NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Ref: NMD/GC/4

Minutes of the Meeting of Newry, Mourne and Down District Council Governance Committee held on Tuesday 9 September 2014 at 6.00 pm in the Mourne Room, Downshire Civic Centre, Downpatrick

| In attendance: | (Councillors) |
|----------------|---------------------------------|
| | Councillor T Andrews |
| | Councillor N Bailie |
| | Councillor R Burgess |
| | Councillor S Burns |
| | Councillor M Carr (Chairperson) |
| | Councillor C Casey |
| | Councillor P Clarke |
| | Councillor L Devlin |
| | Councillor G Donnelly |
| | Councillor S Ennis |
| | Councillor G Fitzpatrick |
| | Councillor V Harte |
| | Councillor H Harvey |
| | Councillor D Hyland |
| | Councillor K McAteer |
| | Councillor H McKee |
| | Councillor R Mulgrew |
| | Councillor M Murnin |
| | Councillor P Ó'Gribín |
| | Councillor B O'Muirí |
| | Councillor B Quinn |
| | Councillor H Reilly |
| | Councillor M Ruane |
| | Councillor G Stokes |
| | Councillor JJ Tinnelly |
| | Councillor W Walker |
| | |
| | |
| | |

(Officials)

Mr L Hannaway, Chief Executive Designate Mr J McBride, Change Manager Mr R Dowey, Head of Finance and ICT Mrs C Miskelly, Head of Human Resources Mrs D Starkey, Committee Administrator Mr M Lipsett, Director of Recreation and Community Services Mr G McGivern, Director of District Development Mr C O'Rourke, Director of Environmental Services Mrs M Ward, Group Chief Building Control Officer Mr G McBride, Assistant Director (Customer Relations)

Also in attendance:

Dr T Frawley, Northern Ireland Commissioner for Complaints

Mrs M Anderson, Deputy Northern Ireland Commissioner for Complaints

Mrs G Coey, Senior Investigating Officer

GC/37/2014: APOLOGIES

Apologies were received from Councillors W Clarke, Craig, Doran, Enright, Kimmins and McGrath and Mr E Curtis, Chief Executive (Newry and Mourne District Council).

GC/38/2014: PRESENTATION FROM NORTHERN IRELAND OMBUDSMAN: COUNCILLORS CODE OF CONDUCT

- **NOTED:** Presentation delivered by Dr Tom Frawley, Northern Ireland Commissioner for Complaints (NI Ombudsman). (Attached at appendix 1).
- **NOTED:** A question and answer session ensued during which the Commissioner and Deputy Commissioner for Complaints responded to a number of queries regarding the Code of Conduct.

During discussion the following key points were highlighted:

- Members conduct during a meeting should be managed by the Chair. Conduct by an individual or group of Members during meetings would be a matter for the Commissioner if behaviour over time obstructed the work of Council.
- Reference was made to the Heesom (High Court) Case concerning acceptable standards of debate between Members.
- The first stage of the investigation process undertaken by the Commissioner would be inquisitorial in nature. Members are entitled to be accompanied by another person at this stage (including someone with a legal background), however legal representation is only

permitted at the adjudication stage (should the complaint proceed).

- Any appeals against decisions of the Commissioner can be referred to the High Court.
- It is a matter for each Council to determine whether it wishes to consider indemnifying Members against the costs of any proceedings / appeals to the High Court.
- Any person wishing to actively participate in Council business (including lay members) must sign up to the Code of Conduct. Likewise any Councillor who is a Member of a Board or Trust outside Council should sign up to their Code, and in the absence of one, the Northern Ireland Local Government Code of Conduct would apply.
- Draft Guidance on the Code of Conduct for Councillors will be issued in the Autumn for consultation. The Guide will then be launched April 2015 to assist with new Planning responsibilities.
- The Environment Minister, Mr Mark H Durkan MLA has agreed to review the Code of Conduct once Planning Guidance is issued by the Department. This will provide an opportunity for Members to seek clarity on any issues within the Code of Conduct.
- A complaint deemed to be malicious may result in the complainant (if an Elected Member) being in breach of the Code of Conduct. There is also protection for malicious complaints from members of the public.

AGREED: A copy of presentation to be circulated to all Elected Members for their records.

The meeting did then adjourn with Committee Business resuming at 7.00pm

COMMITTEE BUSINESS

In attendance: (Councillors)

Councillor N Bailie Councillor M Carr (Chairperson) Councillor P Clarke Councillor L Devlin Councillor S Ennis Councillor V Harte Councillor K McAteer Councillor B O'Muirí Councillor M Ruane Councillor JJ Tinnelly

Councillor S Burns Councillor G Donnelly Councillor G Fitzpatrick **Councillor H Harvey Councillor H McKee** Councillor H Reilly Councillor G Stokes

Also in attendance:

Councillor T Andrews Councillor P Ó'Gribín Councillor W Walker

(Officials)

Mr L Hannaway, Chief Executive Designate Mr J McBride, Change Manager Mrs D Starkey, Committee Administrator

Mr M Lipsett, Director of Recreation and Community Services Mr C O'Rourke, Director of Environmental Services Mrs M Ward, Group Chief Building Control Officer Mr G McBride, Assistant Director (Customer Relations) Mr G McGivern, Director of District Development

GC/37/2014: **DECLARATIONS OF INTEREST**

There were no declarations of interest.

GC/38/2014: ACTION SHEET ARISING FROM GOVERNANCE **COMMITTEE MEETING HELD ON 19 AUGUST 2014**

- Read: Action Sheet arising from Governance Committee Meeting held on 19 August 2014. (Copy circulated)
- NOTED: In response to a query from the Chairperson, Mr O'Rourke confirmed a detailed examination would be taking place on 11 September 2014 to resolve issues with the Minute Pad system and WiFi/Broadband.

NOTED: The Chief Executive confirmed that all actions had been progressed and it was agreed to mark the action sheet 'noted'.

GC/39/2014: BI-LINGUALISM POLICY

- Read:Report from Mr McGivern on the draft Newry, Mourne and Down
District Council Bi-lingualism Policy. (Copy circulated).
- **NOTED:** The Chief Executive clarified the Bi-lingualism Policy refers to the European Charter for Regional or Minority Languages which includes Article 12. The issue would be considered as part of the development of other Council policies concerning the use and implementation of bi-lingualism.
- AGREED: It was AGREED on the PROPOSAL of Councillor O'Muiri, SECONDED by Councillor Stokes to approve the Bilingualism Policy.
- **NOTED:** Councillors Reilly and McKee requested their opposition to the policy be recorded.

GC/40/2014: COMPLAINTS, COMMENTS AND COMPLIMENTS POLICY

- Read: Report from Mr G McBride on Complaints, Comments and Compliments Policy. (Copy circulated)
- AGREED: It was AGREED on the PROPOSAL of Councillor Devlin, SECONDED by Councillor P.Clarke to approve the Complaints, Comments and Compliments Policy.

GC/41/2014: LOCAL CHANGE PROGRAMME – PROGRESS REPORT

Read: Report from Mr J McBride on Local Programme, Progress Report. (Copy circulated)

- **NOTED:** Mr J McBride reported all work was progressing as planned, with no areas of significant concern with the local programme at this stage.
- AGREED: It was AGREED to mark the report 'noted'.

GC/42/2014: <u>DOE PROGRAMME MANAGEMENT REPORT – NEWRY,</u> <u>MOURNE AND DOWN</u>

- Read: Report from Mr J McBride on DoE Programme Management reporting framework for Newry, Mourne and Down District Council. (Copy circulated)
- **NOTED:** Mr J McBride confirmed this would be a standing item on Governance Committee agendas as Council was required to submit progress reports to DoE.
- AGREED: It was AGREED to mark the report 'noted'.

IN-COMMITTEE

- GC/43/2014: CORPORATE PLAN AND ORGANISATIONAL DESIGN TENDER
- AGREED: It was AGREED on the PROPOSAL of Councillor Ruane, SECONDED by Councillor Donnelly to discuss this item 'In-Committee' due to contractual issues.
- Read: Report from Mr J McBride on invitation to quote to facilitate in the preparation of the Council Corporate Plan 2015-2019. (Copy circulated at the meeting)
- AGREED: It was AGREED on the PROPOSAL of Councillor Devlin, SECONDED by Councillor Fitzpatrick to come 'Out of Committee'.
- AGREED: The Chairperson reported it was AGREED on the PROPOSAL of Councillor P.Clarke, SECONDED by Councillor Harvey to award Supplier A as the facilitator to assist in the preparation of the new Council Corporate Plan 2015-2019.

The Chief Executive reminded Members a Planning Workshop (session one) was taking place in Craigavon Civic and Conference Centre on 10 September 2014 for those who had agreed to attend.

The Chief Executive also asked Members to note a Capital Programme Workshop was scheduled for Tuesday 16 September 2014 at 3.00pm in the Boardroom, Newry (prior to the Finance and Resources Committee Meeting taking place on the same date at 6.00pm).

There being no further business the Meeting ended at **7.35pm**.

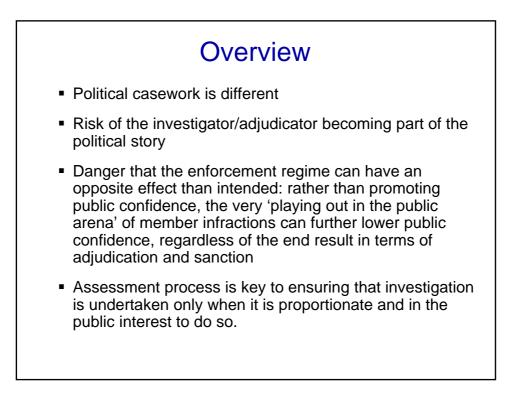
For consideration at the Shadow Council Meeting to be held on Tuesday 7 October 2014.

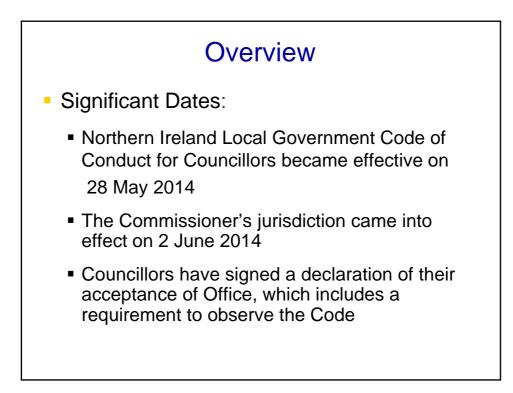
| Signed: | Councillor M Carr |
|---------|-------------------|
| - | (Chairperson) |

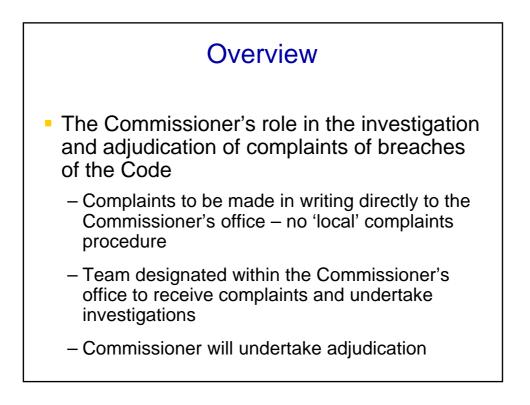
Signed: Mr L Hannaway (Chief Executive Designate)

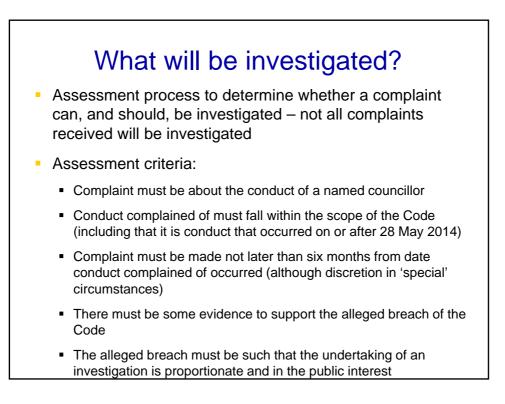
Investigating Complaints: the Northern Ireland Local Government Code of Conduct for Councillors

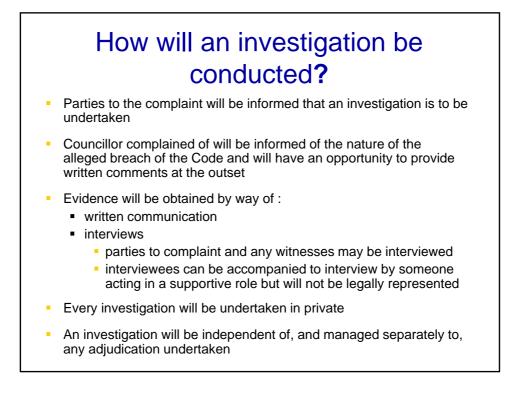
Northern Ireland Commissioner for Complaints (the NI Ombudsman)





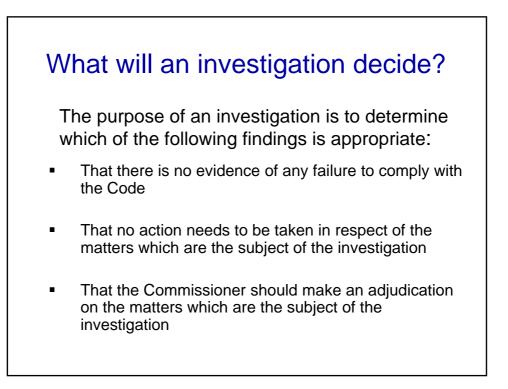






What makes an investigation efficient and effective?

- Co-operation of the individuals involved
- Meeting timescales for response to enquiries
- Providing complete and accurate information
- Availability of councillors and witnesses
- Non-defensive attitudes
- Ongoing insight and reflection



Target timescales for the assessment and investigation of complaints

Assessment

We aim to inform complainants and councillors, within four weeks of the date on which sufficient information about the complaint is received, whether or not the complaint is to be investigated

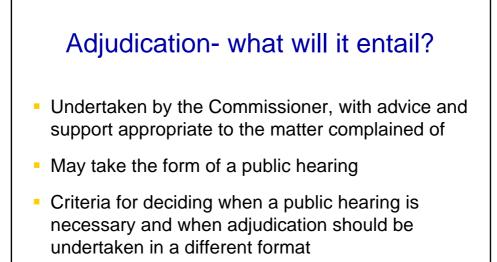
Investigation

We aim to conclude the investigation of a complaint within 48 weeks of the date of our decision to investigate

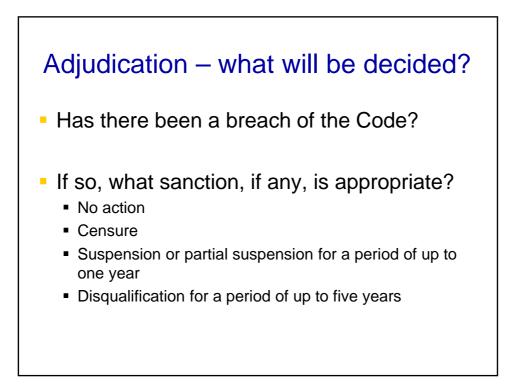
Assessment and Investigation - the Welsh experience

Outcome of complaints considered by Public Services Ombudsman for Wales (PSOW)

| | 2013/12 | 2011/12 | 2010/11 |
|---|---------|---------|---------|
| Complaints considered by PSOW | 371 | 344 | 349 |
| Complaints closed after initial assessment | 283 | 280 | 194 |
| Complaints investigated and no evidence of a breach | 23 | 7 | 13 |
| Complaints investigated and no action necessary | 15 | 29 | 38 |
| Complaints investigated and then referred to Standards Committee for adjudication | 15 | 15 | 21 |
| Complaints investigated and then referred to Adjudication Panel for Wales for adjudication | | 4 | 24 |



 May require the parties to the complaint and any other witnesses to give oral evidence in public



| Adjudication – the Welsh experience | | | | | | |
|--|---------|---------|---------|--|--|--|
| Outcome of cases heard by the Adjudication Panel for Wales | | | | | | |
| | 2012/13 | 2011/12 | 2010/11 | | | |
| Cases heard | 7 | 6 | 12 | | | |
| No sanction | 0 | 0 | 2 | | | |
| Censure | 1 | 1 | 0 | | | |
| Partial suspension | 0 | 0 | 1 | | | |
| Suspension | 2 | 4 | 6 | | | |
| Disqualification | 4 | 1 | 3 | | | |

The Commissioner's Guidance on the Code

- An eight week consultation to be launched in late Autumn
- Guidance to be issued prior to new councils becoming fully operational in April 2015
- Content:
 - Aid in your understanding of the scope and expectations of the Code
 - Examples from other jurisdictions
- DOE will be producing guidance on the application of the Code in relation to planning

Further information

 Commissioner's website: www.ni-ombudsman.org.uk

 Commissioner's office: 33 Wellington Place Belfast BT1 6HN

Telephone: (028) 9023 3821