

Minutes of Meeting of Policy and Resources Committee of Mid Ulster District Council held on Thursday 2 December 2021 in the Council Offices, Ballyronan Road, Magherafelt and by Virtual Means

Members Present

Councillor McKinney, Chair

Councillors Ashton*, Buchanan, Cuddy, Elattar*, Forde, Gildernew*, Kearney, S McAleer*, S McGuigan*, Molloy, Totten*

Officers in Attendance

Mr McCreesh, Chief Executive
Mrs Canavan, Strategic Director of Organisation Development, Strategy and Performance
Mrs Dyson**, Head of HR
Mrs Kerr*, Head of Finance
Ms Mezza**, Head of Marketing and Communications
Mr Moffett, Assistant Director of Organisation Development, Strategy and Performance
Mr O'Hagan, Head of ICT
Mr Tohill, Strategic Director of Corporate Service and Finance
Mrs Grogan, Democratic Services Officer

* 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 McKinney welcomed everyone to the meeting and those watching the meeting through the Live Broadcast. Councillor McKinney 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.

PR225/21 Apologies

Councillors Doris, S McPeake, McLean and Quinn.

PR226/21 Declarations of Interest

None.

PR227/21 Chair's Business

The Chair advised that there was an additional item to be raised in Confidential Business for Decision.

Matters for Decision

PR228/21 Report of Corporate Good Relations Working Group Meeting: November 2021

The AD: ODSP presented previously circulated report to provide details of the outworking's of the Corporate Good Relations Working Group that was held on Monday 1st November 2021.

The Chair said that once again he would be opposing the group and would not be making an apology for doing so. He felt that it wasn't a Good Relations Working Group as it appeared that there were no relations as was seen in the past and wished to have his comments noted.

Proposed by Councillor Molloy
Seconded by Councillor Kearney and

Resolved That it be recommended to Council to approve the report of the Corporate Good Relations Working Group meeting held on Monday 1st November 2021.

PR229/21 Request to Light Up Buildings

The AD: ODSP presented previously circulated report which considered requests received to illuminate/light up the Council's three designated properties to raise awareness of and mark;

- National Day of Reflection – Wednesday 23 March 2022

Proposed by Councillor Molloy
Seconded by Councillor Kearney and

Resolved That it be recommended to Council to light up the three designated Council properties on Wednesday 23 March 2022 to mark the National Day of Reflection to support those who've been bereaved during the pandemic and to reflect on the lives of those who have died from Covid or other cause. Buildings to be lit up in colour yellow.

PR230/21 Policies for Mid Ulster District Council

The SD: OD presented previously circulated report and sought approval for the new Menopause Support Policy, Payment of Subscriptions to Professional Bodies Policy and Term Time Working Procedures (as part of the Flexible Working Arrangements Policy) developed for Mid Ulster District Council.

Proposed by Councillor Cuddy
Seconded by Councillor Forde and

Resolved That it be recommended to Council to approve the Menopause Support Policy, Payment of Subscriptions to Professional Bodies Policy and Term

Time Working (as part of the Flexible Working Arrangements Policy) for Mid Ulster District Council.

PR231/21 Amendment to Council Scheme of Delegation

The AD: ODSP presented previously circulated report and sought approval on amendments to the Council's Scheme of Delegation for Senior Officers to reflect the new organisational structure, agreed by Council in July 2021.

Councillor Ashton sought clarification on the move from the Council Solicitor to the Strategic Director of Corporate Service and Finance and felt anything referred to the Solicitor was because of legal advice and couldn't understand why there was this change.

The AD: ODSP confirmed that within the Scheme of Delegation the responsibility for initiating legal proceedings sat specifically with the Council's Solicitor but as part of the new structure there wasn't a specific post named as Council Solicitor within the Council's structure. Up until now the Scheme of Delegation reflected the senior structure and the structure of the organisation where specifically it did reference Council Solicitor whereas now it did not make reference.

Councillor Ashton said that she was confused regarding the Council Solicitor illustration no longer being within the structure. She found it hard to understand especially where legal advice was so important within Councils and the Solicitor being the first point of contact.

The SD: CS&F clarified that there would still be a Council Solicitor in place but they just wouldn't have the same degree of autonomy as they previously had within the new structure. He advised that Legal Services previously reported directly to the Chief Executive and now they were reporting to him and confirmed that he would be much more hands on in all legal matters. He stated that the big difference would be that in the original structure when Mid Ulster Council was first established the role of the Solicitor was empowered to initiate legal action, but within the new structure legal issues would be going through him and he would be engaging directly with the Officer who will be in post as the Council Solicitor, which was more of a post of a Solicitor employed by the Council opposed to a Council Solicitor who was delegated and nominated within the Scheme of Delegation. He said that Council would still be engaging with the person employed as the Council's Solicitor on legal matters but he will be becoming more hands on making decisions and deciding where they go as opposed to the Chief Executive working directly with the Solicitor. He confirmed that he would now be in control and management of the entire department and no longer a requirement for a Council Solicitor to be in the same position within the documentation. He advised members that the former individual who held the post of Council Solicitor has now taken on a different role within Council but would still be involved in the management of legal affairs.

Councillor S McGuigan said that he was glad to hear the SD: CS&F explanation and although he was aware and understood it, it was still beneficial to get the wording and the meaning of the role and would be happy to propose the recommendations.

Proposed by Councillor S McGuigan
Seconded by Councillor Cuddy and

Resolved That it be recommended to Council that the Committee -

- i) Authorises the amendments to the Scheme of Delegation for Officers to reflect the new organisational structure.
- ii) Agrees that the Director of Public Health & Infrastructure, or in their absence the Chief Executive, has delegated authority on areas pertaining to environmental health and related matters where required under the Scheme until the new Strategic Director of Communities and Place takes up post.

PR232/21 Member Services

No issues.

Matters for Information

PR233/21 Minutes of Policy and Resources Committee held on 4 November 2021

Members noted Minutes of Policy and Resources Committee held on 4 November 2021.

Councillor Cuddy referred to issue of LPS which he had raised last month and although there had been a meeting and presentation, he felt that it didn't answer any of his concerns. He said that he was keen to know if the LPS process continued right the whole way through to the final conclusion of the project and being involved in the negotiations as his concern related to a previous project at Davagh Forest where LPS wasn't involved and the more enquires he made the more concerned he had got and felt he didn't really get any answers from the meeting with LPS. He also referred to another project which was talked about last month where all the LPS valuations and details were discussed in open business and was dismayed the project he raised over the last year and half was being kept in confidential business and not being open and transparent on how it was started off with a valuation from LPS and then ending up with a valuation of 500% more and this was the reason he requested LPS be invited to talk to members. He noted that LPS had been paid £27,000 in the last number of years and wished to see a transparent process as he was a Councillor representing ratepayers right across Mid Ulster and there was an onus on members to follow the procedures of an organisation that everyone respects. He said that he understood that there was a need for flexibility in negotiations and was aware that things can get out of hand, but there needed to be reasons why there was an increase of 20 to 30% more or less depending on what was being bought, sold or leased and this could portray a public perception that extra money could be got of Council as examples had shown. He felt that anybody with leases could just purposely ignore LPS valuations and ask for what they want as they may feel their land is worth more than the annual lease to the Council each year. He concluded by saying that he was still concerned after meeting with LPS last month as it was no help at all as he couldn't ask any questions and felt that this was something that needed to be tidied up as an organisation.

The SD: CS&F said that he recognised that the discussion was still in open business and that he was disappointed as a Senior Officer being involved in a lot of discussion with both the Committee, Council and individual members that Councillor Cuddy was still unhappy with the information which has been provided. He said that if Councillor Cuddy was unhappy by the level of information communicated by LPS then this was disappointing as he had attended that meeting and felt that it was a very thorough discussion of the issues involved and believed that the LPS staff in attendance categorically and unequivocally answered the questions which he understood to be the primary concern of Councillor Cuddy.

He categorically advised members that he was aware of every financial transaction in relation to the issue Councillor Cuddy was referring to that this Council has engaged in that; he stated that he was confident that these transactions had been conducted completely in line with all relevant legislation; he advised that his understanding of the relevant legislation had been confirmed to him by LPS verbally and subsequently communicated to members by LPS in the presentation to which Councillor Cuddy referred. He said that he also had been extremely transparent with the Northern Ireland Audit Office in various meetings where he had volunteered discussions to ensure that Council was compliant with all relevant legislation. He wished to reassure members of the public and members watching virtually that everything was satisfactory in relation to the matters referred to by Councillor Cuddy and reiterated that he believed that the training which had been provided answered the questions posed by Councillor Cuddy.

He further advised that he would be happy to sit down with Councillor Cuddy or any other member or groups at any time to go over what was discussed at that training and why he believed that the questions Councillor Cuddy was concerned about had been answered; he said that he believed that he could specifically refer to exactly to what the LPS Officer had said that confirmed that the questions had been answered. He concluded by saying that it was disappointing that this was raised by the member in an open forum and he was now speaking to try and preserve the reputation of the Council in the public eye in the event of someone interpreting Councillor Cuddy's comments as indicative that something was happening that was irregular or inappropriate.

Councillor Cuddy said that he had total respect for the SD: CS&F who had always been open and frank through the process. He said that members were told last month that no specific questions were allowed to be asked during the LPS presentation and felt that this was important to raise that. He said that Cahore Playing Fields was raised last month with the LPS process and figures all being shared in open business and felt if this was done for one project that it should be done for another and should be no huge issue. He concluded by saying that policies were needed to be in place and stick to them especially when it related to LPS.

Councillor S McGuigan advised that he was one of the Councillors which attended the LPS presentation and would say that he found it very useful in the sense that sometimes when you attend a meeting like this you may receive relatively limited information but felt that the LPS presentation was delivered in such a way that many of the questions which were going to be asked were delivered in the presentation. He said that within that regard he found the meeting very satisfactory.

PR234/21 Review of Hate Crime Legislation – Duty to Remove Hate Expression

Members noted plans by the Department of Justice (DOJ) to bring forward legislative changes via consolidated Hate Crime legislation.

PR235/21 Performance Improvement Six Month Progress Update (Q1 to Q2 – 2021/22)

Members noted update which provided information on the review of Council's performance against Council's 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 2021/22. The report also provided a performance progress summary against the Council's four corporate improvement objectives and their associated project plans. The indicators and standards, the 4 improvement projects and corporate health indicators are contained within Council's Two Year Performance Improvement Plan for 2021/22 to 2022/23.

PR236/21 Changes to Telephony Network

Members noted update in relation to the change and implications to changes in the UK telephony infrastructure and withdrawal of copper-based services in 2025.

Councillor Cuddy advised that a lot of members use their own personal devices and mobile phones for individual issues and enquired if ICT could access members' personal equipment and store confidential data.

The Head of ICT said that he wished to reassure members that Council does not have access to their mobile devices and contents but does in certain circumstances allow Officers to remotely wipe and secure mobile devices operated by Council Officers. He advised that Officers may have access potentially to Council email accounts which some members had signed up to. Obviously, the security arrangements and access to emails is highly regulated and monitored within the ICT team and subject to audit but no-one has access to members' emails other than the actual member themselves.

He advised members in extreme circumstances, accounts can be reset to include passwords and provide support to the members for access.

The SD: CS&F advised that the committee had discussed this matter in some length in the past and concurred with what the Head of ICT said as accurate. In a previous meeting it was clarified that the Council was subject to certain legislative provisions in relation to Freedom of Information and at the time it was clarified that, in relation to members who use their own devices, the devices were not directly accessible to Officers in any shape or form because the devices belong to members and not Council. Most staff do not use their own devices for work purposes but occasionally they may have to use their own devices if certain applications were accessible via web browsers; this access was accelerated by the pandemic and the distribution of equipment to staff which needed it for their work while working remotely.

He reassured members that Council could not access members' personal devices but noted that there may still be security issues in relation to information on members'

devices which the Council cannot control or offer any protection for. If Councillors use Council equipment and information is retained on it, then this will be within the scope of the protection that Council will try to provide across all its devices; currently, in so far as practicable, the officers try to ensure that equipment is protected by anti-virus and other controls, such as firewalls and procedures.

Councillor Cuddy stated if someone was in the office and even their phones were off and discuss something i.e. make of cars and within the next few days there was advertisements and this has got people asking the questions about security of mobile phones and he was just trying to identify where the line was within this organisation as most Councillors receive a certain amount of personal information we there was a need to be sure that confidentially is adhered too.

The SD: CS&F said that he completely understood Councillor Cuddy's concerns but advised that it was impossible for Council to know about and protect against every threat as there were external technologies and forces that may not be known about and therefore cannot be competed against. He advised that the officers couldn't and wouldn't guarantee that all devices, Council or otherwise were absolutely secure.

PR237/21 Miscellaneous Matters

The Chair, Councillor McKinney said that before coming to the end of open business and the privilege of being in the Chair referred to previous Agenda Item 4 - Report of Corporate Good Relations Working Group Meeting: November 2021 and said that he wished to make a proposal that this Council light up their buildings this Saturday night for the Anniversary of Northern Ireland in the colour blue.

Councillor Cuddy seconded the proposal.

Councillor Molloy stated that this issue was already addressed and would be against the proposal.

Councillor Forde said that she would be in support of the proposal.

The Chair, said that in light of the Good Relations Working Group in which he had not been in attendance, he would like to see some goodwill and put his proposal to the vote:

For	5
Against	7

The proposal was unsuccessful.

The Chair wished both members and the public watching remotely a very Happy Christmas and a very peaceful New Year.

Live broadcast ended at 7.38 pm.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Molloy
Seconded by Councillor Cuddy 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 Member consider items PR238/21 to PR245/21.

Matters for Decision

- PR238/21 Proposal from Dungannon Enterprise Centre to transfer ownership of part of Drumcoo Playing Fields, Dungannon
- PR239/21 Staffing Matter for Decision
- PR240/21 2022-2023 Rates Estimates
- PR241/21 Treasury Management

Matters for Information

- PR242/21 Policy and Resources Confidential minutes of meeting held on 4 November 2021
- PR243/21 Staffing Matters for Information
- PR244/21 Financial Report for the 7 months ended 31 October 2021
- PR245/21 Contracts & DAC

PR246/21 Duration of Meeting

The meeting commenced at 7 pm and concluded at 8.40 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.