

SPECIAL COUNCIL MEETING TUESDAY 26TH JULY 2022

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No.	Item	Decision
1.	Apologies	<i>Alderman Finlay</i>
2.	Declarations of Interest	<i>None</i>
3.	NIAO Extraordinary Audit Report	<p><i>That Council accede to the request from UTV News to record matters for the purpose of using footage on news bulletins and/or online.</i></p> <p><i>That Council accede to the request from BBC to record proceedings.</i></p> <p><i>Accept the findings contained within the Extraordinary Audit. That this Council immediately moves to implement all 8 recommendations contained within the Extraordinary Audit. That the Ministerial letter of the 7th July be responded to confirming all the above and an action plan to be completed by the 8th August 2022 that shows how the Auditor's recommendations will be fully implemented by 30 December 2022. We note the established mechanism for investigating questions of discipline raised in connection with a Chief</i></p>

		<p>Executive of a local authority in Northern Ireland. This mechanism is specified in the 1996 Agreement on Discipline, Capability and Redundancy of the Joint Negotiating Committee for Clerks/Chief Executives to Local Authorities in Northern Ireland. Paragraphs 3 to 11 of that agreement establish the process to be followed and we call on Council to incorporate this approach as part of its response to Recommendations 6 and 7, whilst also recognising that there is distinct disciplinary processes which may exist for other local government employees.</p> <p>We also request that Council seek regular and detailed cooperation with the Local Government Staff Commission of Northern Ireland in respect of any relevant matters arising from the Audit Report recommendations and their implementation.</p>
4.	Correspondence – Minister for Communities, Deirdre Hargey MLA	Received
5.	Notice of Motion proposed by Councillor P McShane, seconded by Councillor Quigley	Referred Corporate Policy and Resources Committee
5.1	Legal Advice in respect of a Notice of Motion proposed by Councillor P McShane, seconded by Councillor Quigley	Noted
6.	Notice of Motion proposed by Councillor P McShane, seconded by Councillor Quigley	Referred Corporate Policy and Resources Committee

7.	Extraordinary Audit Report – Recommendation 6 & 7	<i>That the Commission is requested to work with Council to assist with recommendation 6 and 7 of the Northern Ireland Audit Office Extraordinary Report.</i>

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE
SPECIAL COUNCIL MEETING HELD IN THE COUNCIL CHAMBER AND VIA
VIDEO CONFERENCE ON TUESDAY 26TH JULY 2022 AT 7PM.**

In the Chair : The Mayor, Councillor Wallace (C)

Present : Alderman Boyle (R), Baird (C), Duddy (C), Fielding (C),
Hillis (C), Knight-McQuillan (C), McKeown (R), McLean
(C), S McKillop (C)

Councillors Anderson (C), Bateson (C), Beattie (R),
Callaghan (C), Callan (R), Chivers (C), Dallat O’Driscoll
(R), Holmes (C), Hunter (R), McAuley (C), McCandless
(C), McCaw (R), McCorkell (R), McGlinchey (C), McGurk
(C), MA McKillop (R), McMullan (C), McQuillan (C),
C McShane (R), P McShane (C), Mulholland (C), Nicholl
(R), Peacock (C), Quigley (C), Schenning (R), Scott (C),
Watton (C), Wilson (C)

Officers Present : M Smyth, Director of Finance (Interim) (C)
K Mailey, Head of OD/HR (R)
P Donaghy, Democratic & Central Services Manager (R)
A McAuley, PR Manager (R)
S Duggan, Civic Support & Committee & Member Services Officer (C)
J Keen, Committee & Member Services Officer (R)
I Owens, Committee & Member Services Officer (R)

Officers In Attendance: J Welsh, Head of Community & Culture (R)
P O’Brien, Funding Unit Manager (R)
J Culkin, Management Accountant (R)

J Winfield, ICT Manager (C)
C Thompson, ICT Officer (C)
A Lennox, ICT Mobile Operations (C)

In attendance : C Campbell, Divisional Solicitor, Belfast City Council (R)
N McMullan, Employment Law Partner, Edwards & Co. Solicitors (R)

Public (21 no.) (R), (1 no.) (C)
Press (5 No) (R)

Key – C = Attended in the Chamber
R = Attended Remotely

Director of Finance (Interim) undertook a roll call.

The Mayor opened the meeting and extended a welcome to members of the press and public in attendance and provided guidance in relation to Council’s Remote Meetings Protocol and audio recordings.

1. APOLOGIES

Apologies were record for Alderman Finlay.

2. DECLARATIONS OF INTEREST

There were no declarations of Interest.

3. NIAO EXTRAORDINARY AUDIT REPORT

Report, previously circulated.

Councillor Quigley advised she had been contacted by staff and community group members and stated concern. Councillor Quigley detailed a Member-Officer relationship whose Line Manager had been referred to within the document; and to protect the Elected Member, sought legal opinion. Councillor Quigley stated there was a conflict.

The Mayor advised that it was a matter for the Elected Member whether they declared an Interest.

The Mayor put to Council that UTV had requested to film and record proceedings online, he clarified Legal Advisors and Officers would not be willing to participate at the meeting, in this event. The Mayor advised UTV would be invited to leave when Council would move, *'In Committee'*.

Councillor P McShane referred to local democracy openness and transparency and stated dissatisfaction an Officer would not take part in a filmed meeting, that there was no difference with the audio recording.

Councillor P McShane raised concern regarding a presiding Officer's Terms that meant an Officer could be shortly dismissed and had not looked outside the Organisation for an individual deemed neutral to preside, whilst not stating any disrespect to the Officer. Councillor P McShane stated the person who could dismiss the Officer was key to what was being discussed.

In response to requests for clarification, the Democratic and Central Services Manager cited Standing Order 8 (5) and clarified, referring to the request from UTV, that it was a matter for Council.

Councillor P McShane requested a Recorded Vote.

The Mayor put the request from UTV to the Council to vote.

Council voted unanimously in favour, 38 For.

The Mayor declared the motion carried.

RESOLVED – that Council accede to the request from UTV News to record matters for the purpose of using footage on news bulletins and/or online.

Recorded Vote Table

For (38)	Alderman Baird, Boyle, Duddy, Fielding, Hillis, Knight-McQuillan, McKeown, S McKillop, McLean
	Councillors Anderson, Bateson, Beattie, Callaghan, Callan, Chivers, Dallat O’Driscoll, Holmes, Hunter, McAuley, McCandless, McCaw, McCorkell, McGlinchey, McGurk, MA McKillop, McMullan, McQuillan, C McShane, P McShane, Mulholland, Nicholl, Peacock, Quigley, Schenning, Scott, Wallace, Watton, Wilson

Proposed by Councillor P McShane
Seconded by Councillor Quigley

- That this Council accepts the findings contained within the Extraordinary Audit. That this Council immediately moves to implement all 8 recommendations contained within the Extraordinary Audit. That the Ministerial letter of the 7th July be responded to confirming all the above and an action plan to be completed by the 8th August 2022 that shows how the Auditor’s recommendations will be fully implemented by 30 December 2022.

The Mayor declared a recess at 7.20pm for five minutes.

* **The Meeting reconvened at 7.32PM.**

The Mayor declared the meeting quorate.

Amendment proposed by Councillor McAuley:

- In addition to the proposal on the table. We note the established mechanism for investigating questions of discipline raised in connection with a Chief Executive of a local authority in Northern Ireland. This mechanism is specified in the 1996 Agreement on Discipline, Capability and Redundancy of the Joint Negotiating Committee for Clerks/Chief Executives to Local Authorities in Northern Ireland.

Paragraphs 3 to 11 of that agreement establish the process to be followed and we call on Council to incorporate this approach as part of its response to Recommendations 6 and 7, whilst also recognising that there is distinct disciplinary processes which may exist for other local government employees. We also request that Council seek regular and detailed cooperation with the Local Government Staff Commission of Northern Ireland in respect of any relevant matters arising from the Audit Report recommendations and their implementation.

Councillor P McShane, in agreement with the seconder Councillor Quigley, agreed to incorporate the amendment by Councillor McAuley into the proposal.

Councillor Peacock extended condolences to colleagues in the Ulster Unionist Party on the passing of their former Party Leader, stating it was important to note his contribution to Peace and Reconciliation, that will not be forgotten.

Councillor Peacock stated she was content to see consensus in The Chamber, welcomed the Report and intervention of the Minister which led to its publishing. She thanked the Audit Office, Mrs Kane and staff for their diligence. Councillor Peacock stated the findings extremely serious, behaviour of Senior Staff had fallen short of the expected conduct. Councillor Peacock stated citizens deserve transparency, accountability and good Local Government which works in their interests. She advised all attempts to investigate and take actions to date had been blocked in The Chamber, that Councillors were elected by the public to work on their behalf and must be assured to have accurate information, politically neutral and in the interests of the ratepayers. Councillor Peacock supported the proposal and amendment.

The Mayor offered his sympathies with the Ulster Unionist Party and Lord David Trimble's family on his sad passing. He advised he had opened a Book of Condolence within the four locations of the Borough.

Alderman Hillis thanked The Mayor and Councillor Peacock on behalf of Sinn Féin group for their words on Lord David Trimble. Alderman Hillis stated on behalf of Ulster Unionists, the late David Trimble was a giant in Northern Ireland Politics, a man of courage and vision who provided leadership and would always be remembered in Northern Ireland and Internationally for the great leap of faith that he took to successfully deliver the Belfast Good Friday Agreement along with the late John Hume. Alderman Hillis offered sincere sympathies to Lord Trimble's wife Daphne, and four children.

Councillor MA McKillop on behalf of SDLP passed on condolences to the Ulster Unionist Party on the passing of Lord David Trimble.

Councillor MA McKillop, on behalf of her Group accepted the Findings of the Report and wished to see all Recommendations introduced as soon as possible. Councillor MA McKillop stated her Group were horrified by the Findings and contents but not surprised, that SDLP had raised numerous concerns over the years about the financial situation of Causeway Coast and Glens and the first Party to raise these concerns. She stated the Findings concerning the handling of land, disposal and easements, practice and culture within Council, the behaviour of some Officers including the Chief Executive highly concerning and damning of what went on behind the scenes. Councillor MA McKillop asked why were the proper checks and valuations not carried out, so that ratepayers got the best value; why did Officers push for practices that were contrary to best practice. Councillor MA McKillop advised the concerns need to be addressed and those responsible face the consequences of their actions. She supported the Independent review into Council's governance, supported the involvement of the Department and training for Elected

Representatives at the beginning of the matter. Councillor MA McKillop supported Councillor P McShane's proposal and DUP amendment.

Councillor Mulholland passed on condolences to Ulster Unionist family on the passing of Lord Trimble.

Councillor Mulholland stated disappointment as an Elected representative, she had been denied the right to carry out fully the role as Councillor, as a result of the breakdown of communication with Senior Management Team and other Councillors, she stated, were privy to a cover up. Councillor Mulholland stated Council had failed on all levels with regards to the Nolan Principles, namely Integrity and Accountability. She stated the small number of Councillors who questioned or raised concerns had suffered stigma, abuse, bullying and had been ostracised, it had produced a two-tier level of working relationships within Council. Councillor Mulholland supported the Recommendations and to take the appropriate actions, as stated within the Report.

At this point of the meeting, The Mayor advised Council BBC had also requested to record proceedings and put it to the Council.

RESOLVED – that Council accede to the request from BBC to record proceedings.

Councillor McCaw expressed condolences to the Ulster Unionist Party on the passing of Lord Trimble, who he stated, had been a man of courage and vision.

Councillor McCaw agreed with all Councillors who had previously spoken. He advised public confidence in Council had been eroded by this and previous issues around land transactions, around the finances of Council and needed to re-establish public confidence. Councillor McCaw welcomed that all Elected Members were in agreement, he emphasised working together to resolve serious issues raised and restore confidence for the people of Causeway Coast and Glens. Councillor McCaw agreed with the implementation of the JNC 1996 protocol and involvement of the Staff Commission and Minister and to follow the process in a politically balanced way, involving all Councillors.

The Mayor clarified with Councillor P McShane that he was content with Councillor McAuley's amendment to the proposal.

Councillor P McShane stated that Council should look outward at the agencies responsible for protecting the Organisation who had failed Council - The Northern Ireland Public Ombudsman's Office, who had been made aware in 2018; the Audit Office and failings in 2017; the Minister who refused to meet, or respond until the BBC became involved; and the Department who he stated had buried their heads. Councillor P McShane stated anyone who cast aspirations on the Members needed to also look outside Council and the failures of the agencies supposed to protect the ratepayer, but, also a credit to them they turned up at the end of the day. Councillor P McShane stated that an organisation has been misled by leadership, Councillors cannot come to the

right decisions, that it must not be allowed to happen again in Causeway Coast and Glens, nor any Local Government organisation and was hopefully coming to the conclusion. Councillor P McShane expressed thanks and thanked DUP for their motion.

Councillor Watton advised Lord Trimble had worked very closely with his Party colleague David Irvine and without them there would be no peace in Northern Ireland.

Councillor Watton, referring to the report, stated there were no 'brown envelopes', he had checked this with the Audit Committee, and whilst not defending the actions, there was a natural justice involved, to go through procedure. Councillor Watton stated dissatisfaction Jim Allister had asked for resignation.

Councillor McCandless paid tribute to Lord David Trimble, whom he said was a man of bravery, leadership and vision, a great friendship with David Irvine and without that, would not be where we are at today.

Councillor McCandless reflected on words of fraud and corruption in the Chamber which he considered had dominated the Chamber for years and there had been allegations from Councillors. Councillor McCandless advised this Council, the merger of four legacy Councils which came together in 2015; from 2015-2016 Council had been working with Legacy arrangements, no dedicated staff had been appointed to this area, and possibly this may have led to ambiguity and uncertainty in areas. He advised there were four Recommendations in place already, in 2017 a Land and Sub Committee formed, the purpose, to improve governance in Council's land transactions; in 2019 an independent Moore NI External Audit reported findings that led to a new Land and Property Policy including a charging schedule and the use of D1 Asset Disposal as best practice; Council put in place additional staff and resources, Legal and Asset Realisation matters. In 2020, during the internal audit process when allegations of fraud were made into transactions at Ballyreagh and The Cutts, a referral was made to PSNI – Economic Crime Branch, and no evidence of wrongdoing was found. Councillor McCandless concluded there were governance and procedure deficiencies.

Councillor McCandless stated the threshold for wilful misconduct had not been reached by any Officer, he advised fourteen other files were viewed and no issues identified. Allegations had been made against Senior Officers for years and it was testimony to them that they continued working, in spite of pressure endured. He advised that the majority of Councillors had endured comments questioning integrity. Councillor McCandless stated Councillors have a duty of care to employees and ensure they no longer endure unsubstantiated allegations. Councillor McCandless questioned what had been the cost to

Council, of all the Audits which keep proving no criminality, fraud, corruption, no wilful misconduct by Officers and what had the cost been to ratepayers.

Councillor Quigley paid tribute to the Ulster Unionist Party, Lord Trimble's family and offered her sympathies.

Councillor Quigley referred to the previous speaker, she stated the Executive Summary, there was a case for finding the easement had not been granted lawfully, on page 2 and page 3.

Councillor McCandless interjected.

The Mayor ruled the Speaker may speak.

Councillor Quigley referred to women in public life, she thanked the small number of Councillors who she stated had the courage to come forward and the Party's who supported them. Councillor Quigley thanked the DUP for the amendment to ensure the JNC enforced.

The Mayor permitted Councillor McCandless to speak as he had been referred to.

Councillor McCandless asked Councillor Quigley to point to Fraud, corruption, wilful misconduct, criminality in the document.

Councillor Quigley stated she stood over her words. She advised Councillor McCandless and Alderman Duddy had reported her to CID for using the words fraud and corruption.

Councillor McCandless stated it was the duty of any Councillor that an allegation of fraud or corruption is reported PSNI, he clarified he did not report Councillor Quigley, that it was up to PSNI to investigate.

Alderman Duddy referred to Councillor Quigley's remarks. He clarified that at no time did he suggest Councillor Quigley was involved in any fraud. He stated, that because Councillor Quigley referred to fraud in The Council Chamber, himself and Councillor McCandless had gone to PSNI to report to them to investigate that fraud had been mentioned in the Council; and it had not been that they had reported Councillor Quigley for fraud.

Alderman Boyle echoed Councillor McCaw's sympathies to the Ulster Unionist Party and to Lord David Trimble's family on his sad passing.

Alderman Boyle emphasised she was heartened with the discussion to address the issues before Council, she advised the words needed to be Council's guide and that all Party's work together. In regards to the 1996 JNC Protocol, she asked that an addition to the proposal on the table, that the Group of Elected Members under the JNC Protocol would be balanced, one Member from every Party and one Independent and asked if the proposer would accept this.

In response to Alderman Boyle, The Mayor sought clarification, and invited Councillor McAuley to address Council. Councillor McAuley advised he did not specify numbers by d'hondt, he referred to paragraph 3-11 of the document that clearly set out the process and there was no need to have additions to it. Councillor P McShane concurred, stated that was correct, it would be largely down to the Mayor and The Mayor would have the role.

The Mayor put the proposal to the Council to vote.
Councillor P McShane requested a Recorded Vote.

Proposed by Councillor P McShane
Seconded by Councillor Quigley and

RESOLVED - That this Council accepts the findings contained within the Extraordinary Audit. That this Council immediately moves to implement all 8 recommendations contained within the Extraordinary Audit. That the Ministerial letter of the 7th July be responded to confirming all the above and an action plan to be completed by the 8th August 2022 that shows how the Auditor's recommendations will be fully implemented by 30 December 2022.

We note the established mechanism for investigating questions of discipline raised in connection with a Chief Executive of a local authority in Northern Ireland. This mechanism is specified in the 1996 Agreement on Discipline, Capability and Redundancy of the Joint Negotiating Committee for Clerks/Chief Executives to Local Authorities in Northern Ireland.

Paragraphs 3 to 11 of that agreement establish the process to be followed and we call on Council to incorporate this approach as part of its response to Recommendations 6 and 7, whilst also recognising that there is distinct disciplinary processes which may exist for other local government employees. We also request that Council seek regular and detailed cooperation with the Local Government Staff Commission of Northern Ireland in respect of any relevant matters arising from the Audit Report recommendations and their implementation.

Council voted unanimously in favour, 38 For.
The Mayor declared the motion carried

Recorded Vote Table

For (38)	Alderman Baird, Boyle, Duddy, Fielding, Hillis, Knight-McQuillan, McKeown, S McKillop, McLean
	Councillors Anderson, Bateson, Beattie, Callaghan, Callan, Chivers, Dallat O'Driscoll, Holmes, Hunter, McAuley, McCandless, McCaw, McCorkell, McGlinchey, McGurk, MA McKillop, McMullan, McQuillan, C McShane, P McShane, Mulholland, Nicholl, Peacock, Quigley, Schenning, Scott, Wallace, Watton, Wilson

4. CORRESPONDENCE – MINISTER FOR COMMUNITIES, DEIRDRE HARGEY MLA

Copy, circulated, presented as read.

Council noted the correspondence.

The Mayor advised he would be responding to the Minister within the timeline specified.

5. NOTICE OF MOTION PROPOSED BY COUNCILLOR P MCSHANE, SECONDED BY COUNCILLOR QUIGLEY

(A) That the Mayor ask the CEO to consider his position and resign. If not accept within 24hrs the Council dismiss the CEO

(B) That the Mayor instruct the Human Resources department to begin disciplinary investigations into two executive individuals identifiable in the Extraordinary Audit and one individual from the legal department.

** to consider their actions to include the findings of the extraordinary audit but not limited to*

** to create a call for evidence to fully inform an investigation and extend the investigation should others be identified including elected members*

** to ask that any person responsible for incurring or authorising any expenditure declared unlawful shall repay it in whole or in part to the Council and where two or more persons are found to be responsible, that they shall be jointly and severally liable to repay the Council*

**to use all legal powers at the disposal of the council and the legal system to obtain any resources, both assets and financial, that were lost to the ratepayers due to misconduct, malfeasance or unlawfully*

** to refer those identified individuals to their relevant professional bodies in light of the evidence in this report and any additional evidence that may be forthcoming during investigations*

** To consider all the above again at the next full council meeting should any voluntary resignations present themselves.*

** to place on leave without prejudice all the individuals identified immediately*

(C) to request the most senior individual left in position be promoted to the position of 'acting CEO' only until a temporary replacement can be installed

The Mayor referred to the 2 Notice of Motions. He stated in accordance with Standing Order 15.1 (6) the Notice of Motions would be referred to the Corporate Policy and Resources Committee.

Councillor Holmes sought clarification; that the motions were contrary to what had been agreed.

The Mayor advised that would be a matter for Corporate Policy and Resources Committee.

Councillor P McShane stated the motions had been submitted some time ago in anticipation of an earlier meeting, he clarified parts of the motion were relevant and to be considered prior to 28th July. Councillor P McShane stated it looked like officials were advising and pointed to interference.

The Mayor clarified he had made the decision, that when the proposals came forward, those were being dealt with. The Mayor cited from Standing Order 15.1(6), '*The proposer and the Mayor must agree this 24 hours prior to the meeting and communicate the intention to all other Members*', that no communication took place.

5.1 Legal Advice in respect of a Notice of Motion proposed by Councillor P McShane, seconded by Councillor Quigley

Copy circulated.

Council noted the correspondence.

6. NOTICE OF MOTION PROPOSED BY COUNCILLOR P MCSHANE, SECONDED BY COUNCILLOR QUIGLEY

That the Mayor ask the CEO to consider his position and resign. If not accept within 24hrs the Council suspend the Chief Executive, and instigate a disciplinary investigation under the 1996 protocol.

The Mayor advised, in accordance with Standing Order 15.1 (6) the Notice of Motion would be referred to the Corporate Policy and Resources Committee.

7. EXTRAORDINARY AUDIT REPORT – RECOMMENDATION 6 & 7

Confidential report, previously circulated, presented as read.

Recommendation(s)

It is recommended that the Commission is requested to work with Council to assist with recommendation 6 & 7 of the NIAO Extraordinary Report.

Proposed by Councillor P McShane
Seconded by Councillor Mulholland and

RESOLVED - That the Commission is requested to work with Council to assist with recommendation 6 and 7 of the Northern Ireland Audit Office Extraordinary Report.

This being all the business, The Mayor thanked everyone for their attendance and the meeting concluded at 8.14pm.

Mayor