

BALLYMONEY BOROUGH COUNCIL**Table of Contents**

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BALLYMONEY BOROUGH COUNCIL

Minutes of Corporate & Central Services Committee Meeting No 428 held in the McKinley Room Riada House, on Monday 24th November 2014 at 7.00pm.

IN THE CHAIR: T McKeown

PRESENT: **Aldermen**
C Cousley, MBE

Councillors
W Blair
J Finlay
R Halliday
R McAfee
I Stevenson
E Robinson, MBE

APOLOGIES: **Alderman**
F Campbell
H Connolly
B Kennedy

Councillor
J Atkinson
A McLean

IN ATTENDANCE: Chief Executive (items 1- 9)
Head of Corporate & Development Services (items 10-17)
Director of Central and Leisure Services (items)
Business Support Officer

428.1 DECLARATIONS OF INTEREST

There were no declarations of interest.

428.2 MINUTES OF MEETING NO 427 – 27TH OCTOBER 2014

It was proposed by Councillor Stevenson, seconded by Councillor Halliday and
AGREED:

to recommend that the Minutes of Meeting No 427 – 27th October 2014, as circulated, be confirmed as a correct record.

- * **Alderman Cousley joined the meeting at 7.05 pm.**

CORPORATE SERVICES

428.3 CEMETERY MEMORIALS

Council's rules applying to recent sections of Ballymoney Cemetery and throughout Rasharkin Cemetery permit headstones only (after approval by Council) to be erected on graves. The rest of the grave plot is grassed and maintained by council staff in what is known as a lawn cemetery. This layout affords ease of maintenance, thereby reducing cost and ensuring a neat and attractive appearance. However, as members who visited the Ballymoney Cemetery recently observed, a number of people have erected surrounds in the lawn cemetery section without approval. Many other graves have flower pots and other moveable memorial items. This has resulted in significant disruption to grass cutting operations and makes grave opening more difficult, as well as causing annoyance to some owners of burial rights who observe the rules.

It is clear that many people wish to have an area of their loved one's grave plot which they can maintain and use for planting flowers or placing flower pots or other moveable mementoes. Coleraine Borough Council allows this in the newer areas of Ballysally Cemetery; an area the width of the plot and 900 mm long at the head of the grave is designated for the erection of a memorial and/or the planting of flowers or placing of flower pots. The rest of the area is grassed. A modification of that nature in the rules for our cemeteries would allow many of the minor problems to be regularised.

IT IS RECOMMENDED that the rules are amended, as circulated, in the two Ballymoney borough cemeteries and that all affected holders of grave registry certificates are advised of the change.

While this should deal with the issue of flowers and small mementoes it does not resolve the problem of unauthorised surrounds. There appear to be but two viable options in that regard: either amend the rules and permit approved surrounds or apply the existing rules and require the removal of unapproved surrounds. If the first option is to be adopted it will require a change to cemetery rules and arrangements for maintenance and grave openings. Those who wish to have surrounds will have to seek approval and existing unauthorised surrounds that do not meet the rules would have to be removed.

If the existing rules are to be retained then they need to be applied. A sample letter to those with unauthorised surrounds on graves was circulated. It is also suggested that, as many of these surrounds are installed when staff are off duty, signage setting out the rules should be displayed in the cemeteries and letters should be sent to local undertakers and suppliers of memorials reminding them of the rules.

Committee is asked to consider and make a recommendation to council

Members discussed the options put forward, draft letter to grave certificate holders and legal aspects, and were advised on application and approval process for erection of memorials to Council's requirements.

It was proposed by Councillor Robinson, seconded by Councillor Finlay:

to recommend that the Chief Executive be authorised to seek legal advice on proposed actions and report back to Committee.

A vote was taken with seven members voting in favour and one member voting against. The Chair declared the motion carried.

- * **The Head of Corporate & Development Services left the meeting at this stage: 7.40 pm.**

428.4 STAFF MATTERS**4.1 Remunerations in Respect of Local Government Reform (LGR) Workload**

At the Council meeting on 7th April 2014 the Council considered a report from the Joint Negotiating Committee (JNC) for Chief Executives recommending the following remuneration in recognition of the LGR workload:

1. In respect of work related to Voluntary/Statutory Transition Committees, a payment equal to two incremental points be made;
2. Payment of one further increment be made where the chief executive is directly involved in the work of the Regional Transition Committee or one or more working groups reporting to the RTC.

The Council agreed to apply both recommendations. Following acceptance of the JNC recommendations by all the cluster councils, members of Coleraine Borough Council requested and agreed a similar arrangement for other officers directly involved in LGR work. This is based on the JNC framework and is as follows:

1. Membership of the Transition Management Team (reporting to the Statutory Transition Committee) would attract 2 incremental points for each year of the period detailed in the JNC guidance;
2. Membership of regional or sub regional working groups (reporting to the Regional Transition Committee through for example the Transfer of Functions Working Group) would attract 1 incremental point;

3. Staff at or below Head of Service level who met agreed criteria would be recompensed by way of honorarium, valued at two increments for the qualifying period in each case.

Because the Transition Management Team was not formally reconstituted until June 2012, this has been agreed as the earliest qualifying date. Limavady BC and Moyle DC have already agreed to implement a scheme similar to Coleraine's.

Using the agreed criteria the CMT in Ballymoney has identified those staff in each Directorate and OCE who qualify. The start date used was 1st June 2012 and the end date was 31st October 2014. Where work began later than June 2012 or ended earlier than October 2014, the calculation was based on the actual number of months involved.

Both Directors qualify for awards as follows:

Employee No.	05062	£7,027.67
Employee No.	05060	£8,481.67

Other staff qualify for awards as follows:

Office of Chief Executive:

Employee No.	05008	£3,461.50
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Borough Services:

Employee No.	05064	£3,347.67
Employee No.	05087	£1,053.50
Employee No.	05109	£783.00
Employee No.	05161	£3,311.00
Employee No.	05065	£1,806.00

Central & Leisure Services:

Employee No.	05011	£2,210.00
Employee No.	05070	£1,894.67
Employee No.	05148	£226.33
Employee No.	05101	£2,558.50
Employee No.	05587	£827.17
Employee No.	05159	£827.17
Employee No.	05117	£2,842.00
Employee No.	03085	£3,461.50
Employee No.	05052	£3,001.50

LGR work is continuing and a further report will cover the period from 1 November 2014 to 31 March 2015.

IT IS RECOMMENDED that Council recognise the additional Local Government Reform workload of the staff listed by award of the payments as detailed.

During discussion, the Chief Executive explained the procedures with regard to filling vacant posts at the current time including where staff were redeployed on secondment into Causeway Coat & Glens Shadow Council, such staff being paid their substantive grade.

It was proposed by Councillor McAfee, seconded by Councillor McKeown:

to recommend that Council recognise the additional Local Government Reform workload of the staff listed by award of payments as detailed above.

Members agreed with the recommendation with the exception of Councillor Stevenson who recorded his abstention from the vote.

4.2 Guidance Notes from Cluster Forum

The Chief Executive advised that Guidance notes have been issued by the Causeway Cluster Forum with a recommendation for implementation. The first Guidance Note is around Job Evaluation / Refreshing and effectively it recommends that there is a moratorium of all job evaluations until 30th April 2015.

The second note is around Vacancy Control and the recommendation here is that careful consideration should be given to filling all vacant posts on a temporary basis so that the post can be used as suitable alternative employment for employees who may be displaced.

Councils are asked to consider these recommendations when making decisions about future appointments.

While not having the same legal standing as a direction from LGSC Council would need to have strong grounds to depart from the approach recommended. The Chief Executive recommends that Council implement the recommendations and has requested that Council management do not depart from the recommended approach without consulting with the Head of Human Resources and himself.

Councillor Finlay disagreed with the guidance relating to vacancy control and stated that he saw no reason why Council cannot fill vacant grounds-persons posts taking into consideration the level of work involved in maintaining grounds during the winter months. Councillor Robinson concurred with his remarks.

The Chief Executive reported that the Guidance had been discussed with Management and there had been no requests to fill posts in contravention to this. In response to comments, he clarified the guidance on job evaluation and vacancy control. He **recommended** that Council adopt

these two documents but reserve the right in exceptional circumstances to go outside them.

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

to recommend that Council adopts these two documents but reserves the right in exceptional circumstances to go outside them.

Councillor Finlay expressed concern that some vacant posts may be lost because of this guidance and recorded his disagreement with the embargo on filling vacant posts.

- * **The Head of Corporate & Development Services returned to the meeting during discussion of this item at 8.50 pm.**
- * **Councillor McAfee left the meeting during discussion of the above at 8.55 pm.**

428.5 OMBUDSMAN COMPLAINT (CASE REF. 15245)

Following internal investigation of the above complaint, Council conceded that an error had been made in respect of how the Reserve List had operated. A settlement proposal to rectify the situation was accepted by both the Ombudsman and the Complainant. The Ombudsman's Office has now discontinued their investigation into the complaint.

The Chief Executive advised that complainant had been working additional hours averaging 35-37 hours per week so the financial loss amounted to £592.43. The council had reviewed the way in which it deals with complaints of this nature and its procedure for how reserve lists operate and put in place measures to ensure there is no reoccurrence.

428.6 LOCAL GOVERNMENT ANNUAL AUDIT REPORT – NOVEMBER 2014

The Chief Local Government Auditor has published her report on the exercise by local government auditors of their functions in the year to 31 March 2014. The report comments on a range of topics rising from audit work in local government bodies. Councils spend of £800 million per annum, employ 9.700 staff and utilize assets worth more than £2,000.

A copy of the report and associated press release, circulated.

428.7 THE LOCAL GOVERNMENT (INDEMNITIES FOR MEMBERS AND OFFICERS) AMENDMENT) ORDER (NI) 2014

Correspondence has been received from the Department of the Environment advising that the Department has made the above mentioned order after approval by the Assembly on 21st October 2014.

The Order amends the Local Government (Indemnities for Members and officers) Order (NI) 2012 (the 2012 Order) which clarified councils powers in relation to the provision of indemnities or insurance to its members and officers. This order includes a requirement for councils to include terms within any indemnity (including any insurance secured) for the re-payment of sums expended by the council or insurer, in any cases in which a member of officer has been convicted of a criminal offence (if the indemnity or insurance policy would otherwise cover the proceedings leading to that finding or conviction).

The Local Government (Indemnities for Members and Officers) Order (NI) 2014, from the 1 November 2014, amends this provision to extend the requirement to include the terms that would provide for the re-payment of any sums expended, to cases in which a member has been found to be in breach of the Northern Ireland Local Government Code of Conduct for Councillors. The Chief Executive advised that the Ombudsman had provided guidance notes on how he intends to enforce the Code of Conduct, received today, and those would be circulated.

The 2014 Order was circulated and is also available at <http://www.legislation.gov.uk/2014/264/contents/made>.

428.8 NILGA 2015 LOCAL GOVERNMENT RECOGNITION EVENT - LA MON HOTEL, CASTLEREAGH ON 20TH FEBRUARY 2015.

NILGA has advised that it is their aim to deliver a special event for all of Northern Ireland's 26 councils. The DoE Minister has confirmed his willingness to attend this milestone event.

The event will commence at 7.30pm on 20th February. Each of the First Citizens of the final 26 councils will be awarded a Local Government Community Achievement piece, recognising the outgoing authority in regard to the overall civic, community and service roles it has achieved since 1973. Additionally, with the support from each council, SOLACE, and NILGA's Local Government Award partners, will be providing a Local Government Commemorative brochure on the night.

NILGA are offering **two free places** at the event for the First Citizen and a senior council representative, and invitations are extended for up to eight additional representatives from Council to attend at a cost of £55 per person + VAT.

Councillor Robinson has expressed an interest in attending.

It was proposed by Councillor Halliday, seconded by Councillor McKeown and **AGREED:**

that the Mayor, the Chief Executive or his nominee, Councillor Robinson and Members wishing to attend at a cost of £55.00 per person plus VAT to take up the other 7 places, should contact the Office of the Chief Executive.

428.9 REQUEST FOR DEFIBRILATOR

A request has been received from Councillor Stevenson for the supply of defibrillators in Ballymoney town centre. The defibrillator currently provided in this location (Gordon's Chemist) was funded by a sponsored bike ride undertaken by the Mayor Alderman Kennedy and the Chief Executive.

The Chief Executive advised of a scheme in operation in Magherafelt, details of which had been provided by Councillor Stevenson. Members discussed possible sites and safety issues etc.

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

To recommend that the cost of providing defibrillators and maintaining defibrillators and associated equipment in the Town Centre be examined.

- * **The Chief Executive and the Head of Corporate & Development Services left the meeting at 8.45 pm.**
- * **The Director of Central & Leisure Services joined the meeting at 8.45 pm.**

CENTRAL SERVICES

428.10 TREASURY MANAGEMENT STRATEGY 2014/15 – MID YEAR REVIEW

In accordance with the Council's Treasury Management Policy 2014/15 a mid-year review of treasury management practices has been carried out and a report was circulated.

The 2014/15 mid-year review report **IS RECOMMENDED** for acceptance.

The Director responded to questions from members indicating that the interest rates for the fixed term loans drawn down was lower than that budgeted for and that all deposits would now be short term based on the life of the Council.

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

to recommend that Council accept the Treasury Management Strategy 2014/15 Mid Year Review.

428.11 ACTUAL PENNY PRODUCT 2014/15 IN YEAR FORECAST

Land and Property Services (LPS) has completed the second quarters in year forecast calculations of the Actual Penny Product outturn for 2014/15.

The indicative outturn for the Council is a positive sum of £141,920.

An examination of the tax base shows that there has been a slight growth in both the domestic and the non-domestic sector plus LPS have examined in more detail the losses in the non-domestic sector.

The forecast attempts to reflect as accurately as possible the end of year rate revenue outturn position; however this is only the halfway stage of the year and situations of a positive or negative nature could still arise in the period to 31st March 2015.

428.12 ANNUAL ACCOUNTS 2013/14

The Council approved the final accounts for 2013/14 on 27th October 2014.

The audit of the Financial Statements for 2013/14 has not yet been completed as the Council did not advertise the audit in a notice of public rights at the required time. The notice has now been advertised, thus enabling the auditor to complete the audit and make the audit opinion available by the end of January 2015.

In response to a question from Councillor Robinson, the Director advised that there is no impact on the financial statements resulting from the delay in advertising the audit.

* **Councillor Blair left the meeting at 9.00 pm.**

428.13 VARIANCE REPORT 2013/14

The Variance report detailing the expenditure and income variances per service was circulated to members including notes explaining the more material variances.

At the request of Councillor Finlay, the Director agreed to provide an eight month report in January. She advised members that the level of Council's reserves (General Fund Balance) at 31 March 2014 is £1.419,651.00.

428.14 ACCOUNTS FOR PAYMENT

The Director advised that the value of payments made for Period 7, 2014/15 are as follows –

Revenue Account £415,168.59
Capital Account £287,472.74

428.15 POTENTIAL INSURANCE CLAIM

The Council in 2012 was notified of a potential asbestos related insurance claim dating back to the 1970-1973 period, the claimant being a former employee of Ballymoney Rural District Council. Given the age of the incident there are very few records available.

The Council's Insurance Brokers have been unable to ascertain who insurance was placed with during the period in question. In the absence of liability insurance, the Council's Insurance Brokers recommend that Council appoint a solicitor specialising in asbestos defence litigation and have recommended the names of suitable firms.

The Council has received a letter dated 6th November 2014 from the claimant's solicitors indicating that they are proceeding with the case and giving Council 14 days in which to enter a Notice to Defend. Council must protect its position and enter a Notice to Defend. Based on case law Council will be seeking to be released from the case at the earliest opportunity.

IT IS RECOMMENDED that Council appoints a solicitor recommended by its Insurance Brokers.

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

to recommend that Council appoints a solicitor recommended by its Insurance Brokers.

428.16 BALLYMONEY CEMETERY MEMORIALS

The following applications have been received for the erection of memorials in Ballymoney Cemetery –

Section E3 Nos. 1 & 2

Mr James Hickinson, 209 Kilraughts Road, Ballymoney
All Polished Black Granite Headstone and Base

Section E3 No. 29

Ms Jill Culbertson, 25 Armstrong Drive, Ballymoney
All Polished Black Granite Headstone and Base

Section G4 No. 7

Mr Joe Gough, 216 Seacon Road, Ballymoney
Headstone & Base

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

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

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

428.17 LOCAL GOVERNMENT PAY AWARD 2014/15 & 2015/16

Agreement has been reached on rates of pay applicable from 1st January 2015 to 31st March 2016. The increase is just over 7% to 2.32% on the 5 lowest pay points and 2.2% on all other pay points.

As the pay award is only from 1st January 2015, a one-off non-consolidated payment to be paid in December 2014 has also been agreed.

The Pay award does not apply to Chief Executives or Chief Officers.

The meeting closed at 9.50 pm.