

**Ballymoney Borough Council
Corporate & Central Services
Meeting No: 357 – 29th August 2007**

TABLE OF CONTENTS

357.1	Election of Chair	<i>Alderman Connolly elected in absence of Chair and Vice Chair.</i>
357.2	Minutes	<i>Approved.</i>
357.3	Domestic rating Review	<i>Endorse NILGA response, as amended.</i>
357.4	Staff Matters	
4.1	Maternity Cover - OCE	<i>Maternity cover for a committee clerk plus one full-time clerical officer shared between OCE and Borough Services be recruited through public advertisement.</i>
4.2	Part-Time posts – OCE and Borough Services Directorate	
357.5	District Policing – Consultation on Draft Code of Practice on Appointment of Independent Members of DPPS 2007	<i>Recommend that political membership of the DPP should not be monitored as it comes about as result of an election process which takes no account of the Sect. 75 categories. If the Policing Board require the information to fulfil requirements under the Act they should collate and hold the information and not require Council Officers to do it.</i>
357.6	Information Systems (IS) Strategy for Local Government in NI	<i>Recommend that</i> <i>(i) Council support, in principle, the development of an IS Strategy for local government and</i> <i>(ii) No comments be offered on the Draft Terms of Reference.</i>
357.7	NILGA Constitution – Proposed Amendment	<i>Recommend that Council does not accept the proposed amendments to NILGA Constitution.</i>
357.8	Youth Justice Agency	<i>Invite a delegation from Youth Justice Agency to make a presentation to Council.</i>
357.9	RPA – A Shared Vision	<i>Recommend to Council that the nominees to attend a focus group on 12th September 2007 are Councillor Robinson (DUP),</i>

*Alderman Connolly (SDLP) and
Alderman Simpson (UU).*

357.10 Timing of Meetings

*Chief Executive to discuss the
issue with Management Team and
bring a paper back to Committee on
the matter.*

**357.11 Political Representation on Outside
Bodies: Attendance**

*Concern expressed at the apparent
low attendance of political
representation at meetings on
outside bodies.*

**BALLYMONEY BOROUGH COUNCIL
Corporate & Central Services Committee**

Minutes of Corporate & Central Services Committee Meeting No 357 held in the Council Chamber, Riada House, Ballymoney on Wednesday 29th August 2007 at 2.00pm.

IN THE CHAIR H Connolly

PRESENT **Aldermen**
F Campbell

Councillors
J Finlay
M McCamphill
E Robinson
I Stevenson
M Storey, MLA

APOLOGIES **Aldermen**
J Simpson

IN ATTENDANCE Chief Executive
[Items 4-11]
Director of Central & Leisure Services
[Items 1-3]
Committee Clerk

357.1 ELECTION OF CHAIR

Director of Central and Leisure Services advised Committee that neither the Chair nor Vice-Chair were available to attend the meeting. Members were invited to elect a Chair to proceed.

It was proposed by Councillor McCamphill, seconded by Councillor Robinson and **AGREED**:

that Alderman Connolly take the Chair of Corporate and Central Services Committee for the ensuing meeting.

357.2 MINUTES

Minutes of Meeting No. 356 –25th June 2007 were circulated.

It was proposed by Alderman Campbell, seconded by Councillor Stevenson and **AGREED**:

to recommend to Council that the minutes of meeting no. 356 – 25th June 2007 as circulated be approved.

CENTRAL SERVICES

357.3 DOMESTIC RATING REVIEW

The new domestic rating system came into operation on 01 April 2007, following a review of rating policy commissioned in 2000 by the then Executive and taken forward by Direct Rule Ministers after the suspension of the Assembly in October 2002.

The Minister for Finance and Personnel, Peter Robinson, made a statement to the Assembly on 11 June 2007 in which he announced the publication of the terms of reference for the review, as agreed by the Executive and the launch of a 12 week consultation. The consultation will end on 31 August 2007 to ensure that any changes that emerge from strand one of the review can be delivered in time for next year's rates bills. Following the consultation, the Minister intends to bring forward proposals to the Executive and the Assembly in the autumn.

NILGA has prepared a response, with advice from the Secretary of SOLACE and the Chair of the Association of Local Government Finance Officers. This has been endorsed NILGA Executive Committee (previously circulated).

The Director of Central and Leisure Services drew members' attention to the following items: rating of empty houses, lower income relief scheme, discount for pensioners and farmers and other key issues.

During discussion members were in agreement with the NILGA response and wished to add their support for the introduction of a pensioner discount scheme. With regard to discounts for farmers, members were supportive provided that the farm dwelling was an integral part of the farm and consideration to be given to second dwellings on the farm.

It was proposed by Councillor Stevenson, seconded by Councillor McCamphill and **AGREED**:

to recommend that Council endorse the NILGA response and to also include the above comments.

- * **Chief Executive joined the meeting at 2.25pm.**
- * **Director of Central & Leisure Services left the meeting at 2.30pm.**
- * **Councillor Finlay joined the meeting at 2.30pm.**

CORPORATE SERVICES

357.4 STAFF MATTERS

4.1 Maternity Cover - OCE

Maternity cover is required for a committee clerk post in the Office of the Chief Executive for a period of approximately 12 months from 1st November 2007. The post is essential for delivery of committee services.

IT IS RECOMMENDED that the post be filled through recruitment through public advertisement.

4.2 Part time posts (2 no) – OCE and Borough Services Directorate

Two permanent part time clerical officer posts, one in the Office of the Chief Executive and the other in Borough Services Directorate, are currently vacant due to resignation. Both are essential to delivery of services.

IT IS RECOMMENDED that one permanent full time clerical officer, shared between the two operational areas, be recruited through public advertisement.

It was proposed by Alderman Campbell, seconded by Councillor Stevenson and **AGREED:**

to recommend to Council that maternity cover for a committee clerk plus one full-time clerical officer, shared between the two operational areas of Office of the Chief Executive and Borough Services Directorate, be recruited through public advertisement.

357.5 DISTRICT POLICING – CONSULTATION ON DRAFT CODE OF PRACTICE ON APPOINTMENT OF INDEPENDENT MEMBERS OF DPPS 2007

The Northern Ireland Office has invited comments by 28th September on a draft Code of Practice on the appointment arrangements for Independent members of District Policing Partnerships (DPPs) and Belfast District Policing Partnership Sub-Groups.

The Code is issued under paragraph 6(2) of Schedule 3 of the Police (NI) Act 2000 (as amended). This enables the Secretary of State to issue and from time to time revise such a Code.

The Code has been amended to reflect changes in the legislative framework which will be brought about by the intended commencement of a range of DPP related provisions in the Police (NI) Act 2003 and the NI (St Andrews Agreement) Act 2006. Government intends for these to come into force on 4th September. As the draft legislation has not yet completed its parliamentary stages the contents of the draft Code may be subject to change.

The changes in the legislative provisions relating to District Policing Partnerships (DPPs) are:

- 3 DPP related sections in the Police (NI) Act 2003. They relate specifically to: provisions requiring independent members of DPP's to make a declaration against terrorism (section 15); disqualification of persons with criminal convictions from sitting as independent DPP members for 5 years after release from prison (section 16); and the creation of the Belfast DPP sub groups (section 19). All three of these sections would, when commenced, amend the framework of the Police (NI) Act 2000.

- Schedule 8 to the Northern Ireland (St Andrews Agreement) Act 2006 provides for the reconstitution of DPPs before the next local

Government election in light of Sinn Fein's decision to nominate representatives to the policing structures. It would allow the Board to run recruitment exercises for Independent members for those affected DPPs. The Board is to review the membership of each DPP and this must be completed within 15 days of the provision coming into effect. District Councils then have 3 months following this review to appoint new political members of the DPPs affected by the review.

- Schedule 9 to the Northern Ireland (St Andrews Agreement) Act 2006 amends section 19 and Schedule 1 to the Police (NI) Act 2003 (and, in turn, therefore the substantive provisions of the Police (NI) Act 2000 which deal with the Belfast DPP) bringing it in line with changes brought about by the District Policing Partnerships (NI) Order 2005.

This Order made provisions about the membership of District Policing Partnerships in the period immediately following a local government election. It also amended the law on the removal of members following conviction for a criminal offence and made a new provision about the chairmen and vice chairmen of District Policing Partnerships.

With all political parties now giving their full support to policing Government time has come to bring these legislative changes into force.

The draft commencement Order laid today in Parliament provides for the commencement of the three sections in the Police (NI) Act 2003 and Schedule 9 to the NI (St Andrews Agreement) Act 2006. This order is subject to the affirmative resolution procedure and will be subject to debate in both Houses. After Parliament has approved the draft order, Government proposes to make a second order providing for the commencement of Schedule 8 to the NI (St Andrews Agreement) Act 2006. This order does not require further parliamentary approval. All of these provisions are to come into force on 4 September.

Under part 85 of the draft Code Council is required to supply the Policing Board with a list of names of its members who will be serving as political members on the DPP or sub-groups, together with a breakdown of their characteristics, so far as is possible, in terms of the categories listed in section 75(1) of the I Act 1998 (*Gender, Religion, Political Opinion, Age, Disability, Ethnic or racial origin, marital status, sexual orientation, whether or not they have dependants*)

Council may take the view that political membership of the DPP should not be monitored as it comes about as result of an election process which takes no account of the Sect. 75 categories. If the Policing Board require the information to fulfill requirements under the Act they should collate and hold the information and not require Council Offices to do it.

No other comments are offered on the Draft Code.

Members discussed the proposed impact of the draft code of practice. Alderman Campbell raised his concern at Officers being responsible for collating information on members which may have the potential to sour working relationships and that it should be an outside body appointed by the Policing Board who are responsible for such data. Councillor McCamphill said that he had no difficulties with information on the Gender, Religion and Political Opinion categories within section 75 of the Act, but not the remaining categories.

After discussion, it was proposed by Councillor Finlay, seconded by Councillor Stevenson and **AGREED**:

to recommend to Council that political membership of the DPP should not be monitored as it comes about as result of an election process which takes no account of the Sect. 75 categories. If the Policing Board require the information to fulfil requirements under the Act they should collate and hold the information and not require Council Officers to do it.

357.6 INFORMATION SYSTEMS (IS) STRATEGY FOR LOCAL GOVERNMENT IN NORTHERN IRELAND

NILGA has been in discussion with the Department of Environment and the Delivery and Innovation Division of the Department of Finance and Personnel with the objective of securing funding support for the modernisation of service provision of local authorities across Northern Ireland. As a result it has been successful in securing funding for two pilot projects and for the preparation of an Information Systems (IS) Strategy for local government in Northern Ireland. It is intended that the IS Strategy will provide a framework that will support collaborative working between Councils and facilitate the effective delivery of local government services in response to the needs of customers.

A Draft Terms of Reference for the appointment of specialist consultant support for the process has been produced.

IT IS RECOMMENDED that:

- (1) Council support, in principle, the development of an IS Strategy for local government.
- (2) No comments be offered on the Draft Terms of Reference.

It was proposed by Councillor Finlay, seconded by Alderman Campbell and **AGREED**:

to recommend that

- (i) Council support, in principle, the development of an IS Strategy for local government and***
- (ii) No comments be offered on the Draft Terms of Reference.***

357.7 NILGA CONSTITUTION – PROPOSED AMENDMENT

NILGA has undertaken a review of its constitution to ensure it continues to be fit for purpose. It proposes to make one amendment to the constitution in respect of Councils wishing to withdraw from the Association, and to insert a new clause in the constitution with regard to the dissolution of the Association (previously circulated).

The amendments are based on the relevant clauses in the constitutions of the English and Welsh organizations.

The proposed amendments require to be passed by a two-thirds of representatives present and voting at a meeting of the Association.

A discussion ensued among members. Alderman Campbell would like to see an Annual Report of Financial Statements from NILGA. Councillor McCamphill agreed that local Councils do need a representative body however he felt the best way to effect change is to stay within NILGA. Councillor Stevenson felt that if a Council should wish to cease to be a member of NILGA, they should be able to do so with immediate effect, paying their membership for that financial year only. Councillor Robinson expressed grave concerns over Part A, section 13.3, whereby Council would become liable for any debts accrued after membership ceases to exist. Councillor Finlay also agreed that it would be foolish to pay debt accrued having left NILGA, that Council should not be accountable. Chief Executive concurred with members' concerns.

Members **AGREED** to recommend that Council does not accept the proposed amendments to the NILGA Constitution (attached as Appendix A).

357.8 YOUTH JUSTICE AGENCY

The Youth Justice Agency, an Executive Agenda of the NIO, has responsibility for delivering a range of services including community interventions, youth conferencing and custody in relation to children aged 10-17 who have offended or are at serious risk of offending. The overall aim is to reduce youth crime and build confidence in the youth justice system, although through youth conferencing in particular, the Agency also focus on the needs of victims of youth crime. The Agency as part of a process of engagement with community-based groups are keen to meet with Councils to appraise them of the breadth of services delivered and explore how these can best meet the needs of young people in the area.

It was proposed by Councillor Finlay, seconded by Alderman Campbell and **AGREED:**

to recommend to Council to invite a delegation from the Youth Justice Agency to make a presentation to Council.

357.9 RPA – A SHARED VISION

PricewaterhouseCoopers LLP (PwC) has been commissioned by the Department of the Environment (DoE) to co-ordinate and facilitate a process of stakeholder engagement to "develop and articulate a shared vision for local government in Northern Ireland". This is the first strand of the Review of Local Government aspects of the RPA, which was announced by the Minister in July 2007. As part of the process of stakeholder engagement, a series of focus groups for Council representatives took place during July and August 2007. The Mayor and Chair of Committee with the Chief Executive were invited. The Deputy Mayor (Alderman Connolly) and Alderman Simpson attended as did the Chief Executive.

Delegates put forward their views on what should be included in the Shared Vision for local government in Northern Ireland. There will be a further series of focus groups and interviews on 12th September in Belfast and 16th October in Cookstown prior to preparation of the shared vision statement.

Chief Executive invited Committee to nominate four delegates to attend the focus group on 12th September 2007 at the Ramada Hotel, Belfast at 9.45am.

It was proposed by Councillor Finlay, seconded by Councillor McCamphill and **AGREED:**

to recommend to Council that the nominees to attend a focus group on 12th September 2007 are Councillor Robinson (DUP), Alderman Connolly (SDLP) and Alderman Simpson (UU).

A fourth delegate will be appointed to attend the focus group at the next Council meeting on Monday 3rd September 2007.

357.10 TIMING OF MEETINGS

Councillor Stevenson suggested changing the timing of Committee meetings to daytime on a more permanent basis, suggesting that the 2pm structure over July and August was more favourable. It was also suggested to run two meetings in one day, for example at 10am and 2pm. He would like a survey on the timing of meetings to be carried out among the Councillors and relevant Council Officers.

Chief Executive will discuss the issue with the Management Team and bring a paper back to Committee on the matter.

357.11 POLITICAL REPRESENTATION ON OUTSIDE BODIES: ATTENDANCE

Councillor Finlay expressed concern at the apparent low attendance of political representation at meetings of outside bodies. Alderman Connolly concurred with Councillor Finlay's comments. Councillor Robinson stated that it would be worthwhile ascertaining whether Council is represented or otherwise.

This being all the business the meeting closed at 3.30pm.

Appendix A Amendments to NILGA Constitution.

APPENDIX A

AMENDMENTS TO NILGA CONSTITUTION

Amendments to NILGA Constitution**July 2007****A Current Constitution states:-**

Section 5.5, "If a Council chooses to withdraw from the Association it will be required to give at least one full years notice of their intention to do so"

To be replaced by the addition of section 13:-**13.0 Resignation of Member Councils**

- 13.1 Any member authority of the Association wishing to terminate its membership shall give not less than twelve months' notice, in writing, to the Chief Executive to expire on 31 March in any year. At the expiration of the period of notice the member authority shall cease to be a member of the Association and shall become a past member.
- 13.2 Any member authority upon ceasing to be a member of the Association and becoming a past member, shall
- 3.2.1 Forfeit all right to and claims upon the Association and its property and funds;
- 13.2.2 Lose any entitlement whatsoever to any share in the assets of the Association whether on a dissolution or otherwise (save in so far as these Articles provide for the assets of the Association to be set off against the liabilities of the Association to determine the "net liabilities");
- 13.3 Any past member authority shall remain liable for its share of the net liabilities of the Association for a period of five years from the date when the member authority ceased to be a member of the Association and shall discharge its share of the net liabilities of the Association on a dissolution calculated in accordance with Article 14.

B. Currently NILGA has no dissolution policy.**A dissolution clause to be added to the Constitution under section 14 as follows:-****14.0 Dissolution**

- 14.1 If at any meeting of the Association a motion for the dissolution of the Association shall be passed by at least two-thirds of members from full member authorities present with at least two-thirds of such authorities represented at the meeting, the LGA Executive shall thereupon proceed to realise the assets of the Association, to pay the liabilities of the Association and to make arrangements whereby the member authorities (both existing and past) shall discharge the Association's net liabilities.
- 14.2 On the completion of such arrangements, the remaining assets of the Association (if any) shall be distributed to member authorities in membership at

the date of dissolution (referred to herein as “existing members”) in the proportion which the total annual subscriptions paid or payable by each existing member to the Association in the last ten accounting periods prior to the date when the motion for dissolution was passed bears to the total subscriptions paid by all existing members in the same period. The Association shall thereupon be dissolved.

- 14.3 In the event that the Association’s assets should prove to be insufficient to discharge its liabilities member authorities (both existing and past) shall contribute such additional sum as is required to eliminate the deficiency.
- 14.3.1 Every member authority (both existing and past) shall contribute towards any deficiency in the proportion to which the annual subscription which the authority was liable to pay in its last year of membership (which in the case of existing members shall be the full accounting year immediately before the accounting year in which the motion of dissolution was passed, and in the case of past members shall be the accounting year at the end of which its membership ceased) bears to the total amount of subscriptions, as so determined, payable by all member authorities (both existing and past).
- 14.4 The provisions set out in Articles 14.2 and 14.3 do not apply where dissolution is effected for the purpose of reconstitution or merger.
- 14.5 For the purposes of Articles 13 and 14
- 14.5.1 The liabilities of the Association shall include without prejudice to the general meaning of “liabilities” the following:
- 14.5.1.1 Any sums which are or may in the future become due and payable by the Association under the terms of any lease, license, mortgage, debenture, loan, guarantee, indemnity or any other agreement or arrangement to which the Association is a party and pursuant to which the Association is or becomes indebted
- 14.5.1.2 Any sums which are or may in the future become due and payable by the Association or by its members or any one or more of them
- a) to an administering authority for the purposes of the local government pension scheme regulations for the time being in force
- b) in respect of the Association’s liability to pay the amount of any unfunded pension costs rechargeable to the Association. The amount of such unfunded pension costs shall be determined by an Actuary acting as an expert and appointed by the Association and the determination shall be conclusive.
- 14.5.1.3 Any sums which are or may in the future become due and payable to officers and/or employees of the Association including salary, wages, redundancy, compensation for loss of office or employment or any other benefits (including early retirement packages) to which such officer or employee is or becomes entitled by reason of law or in circumstances where the Association is dissolved, in accordance with the policy of the

Association existing at the date of the passing of the motion for dissolution.

- 14.5.1.4 Any sums (whether by way of damages or otherwise) which are or may in the future become due and payable in respect of any liability in law whether in contract, tort or otherwise.
- 14.5.2 A sum may become due in the future in whatever circumstance including on the dissolution of the Association.
- 14.5.3 Net liabilities shall mean the assets of the Association less “the liabilities” of the Association.
- 14.5.4 “The assets of the Association” shall include all legal and equitable interests in any asset whatsoever including fixed, current, tangible and intangible assets.
- 14.6 In the event of a dispute between an existing or past member authority and the Association as to the amount which an authority should contribute or receive under this article the matter shall be referred to arbitration.
- 14.7 Any arbitration shall be conducted in accordance with the Arbitration Rules of the Chartered Institute of Arbitrators. The Arbitrator shall be appointed by the President for the time being of the Institute of Chartered Accountants in Ireland. In the event that the Arbitrator issues a determination providing that a member or former member authority is liable to contribute a specified sum under this article the authority shall pay the monies which the Arbitrator determines it ought to pay within seven days of the issue of the award.
- 14.8 The terms of articles 13 and 14 which exist as at 31 March 2007 shall apply to all members who have resigned from the Association on or before that date. The terms of clauses 13 and 14 which exist as at 1 April 2007 shall apply to all members who are members on or who join the Association after 1 April 2007, notwithstanding that such a member may have given notice to resign from the Association prior to that date.