

Ballymoney Borough Council
Corporate & Central Services Meeting No 371 – 22nd December 2008

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**BALLYMONEY BOROUGH COUNCIL
CORPORATE & CENTRAL SERVICES COMMITTEE**

Minutes of Corporate & Central Services Committee Meeting No. 371 held in the Council Chamber, Riada House, Ballymoney on Monday 22nd December 2008 at 7pm.

IN THE CHAIR Alderman J Simpson

PRESENT

Aldermen
F Campbell
H Connolly
C Cousley, Deputy Mayor

Councillors
J Finlay, Mayor
B Kennedy
M McCamphill

APOLOGIES

Councillors
A Cavlan
E Robinson

IN ATTENDANCE

Chief Executive
(Items 1- 14)
Director of Central & Leisure Services
(Items 1-4)
Head of Corporate & Development Services (Items 3 – 14)
Corporate Project Officer

371.1 MINUTES OF MEETING NO 370 – 24TH NOVEMBER 2008

It was proposed by Alderman Campbell, seconded by Alderman Connolly and
AGREED:

that the minutes of meeting No 370 – 24th November 2008, as circulated, be confirmed as a correct record.

CENTRAL SERVICES

371.2 ACCOUNTS FOR PAYMENT

Treasury advice schedules detailing payments for Period 9, 2008/09 drawn on the Council's Revenue and Capital Bank Accounts were circulated at the meeting.

IT IS RECOMMENDED that the payments are made.

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

to recommend that accounts to the value of £660951.73 from the Revenue Account and £65026.07 from the Capital Account for Period 9 2008/09 be approved for payment.

The Chief Executive left the meeting at 7.07pm

371.3 NATIONAL FRAUD INITIATIVE IN NORTHERN IRELAND

The Comptroller & Auditor General has been given new statutory powers to conduct data matching exercises for the purpose of assisting in the prevention and detection of fraud. The new powers are contained in the Serious Crime Act 2007, which adds Articles 4A to 4H to the Audit & Accountability (Northern Ireland) Order 2003 and extends to local government bodies.

The first data matching exercises are to be carried out during 2008/09.

Systems have been put in place so that the Council held data is available for matching purposes.

The Northern Ireland Audit office is permitted to charge fees for this exercise. The fee payable for 2008/09 is £1693, which will be invoiced for in January 2009.

There is no budget for this expense, as this expenditure was not known when the budgets were being set.

The Chief Executive & Head of Corporate & Development Services joined the meeting at 7.10pm.

IT WAS AGREED:

to recommend that the fee of £1693 for 2008/09 be paid in January/February 2009 when the Director of Central & Leisure

Services will draw it to members' attention on the schedule of payments.

371.4 RATES 2009/10

Referring to a NILGA press release dated 16th December 2008, reporting NILGA's meeting with Minister Nigel Dodds in the Department of Finance and Personnel, Councillor Finlay asked the Director of Central & Leisure Services how the issues raised would affect Council.

The Director advised that a revised Estimated Penny Product had just been issued by Land & Property Services, which was further reduced due to increased vacancies, bad debts and cost of collection. She advised that the reduced Estimated Penny Product added now 3% to the rates for 2009/10.

The Director further advised that she understood the Minister has asked officers in the Department of Finance & Personnel to review a number of issues relating to the Estimated Penny Products but it was likely to be January before any decisions were made. She hoped there would be a positive outcome for the Council.

The Chairman stated that the local MLAs should be pressing for a positive outcome through Council.

The Director of Central & Leisure Services left the meeting at 7.20pm.

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371.5 STAFF MATTERS

5.1 Maternity Cover – Clerical Officer, OCE.

A reserve candidate has been appointed to cover the maternity leave of the Clerical Officer, which commenced on 15 December 2008. A proportion of the cost of the temporary cover, in respect of duties undertaken for the DPP, will be met by NIPB.

5.2 Development Officer post – OCE

Following the dissolution of the LSP on 31st December 2008, the Project Officer will be re-deployed into the vacant position of Development Officer within OCE, with effect from 1st January 2009, thus avoiding a redundancy situation.

5.3 NJC Pay Award 2009-2010

The NJC has written to draw the attention correspondence to local authority Chief Executives from the three NJC Unions – UNISON, GMB AND UNITE re the 2009-2010 pay negotiations.

The correspondence sets out the core content of what their claim will be (it has not formally been submitted as yet) and suggests that councils should “ensure that your council is able to meet that claim”.

The advice from the national employers is:

The first point we would make is that local authorities should not be drawn into responding to the letter. It is not the function of the national unions to assume a role in the setting of councils' budgets.

You will know that this year's pay negotiations have not yet been settled. The Trade Union Side referred the issue to arbitration on 30 September, but it is proving difficult to agree mutually acceptable terms of reference (without which the arbitration process cannot begin).

The national Employers' position in next year's pay negotiations will be based, as always, on authorities' levels of affordability.

371.6 APPOINTMENT OF COUNCIL COMMITTEES & SUB COMMITTEES

In response to request for clarification on appointment and powers of Council committees (as raised at the December Consultation Committee) the Chief Executive drew members' attention to an extract from the Local Government Act (NI) 1972, Chapter 9, Section 18, setting out Council power to appoint committees and sub-committees.

371.7 NILGA STRENGTHENING MEMBER COUNCIL ENGAGEMENT AND PROTECTIONS

Committee considered at its last meeting the NILGA paper on the above subject and the revised constitution, previously circulated, and requested written clarification from NILGA on a number of issues. NILGA's response is set out at points 1-6 below:

1. When do the changes made to NILGA's constitution by a vote of the AGM on 26 September 2008 take effect i.e. immediately, or is there a delay? If there is a delay, what is the effective date?

The changes took immediate effect

2. At the AGM was there a vote on the issues and if so did any members record their votes as being against any of the proposals.

The vote was 40 supporting the changes and 10 against

3. Does the NILGA Executive have power to alter the NILGA constitution?

The constitution was changed by the full meeting on the recommendation of the Executive

4. Is it a correct interpretation of the prior and current constitutions that a council which ceased to be a member of NILGA before the changes to the constitution were made in September 2008 had no liability for its share of the net liabilities of the Association, whereas one which withdraws after that date remains liable for a period of three years from the date it ceased to be a member?

Yes, this would be an appropriate interpretation

5. Is it the case that the only circumstance in which a past member of NILGA under the latest version of the constitution can be required to discharge its share of the net liabilities of the Association is in the situation of a dissolution of the Association?

It is our legal advice, as is the case in any club/unincorporated association, the members would be responsible for the net liabilities of the organisation.

6. Additional Information

It may be helpful for your members to also note the following information

6.1. The purpose of the change in the constitution was to give protections to councils in the case of dissolution. If several councils left in a short space of time, it would not be equitable to leave a few councils with the entirety of the liabilities that had been incurred over a period of time.

6.2. If member councils are unhappy with the situation it would be possible to further amend the constitution.

6.3. We are in the process of exploring the most appropriate legal structure for NILGA and any potential future local government association. We would welcome Ballymoney Borough Council's views as work continues on this issue.

6.4. NILGA used this model for dissolution as it is the one used by the other LGAs and was therefore deemed to provide a suitable model, which is appropriate for an organization, which is an unincorporated body.

IT IS RECOMMENDED that committee now give consideration to the new provision for substitutes, allowing councils to nominate substitute members to NILGA. Substitute members will have voting rights and therefore must be agreed by Council ***and must be from the same political party as the lead NILGA***

member. NILGA urge Council to avail of this opportunity. Committee noted that the political make-up of the current representatives was 3 DUP and 1 SF.

After discussion **IT WAS AGREED:**

to recommend to defer this item to the next meeting of committee.

371.8 FOI – MODEL PUBLICATION SCHEME 2009

As a result of the Publication Scheme Development and Maintenance Initiative the Information Commissioner's Office (ICO) has introduced a model publication scheme ("the scheme") that all public sector organizations should adopt from 1 January 2009. A copy is attached as Appendix 1. This would supersede the Council's current publication scheme.

Authorities must now produce a guide to the specific information they hold and which is contained within any of the scheme's seven classes. The seven classes are:

1. Who we are and what we do
2. Who we spend and how we spend it
3. What our priorities are and how we are doing
4. How we make decisions
5. Our Policies and procedures
6. Lists and Registers
7. The services we office

The Head of Corporate & Development Services outlined the various information expected to be made available under the 7 classes. A copy of the definition document giving details on the type of information to be included in the various classes is attached as Appendix 2. ICO expect Council to ensure that the information can be easily identified and accessed by the general public and to regularly review and update the scheme and guidance documents on a regular basis.

Committee was advised that arrangements have been put in place to review the information currently published, to identify additional information required to be published, to produce a guide to information and establish arrangements for regular review.

IT IS RECOMMENDED that Council adopt the model publication scheme produced by the Office of the Information Commissioner.

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

to recommend that Council adopt the model publication scheme produced by the Office of the Information Commissioner.

Alderman Connolly & Alderman Cousley left the meeting at 7.40pm.

371.9 TRANSITION COMMITTEES AND TRANSITION MANAGEMENT TEAMS

Consultation Committee, December 2008, agreed the political composition of the Transition Committee (5 members), DUP x 3, UUP x 1, SF x 1.

Parties had been invited to submit names of representatives to the Chief Executive and **IT IS RECOMMENDED** that Council confirm the nominations.

The Chief Executive advised members of the nominations received from parties:

DUP – Alderman Campbell, Councillor Finlay, Councillor Stevenson
SF – Councillor McGuigan
UUP – Alderman Simpson

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

to recommend that the names of the representatives, DUP – Alderman Campbell, Councillor Finlay, Councillor Stevenson; SF – Councillor McGuigan; UUP – Alderman Simpson, submitted to the Chief Executive be confirmed by Council.

Committee noted receipt of the following correspondence with regard to transition committees:

- Letter, 27/11/08 (ref: SUB/595/2008) from the Environment Minister, regarding Governance Arrangements for the Transition Committees (circulated).
- DOE Circular, 11/12/08, ref LG19/08, regarding Transition Committees/Transition Management Teams – Funding Package (circulated).

In response to a query from Councillor McCamphill, the Chief Executive confirmed that Transition Committees will have no legal powers until late 2009 but after that time will have responsibility for decisions made, advised by the Staff Commission, regarding the appointment of senior staff.

371.10 LOCAL GOVERNMENT BOUNDARIES

The Boundaries Commission has advised that written representations received in respect of his provisional recommendations report have been published on the commissioner's website

www.lgbnci.org/index/written_representations/written_representations_on_provisional_recommendations.htm

371.11 REVIEW OF DPPs & CSPs – UPDATE

The NI Policing Board has forwarded an update on the review of DPPs (District Policing Partnerships) and CSPs (Community Safety Partnerships) advising that the Minister has asked for the paper to be re-drafted to draw out more clearly what he believes to be the key issues. As a result the original plan of allowing consultation up to Christmas will have to be revised. It is therefore reasonable to assume that this first stage of stakeholder engagement will extend through December and January, with the launch of public consultation thereafter.

371.12 NI LIBRARY AUTHORITY BOARD – RECRUITMENT

The Minister of Culture, Arts & Leisure has advised of the start of the process of appointment councillors to the Board of the new Northern Ireland Library Authority, following the passing by the Assembly in May this year of the Libraries Act (NI) 2008 establishing a single library service for all Northern Ireland and a new body at regional level to deliver and manage it – The Library Authority.

A copy of the Minister's letter and annex setting out criteria, process etc, was circulated with the meeting papers.

Council is invited to provide, by 30th January, completed application forms from between 2 and 4 councillors who wish to be considered and who meet the criteria set out in the annex to the Minister's letter. A recruitment and selection process will follow.

It was agreed to check if more than 4 expressions of interest would be accepted and that the matter be referred to Council's next meeting.

371.13 A JOURNEY OF REMEMBERING

The Island of Ireland Partnership has given preliminary notice to Mayors and Chief Executives of invitation to Councils, North and South, to nominate one person, hopefully the First Citizen, to represent the people of Ireland at a televised programme from Menin Gate, Ieper, Belgium on Saturday 7th March, to be televised on St Patrick's Day in Ireland and where the Irish diaspora has settled throughout the world. The aim is that the programme will include bands and choirs in both traditions. A response is requested by 16th January. No details on cost of travel (ex Dublin 6-8 March) are available yet, while accommodation, coach travel, lunch and dinners is estimated at 360 euro sharing.

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

to recommend that the Mayor and the Chief Executive be nominated to attend and fees and expenses be met by Council.

371.14 CITIZEN SATISFACTION SURVEY (LEAD COUNCIL BANBRIDGE DC)

In August 2008 Banbridge DC held an initial discussion about conducting a citizen survey, similar to previous RES surveys across a number of council areas. At that time this Council expressed an interest in taking part. A working group was established to devise the survey and this and the terms of reference for the project have now been agreed.

The survey focuses on council services, which people will have direct experience of and will capture citizens level of satisfaction with these services, allowing comparison of results against other councils and with the 2003 survey.

Individual Councils will have the flexibility to be able to ask supplementary questions specific to their own areas at an additional cost.

To move this process forward the lead Council are now asking all of the Councils who had registered an initial interest to consider the survey and draft terms of reference and indicate if they wish to be included in this project. The documents have been considered and no specific comments are offered, nor are any additional specific questions recommended. The estimated cost per Council is £6,000 - £8,000.

Banbridge District Council are willing to act as agent, tendering for the market research company to undertake a door to door citizen satisfaction survey on behalf of a number of Northern Ireland Local Authorities. They will pay the initial costs and then invoice each council for their portion.

Council is now invited to confirm their interest 12th January in taking part and meeting its portion of the cost of the assignment and by 30th January to confirm council's approval in writing and submit individualised survey form to Banbridge DC.

Tenders will be invited week commencing 2nd February 2009, with an agency appointed, week commencing 23rd February 2009.

A copy of the documents are available to review.

- Copy of survey form
- Copy of draft Terms of Reference
- Copy of initial indication of cost from SMR and MRNI

It was proposed by Councillor Finlay, seconded by Councillor Kennedy and
AGREED:

to recommend that this item be deferred to the next rates meeting.

371.15 SEASON'S GREETINGS

The Chair extended Season's Greetings to members and staff.

The meeting closed at 7.58pm.

Model Publication Scheme

This model publication scheme has been prepared and approved by the Information Commissioner. It may be adopted without modification by any public authority without further approval and will be valid until further notice.

This publication scheme commits an authority to make information available to the public as part of its normal business activities. The information covered is included in the classes of information mentioned below, where this information is held by the authority. Additional assistance is provided to the definition of these classes in sector specific guidance manuals issued by the Information Commissioner.

The scheme commits an authority:

- To proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the authority and falls within the classifications below.
- To specify the information which is held by the authority and falls within the classifications below.
- To proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme.
- To produce and publish the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public.
- To review and update on a regular basis the information the authority makes available under this scheme.
- To produce a schedule of any fees charged for access to information which is made proactively available.
- To make this publication scheme available to the public.

Classes of Information

Who we are and what we do.

Organisational information, locations and contacts, constitutional and legal governance.

What we spend and how we spend it.

Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.

What our priorities are and how we are doing.

Strategy and performance information, plans, assessments, inspections and reviews.

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How we make decisions.

Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.

Our policies and procedures.

Current written protocols for delivering our functions and responsibilities.

Lists and Registers.

Information held in registers required by law and other lists and registers relating to the functions of the authority.

The Services we Offer.

Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.

The classes of information will not generally include:

- Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure.
- Information in draft form.
- Information that is no longer readily available as it is contained in files that have been placed in archive storage, or is difficult to access for similar reasons.

The method by which information published under this scheme will be made available

The authority will indicate clearly to the public what information is covered by this scheme and how it can be obtained.

Where it is within the capability of a public authority, information will be provided on a website. Where it is impracticable to make information available on a website or when an individual does not wish to access the information by the website, a public authority will indicate how information can be obtained by other means and provide it by those means. In exceptional circumstances some information may be available only by viewing in person. Where this manner is specified, contact details will be provided. An appointment to view the information will be arranged within a reasonable timescale.

Information will be provided in the language in which it is held or in such other language that is legally required. Where an authority is legally required to translate any information, it will do so.

Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information in accordance with this scheme.

Charges which may be made for Information published under this scheme

The purpose of this scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Charges made by the authority for routinely published material will be justified and transparent and kept to a minimum.

Material which is published and accessed on a website will be provided free of charge. Charges may be made for information subject to a charging regime specified by Parliament.

Charges may be made for actual disbursements incurred such as:

- photocopying
- postage and packaging
- the costs directly incurred as a result of viewing information

Charges may also be made for information provided under this scheme where they are legally authorised, they are in all the circumstances, including the general principles of the right of access to information held by public authorities, justified and are in accordance with a published schedule or schedules of fees which is readily available to the public.

If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment may be requested prior to provision of the information.

Written Requests

Information held by a public authority that is not published under this scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the Freedom of Information Act.

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Freedom of Information Act

Definition document for district councils in Northern Ireland

This guidance gives examples of the kinds of information that we would expect district councils in Northern Ireland to provide in order to meet their commitments under the model publication scheme. We would expect district councils to make the information in this definition document available unless:

- they do not hold the information;
- the information is exempt under one of the FOI exemptions or Environmental Information Regulations (EIRs) exceptions, or its release is prohibited under another statute;
- the information is archived, out of date or otherwise inaccessible; or,
- it would be impractical or resource-intensive to prepare the material for routine release.

The guidance is not meant to give a definitive list. The legal commitment is to the model publication scheme, and authorities should look to provide as much information as possible on a routine basis.

Who we are and what we do.

Organisational information, structures, locations and contacts.

We would normally expect information in this class to be for the current year only

- **Council democratic structure chart**
- **Council directorate structure chart**
- **Location and opening times of council offices**
- **Currently elected Councillors' information and contact details**
- **Contacts for all customer-facing departments**

Local authorities should already be publishing as much information as possible about how they can be contacted. This should give some indication at least of the role of the contact, phone number and where used e mail address. It always assists to provide a named contact where this can be done.

- **Most recent election results**

The results of the most recent elections for councillors on the council should be available.

- **Relationships with other authorities**

It will assist members of the public to appreciate the role of a local authority if the respective roles of different local authorities are explained, partnership arrangements with other authorities are detailed and the relationship with

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government departments is outlined. Where a local authority has responsibility for the provision of facilities for office holders who are not

themselves part of the local authority, for example the Registrar of Births Deaths and Marriages, the role of the local authority should be explained.

What we spend and how we spend it

Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit.

We would expect as a minimum that financial information for the current and previous two financial years should be available. We would expect information to be available not only for the council as a whole but also for directorates or departments as cost units.

Where money is allocated to specific cost centres within a council and it assists in understanding how public money is spent, councils should consider publishing information at this level.

- **Annual statement of accounts and accompanying report**
- **Annual revenue budget estimates**
- **Budget reports, actual and variance reports**

We would normally expect this information to be readily available under the publication scheme in order to provide current information about the management of financial affairs. Preferably, budget reports should be available quarterly or in accordance with the manner in which they are reported within the council.

- **Capital programme**

Information should be made available on major plans for capital expenditure including any public private partnership contracts, together with expenditure.

- **The members' allowances scheme and the allowances paid under it to councillors each year**

Details of the allowances and expenses that can be claimed or incurred. It should include the total of the allowances and expenses, by reference to categories, paid to individual councillors produced in line with the council's policies. Categories will be such headings as travel, subsistence, accommodation.

- **Staff pay and grading structure**
- **Procurement procedures**
- **Details of contracts currently being tendered**
- **List and value of corporate and departmental contracts**

We do not expect that all information about all contracts however small to be included in this scheme. We would normally expect there to be ready access District councils in Northern Ireland

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to information about contracts that are large enough to have required a tendering process in accordance with financial regulations.

- **NI auditor's annual letter and report**
- **Financial regulations**
- **Funding for partnership arrangements**

Where the council takes the lead role in a partnership arrangement, we would

- **Policies and procedures for the conduct of council business**

Procedural standing orders, internal guidance about the division of responsibilities between committees, delegated authority, policies on communications between councillors and members of staff.

- **Policies and procedures for the provision of services**

Policies of the council that affect the manner in which services are provided. This will include any policies and procedures for handling requests for information.

- **Policies and procedures about the recruitment and employment of staff**

If vacancies are advertised as part of recruitment policies, details of current vacancies will be readily available.

A number of policies, for example health and safety, will cover both the provision of services and the employment of staff. The Equality Scheme/Statement published in accordance with the Northern Ireland Act 1998 should be included.

- **Customer service**

Standards for providing services to the council's customers, including the complaint procedure. Complaints procedures will include those covering requests for information and operating the publication scheme.

- **Internal instructions, manuals and guidelines**

Where access to internal instructions, manuals and guidelines for dealing with the business of the council would assist public understanding of the way District councils in Northern Ireland

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decisions are made these should be readily available. We would not expect information that might damage the operations of the council to be revealed.

- **Records management and personal data policies**

This will include information security policies, records retention, destruction and archive policies, and data protection (including data sharing) policies.

- **Charging regimes and policies**

Details of any statutory charging regimes should be provided. Charging policies should include charges made for information routinely published and clearly state what costs are to be recovered together with the basis on which they are made and how they are calculated.

- **Lists and registers**

We would expect information in this class to be information in currently maintained lists and registers only.

- **Public registers**

Where a public authority is obliged to maintain a register and to make the information in it available for inspection by the public, it is accepted that in most circumstances that the existing provisions covering access will suffice. We would expect however that authorities do publicise which public registers they hold and how the information in them is to be made public. Where

registers contain personal information, authorities must ensure that this is protected by the data protection principles.

- **Register of councillors' financial and other interests**
- **Register of gifts and hospitality**
- **FOIA disclosure log**

Where a council produces an information disclosure log indicating the information that has been provided in response to requests it should be readily available. Disclosure logs are themselves recommended as good practice.

- **Asset registers including information asset register**

We would not expect councils to publish all details from all asset registers. We would expect some information from capital asset registers to be available. If a council has prepared an information asset register for the Re-use of Public Sector Information Regulations 2005, it should publish the contents.

The services we offer

Information about the services we offer, including leaflets, guidance and newsletters.

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We would normally expect information in this class to be for the current year only.

- **Regulatory and licensing responsibilities**
- **Services for local businesses**
- **Services for other organisations**
- **Services for members of the public**
- **Services for which the council is entitled to recover a fee together with those fees**
- **Information for visitors to the area, leisure information, events, museum and archive collections**
- **Leaflets, booklets and newsletters**
- **Advice and guidance**
- **Media releases**

Generally this is an extension of part of the first class of information. While the first class of information provides an overview of the responsibilities of the council and its departments, this class includes details of the services which are provided. The starting point would normally be a list or lists of the services that fall within the responsibility of the council, linked to details of these services.

We would expect to see details of all the services provided by councils, for example such things as environmental health, building control, and waste collection, disposal and recycling.

