022-23.</p>
Improvement plan	<p>The Council published its Performance Improvement Plan in June 2022 covering 2022-23. It is available in electronic format on the Council’s website and other formats upon request. To enhance citizen engagement, it is recommended the performance improvement plan, or links thereto, are posted on social media or other communication platforms going forward.</p> <p>The Council have published both the Corporate Performance Improvement Plan 2022-23 and the Annual Assessment 2021-22 in an unprotected word format which is easily amended by the user. Reports have been published in a Word Document format for accessibility purposes however we suggest going forward that reports are published in an accessible format in which content is protected and restricted for editing. This recommendation has been previously raised as part of the 2020-2021 audit.</p> <p>The improvement objectives outlined in the Plan are based around themes set out in the Council’s Corporate Plan 2020-24 and the 10-year District Community Plan. It identifies a number of areas which the Council will focus on in the two years ahead, with the aim of delivering improvements to benefit residents and service users.</p> <p>It was noted through investigation of the underlying data supporting the improvement objectives that some further additional links to both the Community Plan and Corporate</p>

Thematic area	Observations
	<p>Plan themes and priorities have been established but not reported within the Performance Improvement Plan 2022-23. For completeness, we recommend all relevant links between the Community Plan, Corporate Plan and the four improvement objectives in the Performance Improvement Plan should be identified and reported.</p> <p>The Plan clearly sets out the basis on which each objective was selected, together with related projects and key actions to contribute to the achievement of the higher-level objectives, the visible improvements residents, businesses, or visitors can expect, and how success will be measured. It also reflects how citizens and other stakeholders within the Council will be better off as a direct result of the improvement process.</p> <p>The Plan benefits promotes the transparency and meaningfulness of the Council’s commitment to continuously improve its functions.</p> <p>The Plan includes a separate section on the statutory imposed performance indicators and standards and provides sufficient information on its arrangements to exercise its functions so that any applicable statutory performance standards are met.</p>
Arrangements to improve	<p>The Council is required to establish arrangements to deliver on its improvement objectives each year.</p> <p>The underlying projects in relation to the improvement objectives are supported by delivery plans and budgets for use by operational teams. These are being project managed and have lines of accountability, including risk management, to senior management and Members.</p> <p>In addition, Members and Officers at full council and committee meetings with a strategy or policy and oversight focus receive regular updated from senior management on how these established arrangements to improve are progressing.</p>

Thematic area	Observations
Collection, use and publication of performance information	<p data-bbox="562 236 2004 311">In September 2022, the Council published the 'Annual Self-Assessment Report 2021-22' which includes:</p> <ul data-bbox="658 311 2004 587" style="list-style-type: none"> <li data-bbox="658 311 2004 386">• its performance in discharging the general duty to secure continuous improvement in 2021-22 <li data-bbox="658 386 2004 462">• results of its 2021-22 statutory performance standards compared with the same standards in the prior year; and, <li data-bbox="658 462 2004 587">• results of its 2021-22 self-imposed performance standards and indicators relating to its general duty to improve, and where applicable comparisons with the same standards in the prior year. <p data-bbox="562 630 2004 817">This report gives an overview and self-assessment of the performance of the Council during the previous financial year in accordance with its legislative requirements. The Council have also included a section which summarises emerging through COVID-19 restrictions, living with the pandemic and how this impacts the Councils services and facilities.</p> <p data-bbox="562 861 2004 1048">The key purpose of the report is to show citizens and other stakeholders how the Council is discharging its duty under legislation to secure continuous improvement as set out in its 2021-22 Performance Improvement Plan. It enables the Council to communicate progress against its improvement objectives and to highlight what visible improvements it has made to its functions and services.</p> <p data-bbox="562 1093 2004 1362">The Council have recognised in the Annual Self-Assessment the impact of COVID-19 on many services means that the performance of statutory indicators in 2021-22 are not as comparable to previous years, however analysis over time has been added where possible. In future years, year-on-year trend analysis should continue. Detailed narrative has been included for those indicators impacted by COVID-19. The report includes a comparison of its performance statutory indicators against the 10 other councils. The issue of benchmarking with other councils is part of the work plan for the Performance</p>

Thematic area	Observations
	<p>Improvement Working Group (PIWG) and it is expected that progress on this issue will be made to allow a broader range of activities to be compared. However, we note that delays to this process were faced because of the COVID-19 pandemic and while there was an intention to take this issue forward through the PIWG, limited progress has been made on this matter.</p> <p>The Council achieved four out of seven statutory performance standards. For each statutory indicator 'not achieved' the Council has included an 'Action Plan'.</p> <p>The Council use Microsoft Excel templates to track performance of statutory and self-imposed indicators on a quarterly basis. This, however, is a very labour intensive method of collecting performance information, and is susceptible to human error in terms of the robustness and accuracy of content. We noted examples of discrepancies in the 2020-21 Annual Self Assessment report, and have therefore raised a proposal for improvement this year for the council to consider additional quality review processes for published information.</p> <p>As noted in the proposals for improvement, an electronic performance management system would be a more efficient way of capturing the growing central repository of performance information.</p> <p>The report also includes a section on the Council's achievement of its self-imposed performance measures based on the corporate plan priorities and commitments during the year.</p>
Demonstrating a track record of improvement	The LGA has concluded that the changing landscape and refocusing of priorities has impacted on her ability to rely on past trends in councils' performance to assess the

Thematic area	Observations
	<p>likelihood of future compliance with Part 12 of the Act. Services have been affected by the impact of COVID-19, and cost of living crisis.</p> <p>The Council is conscious of the impact of COVID-19 on society but also that its corporate and individual ratepayers are experiencing the negative impacts of increased financial pressures due to high inflation, soaring gas and electricity prices, high fuel costs. It is also conscious of its role in relation to the management of climate change. In relation to statutory indicators, the Council has referenced both the statutory targets and the "Go for It" programme targets in the performance improvement plan and assessment. In its Annual Report, published in August 2022, the Council noted that as we learn to "live with Covid" there is also a need to continue to prevent, contain and manage its impact. In particular it highlighted the benefits of effective collaborations with other district and borough councils and with other public sector organisations and communities to transform services, drive innovation and improve outcomes.</p> <p>The Council established four new improvement objectives in 2021 for 2021-22 and 2022-23 which has allowed the Council to demonstrate a record of improvement across the two years and future years. The Council will continue to consult on the four improvement objectives each year to determine continued relevance.</p> <p>For each of the statutory indicators, the Council have reported results against 2020-21 and 6 years of results where applicable which have been presented in a combination of line graphs and bar charts to effectively communicate the improvements over time. The Council have also presented other councils' results for the comparison against the current year. An analysis paragraph has been included for each indicator and the Council has included narrative where indicators have been impacted by COVID-19.</p> <p>Statutory performance indicators P1, P2, P3 and W1 have shown a decline in performance in the current year in comparison with the prior years and the target set.</p>

Thematic area	Observations
	<p>The other three statutory indicators have shown improvement across the last three years.</p> <p>Of the self-imposed indicators and standards, one has seen improvement from the previous year and two remained in line with prior year, which is positive, taking into consideration the impact of the pandemic.</p>