

BALLYMONEY BOROUGH COUNCIL**Table of Contents**

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BALLYMONEY BOROUGH COUNCIL

Minutes of Corporate & Central Services Committee Meeting No 419 held in the McKinley Room, Riada House, on Monday 28th October 2013 at 7.00pm.

IN THE CHAIR: E Robinson, MBE

PRESENT:

Aldermen
F Campbell
C Cousley, MBE
B Kennedy

Councillors
J Atkinson
W Blair
J Finlay
R Halliday
T McKeown
C McLaughlin

IN ATTENDANCE: Chief Executive [Item 1-11]
Director of Central and Leisure Services [Item 12-18]
Business Support Officer

APOLOGIES:

Alderman
H Connolly

Councillors
P McGuigan
I Stevenson
M Storey, MLA

419.1 DECLARATION OF INTEREST

Chief Executive declared an interest at Item 5, 'Recruitment of Chief Executive Posts for New Councils' and at Item 17, 'Consultation on the LGSC Procedures for the Recruitment and Selection of Clerk and Chief Executives in the Eleven New Councils'.

419.2 MINUTES MEETING NO 418 – 23RD SEPTEMBER 2013

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

to recommend that the Minutes of Meeting No 418, 23rd September 2013, as circulated, be approved.

CORPORATE SERVICES

419.3 STAFF MATTERS

In March 2013 Council received notice of an Industrial Tribunal (IT.515-13) taken case by an employee, citing Disability Discrimination. This followed from his non-appointment to a post of driver.

The Labour Relations Agency (LRA) who were advising the employee suggested conciliation to resolve the complaint and Council entered this represented by Human Resources staff and Jones Cassidy Jones, solicitors.

Following legal advice to settle the case, agreement was reached just before the hearing, which was due last week. No admission of liability was made by Council and the settlement figure was £4,750. The employee will resume employment when he is certified fit to work and will attend an Occupational Health appointment to determine any reasonable adjustments required to his contract to facilitate his return.

IT IS RECOMMENDED that the committee endorses the settlement reached.

Chief Executive answered a number of member queries.

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

to recommend that committee endorse the settlement reached.

- * **Councillor T McKeown arrived at the meeting at 7.05pm during consideration of the above matter.**

419.4 STATUTORY TRANSITION COMMITTEE MEETING

Agenda and meeting papers for the next CCG STC on 24th October were tabled. A copy has been made available in the members' room and copies are also available on request from the Office of the Chief Executive.

419.5 RECRUITMENT OF CHIEF EXECUTIVE POSTS FOR NEW COUNCILS

***Declaration of Interest** Chief Executive reminded members he had Declared an Interest.

Letter, 7/10/2013, from DoE Minister in response to concerns from STC representatives and Councils in relation to his predecessor's decision to use open recruitment to fill the new Chief Executive posts in the 11 Councils. Copy circulated together with guidance to STC on the application of regulation 18(3).

419.6 ICE PROGRAMME

A copy of ICE News Bulletin, 3rd October 2013 has been circulated to members. This covers workstream updates and independent peer review of the ICE programme.

419.7 LOCAL GOVERNMENT RE-ORGANISATION BILL

The Committee for the Environment has commenced Committee Stage of the Local Government Reorganisation Bill and welcomes your views on the proposed Bill by 12th November. Written submissions should be structured to address specific clauses of the Bill. Information regarding the Bill can be obtained from the Assembly's website at the following link - <http://www.niassembly.gov.uk/Assembly-Business/Committees/Environment/Bills/Local-Government-Bill--Committee-Stage/> Councillor Robinson requested the Chief Executive write a report regarding the content of the Bill for members' consideration, with a view to Council making a response.

Chief Executive stated hesitation at putting his opinion forward.

Members requested a hard copy of the bill, names supplied.

419.8 CONFERENCES / SEMINARS

8.1 Responsibilities of Planning Committees

The Royal Town Planning Institute has given notice of a session on "Responsibilities of Planning Committees" to be held in Craigavon on 13th November. This is a councillors focused event considering the roles and relationships of elected members and officers dealing with planning committees, an essential element of any prosperous council area. The aim of the event is to provide a realistic reflection of what the role of an elected representative on a planning committee will entail, come of the pitfalls and hazards, supported by examples while still reflecting on how positive and important the role can be. Cost £20.00. Members are invited to indicate their intention to attend by contacting the Office of the Chief Executive.

Members indicated their intention to attend.

8.2 NAC Annual General Meeting and Conference

The NAC AGM and Conference will be held in Belfast on 22/24th November. The keynote speaker will be Dr Simon Henig, Principle Lecturer in Politics at the University of Sunderland, as well as the leader of Durham City Council. He has led Durham through a massive change during the recent re-organisation of the District & County Councils to form a very large Unitary County Council. Fee £350.00.

It was proposed that members NOTE the information.

419.9 LAND AND PROPERTY SERVICES – MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN LPS AND COUNCILS

The Strategic Steering Group addressing this subject has issued a draft Memorandum of Understanding (MOU) between LPS and Councils inviting feedback with a view to agreeing an MOU for each Council. Feedback has been received from Councils and a

table setting out the feedback and LPS response was circulated, together with draft MOU. A Data Sharing Protocol (DSP) currently with LPS for consideration.

419.10 REGISTER OF ELECTORS

District Councils are required under Article 7 (7) of the Electoral Law (Northern Ireland) Order 1972 to pay to the Consolidated Fund a proportion of the expenses properly incurred in connection with the registration of electors. The proportion to be paid is prescribed under the Electoral Law (District Council Registration Expenses) Regulations 1978.

Expenditure by the EONI in 2012/13 on the preparation and maintenance of the Electoral Register in Northern Ireland amounted to £2,077,072.

Council's proportion of the registration expenses is £2,254.54 for 2012/13.

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

to recommend that Council invite representatives of EONI to present to committee.

419.11 REVIEW OF LOCAL GOVERNMENT STAFF COMMISSION

Correspondence has been received from DoE Minister Mark H Durkan, MLA, following Synopsis of Responses to Public Consultation and Departmental Responses, he informed the Local Government Staff Commission should be wound up in April 2017 to allow a bedding in period for the 11 new councils.

- * **Chief Executive left the meeting at 8.02pm.**
- * **Councillor McKeown left the meeting at 8.02pm**
- * **Councillor Atkinson left the meeting at 8.02pm.**

CENTRAL SERVICES

419.12 STATUTORY TRANSITION COMMITTEE BUDGET 2013/14 – 2014/15

The Statutory Transition Committee (STC) has prepared and agreed a budget for the duration of the committee ie. August 2013 to June 2014. The Budget is to be funded by the predecessor Councils. Each Councils contribution is to be proportional to the number of elected members from the predecessor Councils comprising the membership of the Committee. As each of the Councils has the same number of elected members on the STC, the councils' contributions will be equal. Only actual expenditure incurred will be funded.

Details of the STC Budget was circulated.

IT IS RECOMMENDED that Council agree to funding an equal share of actual expenditure in accordance with the STC budget.

As Council did not budget for any STC expenditure in 2013/14 **IT IS RECOMMENDED** that the costs are met from in year savings and/or the General Fund.

The Director drew members' attention to staff cost estimates within the budget and responded to a number of member queries.

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

to recommend that Council agree to fund an equal share of actual expenditure in accordance with the STC budget.

* **Councillor Atkinson rejoined the meeting at 8.10pm during consideration of the above matter.**

* **Councillor McLaughlin left the meeting at 8.24pm**

419.13 RATES ESTIMATES 2014/2015 –DATES FOR MEETINGS

The Director detailed a draft timetable of meetings for Council to consider the Estimates of Income and Expenditure for 2014/15 and to set the District Rates for 2014/15, It is for members' consideration and amendment/agreement as appropriate.

Workshop – Wednesday 27th November 2013 @ 2.30pm
Council Meeting – Monday 13th January 2014 @ 6.30pm
Council Meeting – Thursday 29th January 2014 @ 6.30pm
Council Meeting – Monday 10th February 2014 @ 7.00pm - to strike the District Rates for 2014/15.

The Director further advised there was sufficient time between 13th January and 10th February should additional meetings be required.

It is suggested that the Workshop will receive a high level paper on possible increases for discussion and will review the capital programme.

IT WAS AGREED to hold a workshop on Wednesday 27th November at 2.30pm with the remaining dates to be set at the Council meeting in November.

419.14 COUNCILLORS ALLOWANCES – DEPENDANTS' CARERS' ALLOWANCE

The Department has now determined new maximum rates of Dependants' Carers' Allowance payable under the Local Government (Payments to Councillors) Regulations (Northern Ireland) 2012 effective from 1st October 2013.

A copy of the formal determination detailing the new rates is Attached as Appendix A.

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

to recommend that Council pay the new maximum rates of Dependants' Carers' Allowance payable under the Local Government (Payments to Councillors) Regulations (Northern Ireland) 2012 effective from 1st October 2013.

419.15 HM REVENUE & CUSTOMS REVIEW OF COUNCILLORS HOME TO OFFICE MILEAGE PAYMENTS

The Director advised HMRC are currently reviewing councillors' home to office mileage payments and whether or not local authorities are subjecting such payments to PAYE. Information requested that the Council currently holds has been submitted. However, other information has been requested that the Council does not hold, the Director advised she has written to councillors requesting that information. A prompt response is requested so that the information can be returned to HMRC.

The Director explained that currently, Councillors homes are deemed to be a place of business and therefore mileage from home to office is not taxed, except where it exceeds HMRC rates. HMRC has advised that they cannot provide each Council in the UK with a blanket answer on mileage payments as all Councils and Councillors will have different requirements, hence the review.

The Director gave details of the information that she had already returned to HMRC and advised that the additional information requested was to be submitted to HMRC by 31st October 2013.

Once the review is complete HMRC will advise the outcome.

- * **Alderman Kennedy left the meeting at 8.40pm during consideration of the above matter.**
- * **Councillor Finlay left the meeting at 8.40pm during consideration of the above matter and rejoined the meeting at 8.45pm.**

419.16 ACCOUNTS FOR PAYMENT

Treasury advice schedules detailing payments for Period 7, 2013/14 drawn on the Council's Revenue and Capital Bank Accounts were available for members to inspect at 6.30pm on Monday 28th October 2013 in the McKinley Room, Riada House.

The Director of Central and Leisure Service was in attendance and dealt with queries and provided information requested.

***Payments made in Period 7 amount to:
Revenue Account £548,570.44 (excluding payroll)
Capital Account £296,023.26***

419.17 CONSULTATION ON THE LGSC PROCEDURES FOR THE RECRUITMENT AND SELECTION OF CLERK & CHIEF EXECUTIVES IN THE ELEVEN NEW COUNCILS

At the September committee meeting (minute ref. CRCS 418.11.1) the consultation document was considered and a copy of the NILGA response to the consultation was circulated. The Chief Executive also circulated a copy of a letter from the Public Service Commission to Minister Mark Durkan MLA, dated 30th August 2013.

The undernoted recommendation was made which was adopted by Council on 7th October 2013.

to recommend that council write to the DoE noting the Commission's concerns, as set out in its letter of 30/8/13, with regard to the appointment process for Chief Executive of new Councils, which could have financial implications for Councils, in the event of a challenge to the process which the STC is instructed to follow, and request DoE to indemnify Council in the event of a challenge to the process.

Copy of the Public Sector People Managers Association (PPMA) response to the consultation was circulated for members' information.

419.18 BALLYMONEY CEMETERY MEMORIALS

The following applications for the erection of memorials in Ballymoney Cemetery were considered.

Section I4 No.62

Mrs Jean Murdoch, 63 Balnamore Road, Ballymoney
Black Granite Headstone and Base

Section E1 No. 148

Mr Rea Esler, 39 Bravallen Road, Ballymoney
Granite Headstone and Base

Section E2 No. 115

Mr David Dunlop, 46 Garryduff Road, Ballymoney
Granite Headstone and Base.

IT IS RECOMMENDED that Council grants permission for the erection of the above memorials.

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

to recommend that Council grants permission for the erection of the above memorials.

Appendices listed: **Appendix A: Dependants' Carers' Allowance**

This being all the business the meeting closed at 9.12pm.



Clerk & Chief Executive of each District Council, **Local Government Policy Division**
 Finance Officer of each District Council, Finance Branch
 Mr D McCallan, Chief Executive, Northern Ireland Local Government Association, 1st Floor
 Cllr R Ferguson, Secretary, National Association of Councillors Millennium House
 17-25 Great Victoria Street
 Mr L Hannaway, Honorary Secretary, Society of Local Authority Chief Executives, Malone Lower
 Mr G Coulter, Chairperson, Association of Local Government Finance Officers **BELFAST**
 BT2 7BN
 Mr A Kerr, Chief Executive, Local Government Staff Commission, Telephone: 028 9041 6711
 Mr D Murphy, Secretary, Northern Ireland Local Government Officers' Superannuation Committee, Facsimile: 028 9041 6737
 Mr J Quinn, Chief Executive, Arc21, Email: Jeff.glass@doeni.gov.uk
 Mr G Craig, Finance Director, Arc21
 Ms L Mason, Chief Local Government Auditor
 Mr R Allen, Director, Local Government Audit
 Other Interested Parties

Your reference:
 Our reference: DO1-13-534
 Date: 15 October 2013

CIRCULAR No: LG 23/13

Dear Sir/Madam

DEPENDANTS' CARERS' ALLOWANCE – FROM 1 OCTOBER 2013

The Department has now determined new maximum rates of dependants' carers' allowance, payable under the Local Government (Payments to Councillors) Regulations (Northern Ireland) 2012.

A copy of the formal determination is attached, detailing the new rates, with effect from 1 October 2013.

Yours faithfully,

LOCAL GOVERNMENT FINANCE ACT (NORTHERN IRELAND) 2011
LOCAL GOVERNMENT (PAYMENTS TO COUNCILLORS) REGULATIONS
(NORTHERN IRELAND) 2012
DETERMINATION OF MAXIMUM RATES OF DEPENDANTS' CARERS'
ALLOWANCE

The Department of the Environment makes this determination, in exercise of the powers conferred on it by section 31 of the Local Government Finance Act (Northern Ireland) 2011 **(a)**, and the Local Government (Payments to Councillors) Regulations (Northern Ireland) 2012 **(b)**. With effect from 1 October 2013, the maximum amounts of dependants' carers' allowance shall not exceed the amounts specified in the following table:-

STANDARD CARE	SPECIALISED CARE
£6.31 per hour	£12.62 per hour
£164.00 per month	£328.00 per month
Maximum payments per member, per month, shall not exceed £328.00	

Dated this *10th* day of October 2013.

Linda MacHugh

A senior officer of the Department of the Environment

(a) 2011 c.10 (N.I).
(b) S.R. 2012 No.85.