

SPECIAL COUNCIL MEETING MONDAY 20 FEBRUARY 2023

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No.	Item	Decision
1.	Apologies	<i>Alderman Boyle, Councillors Schenning and Storey</i>
2.	Declarations of Interests	<i>None</i>
	<i>'In Committee' (Items 3-5)</i>	
3.	Extraordinary Audit Independent Adviser's Report to Council	<i>that Council: Provides the Department for Communities with a copy of this report giving re-assurance that the work in respect of Extraordinary Audit Recommendations 1, 2, 3, 4 and 5 have been completed by the timescale, agreed to date with the Department for Communities; Seek an extension to the timescale, in line with the progress in respect of Recommendation 6</i>

4.	Update on the Implementation of Recommendations contained within the Extraordinary Audit Report	<p><i>That Council: Is committed to further improving the weaknesses identified in the extraordinary audit report and acknowledges the oversight of the Department.</i></p> <p><i>That Council approves the update and progress to date on the implementation of the Recommendations contained in the Action Plan contained in Annexe 1, previously circulated, and agrees that the Implementation Team in its current form is stood down;</i></p> <p><i>That Council approves the updates to the costs required for the delivery and implementation of the recommendations as laid out in the table at paragraph 3.6, previously circulated;</i></p> <p><i>That Council agrees to hold a Special Meeting of Council on Monday 27th March 2023</i></p>
5.	Extraordinary Audit Sub-Committee Panel	<p><u>Motion Lost</u></p> <p><i>That Council appoint and establish a committee of 4 members, 1 from each of the 4 main parties as determined by the party and not from Corporate Policy and Resources Committee, to act as the Investigation Committee to consider the recommendations of the Investigation Sub Committee and the Independent Person's</i></p>

		<p><i>report as specified in the 1996 Agreement.</i></p> <p><u>RESOLVED</u> <i>That Council:</i> <i>Appoint and establish a committee of 3 members from Corporate, Policy and Resources Committee by d'hondt to act as the Investigation Committee to consider the recommendations of the Investigation Sub Committee and the Independent Person's report as specified in the 1996 Agreement</i></p>
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**MINUTES OF THE PROCEEDINGS OF THE SPECIAL MEETING OF
COUNCIL HELD IN THE COUNCIL CHAMBER AND VIA VIDEO CONFERENCE
ON MONDAY 20 FEBRUARY 2023 AT 7:00PM**

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

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

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

Officers Present : A McPeake, Director of Environmental Services (C)
P Donaghy, Democratic and Central Services Manager (R)
I Owens, Committee and Member Services Officer (C)

E Murray, Independent Advisor (C)

In Attendance: A McAuley, PR and Corporate Communications Manager (R)
A Lennox, ICT Mobile Operations Officer (C)
C Thompson, ICT Officer (C)

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

The Director of Environmental Services undertook a roll call.

The Mayor advised Council of its obligations and protocol whilst the meeting was being audio recorded; and with the remote meetings protocol.

1. APOLOGIES

Apologies were recorded for Alderman Boyle, Councillors Schenning and Storey.

2. DECLARATION OF MEMBERS' INTEREST

There were no declarations of interest.

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Councillor McAuley
Seconded by Councillor Scott and

AGREED – that Council move ‘*In Committee*’.

The information contained in the following item is restricted in accordance with Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014.

The Mayor advised Council of its obligations and protocol whilst the meeting was being audio recorded.

The Mayor ruled that there would be no discussion held at this meeting around the matter of secret recordings, due to live complaints and ongoing PSNI investigation.

3. EXTRAORDINARY AUDIT INDEPENDENT ADVISOR’S REPORT TO COUNCIL

Confidential report, previously circulated, was presented by the Independent Advisor.

Purpose of Report

The report provides re-assurance to Council about the progress made in relation to the Council’s action to complete the recommendations from the Extraordinary Audit. This report should be read in conjunction with the Officers’ Implementation Team update report, also previously circulated.

*** Councillor Mulholland joined the meeting at 7.10pm during discussion of this Item.**

The Independent Advisor commended the Officers in the Implementation Team for their hard work in ensuring progress in a right and proper manner.

The Independent Advisor provided Council with a summary update in relation to Recommendation 6. She advised that she was recommending that Council seeks an extension to the deadline to the 4th April to allow the three Independent reports to be considered at Special Council Meeting on 27th March after which the reports would be forwarded to Department of Communities, subject to agreement of Elected Members.

The Independent Advisor assured Elected Members that a significant amount of work has been undertaken to complete actions associated with Recommendations 1, 2, 3, 4 and 5. The three independent reports were in her safekeeping until their presentation to Council.

Recommendations

The Council agreed to accept and progress with the recommendations of the Extraordinary Audit in full and the Implementation Team has made good progress. However, to ensure that all recommendations can be completed and reported, without prejudice, it is recommended that the Council:

- Provide the Department for Communities with a copy of this report giving re-assurance that the work in respect of Extraordinary Audit Recommendations 1, 2, 3, 4 and 5 have been completed by the timescale agreed to date with the Department for Communities;
- Seek an extension to the timescale in line with the progress in respect of Recommendation 6 which will have a consequential impact on completion of Recommendations 7 and 8.

During the ensuing discussion Elected Members raised several issues.

Councillor P Mcshane said he had concerns about the entire process, the involvement of named Officers and the request for an extension to the deadline.

In response to Councillor P McShane the Independent Advisor said she wished to reassure Elected Members that in her view all work had been completed in a right and proper manner and had been done without any undue influence or interference and that the work is robust and good quality.

Alderman Duddy referred to the lengthy process and the impact this has had on Officers. Alderman Duddy sought comment from Independent Advisor on the view of the Department of Communities.

The Independent Advisor responded that the Department of Communities was keen to see the investigations concluded as soon as possible, saying it would be difficult to estimate and inappropriate to predict a timescale which may prejudice ongoing processes.

Proposed by Alderman Duddy
Seconded by Councillor McAuley

- that Council:
 - Provide the Department for Communities with a copy of this report giving re-assurance that the work in respect of Extraordinary Audit Recommendations 1, 2, 3, 4 and 5 have been completed by the timescale agreed to date with the Department for Communities;
 - Seek an extension to the timescale in line with the progress in respect of Recommendation 6 which will have a consequential impact on completion of Recommendations 7 and 8.

Alderman Duddy requested a Recorded Vote.

The Mayor put the Proposal to the Council to Vote.
31 Members Voted for; 0 Members Voted Against; 3 Members Abstained.
The Mayor declared the Motion Carried.

Recorded Vote Table

For (31)	Alderman Baird, Duddy, Fielding, Hillis, Knight-McQuillan, McKeown, S McKillop, McLean
	Councillors Anderson, Bateson, Beattie, Callan, Chivers, Callaghan, Holmes, Hunter, MA McKillop, McGurk, C McShane, A McQuillan, McCorkell, McGlinchey, McMullan, McAuley, McCandless, Nicholl, Peacock, Scott, Wallace, Watton, Wilson
Abstain (3)	Councillors P McShane, Mulholland, Quigley

4. UPDATE ON THE IMPLEMENTATION OF RECOMMENDATIONS CONTAINED WITHIN THE EXTRAORDINARY AUDIT REPORT

Confidential report, previously circulated, was presented by the Director of Environmental Services.

Purpose of Report

The report updates Council in relation to the progress made in the implementation of the recommendations as contained within the Extraordinary Audit Report. The report should be read in conjunction with the report of the Independent Adviser, also previously circulated.

Recommendation(s)

The Council is committed to further improving the weaknesses identified in the extraordinary audit report and acknowledges the oversight of the Department. It is recommended:

That Council approves the update and progress to date on the implementation of the Recommendations contained in the Action Plan contained in Annexe 1, previously circulated, and agrees that the Implementation Team in its current form is stood down.

That Council approves the updates to the costs required for the delivery and implementation of the recommendations as laid out in the table at paragraph 3.6, previously circulated.

That Council agrees to hold a Special Meeting of Council on Monday 27th March 2023.

Proposed by Alderman Duddy
Seconded by Councillor Scott

- That the Council is committed to further improving the weaknesses identified in the extraordinary audit report and acknowledges the oversight of the Department.
- That Council approves the update and progress to date on the implementation of the Recommendations contained in the Action Plan

contained in Annexe 1, previously circulated, and agrees that the Implementation Team in its current form is stood down.

- That Council approves the updates to the costs required for the delivery and implementation of the recommendations as laid out in the table at paragraph 3.6, previously circulated.
- That Council agrees to hold a Special Meeting of Council on Monday 27th March 2023.

Alderman Duddy requested a Recorded Vote

The Mayor put the Proposal to the Council to Vote.

31 Members Voted for; 0 Members Voted Against; 3 Members Abstained

The Mayor declared the Motion Carried.

Recorded Vote Table

For (31)	Alderman Baird, Duddy, Fielding, Hillis, Knight-McQuillan, McKeown, S McKillop, McLean
	Councillors Anderson, Bateson, Beattie, Callan, Chivers, Callaghan, Holmes, Hunter, MA McKillop, McGurk, C McShane, A McQuillan, McCorkell, McGlinchey, McMullan, McAuley, McCandless, Nicholl, Peacock, Scott, Wallace, Watton, Wilson
Abstain (3)	Councillors P McShane, Mulholland, Quigley

5. EXTRAORDINARY AUDIT SUB-COMMITTEE PANEL

Confidential report, previously circulated, was presented by the Director of Environmental Services who provided commentary.

Purpose of Report

This report requires Council agree and establish the appointment of Elected Members to an appropriate committee in accordance with the 1996 Agreement on Discipline, Capability and Redundancy of the Joint Negotiating Committee for Clerks/Chief Executives to Local Authorities in Northern Ireland (the 1996 Agreement).

Recommendation(s)

It is recommended that:

Council appoint and establish an appropriate committee of between 3 and 5 members to act as the Investigation Committee to consider the recommendations of the Investigation Sub Committee and the Independent Person's report as specified in the 1996 Agreement.

The Director of Environmental Services advised that Investigation Committee needs to be politically balanced and should not include anyone directly involved in the complaint and confirmed that the Committee would have the power of final decision; Membership should be from the Corporate Policy and Resources Committee and should comprise of between 3 and 5 members; Information available to the Committee should remain confidential until a final decision is reached.

The Director of Environmental Services advised that the mechanism to appoint the current Sub Committee was d'hondt.

It was proposed by Councillor P McShane that Council appoint and establish a committee of 4 members, 1 from each of the 4 main parties as determined by the party and not from Corporate Policy and Resources Committee, to act as the Investigation Committee to consider the recommendations of the Investigation Sub Committee and the Independent Person's report as specified in the 1996 Agreement;

Proposed by Alderman Hillis
Seconded by Councillor Holmes

- that Council appoint and establish a committee of 3 members from Corporate, Policy and Resources Committee by d'hondt to act as the Investigation Committee to consider the recommendations of the Investigation Sub Committee and the Independent Person's report as specified in the 1996 Agreement.

Councillor Mulholland seconded the proposal by Councillor P McShane and the Mayor ruled that it would be considered an amendment.

Amendment

Proposed by Councillor P McShane
Seconded by Councillor Mulholland

-that Council appoint and establish a committee of 4 members, 1 from each of the 4 main parties as determined by the party and not from Corporate Policy and Resources Committee, to act as the Investigation Committee to consider the recommendations of the Investigation Sub Committee and the Independent Person's report as specified in the 1996 Agreement;

Alderman Duddy requested a Recorded Vote.

The Mayor put the Amendment to the Council to Vote.
11 Members voted For; 23 Members voted Against; 0 Members Abstained.
The Mayor declared the Amendment Lost.

Recorded Vote Table

For (11)	Councillors Bateson, Chivers, McGlinchey, McGurk, McMullan, P McShane, C McShane, Mulholland, Nicholl, Peacock, Quigley
Against (23)	Alderman Baird, Duddy, Fielding, Hillis, Knight-McQuillan, McKeown, S McKillop, McLean
	Councillors Anderson, Beattie, Callan, Callaghan, Holmes, Hunter, MA McKillop, McCandless, McAuley, McCorkell, A McQuillan, Scott, Wallace, Watton, Wilson

The Mayor put the substantive proposal to the Council to vote.

Alderman Duddy requested a Recorded Vote.

23 Members voted For; 11 Members voted Against; 0 Members Abstained
The Mayor declared the Motion Carried

Recorded Vote Table

For (23)	Alderman Baird, Duddy, Fielding, Hillis, Knight-McQuillan, McKeown, S McKillop, McLean
	Councillors Anderson, Beattie, Callan, Callaghan, Holmes, Hunter, MA McKillop, McCandless, McAuley, McCorkell, A McQuillan, Scott, Wallace, Watton, Wilson
Against (11)	Councillors Bateson, Chivers, McGlinchey, McGurk, McMullan, P McShane, C McShane, Mulholland, Nicholl, Peacock, Quigley

MOTION TO PROCEED ‘IN PUBLIC’

Proposed by Councillor Scott
Seconded by Alderman Knight-McQuillan and

AGREED – that Council move ‘*In Public*’.

This being all the business, The Mayor thanked everyone for their attendance and the meeting closed at 7.45 pm.

Mayor