

Please note it was agreed at the Council Meeting held on Monday 2 November 2015 to adopt the Special Council Minutes of 9 November 2015 as an accurate record, and to approve all recommendations, subject to the below amendments:– the Minutes of 2 November 2015 will be listed for formal approval at the Monthly Meeting of the Council on 7 December 2015

SC/12/2015: Presentation by Chief Executive on Organisational Design

Councillor McGrath, as a matter of accuracy, requested the words “*in principle*”, be added to the agreed decision to read “to accept the following recommendations **in principle**, subject to consultation with the Trade Unions and staff. Councillors Casey and Enright concurred with Councillor McGrath’s request.

In response to queries from Councillors Curran and Stokes, Mr Curtis, Director of Strategic Planning and Performance, advised that cost evaluations for the proposed structures would be brought back to Council and that in future, reports would be sent out to Members well in advance of the meeting to give sufficient time for consideration.

AGREED: **The Minutes were agreed as an accurate record subject to the amendment above.**

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

NMD/SC/

Minutes of Council Meeting held on Monday 26 October at 6pm in the Mourne Room, Downshire Civic Centre, Downpatrick

In the Chair: Councillor G Fitzpatrick

In attendance: **(Councillors)**

Councillor T Andrews	Councillor S Burns
Councillor M Carr	Councillor C Casey
Councillor G Craig	Councillor D Curran
Councillor L Devlin	Councillor G Donnelly
Councillor S Ennis	Councillor C Enright
Councillor G Hanna	Councillor V Harte
Councillor H Harvey	Councillor T Hearty
Councillor D Hyland	Councillor L Kimmins
Councillor M Larkin	Councillor K Loughran
Councillor D McAteer	Councillor K McAteer
Councillor C McGrath	Councillor H McKee
Councillor R Mulgrew	Councillor P O’Gribin
Councillor M Ruane	Councillor D Taylor
Councillor W Walker	

(Officials)

Mr L Hannaway, Chief Executive
Mr E Curtis, Director of Strategic Planning and Performance
Mr C O’Rourke, Director of Recreation and Technical Services
Mrs M Ward, Director of Enterprise, Regeneration and Tourism
Ms C Miskelly, Assistant Director, Human Resources
Mr J McBride, Change Manager
Miss S Taggart, Democratic Services Officer

Mrs C McAteer, Democratic Services Officer

Also in attendance: Mr T Frawley, Northern Ireland Ombudsman
Ms M Anderson, Deputy Ombudsman

SC/09/2015 APOLOGIES AND CHAIRPERSON'S REMARKS

As an apology had been submitted by Councillor Bailie, the Vice-Chairperson, Councillor Fitzpatrick assumed the Chair.

Apologies were received from Councillors Bailie, Burgess, P Clarke, Murnin, O'Muire, Quinn, Sharvin and Stokes. Apologies were also received from Mr Lipsett, Director of Active and Healthy Communities.

SC/10/2015 DECLARATIONS OF INTEREST

There were no declarations of interest.

PRESENTATIONS

**SC/11/2015 PRESENTATION BY NI COMMISSIONER FOR COMPLAINTS
ON THE NI LOCAL GOVERNMENT CODE OF CONDUCT
FOR COUNCILLORS**

The Chairperson welcomed Mr Frawley and Ms Anderson and invited them to make their presentation.

Mr Frawley thanked the Chairperson and commended the Chief Executive and Council for taking the opportunity to refresh themselves on the Code of Conduct for Councillors. (A copy of the presentation is appended to these minutes).

Mr Frawley provided an overview of the implementation of the Code and advised the DoE Minister has agreed to conduct a review of the Code. He highlighted the key aspects of the Code and when it applies, emphasising it also applies to all communications including social media.

Mr Frawley presented some statistics on the caseload from June 2014 to September 2015 highlighting that Newry, Mourne and Down District Council have had 5 complaints received during this period. He advised his office would be launching Alternative Action procedures for 'minor breaches'.

The Chairperson thanked Mr Frawley for his presentation and invited questions from the floor.

Members raised the following questions:

- If a Councillor was suspended for a year, were they still entitled to receive the Councillor's basic allowance?

- Was there a timetable for when the review will take place?
- If a prediction were made by a Councillor on the possibility of something occurring which subsequently then was to occur, would a complain stand? Was this something that the Councillors would be able to contact the office to discuss?
- Have there been any penalties or sanctions put in place on the 3 cases that have been determined?
- Does the Commissioner's office have the power to introduce Alternative Action procedures or was this something which would need to be brought through the Assembly?
- How aware was the general public of the Code of Conduct?

Mr Frawley and Ms Anderson responded to the queries as follows:

- If someone was suspended or excluded they cease to be eligible for allowances.
- There has not been a timetable established for a review as yet.
- A complainant needs to provide evidence of some wrongdoing to prove a breach in the Code, therefore predictions would not normally be grounds for investigation. The Office must remain independent and impartial therefore they wouldn't normally be able to give advice.
- Reassuringly, the 3 cases that have been determined did not show any evidence of breaching the Code therefore there have not been any sanctions or penalties put in place.
- Legislation has been provided for the Commissioner to take any action alternative or additional to adjudication.
- Members of the public were probably not as aware as they should be however it was not the job of the Commissioner's Office to advertise themselves.

The Chairperson thanked the delegation for their presentation.

SC/12/2015 PRESENTATION BY CHIEF EXECUTIVE ON ORGANISATIONAL DESIGN

Agreed: **On the proposal of Councillor D McAteer, seconded by Councillor Burns, it was agreed to exclude the public and press from the meeting during discussion on this matter which related to exempt information by virtue of Paragraph 4 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 – information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Council or a Government Department and employees of, or office holders under, the Council. The public may, by resolution, be excluded during this item of business.**

Agreed: **It was agreed on the proposal of Councillor Curran, seconded by Councillor Craig to come out of closed session.**

It was agreed on the proposal of Councillor Hanna, seconded by Councillor Craig to accept the following recommendations in principle, subject to consultation with Trade Unions and staff:

- **The recommended organisational structure provided;**
- **Authorise Officials to complete and implement the design of organisational structures for remaining tiers; and**
- **The procurement of external technical assistance and engagement of additional HR resource to assist with implementation.**

There being no further business, the meeting concluded at 7.50pm

For adoption at Meeting of Newry, Mourne and Down District Council to be held on Monday 2 November 2015.

Signed:

Chairperson

Chief Executive