



July 27th, 2021

Notice Of Meeting

You are requested to attend the Council meeting to be held on **Monday, 2nd August 2021** at **6:00 pm** in **Microsoft Teams**.

Agenda

1.0 Apologies and Chairperson's Remarks

2.0 Declarations of Interest

3.0 Action Sheet arising from Council Meeting held on 5 July 2021

 *Action Sheet Council Meeting 05 07 2021.docx*

Page 1

Council Minutes For Adoption and Signing

4.0 Minutes of Council Meeting held on 5 July 2021

 *Council Minutes 05.07.21.pdf*

Page 5

Committee Minutes for Consideration and Adoption

5.0 Minutes of Audit Committee Meeting held on 5 July 2021

 *Minutes Audit Committee July 2021.pdf*

Page 15

5.1 Audit Committee Annual Report 2020/21

 *Audit Committee Annual Report 2020-21.pdf*

Page 27

6.0 Planning Section

Items raised at the Planning Meeting on 28 July 2021 will be tabled at the Council Meeting on 6 September 2021.

Correspondence

7.0 Correspondence dated 6 July 2021 from Fermanagh and Omagh District Council re: NOM 'Rights of Nature'

 *Letter from Fermanagh & Omagh DC re Motion on Rights of Nature.pdf*

Page 30

8.0 Correspondence dated 8 July 2021 from Ards & North Down Borough Council re: NOM C/111/2021 Dental Services during

9.0 Correspondence dated 8 July from Derry City & Strabane District Council re: NOM 'Rights of Nature'

📎 *Letter dated 8 July from Derry City & Strabane DC.pdf*

Page 33

10.0 Correspondence dated 27 July 2021 from Department for the Economy re: NOM C/081/2021 Covid Disruption Payment

📎 *Letter from Department for the Economy re NOM C 081 2021 Covid Disruption Payment.pdf*

Page 36

Notices of Motion

11.0 Notice of Motion - Wheelchair Beach Access

Notice of Motion received from Councillor Brown:

"This Council supports accessibility for all our residents and notes the lack of accessibility onto beaches for those in wheelchairs in the Newry, Mourne and Down area. Therefore, Council will trial the provision of beach wheelchairs, 'floating' wheelchairs and beach access matting on Newcastle beach, with the intention of expanding to other beach areas in due course."

12.0 Notice of Motion - Staff Shortages within the Hospitality Sector

Notice of Motion received from Councillor Devlin:

"Recognising the significant and growing staff shortages within the Hospitality sector, this Council calls for the establishment of a forum with representatives from the South Eastern and Southern Colleges, Department for the Economy and other key stakeholders to undertake an assessment of the training needs to address the shortage within the hospitality sector with the aim of providing short, medium and long term solutions to tackle this crisis and to enable our hospitality industry to survive and to aid our covid recovery."

ACTIONS OUTSTANDING FROM PREVIOUS COUNCIL MEETINGS

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
C/178/2019	Notice of Motion – C/131/2019: Live Animals in Circuses	At the request of Councillor McAteer it was agreed the motion remain on the action sheet.	Democratic Services		N

ACTION SHEET – COUNCIL MEETING – MONDAY 5 JULY 2021

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
C/135/2021	Action Sheet arising from Council Meeting held on 07.06.21	The action sheet was agreed.	Democratic Services	Noted	
C/136/2021	Minutes of Annual Meeting held on 01.06.21	The minutes were agreed as an accurate record and adopted.	Democratic Services	Noted	
C/137/2021	Minutes of Council Meeting 07.06.21	The minutes were agreed as an accurate record and adopted.	Democratic Services	Noted	
C/138/2021	Minutes of ERT Committee Meeting held on 14.06.21 Minutes of Appeal Hearing re: Boyle Bingo	The minutes were agreed as an accurate record and adopted.	Democratic Services	Noted	
C/139/2021	Minutes of SPR	The minutes were agreed as an accurate record and	Democratic	Noted	

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	Committee Meeting held on 17.06.21	adopted.	Services		
C/140/2021	Minutes of AHC Committee Meeting held on 21.06.21	The minutes were agreed as an accurate record and adopted.	Democratic Services	Noted	
C/141/2021	Minutes of NS Committee Meeting held on 23.06.21	The minutes were agreed as an accurate record and adopted.	Democratic Services	Noted	
C/142/2021	Planning Committee	There was no meeting in June.	Democratic Services	Noted	
C/143/2021	Report of Special Health Meeting held on 21 June 2021	The minutes were noted.	Democratic Services	Noted	
C/144/2021	Northern Ireland Housing Council Minutes – 13 May 2021	The minutes were noted.	Democratic Services	Noted	
C/145/2021	Northern Ireland Housing Council Bulletin - June 2021	The bulletin was noted.	Democratic Services	Noted	
C/146/2021	The Queens Platinum Jubilee – June 2022	The correspondence was noted.	Democratic Services	Noted	

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
C/147/2021	Correspondence from Taoiseach M Martin ref. NOM C.132.2021	The correspondence was noted.	Democratic Services	Noted	
C/148/2021	Notice of Motion – Fishing and Seafood Development Programme Report	The Motion was referred to the Enterprise, Regeneration and Tourism Committee in accordance with Standing Order 16.1.6.	Democratic Services C Mallon	Noted Report to ERT Committee 9th August 2021	Y
C/149/2021	Notice of Motion – Motorhome Strategy	The Motion was referred to the Enterprise, Regeneration and Tourism Committee in accordance with Standing Order 16.1.6.	Democratic Services C Mallon	Noted Report to ERT Committee 9th August 2021	Y
C/150/2021	Notice of Motion - Defibrillator Provision	The Motion was referred to the Active and Healthy Communities Committee in accordance with Standing Order 16.1.6.	Democratic Services M Lipsett	Noted Report to AHC Committee 16th August 2021	Y
C/151/2021	Notice of Motion - Revival of Downpatrick Town Centre	The Motion was referred to the Enterprise, Regeneration and Tourism Committee in accordance with Standing Order 16.1.6.	Democratic Services C Mallon	Noted Report to ERT Committee 9th August 2021	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
C/152/2021	Notice of Motion - Workers' Rights End Fire and Rehire	"That this Council recognises that an unprecedented number of workers have lost, or are at risk of losing their jobs due to the Covid-19 pandemic; acknowledges that workers who lose their jobs should be entitled to fair compensation and due process; agrees that the age discrimination which exists in terms of redundancy pay is unfair and should be ended; believes that employers should adhere to the normal collective redundancy consultation processes; is concerned that large unscrupulous companies particularly in the retail, hospitality and aviation sectors are using the Covid-19 crisis to by-pass collective redundancy consultation processes and are adopting the 'fire and rehire' approach to re-employ workers on worse terms and conditions; and calls on the Minister for Economy to bring forward legislation that strengthens redundancy protections for workers to ban 'fire and rehire' and delivers on the New Decade New Approach Agreement employment commitments to improve worker's rights and entitlements".	Democratic Services		
END					

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

NMD/C/

Minutes of Council Meeting held on Monday 5 July 2021 at 6.00pm via Hybrid in Downshire Chamber and Microsoft Teams

In the Chair: Councillor C Mason

In attendance:

Councillor T Andrews	Councillor P Brown
Councillor R Burgess	Councillor P Byrne
Councillor W Clarke	Councillor D Curran
Councillor S Doran	Councillor C Enright
Councillor A Finnegan	Councillor H Gallagher
Councillor M Gibbons	Councillor O Hanlon
Councillor V Harte	Councillor R Howell
Councillor M Larkin	Councillor A Lewis
Councillor O Magennis	Councillor G Malone
Councillor D McAteer	Councillor L McEvoy
Councillor H McKee	Councillor A McMurray
Councillor R Mulgrew	Councillor D Murphy
Councillor G O'Hare	Councillor B Ó Muirí
Councillor H Reilly	Councillor M Ruane
Councillor M Savage	Councillor G Sharvin
Councillor G Stokes	Councillor D Taylor
Councillor J Tinnelly	Councillor J Trainor
Councillor W Walker	

(Officials)

Mrs M Ward, Chief Executive
 Mrs D Carville, Director of Corporate Services
 Mr M Lipsett, Director of Active & Healthy Communities
 Mr C Mallon, Director of Enterprise, Regeneration & Tourism
 Mr J McBride, Director of Neighbourhood Services (Acting)
 Mr F O'Connor, Head of Legal & Administration (Acting)
 Mr A Grimshaw, Project Director
 Miss S Taggart, Democratic Services Manager (Acting)
 Mrs D Starkey, Democratic Services Officer
 Mrs P McKeever, Democratic Services Officer

C/133/2021

APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillors Casey, Devlin, Hanna and Owen.

The Chairperson commended and thanked all those involved in the response in Castlewellan in terms of the mobile testing for COVID 19. She commended the fantastic effort by the Council in their supporting role and thanked the 100's of residents for getting tested and those who availed of the mobile vaccinations.

The Chairperson paid tribute and offered sincerest condolences to the family and friends of Sarah Lennon from Castlewellan who tragically passed away having contracted Covid 19.

The Chairperson thanked all of those who took part in June's mental health task and played a part in raising awareness of just how vital it was to take time to look after our own heads.

Members were advised that for the month of July she had chosen the topic of "Addiction and Recovery" for her second Mental Health Initiative as Chair of Newry, Mourne and Down District Council.

The Chairperson referred to the Mental Health Strategy released by the Minister for Health in the last week and advised she had met with Dr Siobhan O'Neill the Mental Health Champion and the Director of Mental Health and Wellbeing in the South Eastern Trust and had the opportunity to discuss the strategy and what it meant for the District, if applied effectively.

The Chairperson asked that for the month of July all Councillors reached out directly to a service, organisation or individual in their local area that helped people who were suffering from addiction to get the help they need to begin their journey of recovery. She asked Members to listen to their concerns and as elected representatives feed those concerns back to the local health trust, Department for Health or MP/MLA within their area.

C/134/2021 DECLARATIONS OF INTEREST

There were no declarations of interest.

C/135/2021 ACTION SHEET ARISING FROM COUNCIL MEETING HELD ON 7 JUNE 2021

Read: Action sheet arising from Council Meeting held on 7 June 2021 (copy circulated).

Agreed: The Action Sheet from Council Meeting held on 7 June 2021 was agreed on the proposal of Councillor Curran, seconded by Councillor Ó Muirí.

COUNCIL MINUTES FOR ADOPTION AND SIGNING

C/136/2021 MINUTES OF ANNUAL MEETING HELD ON 1 JUNE 2021

Read: Minutes of Annual Meeting held on 1 June 2021 (copy circulated).

Agreed: The Minutes of the Annual Meeting held on 1 June 2021 were agreed as an accurate record and adopted, on the proposal of Councillor Burgess, seconded by Councillor Ó Muirí.

C/137/2021 MINUTES OF COUNCIL MEETING HELD ON 7 JUNE 2021

Read: Minutes of Council Meeting held on 7 June 2021 (copy circulated).

Agreed: The Minutes of the Council Meeting held on 7 June

2021 were agreed as an accurate record and adopted, on the proposal of Councillor Stokes, seconded by Councillor Hanlon.

COMMITTEE MINUTES FOR CONSIDERATION AND ADOPTION

C/138/2021 MINUTES OF ENTERPRISE, REGENERATION AND TOURISM COMMITTEE MEETING HELD ON 14 JUNE 2021

Read: Minutes of Enterprise, Regeneration and Tourism Committee Meeting held on 14 June 2021 (copy circulated).

ERT/111/2021: Electric Charging Points

In response to a query from Councillor Sharvin, Mr Mallon advised Members could forward suggestions for locations for electric charging points to Mr McGilly or himself for consideration as part of the scoping exercise to determine which sites were most suitable in line with funding criteria.

Councillor Ó Muirí enquired if charging points could be placed outside Community Centres/Sport Club facilities that had Council involvement. Mr Mallon confirmed the criteria for the fund was that it had to be on publicly owned/controlled land as part of the scoping exercise and there may be community centres that Council had control of and it was open to consider all suggestions through the scoping exercise to see if they met the criteria.

Agreed: The Minutes of the Enterprise, Regeneration and Tourism Committee Meeting held on 14 June 2021 were agreed as an accurate record and adopted, on the proposal of Councillor Burgess, seconded by Councillor Stokes.

Read: Minutes of Appeal Hearing Meeting Re: Boyle Bingo held on 14 June 2021.

Agreed: The Minutes of the Appeal Hearing Meeting Re: Boyle of Councillor Mulgrew, seconded by Councillor Savage.

At this point in the meeting the Chief Executive stated that further to Strategy, Policy and Resources Committee Meeting held on 17 June 2021 when she joined to provide advice in relation to a proposal put by Councillor Brown, seconded by Councillor Tinnelly regarding communication between Council Officers and representatives of the Cathedral, she had taken legal advice in the interest of protection of the Council and Councillors and would provide that legal opinion in closed session.

Councillor Brown entered the meeting at this stage – 6.19pm

ITEMS RESTRICTED IN ACCORDANCE WITH PART 1 OF SCHEDULE 6 OF THE LOCAL GOVERNMENT ACT (NI) 2014

Agreed: On the proposal of Councillor Ó Muirí, seconded by Councillor O'Hare, it was agreed to exclude the public and press from the meeting during discussion on the next matter which related to exempt information by

virtue of para. 5 of Part 1 of Schedule 6 of the Local Government (Northern Ireland) 2014 – Information in relation to which a claim to legal professional privilege could be maintained in legal proceedings.

SPR/97/2021: Newry City Regeneration Programme Board

Agreed: On the proposal of Councillor Ó Muirí, seconded by Councillor Gallagher, it was agreed the Committee come out of closed session.

Noted: The Chief Executive advised that whilst in closed session Members were briefed on legal opinion in relation to SPR/97/2021 and further to that briefing and on receipt of legal opinion she had removed the element of the meeting from the public record and the matter would not be discussed further.

Members were also advised that at the Audit Committee Meeting held on 5 July 2021, an independent review of the governance of Newry City Centre Regeneration Programme was agreed and would involve interviews with Councillors and ASM internal auditors would be contact to arrange same. There would be no discussion on any matters relating to Newry City Regeneration Programme at this Council Meeting or any subsequent Committee Meetings until such times as the investigation is concluded to the satisfaction of the Audit Committee. The Chief Executives thanked Members in advance for respecting the process that she had put in place.

C/139/2021 **MINUTES OF STRATEGY, POLICY AND RESOURCES COMMITTEE MEETING HELD ON 17 JUNE 2021**

Read: Minutes of Strategy, Policy and Resources Committee Meeting held on 17 June 2021 (copy circulated).

Agreed: The Minutes of the Strategy, Policy and Resources Committee Meeting held on 17 June 2021, excluding item SPR/97/2021: Newry City Regeneration Programme Board were agreed as an accurate record and adopted, on the proposal of Councillor Sharvin, seconded by Councillor Hanlon.

C/140/2021 **MINUTES OF ACTIVE AND HEALTHY COMMUNITIES COMMITTEE MEETING HELD ON 21 JUNE 2021**

Read: Minutes of the Active and Healthy Communities Committee Meeting held on 21 June 2021 (copy circulated).

Agreed: The Minutes of the Active and Healthy Communities

Committee Meeting held on 21 June 2021 were agreed as an accurate record and adopted, on the proposal of Councillor O'Hare, seconded by Councillor McEvoy.

C/141/2021 MINUTES OF NEIGHBOURHOOD SERVICES COMMITTEE MEETING HELD ON 23 JUNE 2021

Read: Minutes of Neighbourhood Services Committee Meeting held on 23 June 2021 (copy circulated).

NS/100/2021: Applications for Bus Shelters in Crossgar and Saintfield

Councillor Andrews spoke at length about concerns regarding the relocation of the bus shelter at Downpatrick Street, Crossgar and the new location and commented that the letters sent on 13 April 2021 would have been done so when premises in the vicinity would have been subject to lockdown and people working from home.

Councillor Andrews proposed a deferment take place and that officials take on board the points raised in relation to the consultation process, also the points raised about the redevelopment at this stage and for other options and locations to be taken into account now. Councillor Curran seconded the proposal.

Agreed: It was agreed on the proposal of Councillor Andrews, seconded by Councillor Curran to defer the decision in relation to the bus shelter at Downpatrick Street, Crossgar and that officials take on board the points raised by Councillor Andrews in relation to the consultation process and also the points raised about the redevelopment at this stage and for other options and locations to be taken into account now.

NS/099/2021: Proposed Memorial Gardens Landscape Scheme

Councillor Tinnelly took the opportunity to reaffirm his thanks to all officers for the work that was put into the project and thanked Children's Community Nurse in the Southern Trust, Ms Nuala Boyle for her work with parents and families.

Agreed: The Minutes of the Neighbourhood Services Committee Meeting held on 23 June 2021 were agreed as an accurate record and adopted, on the proposal of Councillor Magennis, seconded by Councillor Walker.

PLANNING

C/142/2021 PLANNING MINUTES

There was no Planning Committee Meeting held in June 2021 due to current legislative uncertainty around remote meetings.

FOR NOTING

C/143/2020

REPORT OF SPECIAL HEALTH MEETING HELD ON 21 JUNE 2021

Read: Minutes of Special Health Meeting held on 21 June 2021. (Copy circulated)

Agreed: **The Report of the Special Health Meeting dated 21 June 2021 were noted on the proposal of Councillor O'Hare, seconded by Councillor Burgess.**

C/144/2021

NORTHERN IRELAND HOUSING COUNCIL MINUTES HELD ON 13 MAY 2021

Read: Minutes dated 13 May 2021 from Northern Ireland Housing Council. (Copy circulated)

Agreed: **The Northern Ireland Housing Council Minutes were noted on the proposal of Councillor O'Hare, seconded by Councillor Burgess.**

C/145/2021

NORTHERN IRELAND HOUSING COUNCIL BULLETIN JUNE 2021

Read: June 2021 Bulletin from Northern Ireland Housing Council. (Copy circulated)

Councillor Savage paid tribute to fire crews and the local community who had assisted at a recent tragic incident in Bessbrook. In particular, he praised the Newry Housing Executive staff for their excellent work in the wake of the incident, in ensuring the family had been rehoused while awaiting their house to be re-built.

Agreed: **The Northern Ireland Housing Council Bulletin was noted on the proposal of Councillor O'Hare, seconded by Councillor Burgess.**

C/146/2020

CORRESPONDENCE RECEIVED REGARDING THE QUEEN'S PLATINUM JUBILEE CENTRAL WEEKEND 2022

Read: Correspondence dated 2 June 2021 received from Royal Communications regarding the Queen's Platinum Jubilee Central Weekend. (Copy circulated)

Agreed: **The correspondence was noted on the proposal of Councillor O'Hare, seconded by Councillor Burgess.**

C/147/2021

ACKNOWLEDGEMENT RECEIVED FROM TAOISEACH MR M MARTIN RE: NOM C/132/2021

Read: Correspondence dated 22 June 2021 from Taoiseach Mr M Martin in response to NOM c/132/2021. (Copy circulated)

Agreed: **The correspondence was noted on the proposal of Councillor O'Hare, seconded by Councillor Burgess.**

Councillor McKee entered the meeting during the above discussions – 6.36pm

NOTICES OF MOTION

C/148/2021

NOTICE OF MOTION – FISHING AND SEAFOOD DEVELOPMENT PROGRAMME REPORT

The following Notice of Motion was received from Councillor McMurray:

"That this Council endorses and supports the Fishing and Seafood Development Programme Report, as produced by the Strategic Investment Board, and presented to DAERA. To demonstrate support and continuing assistance, this Council shall:

- **Send written confirmation of our support to the respective Ministers for the Departments: of Agriculture, Environment and Rural Affairs; of the Economy; of Finance.**
- **Request a ministerial meeting between the Minister of Finance and NMDC Senior Management Team to ensure the business case, and the securing of funds, for this project is progressed in a timely manner.**
- **Establish a Project Board made up of representatives from all parties with a dedicated Council Officer to liaise between both Ardglass, Kilkeel and Portavogie Harbours, DAERA and Ards and North Down Council to assist in the development and implementation of the respective projects within our district.**
- **Actively include the FSDP recommendations to develop the Blue Green Economy - and the associated requirements for skills development - within council promotions and strategies."**

The Motion was seconded by Councillor Brown.

Agreed: **The Motion was referred to the Enterprise, Regeneration and Tourism Committee in accordance with Standing Order 16.1.6**

C/149/2021

NOTICE OF MOTION – MOTORHOME STRATEGY

The following Notice of Motion was received from Councillor Clarke:

"With the ever-increasing numbers of Motorhome owners opting to use car parks and other locations for overnight stays in Newcastle, Council acknowledge the signs of tension that are now growing between local residents and motorhome users. Council recognise that freedom camping has become unsustainable at some key areas, In turn this is placing operational and environmental pressure on visitor attractions originally designed for day time recreational use only. Council develop a motorhome strategy for Newry Mourne and Down Council region, encompassing Newry and the main towns and villages."

The Motion was seconded by Councillor Mulgrew.

Agreed: **The Motion was referred to the Enterprise, Regeneration and Tourism Committee in accordance with Standing Order 16.1.6**

C/150/2021 NOTICE OF MOTION – DEFIBRILLATOR PROVISION

The following Notice of Motion was received from Councillor Taylor:

"To ask Newry, Mourne & Down District Council to undertake a programme of engagement with local sports clubs and community organisations across the District to establish the level of defibrillator provision within their various facilities. The Council should endeavour to offer practical support to respective sporting and community organisations to increase the level of defibrillator provision and endeavour to achieve maximum capacity of this life saving equipment in all sporting and community facilities at the earliest opportunity. The Council should also develop a programme which is designed to increase the numbers of officers and volunteers within all sporting and community organisations who can perform the vital life saving skill of CPR".

The Motion was seconded by Councillor Lewis.

Agreed: **The Motion was referred to the Active and Healthy Committee in accordance with Standing Order 16.1.6**

C/151/2021 NOTICE OF MOTION – REVIVAL OF DOWNPATRICK TOWN CENTRE

The following Notice of Motion was received from Councillors Sharvin, Trainor and Curran:

"That this council recognises the importance of supporting the revival of Downpatrick town centre post pandemic and beyond. This motion calls on council to appoint a town centre manager for Downpatrick. A Town Centre Manager who can liaise with the business community creating initiatives, opportunities and developing programmes that would support the future development of the county town."

The Motion was seconded by Councillor Trainor.

Agreed: **The Motion was referred to the Enterprise, Regeneration and Tourism Committee in accordance with Standing Order 16.1.6**

C/152/2021 NOTICE OF MOTION – WORKERS' RIGHTS END FIRE AND REHIRE

The following Notice of Motion was received from Councillor Hanlon:

"That this Council recognises that an unprecedented number of workers have lost, or are at risk of losing their jobs due to the Covid-pandemic; acknowledges that workers who lose their jobs should be entitled to fair compensation and due process; agrees that the age discrimination which exists in terms of redundancy pay is unfair and should be ended; believes that employers should adhere to the normal collective redundancy consultation processes; is concerned that large unscrupulous companies particularly in the retail, hospitality and aviation sectors are using the Covid-19 crisis to by-pass collective redundancy consultation processes and are adopting the 'fire and rehire' approach to re-employ workers on worse terms and conditions; and calls on the Minister for Economy to bring forward legislation that strengthens redundancy protections for workers to protect against 'fire and rehire' and delivers on the New Decade New Approach Agreement employment commitments to improve worker's rights and entitlements".

The Motion was seconded by Councillor Ó Muirí.

On behalf of Councillor Hanlon, Councillor Ó Muirí proposed the Motion saying the practice of fire and re-hire was one used by many large companies which enabled them to bypass the usual protection that existed for workers in terms of redundancy consultation and unfair dismissal. He said fire and re-hire was a shameful tactic used to force workers into accepting new terms and conditions or face being sacked, sometimes with workers given only seven days to sign new contracts.

Councillor Ó Muirí said the practice of fire and rehire was used during the pandemic when workers were vulnerable and job opportunities were scarce. In some cases, workers' wages were reduced and their right to sick pay removed which he said was completely reckless during a pandemic when workers may be forced to isolate.

Councillor Ó Muirí said where company restructuring was necessary then redundancy must be a last resort and must be consulted on fully with workers and trade unions and where possible, alternatives sought such as redeployment, retraining, temporary lay-off or a reduction in overtime hours.

Councillor Ó Muirí said there had been 5,150 confirmed redundancies over the past year and it was imperative that redundancies and unfair dismissal rights were improved. Councillor Ó Muirí continued, saying the unfair age disparities that currently existed when calculating redundancy pay and an end to zero hours contracts were all vital in protecting the rights of workers.

Councillor Byrne expressed support for the Motion saying statistics indicated that attempts had been made by employers to rehire one fifth of people aged between 18 – 24 on more favourable terms and this trend had become more prolific throughout the pandemic.

Councillor Taylor welcomed the Motion saying whilst he acknowledged businesses had been adversely affected due to the COVID pandemic, they had received government assistance and it was therefore very important that workers were protected and were not exploited.

Councillor Walker expressed support for the Motion saying legislation needed to be more robust.

Councillor McMurray expressed support for the Motion saying it was very difficult for workers to feel connected to the work place with the constant fear of fire and re-hire and this practice adversely affected productivity, additionally and importantly he said the mental health of workers had to be considered.

Councillor Tinnelly welcomed the Motion and asked if this issue would come under the Fair Employment legislation. He said the practice of fire and rehire should be banned and asked Councillor Ó Muirí if he would consider amending the wording of the Motion to reflect this.

Councillor Ó Muirí said he was happy to amend the proposal accordingly.

Councillor McAteer expressed support for the Motion and asked if relevant information could be put up on the Council website advising people of the different avenues open to them relating to this issue. Mrs Ward advised the ERT Directorate had done a piece of work in relation to this during the pandemic and confirmed officials from ERT would follow up on this.

Councillor Ó Muirí thanked Members for their support.

Agreed: **"That this Council recognises that an unprecedented number of workers have lost, or are at risk of losing their jobs due to the Covid-pandemic; acknowledges that workers who lose their jobs should be entitled to fair compensation and due process; agrees that the age discrimination which exists in terms of redundancy pay is unfair and should be ended; believes that employers should adhere to the normal collective redundancy consultation processes; is concerned that large unscrupulous companies particularly in the retail, hospitality and aviation sectors are using the Covid-19 crisis to by-pass collective redundancy consultation processes and are adopting the 'fire and rehire' approach to re-employ workers on worse terms and conditions; and calls on the Minister for Economy to bring forward legislation that strengthens redundancy protections for workers to ban 'fire and rehire' and delivers on the New Decade New Approach Agreement employment commitments to improve worker's rights and entitlements".**

Councillors Gallagher and Reilly left the meeting during the above discussions – 6.51pm and 6.52pm respectively.

There being no further business, the meeting concluded at 18.54pm

For confirmation at the Council Meeting to be held on Monday 2 August 2021.

Signed:

Chairperson

Chief Executive

NEWRY MOURNE AND DOWN DISTRICT COUNCIL

Minutes of Audit Committee Meeting held on Monday 05 July 2021 via Microsoft Teams.

Chairperson: Ms B Slevin Independent Chairperson

In attendance: **(Committee Members)**
Councillor P Byrne
Councillor M Gibbons
Councillor O Hanlon
Councillor A Lewis
Councillor D Murphy
Councillor D McAteer

Officials in attendance: Ms D Carville Director of Corporate Services
Mr M Lipsett Director Active & Healthy Communities
Mr C Mallon Director Enterprise Regeneration & Tourism
Mr J McBride Director Neighbourhood Services
Mr K Montgomery Assistant Director, Corporate Services (Finance)
Mr G Byrne Audit Services Manager
Ms S Taggart Democratic Services Manager
Ms L Dillon Democratic Services Officer

Also in attendance: Ms C Hagan ASM
Ms K Beattie NIAO

AC/050/2021: APOLOGIES AND CHAIRPERSON'S REMARKS

The following apologies were received:

Ms M Ward Chief Executive
Councillor C Casey
Councillor L Devlin

AC/051/2021: DECLARATIONS OF INTEREST

Ms B Slevin Chairperson, declared an interest in Item 7 – Assurance Statement and Code of Governance, and Annual Governance Statement, as she was a member of the Audit and Risk Committee of the SEUPB (EU Funding).

As Ms Slevin was not involved with awarding of funding, it was noted she would remain in the meeting during discussion on the item.

**AC/052/2021: ACTION SHEETS ARISING FROM:
AUDIT COMMITTEE MEETING: 22 APRIL 2021**

Read: Action Sheet arising from Minutes of the Audit Committee Meeting held on Thursday 22 April 2021.
(Copy circulated)

AGREED: On the proposal of Councillor Hanlon seconded by Councillor Lewis it was agreed to note the Action Sheets arising from the Audit Committee Meeting held on Thursday 22 April 2021.

AC/053/2020: AUDIT COMMITTEE ANNUAL REPORT 2020/21

Read: Audit Committee Annual Report 2020/21 from Ms B Slevin Independent Chair of Audit Committee.
(Copy circulated)

Ms Slevin presented the above report. She explained the performance evaluation of the Audit Committee was very good and reassurance could be taken from the number of good practice questions which answered as yes therefore reflecting the fact the Audit Committee has been operating effectively throughout the year.

She added that an unqualified opinion was received from the NI Audit Office for the 2019/20 financial statements and a satisfactory assurance was provided in the Annual Internal Audit Assurance Report for 2020/21.

As Chairperson of the Audit Committee, Ms Slevin extended thanks to Members, officers, internal and external audit for the support she received throughout the year and for the openness and engagement which reflected well on the operation of the committee.

AGREED: On the proposal of Councillor Byrne seconded by Councillor Murphy it was agreed to note the Audit Committee Annual Report 2020/21.

AC/054/2020: MEMBERS' REGISTER OF INTERESTS

Read: Report dated 05 July 2021 from Ms D Carville Director Corporate Services regarding Members' Register of Interests. **(Copy circulated)**

Ms Carville explained it had been agreed a periodic reminder would be issued to remind Members to keep their Register of Interest up to date and report back to the Audit Committee on a 6 month basis.

She confirmed all members had returned a declaration and the Register only required updating if a Members' circumstances change.

AGREED: On the proposal of Councillor Hanlon seconded by Councillor McAteer it was agreed to note the 6 month review report regarding Members' Register of Interests.

CORPORATE SERVICES (OPEN SESSION)

AC/055/2021: CORPORATE RISK REGISTER

Read: Report dated 05 July 2021 from Ms D Carville, Director of Corporate Services regarding the Corporate Risk Register. **(Copy circulated)**

Ms Carville explained the Corporate Risk Register was last updated by the Senior Management Team on 22 June 2021 and that Year End Assurance Statements for 2020-21, per directorate, were complete and used to update the Register.

She referred to the following changes to the Corporate Risk Register as highlighted in the Report under 2.1:

CR 1 - updated to reflect material shortages and potential rise in material costs within the construction industry.

CR 12 - has been incorporated into CR 8 to focus the risk on uncertainties regarding the Northern Ireland Protocol.

Councillor Byrne referred to the reduction in the residual risk score for CR 5 regarding failure to provide timely planning decisions, and felt this area still remained high risk and that any reduction in risk score should be based on the outworking's of the Planning Consultants report rather than based on implementation of the 8 legacy recommendations.

In explaining the rationale for reducing the residual risk score of CR 5, Mr Mallon advised that the reduction in the risk score was reflective of improvements made in terms of the timely processing of applications ie

processing times for major applications; rise in applications; rise in determinations

Ms Carville suggested Management could examine this risk score again taking into account comments of members, if Members were in agreement to accept the changes currently.

AGREED: On the proposal of Councillor McAteer seconded by Councillor Murphy it was agreed as follows:

- (a) To note the Corporate Risk Register overview as per Appendix 1.
- (b) To approve the updated Corporate Risk Register as per Appendix 2, including the changes to:
 - CR 1 - updated to reflect material shortages and potential rise in material costs within the construction industry.
 - CR 12 - incorporated into CR 8 due to uncertainties regarding the Northern Ireland Protocol.
- (c) Further information to be presented to the Audit Committee Meeting in September 2021 with regard to the residual risk score for CR 5.

AC/056/2021: A) ASSURANCE STATEMENT & CODE OF GOVERNANCE
 B) ANNUAL GOVERNANCE STATEMENT

Read: Report dated 05 July 2021 from Mr G Byrne Audit Services Manager regarding NMDDC Assurance Framework and Annual Governance Statement.
(Copy circulated)

Mr Byrne explained the Assurance Framework and Code of Governance was updated on an annual basis and used to inform the Annual Governance Statement. He highlighted a significant amendment was the addition of the National Fraud Initiative process into Council controls to help prevent and detect frauds which arose from an NIAO check list which was presented to the Audit Committee in April 2021.

With regard to the Annual Governance Statement Mr Byrne highlighted the following key issues :

Changes to the decision making process due to Covid 19 which granted delegated authority to the Chief Executive for a period of time.

Updates to Significant Governance issues 2019/20 (no longer on the Annual Governance Statement)

- Newry Rainbow Community Grant – remains under PSNI investigation.
- Internal Audit investigation in to Contract Management

Actual Significant Governance issues 2020-21:

- Fleet Management internal audit – received limited assurance
- Fuel Management internal audit – received limited assurance

Significant Governance issues 2020-21:

- Procurement and Contract Management- including Corporate Risk, , ASM investigation into Single Tender Actions and Procurement Action Plans.
- IT Transformation Project - implementation of IT Strategy and Cyber Security.
- Economic and Political Climate - NI Protocol and Covid 19 as well as other financial uncertainties.
- Belfast Region City Deal – business cases not yet approved which could lead to a possible shortfall in funding.
- Planning backlog – improvements made following implementation of Internal Audit recommendations, work ongoing by Consultant, increase in planning applications, historic planning applications, enforcement cases.
- Absenteeism – sickness levels are greater than the Local Government average.
- Covid 19 – impact on Council operations.

It was noted the Annual Governance Statement would remain a live document with statistics being amended until final certification of the Council's Annual Accounts to be presented to the Audit Committee in September 2021.

AGREED: **On the proposal of Councillor Byrne Seconded by Councillor McAteer it was agreed:**

- **To note the NMDDC Assurance Framework, and the Code of Governance.**
- **To review and approve the draft Annual Governance Statement for 2020/21.**
- **Following review, the statement will be incorporated into the Council's unaudited financial statements for 2020/21.**

AC/057/2021: **PRESENTATION RE: UNAUDITED FINANCIAL STATEMENTS 2020/21**

Read: Report dated 05 July 2021 from Mr G Byrne Audit Services Manager regarding the Council's Unaudited Financial Statements for 2020/21. **(Copy circulated)**

Mr Byrne explained that following an amendment to the publication date for Annual Accounts due to Covid 19, the Department had now reinstated the original date and Council's unaudited accounts have been submitted to the Department and NIAO and will be due for certification by the end of September 2021.

He then highlighted the following key points:

- Revaluation of fixed assets
- General Power of Competence
- Accounting Policies
- Covid 19 – impact on Council finances

Year End Management Accounts were presented to the SPR Committee June 2021 which showed an underspend to budget due to funding received from Government departments plus increased incomes from Building Control and Planning Departments.

Mr Montgomery gave a presentation on the financial element of the Council's Annual Accounts highlighting material changes on the Balance Sheet and gave a detailed explanation on the reasons for the increase in usable reserves.

He gave detail regarding the 2 No. redundant Landfill sites and Prompt Payment statistics and highlighted two items under Contingencies, ie, Residual Waste Treatment Plant and the Claim against HMRC regarding VAT on leisure services.

Mr Byrne pointed out that in accordance with legislation, the Council's accounts will be available for public viewing from 29 July 2021 to 25 August 2021

The NIAO audit will be due for completion early September 2021 after which the Report to Those Charged with Governance will be issued and tabled at the Audit Committee Meeting to be held on Thursday 23 September 2021 together with final Accounts for approval and signing by the Chief Executive and Chair of Council.

Ms Slevin extended thanks to Mr Byrne, Mr Montgomery and the finance staff for producing the Annual Accounts which she said was a huge and complex exercise. She also extended best wishes to Mr Montgomery in his retirement.

AGREED: **On the proposal of Councillor Byrne seconded by Councillor Hanlon it was agreed to approve the presentation of the Unaudited Statement of Accounts for NMDDC for the period Year Ended 31 March 2021.**

CORPORATE SERVICES (CLOSED SESSION)

Items restricted in accordance with Part 3 of Schedule 6 of the Local Government Act (Northern Ireland) 2014

Agreed: On the proposal of Councillor McAteer seconded by Councillor Hanlon 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 Part 3 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 – Information relating to the financial or business affairs of a particular person (including the Council holding that information) and the public may, by resolution, be excluded during these items of business.

AC/058/2021: UPDATE – AUDIT RECOMMENDATIONS

Read: Report dated 05 July 2021 from Mr G Byrne Audit Services Manager, regarding an update on Internal Audit Recommendations made since formation of Newry Mourne & Down District Council in 2015, and a review of progress regarding implementation of NIAO recommendations. **(Copy circulated)**

AC/059/2021: UPDATE RE: FRAUD AND WHISTLEBLOWING

Read: Report dated 05 July 2021 from Mr G Byrne Audit Services Manager regarding Fraud and Whistleblowing. **(Copy circulated)**

AC/060/2021: QUARTERLY UPDATE RE: SINGLE TENDER ACTIONS

Read: Report dated 05 July 2021 from Mr G Byrne Audit Services Manager providing a quarterly update Single Tender Actions. **(Copy circulated)**

AC/061/2021: A) PROCUREMENT ACTION PLAN B) ASM INVESTIGATION – SINGLE TENDER ACTIONS

Read: Report dated 05 July 2021 from Mr G Byrne Audit Services Manager regarding the Procurement Action Plans for Directorates, and an update on the ASM investigation into Council use of Single Tender Actions. **(Copy circulated)**

AC/062/2021: NMDDC RISK STRATEGY POLICY

Read: Report dated 05 July 2021 from Mr G Byrne Audit Services Manager regarding the revised Risk Strategy Policy for NMDDC.
(Copy circulated)

AC/063/2021: FLEET OPERATORS LICENCE

Read: Report dated 05 July 2021 from Mr J McBride Director of Neighbourhood Services (Acting) regarding an update on Fleet Operator's Licence and Action Plan.
(Copy circulated)

INTERNAL AUDIT (CLOSED SESSION)

AC/064/2021: ASM INTERNAL AUDIT - SUMMARY REPORT

Read: ASM Internal Audit Summary Report dated 05 July 2021.
(Copy circulated)

**AC/065/2021: GOVERNANCE REVIEW
NEWRY CITY CENTRE REGENERATION PROGRAMME**

Read: Report dated 05 July 2021 from Ms D Carville Director Corporate Services regarding governance and decision making of the Newry City Centre Regeneration Programme. **(Copy circulated)**

On the proposal of Councillor McAteer seconded by Councillor Byrne it was agreed to come out of Closed Session.

When the Committee came out of Closed Session the Chairperson reported the following decisions had been taken on the items discussed:

AC/058/2020: Update re: Audit Recommendations

AGREED: On the proposal of Councillor McAteer seconded by Councillor Hanlon it was agreed:

- a) To note the update contained in Report dated 05 July 2021 from Mr G Byrne Audit Services Manager in relation to legacy audit recommendations and the risk profile of internal audit reports.

- b) To note that minor changes were made to the figures for April 2021, as contained under Section 2.8.
- c) To note an update on Fuel Management will be tabled at the Audit Committee Meeting September 2021.
- d) To note a Senior Management Team Risk Workshop will be held late August 2021 to review incorporating the new Risk Policy, and a review of all Audit Recommendations from a risk perspective, and update will be tabled at the Audit Committee Meeting September 2021.

AC/059/2021: **Fraud and Whistleblowing**

AGREED: On the proposal of Councillor Byrne seconded by Councillor McAteer it was agreed to note the update contained in Report dated 05 July 2021 from Mr G Byrne Audit Services Manager, in relation to Fraud and Raising Concerns cases which have been detailed at Appendix 1.

AC/060/2021: **Quarterly update re: Single Tender Actions**

AGREED: On the proposal of Councillor Hanlon seconded by Councillor Murphy it was agreed to note the 2021-22 quarter one update contained in Report dated 05 July 2021 from Mr G Byrne Assistant Director of Finance, in relation to Single Tender Actions.

AC/061/2021: **A) Procurement Action Plan**
B) ASM Investigation – Single Tender Actions

AGREED: On the proposal of Councillor Byrne seconded by Councillor McAteer it was agreed:

To note the update in relation to Procurement Action Plans for each Directorate as per Report dated 05 July 2021 from Mr G Byrne Audit Services Manager and a comprehensive report to be submitted to the Audit Committee September 2021, at which Members will decide if an update will be tabled on a quarterly or six monthly basis.

AC/062/2021: NMDDC Risk Strategy Policy

AGREED: On the proposal of Councillor McAteer seconded by Councillor Hanlon it was agreed to approve the Risk Policy and Risk Strategy for NMDDC as outlined in Appendix 1 and 2 respectively as per Report dated 05 July 2021 from Mr G Byrne Audit Services Manager

AC/063/2021: Fleet Operators Licence

AGREED: On the proposal of Councillor Murphy seconded by Councillor Hanlon it was agreed to note the Fleet Management Action Plan and the proposal that a quarterly update will be provided to the Neighbourhood Services Committee on the implementation status of the Plan, as per Report dated 05 July 2021 from Mr J McBride Director Neighbourhood Services (Acting)

AC/064/2021: ASM Internal Audit – Summary Report

AGREED: On the proposal of Councillor Byrne seconded by Councillor McAteer It was agreed to note ASM Internal Audit Summary Report dated 05 July 2021.

**AC/065/2021: Governance Review:
Newry City Centre Regeneration Programme**

AGREED: On the proposal of Councillor Hanlon seconded by Councillor McAteer it was agreed as follows:

- A) To approve the amended Terms of Reference for the Governance review of Newry City Centre Regeneration Programme, to reflect that for purposes of transparency, interviews will be held in person.
- B) To approve the costs and proposed timetable outlined at section 13 of the Terms of Reference as additional to the existing internal audit programme of work.

PERFORMANCE (OPEN SESSION)**AC/066/2021: PERFORMANCE IMPROVEMENT PLAN 2021/22**

Read: Report dated 05 July 2021 from Ms D Carville, Director of Corporate Services regarding (final) Performance Improvement Plan 2021/22. **(Copy circulated)**

Agreed: On the proposal of Councillor Byrne seconded by Councillor Murphy it was agreed to note the Performance Improvement Plan 2021-22, (including the five performance improvement objective, Consultation and Engagement Report 2021-22 and Objective Delivery Plans 2021-22.

CIRCULARS

**AC/067/2021: DEPARTMENT FOR COMMUNITIES
DISTRICT COUNCIL (NORTHERN IRELAND) RATE
STATISTICS 2021/2022**

Read: Correspondence dated 29 March 2021(LG 13/2021) from Department for Communities regarding District Council (Northern Ireland) Rate Statistics 2021/2022.
(Copy circulated)

AGREED: On the proposal of Councillor McAteer seconded by Councillor Murphy it was agreed to note correspondence dated 29 March 2021(LG 13/2021) from Department for Communities regarding District Council (Northern Ireland) Rate Statistics 2021/2022.

**AC/068/2021: DEPARTMENT FOR COMMUNITIES
RECORD OF COUNICLLORS' AND COMMITTEE
MEMBERS' ALLOWANCES FUNDED BY COUNCIL
2020/2021**

Read: Correspondence dated 28 April 2021 (LG 15/2021) from Department for Communities regarding Record of Councillors' and Committee Members' Allowances Funded by Council 2020/2021.
(Copy circulated)

AGREED: On the proposal of Councillor McAteer seconded by Councillor Murphy it was agreed to note correspondence dated 28 April 2021 (LG 15/2021) from Department for Communities regarding Record of Councillors' and Committee Members' Allowances Funded by Council 2020/2021.

**AC/069/2021: DEPARTMENT FOR COMMUNITIES
ACCOUNTS DIRECTION CIRCULAR 2020/21:
NORTHERN IRELAND DISTRICT COUNCILS**

Read: Correspondence dated 24 June 2021 (LG 8/21-update) from Department for Communities regarding Accounts

Direction Circular 2020/21 – Northern Ireland District Councils.
(Copy circulated)

AGREED: On the proposal of Councillor McAteer seconded by Councillor Murphy it was agreed to note correspondence dated 24 June 2021 from Department for Communities regarding Accounts Direction Circular 2020/21 – Northern Ireland District Councils.

Ms Carville read out the following statement on behalf of the Chief Executive:

“Due to the current legislative uncertainty around remote meetings and the restrictions on indoor gatherings, the Chief Executive also agrees to exercise her delegated authority under Standing Orders to implement the resolution of the Committee once ratified by Council subject to any conflict of interest or legal advice that the decision is unlawful.”

Ms Slevin extended best wishes to Mr G Byrne Audit Services Manager in his new post.

There being no further business the meeting concluded at 3.30pm.

For consideration at the Council Meeting to be held on Monday 02 August 2021.

Signed: Ms D Carville
Director Corporate Services

Signed: Ms B Slevin
Independent Chairperson

Report to:	Audit Committee
Date of Meeting:	Monday 05 July 2021
Subject:	Audit Committee Annual Report 2020-21
Reporting Officer (Including Job Title):	Brona Slevin Independent Chair of Audit Committee
Contact Officer (Including Job Title):	Brona Slevin Independent Chair of Audit Committee

Confirm how this Report should be treated by placing an x in either:-

For decision	<input checked="checked" type="checkbox"/>	For noting only	<input type="checkbox"/>
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Members are asked to consider and approve the contents of this report prior to Reporting to Council.

1.0	Purpose and Background The Annual Report summarises the key activities and highlights any key issues arising throughout the year. This Report will inform the Governance Statement contained within the Council's Annual Accounts.
2	Key Issues The Annual Report of the Newry Mourne and Down Audit Committee for 2020-21 is attached.
3.0	Recommendations Members are asked to consider and approve the Annual Report of the Audit Committee 2020-21. The approved Annual Report of the Audit Committee 2020-21 to be reported to Council.
4.0	Resource implications None.
5.0	Due regard to equality of opportunity and regard to good relations (complete the relevant sections)
5.1	<i>General proposal with no clearly defined impact upon, or connection to, specific equality and good relations outcomes</i>

	It is not anticipated the proposal will have an adverse impact upon equality of opportunity or good relations <input checked="" type="checkbox"/>
5.2	<p><i>Proposal relates to the introduction of a strategy, policy initiative or practice and / or sensitive or contentious decision</i></p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If yes, please complete the following:</p> <p>The policy (strategy, policy initiative or practice and / or decision) has been equality screened <input type="checkbox"/></p> <p>The policy (strategy, policy initiative or practice and / or decision) will be subject to equality screening prior to implementation <input type="checkbox"/></p>
5.3	<p><i>Proposal initiating consultation</i></p> <p>Consultation will seek the views of those directly affected by the proposal, address barriers for particular Section 75 equality categories to participate and allow adequate time for groups to consult amongst themselves <input type="checkbox"/></p> <p>Consultation period will be 12 weeks <input type="checkbox"/></p> <p>Consultation period will be less than 12 weeks (rationale to be provided) <input type="checkbox"/></p> <p><i>Rationale:</i></p>
6.0	Due regard to Rural Needs (please tick all that apply)
6.1	<p>Proposal relates to developing, adopting, implementing or revising a policy / strategy / plan / designing and/or delivering a public service</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If yes, please complete the following:</p> <p>Rural Needs Impact Assessment completed <input type="checkbox"/></p>
7.0	Appendices
	Appendix 1 – Audit Committee Annual Report for 2020-21
8.0	Background Documents

Alison McCullagh
Chief Executive



Fermanagh & Omagh
District Council
Comhairle Ceantair
Fhear Manach agus na hÓmaí

30

Our Ref: Democratic Services

Date: 6 July 2021

Email: democratic.services@fermanaghomagh.com

To: All Councils in Northern Ireland and the Republic of Ireland

Dear Chief Executive

Re: Rights of Nature

At the Council meeting held on 5 July 2021, Members approved the following Motion: -

“Fermanagh and Omagh District Council notes the legal and social movement globally for the ‘Rights of Nature’ aimed to strengthen protections for people, place and planet.

We believe that ‘Rights of Nature’ can help inspire an innovative rethinking about how to create regenerative, not extractivist, economies while also making human and other living communities safer, stronger and more resilient.

The positive work already being done by Council staff and groups on the climate emergency and biodiversity crises are commendable, but we recognise the need for a rights-based approach to nature.

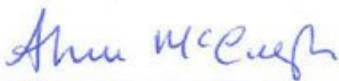
We propose, that over the next 6 months, this Council will collaborate with civic society to explore what rights of nature mean for the people and economies of the region and to investigate how Rights of Nature could be expressed in community plans, corporate plans, improvement objectives and other strategic frameworks. In particular, the council will in the next 6 months hold two community workshops and work with the local community and stakeholders to draw up a Declaration for the Rights of Nature for the District area to be brought back before Council for adoption.

We also request that a report, authored in collaboration and with input from the local community be brought to FODC in relation to embedding ‘Rights of Nature’ as a keystone concept into Council’s operational practices, planning processes and long-term decision making.

Mindful of our mutual environmental obligations under the Espoo Convention we call on all Councils, North & South, to also explore ‘Rights of Nature’ for their Council areas, not least in Donegal, Leitrim, Cavan, Monaghan, Mid Ulster & Causeway, Coast & Glens”.

As outlined in the Motion, the Council is calling on all Councils to explore ‘Rights of Nature’ for their council areas and looks forward to receiving your response in due course.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Alison McCullagh".

Alison McCullagh
Chief Executive



8 July 2021

Marie Ward
Chief Executive
Newry Mourne and Down District Council

By email: Marie.Ward@nmandd.org

Dear Marie

DENTAL SERVICES DURING THE COVID-19 PANDEMIC

I would refer to your letter dated 7 May 2021 detailing the Notice of Motion passed by Newry Mourne and Down District Council in respect of dental services during the Covid-19 pandemic.

I would advise you that having considered your correspondence, Ards and North Down Borough Council has resolved to support the Motion.

Yours sincerely

A handwritten signature in black ink, appearing to read "Stephen Reid", enclosed within a thin black rectangular border.

STEPHEN REID
Chief Executive

Our Ref: TJ/344/21

8 July 2021

Mrs Marie Ward
Chief Executive
Newry, Mourne and Down District Council
O'Hagan House
Monaghan Row
Newry
BT35 8DJ



Derry City & Strabane
District Council
Comhairle
Chathair Dhoire &
Cheantar an tSratha Báin
Derry Cille & Strabane
District Council

Dear Mrs Ward

At a Meeting of Derry City and Strabane District Council held on 24 June 2021, the following Motion was passed:

That Council notes the legal and social movement globally for the 'Rights of Nature' aimed to strengthen protections for people, place and planet.

Council recognises that 'Rights of Nature' can help catalyse an innovative rethinking about how to create regenerative, not extra-activist economies while also making human and other living communities safer, stronger and more resilient.

Council commends the excellent work already being done by Council officers on the climate emergency and biodiversity crisis but recognises the need for a rights based approach to nature.

Council will, over the next 6 months, collaborate with civic society (including The Gathering, Friends of the Earth Northern Ireland and trade unions) to explore what rights of nature mean for the people and economies of the region and to investigate how Rights of Nature could be expressed in community plans, corporate plans, improvement objectives and other strategic frameworks. In particular, the Council will in the next 6 months hold two community workshops and work with the local community and stakeholders including DAERA, NFU, UFU, IFA and any local farming groups to draw up a Declaration for the Rights of Nature for the Council area to be brought back before Council for adoption.

Derry

C/o Council Offices
98 Strand Road
Derry
BT48 7NN

Strabane

C/o Council Offices
47 Derry Road
Strabane
BT62 8DY

John Kelpie MEng., CEng., MStructE., MIEI

Chief Executive
Derry City and Strabane District Council

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f Derry City & Strabane District Council
@dcscouncil

Council asks for a report to come to Council on embedding 'Rights of Nature' as a keystone concept into Council's operational practices, planning processes and long term decision making.

Council notes our position as a border region and our mutual environmental obligations under the Espoo Convention and so invites Donegal County Council, in addition to all Councils in the North to also explore 'Rights of Nature' for their Council areas.

I would appreciate your consideration in this important matter would be grateful for a response in relation thereto.

Yours sincerely



John Kelpie
Chief Executive

- ① S Taggart - FYA.
- ② Post Room - FYI.

From the Office of the Minister
Gordon Lyons MLA



Ms Marie Ward
Chief Executive
Newry Mourne and Down District Council
Email: council@nmandd.org

Netherleigh
Massey Avenue
Belfast BT4 2JP
02890 529250
email: private.office@economy-ni.gov.uk

Our Ref: CORR-0593-2021
Your Ref: C/081/2021

27 July 2021

Dear Marie

Notice of Motion – Covid Disruption Payment

Thank you for your correspondence of 15 April 2021 requesting that the Covid Disruption Payment be extended to further education students, part-time students and NI students studying elsewhere.

First of all let me apologise for the delay in responding. Departmental officials have had to take legal advice on the issue, and I am only now in a position to respond.

Further Education (FE) students

While I have given due consideration to extending the Covid Disruption Payment Scheme to include FE students, part-time students and NI students studying elsewhere, I am content that the policy decision regarding these students remains appropriate.

FE students are ineligible for the Covid Disruption payment because, on the whole, FE students are less likely to be paying accommodation costs/tuition fees and other expenses that HE students face. Moreover, my Department has provided £29.5m financial support in 2020/21 to FE students and colleges. A comprehensive review of the collective package of FE Student Support is currently underway, and my Department will continue to keep FE student support arrangements under review in response to evolving needs.

Part-Time student

As with FE students, part-time HE students were not eligible for the payment for policy reasons. On the whole, part-time students are more likely to be in employment than full-time students, and this group of students includes many on part-time Masters, Higher Level Apprenticeships and other schemes which are supported through the Department. Part-time students are also less likely to have a different term-time address, along with the associated additional living costs of that. While there will always be exceptions to these rules, any uniform payment would be unable to be targeted at those who are genuinely in need, or to consider the nuances of the range of part-time provision available. Any expansion of the scheme for part-time students

would also have significant implications around tax and benefits, which would in turn add to an already difficult and complex scheme to administer.

NI Students studying elsewhere

NI students studying elsewhere in the UK and the Republic of Ireland (RoI) were not eligible for the payment for both policy and operational/legislative reasons, as it was not feasible to make the necessary arrangements for the payment to be made within the timescale. The Department does not currently have the legal *vires* to make a Covid Disruption Payment through public bodies outside of Northern Ireland, such as a GB or RoI university or the Student Loans Company (SLC), and nor was there sufficient time to bring about the necessary legislative changes to do so, before the end of the 2020/21 financial year when payments would have had to be issued to institutions.

Each UK jurisdiction is responsible for the universities, quality of teaching provision, and student experience provided to students by those universities within each respective jurisdictions. DfE is responsible for these matters in respect of students studying at NI Higher Education Institutions (HEIs), and those students undertaking an 'HE in FE' course at NI FE Colleges. It has no role in regard to these matters in other jurisdictions.

Each UK jurisdiction responded to the impact of Covid 19 in regard to hardship experienced by students studying in that jurisdiction, by introducing support measures deemed appropriate within the relative jurisdiction. Were DfE to step into the shoes of the other jurisdictions who have already provided support which they deemed appropriate to address hardship issues being experienced by students in these other jurisdictions, then this would set a precedent that would effectively suggest that DfE has a role and indeed some form of regulatory/oversight powers in each of the areas of quality of teaching provision, student hardship, and student experience in these other jurisdictions. On this basis, it is deemed that there is no sustainable policy rationale for DfE to attempt to intervene in regard to what are areas that are clearly the responsibility of each of England, Scotland, Wales, and the Republic of Ireland respectively.

That said, my Department nevertheless investigated the potential means by which such a payment could be taken forward. The Department could potentially create a permissive power for the Department by means of primary legislation, which would allow payments to be made to HE institutions in GB and RoI for onwards transmission to their NI-domiciled students. Such a power could not compel HEIs outside NI to provide a payment to NI-domiciled students studying at their institution, and therefore the agreement of all institutions would be required in the exercise of a power 'allowing' such payments to be made.

However, our legal advice cautions the Department on legislating for a new grant-making power for students which would trespass on existing grant-making powers under the Student Support legislation, especially in such circumstances where this new power would be intended for use on a one-off basis. Furthermore, Legislative Programme Secretariat advises that, when considering primary legislation, Departments should be convinced that this is the best or only way of meeting the desired policy objective. It is likely therefore that any efforts to achieve the proposed outcome by means of an amendment to primary legislation may not be readily

accepted by those involved in the legislative process and preparation of draft legislation, in particular where there may be alternative vehicles for achieving the objective without resorting to this process. Additionally, there are significant concerns about the capacity of the Assembly to take forward any new further primary legislation in its current mandate.

In terms of secondary legislation, the Department could amend the Education (Students Support) (No2) Regulations (NI) 2009 to make provision empowering the Department to pay one-off grants to eligible students either via the Student Loans Company (SLC) or via direct application by the student to the Department (i.e. not using SLC or the institution as an intermediary). Alternatively, the Department could make separate, standalone Regulations under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 for either of these scenarios (i.e. payment via SLC or via the Department).

A further alternative would be for the Department to make Regulations under existing powers in the Financial Assistance Act (NI) 2009 to design and implement a financial assistance Scheme which would allow the Department to pay these one-off payments to eligible students. Again, the Regulations would require that NI-domiciled students make applications directly to the Department including proof of eligibility, payment details etc. Such a Scheme would require the drafting of detailed secondary legislation, and the costs and operational impact of implementing the Scheme would require scoping. Data Protection requirements would need to be adhered to for such an approach, as the Department would be the data controller of personal information relating to the applicant students.

As set out above, primary legislation is required to allow the Department to make a Covid Disruption Payment to public bodies outside of Northern Ireland. For the reasons highlighted above, this option is not viable. Furthermore, the Department would need to convince all universities in the rest of the UK and RoI to undertake the processing of this payment on our behalf, when we have no jurisdiction to do so. Each of these universities would need to be willing to direct resources to this matter to make such payments on the Department's behalf, as well as agreeing to the necessary access by the Department and NI Audit Office to undertake audit checks around such payments as required. This is at a time when universities are still facing Covid issues within the current Academic Year and are heavily committed resource-wise in terms of planning for the next academic year. Additionally the Department would effectively be at the mercy of each institution in terms of how much funding they demanded to be charged for administering such an approach. The resource commitment from the Department to undertake such engagement would be extremely heavy, and it is highly unlikely that all GB/ROI universities would be in a position to agree.

Given the slim chances and practical/resource and value for money issues in convincing all of the universities in the other jurisdictions to make payments on our behalf, we would instead need the SLC to issue payments. However, there are significant difficulties with the SLC taking on additional work, without sufficient lead-in time. The SLC capacity issue is one which extends into 2021/22 and beyond, as their work is planned a number of years in advance and, accordingly, their capacity is severely limited to take on any additional unplanned work.

However, the above two operational points are further compounded by the need to make the legislative changes to allow for payments, and the need for additional funding in relation to such payments, were it decided to be sensible to do so from a policy perspective.

One of the secondary legislation options, as indicated, would see the Department introducing secondary legislation to allow for the SLC to make the Covid Disruption Payment on our behalf. This approach would be somewhat less resource-intensive than seeking to amend primary legislation to allow for universities in other jurisdictions to take forward the payment on our behalf. However, it would nevertheless place additional pressure on officials who already have limited capacity to meet the demands of their current workloads and human resource with legislative background would need to be transferred from other Departments to deliver this. However, the key point here is that such enabling legislation would be entirely moot, as the SLC has already been very explicit in that it simply does not have the capacity to undertake this work for us.

Another option would be for the Department to introduce secondary legislation, either under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 or, more detailed, under existing powers in the Financial Assistance Act (NI) 2009 to allow the Department to operate the payments itself. Operation of the payments by the Department raises insurmountable operational challenges regarding resources and capacity, both in relation to staffing and requisite skills. At a time when the Department is already operating with 25% vacancies, it is simply not viable to dedicate the huge cohort of staff to deliver such a function, while simultaneously ensuring that this cohort of staff has the relevant audit expertise to ensure the appropriate processing of these payments. There are also additional operational issues in that, in order to process any applications, the Department would require access to a range of information for verification and audit purposes, and we simply do not have access to that information.

Yours sincerely,



GORDON LYONS MLA
Minister for the Economy