

SPECIAL COUNCIL MEETING HELD MONDAY 23 SEPTEMBER 2024 AT 6.00PM

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No.	Item	Decision
1.	Apologies	<i>Alderman Scott, Councillors Bateson, McShane, Schenning and Wisener</i>
2.	Declaration of Members' Interests	<i>None</i>
	<i>'In Committee' (Item 3)</i>	
3.	In Accordance with Standing Order 3 (1) The Mayor has called a Special Meeting of Council in consideration of Legal Advice received in relation to the recommendations from the report from NI Public Services Ombudsman in relation to a complaint from a Member of the Public	<i>Following consideration of the Legal Opinion and Advice presented accept the legal advice as detailed at Appendices 1 and 2 of the confidential report presented and circulated to Council at the Special Council Meeting held on 23rd September 2024; take no further action, as it has been superseded by the Extraordinary Audit; note the contents of the Opinion and learn for future decision making; there is no legal reason to carry out any further investigation</i>

**MINUTES OF THE PROCEEDINGS OF THE SPECIAL COUNCIL
HELD IN THE COUNCIL CHAMBER ON
MONDAY 23 SEPTEMBER 2024 AT 6.00PM**

In the Chair : The Mayor, Councillor McQuillan

Present : Alderman Boyle, Callan, Coyle, Fielding, Hunter,
Knight-McQuillan, J McAuley, S McKillop, Stewart

Councillors Anderson, C Archibald, N Archibald, Callaghan,
Chivers, Holmes, Huggins, Kane, Kennedy, Kyle, Mairs,
McCully, McGlinchey, McGurk, MA McKillop, McMullan,
Nicholl, Peacock, Stirling, Storey, Wallace Watson, Watton,
Wilson

Officers Present : A McPeake, Director of Environmental Services
P Donaghy, Democratic and Central Services Manager (R)
S Duggan, Civic Support & Committee & Member Services Officer
J Keen, Committee and Member Services Officer

In attendance : K Morgan, KC

A Lennox, Mobile Operations Officer
M Kennedy, ICT Technical Support Officer

Key – (R) = Attended Remotely

1. APOLOGIES

Apologies were recorded for Alderman Scott, Councillors Bateson, McShane, Schenning and Wisener.

2. DECLARATION OF MEMBERS' INTERESTS

There were no Declarations of Interest.

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Councillor McGurk
Seconded by Councillor MA McKillop and

RESOLVED – 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.

3. IN ACCORDANCE WITH STANDING ORDER 3 (1) THE MAYOR HAS CALLED A SPECIAL MEETING OF COUNCIL IN CONSIDERATION OF LEGAL ADVICE RECEIVED IN RELATION TO THE RECOMMENDATIONS FROM THE REPORT FROM NI PUBLIC SERVICES OMBUDSMAN IN RELATION TO A COMPLAINT FROM A MEMBER OF THE PUBLIC

Confidential report, by virtue of paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) and appendix was circulated in hard copy and presented by the Director of Environmental Services.

Purpose of the report

The purpose of the report is to allow Council's consideration of the legal opinions and advice received following the approval of the recommendations of the investigation report from NI Public Services Ombudsman (NIPSO) in relation to a complaint from a Member of the Public.

Recommendation(s)

It is recommended that Council considers the legal opinion and advice presented and:

Following consideration of the legal opinion and advice at Appendices 1 and 2 of the confidential report presented at the Special Council Meeting held on 23rd September 2024 re-visit the decision passed at the Council meeting on 6 October 2020 and reconsidered on 1 December 2020¹.

OR

Following consideration of the legal opinion and advice presented accept the legal advice as detailed at Appendices 1 and 2 of the confidential report presented and circulated to Council at the Special Council Meeting held on 23rd September 2024 and take no further action.

OR

Following consideration of the legal opinion and advice presented accept the legal advice as detailed at Appendices 1 and 2 of the confidential report presented and circulated to Council at the Special Council Meeting held on 23rd September 2024 and carry out any further investigations.

The Director of Environmental Services clarified Party Group meetings had been held and the papers made available to all Elected Members in advance of the meeting. He advised K Morgan was in attendance to answer any queries Elected Members may have had.

¹ Typing error corrected at the Special Council Meeting

Councillor Peacock referred to the Legal Opinion stating that subsequent reports had now superseded this report, she proposed Option 2 (4.1.2) with an amendment to the last line. Alderman Boyle seconded Councillor Peacock's motion, also referring to the Legal Opinion, she considered the Scrutiny and Challenge training held had been important and provided advice to new Councillors in light of this.

Councillor Holmes sought clarification of the motion, with a view to closing the matter.

During the course of consideration, Legal Opinion was sought from the representative in attendance.

K Morgan addressed Council and provided advice in relation to the motion.

Councillor Storey stated dissatisfaction with what he stated were clandestine receipt of reports, that for Council to take a decision on a Legal document was not acceptable in terms of proper debate. Councillor Storey stated Council should still be asking who the member of the public was and who was the public representative? He queried whether the Department had been kept informed.

The Director of Environmental Services clarified he would be reporting to NIPSO (Northern Ireland Public Services Ombudsman Office) on the decision of Council, and not the Department.

In response to requests for clarification around the wording from Councillor Wilson, and during the course of consideration, Councillor Peacock varied her motion, with the agreement of Alderman Boyle.

Councillor Wilson requested a Recorded Vote.

The Director of Environmental Services summarised the motion from Councillor Peacock, seconded by Alderman Boyle:

Following consideration of the Legal Opinion and Advice presented accept the legal advice as detailed at Appendices 1 and 2 of the confidential report presented and circulated to Council at the Special Council Meeting held on 23rd September 2024; take no further action, as it has been superseded by the Extraordinary Audit; note the contents of the Opinion and learn for future decision making; There is no legal reason to carry out any further investigation.

- * **Alderman Callan arrived at the meeting during consideration at 6.13pm.**
- * **Councillor McGlinchey arrived at the meeting during consideration at 6.32pm.**
- * **Councillor Kyle arrived at the meeting during consideration of the item.**

The Director of Environmental Services put the motion to the Council to vote.
 33 Members voted For; 0 Members voted Against; 1 Member Abstained.
 The Mayor declared the motion carried.

RESOVLED - Following consideration of the Legal Opinion and Advice presented accept the legal advice as detailed at Appendices 1 and 2 of the confidential report presented and circulated to Council at the Special Council Meeting held on 23rd September 2024; take no further action, as it has been superseded by the Extraordinary Audit; note the contents of the Opinion and learn for future decision making; there is no legal reason to carry out any further investigation.

Recorded Vote Table

For (33)	Alderman Boyle, Callan, Coyle, Fielding, Hunter, Knight-McQuillan, J McAuley, S McKillop, Stewart,
	Councillors Anderson, C Archibald, N Archibald, Callaghan, Chivers, Holmes, Huggins, Kane, Kennedy, Mairs, McCully, McGlinchey, McGurk, MA McKillop, McMullan, McQuillan, Nicholl, Peacock, Stirling, Storey, Wallace, Watson Watton, Wilson
Against (0)	
Abstain (1)	Councillor Kyle

MOTION TO PROCEED ‘IN PUBLIC’

Proposed by Councillor Wilson
 Seconded by Councillor Kane and

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

This being all the business, The Mayor thanked everyone for their attendance and the meeting concluded at 6.40pm.

 Mayor