

NEWRY MOURNE AND DOWN DISTRICT COUNCIL

Minutes of Strategy Policy & Resources Committee Meeting held on Thursday 17 September 2020 at 6.00pm via Microsoft Teams & Downshire Civic Centre (hybrid)

In the Chair: Councillor G Sharvin

In Attendance:

Councillor P Brown	Councillor P Byrne
Councillor S Doran	Councillor C Enright
Councillor O Hanlon	Councillor R Howell
Councillor A Lewis	Councillor O Magennis
Councillor D Murphy	Councillor B Ó Muirí
Councillor M Savage	Councillor W Walker

Also in attendance:

Councillor T Andrews	Councillor H Reilly
Councillor G Stokes	Councillor J Trainor

Officials in Attendance:

Mrs M Ward, Chief Executive
Mrs D Carville, Director of Corporate Services
Mr M Lipsett, Director of Active & Healthy Communities
Mrs C Miskelly, Assistant Director Corporate Services, HR & Safeguarding
Mrs A Robb, Assistant Director Corporate Services (Administration)
Mr A Patterson, Assistant Director Tourism, Culture & Events
Mrs L Fitzsimmons, HR Manager
Mrs E McGrath, HR Business Partner
Mr F O'Connor, Legal Advisor
Mrs C Hanvey, PA to Director of Corporate Services
Ms L O'Hare, Democratic Services Officer
Mrs D Starkey, Democratic Services Officer
Mrs C McAteer, Democratic Services Officer

Also in Attendance:

Mr T Morrison, Otium Leisure Consultancy
Ms A Keenan, Otium Leisure Consultancy

SPR/121/2020: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillors Gallagher & McKee.

SPR/122/2020: DECLARATIONS OF INTEREST

The Chief Executive and Councillor Byrne declared an interest in item 20 – The Chief Executive Appraisal 2019-2020

The Chairperson wished both Kilcoo GAC and Carryduff GAC good luck for the upcoming Senior football championship, in particular, DJ Morgan, Council's Outdoor Leisure Officer, who managed the Carryduff team. He also wished the best of luck to Saul GAC and Drumgath GAC playing in the Intermediate Championship along with Aughlisnafin GAC and St Paul's GAC who were playing the Junior Football Championship match.

SPR/123/2020: ACTION SHEET ARISING FROM STRATEGY, POLICY AND RESOURCES COMMITTEE MEETINGS HELD ON THURSDAY 13 AUGUST 2020 AND TUESDAY 18 AUGUST 2020

Read: Action Sheets of the Strategy, Policy and Resources Committee Meetings held on 13 August 2020 and 18 August 2020. **(Copy circulated)**

Agreed: **On the proposal of Councillor Ó Muirí, seconded by Councillor Byrne, it was agreed that the action sheets from the Strategy, Policy and Resources Committee Meetings held on 13 August 2020 and 18 August 2020, be noted, and actions removed as marked.**

CORPORATE SERVICES

SPR/124/2020 ALBERT BASIN - PRESENTATION

Read: Report dated 17 September 2020 from Mr M Lipsett, Director of Active and Healthy Communities, regarding Albert Basin, Public Consultation Update and presentation from from Otium Leisure Consultancy in relation to Albert Basin 15 Acre City Park Public Consultation Exercise **(Copy circulated)**

The Chairperson welcomed Mr Tony Morrison and Ms Alison Keenan from Otium Leisure Consultancy and invited them to make their presentation.

Mr Morrison thanked Members for the opportunity to deliver the presentation on the Albert Basin highlighting that it covered the terms of reference for the consultation, the public consultation process and findings, key components, opportunities, considerations and challenges (copy of presentation appended to these minutes).

Following the presentation, the Chairperson invited questions and comments from the members as follows:

- Members welcomed the detailed report and thanked the team from Otium Leisure Consultancy for an excellent piece of work.
- The project was an ever-evolving public space for the public to enjoy and a pivotal moment in the campaign to develop the 15-acre park.
- Council had passed a motion to deliver a park at the Albert Basin within this Council term.
- Acknowledgement of community groups that have fed into the process.
- This would be a flagship project for Newry city.
- The National Shared Prosperity Fund was looking for spade-ready schemes, and the Albert Basin Project may be eligible for the fund.
- Councillor Reilly put on record his thanks to Councillor Savage and Stokes on a tremendous job for pushing this forward and getting the project this far.

Councillor Savage proposed an amendment to the officer's recommendation, that Council move to the appointment of a project board so that it was in situ when the appointed design team commenced. He proposed the project board set out a phased approach to the project with phase one to be delivered with the capping and greening of the site, installation of a regional playpark and a pathway link to the Greenway, within the current Council term. This was seconded by Councillor Murphy.

Agreed: **On the proposal of Councillor Savage, seconded by Councillor Murphy, it was agreed that members approve the following recommendations:**

- Accept the public consultation as a basis for the development of a City Park at the Albert Basin in Newry.
- Appoint a fully integrated design team to provide initial concept proposals with schematics of the park and detailed final designs.
- Appoint a project board to be in place when the appointed design team commences.
- The project board to set out a phased approach to the project with phase one being delivered within the current Council term with the capping and greening of the site, installation of a regional playpark and a pathway link to the Greenway, within the current Council term.
- Appoint an economist to carry out an initial business case and full economic appraisal.

CORPORATE SERVICES

SPR/125/2020

ASSESSMENT OF PERFORMANCE 2019-20

Read: Report dated 17 September 2020 from Mrs D Carville, Director of Corporate Services, regarding Assessment of Performance 2019-20 **(Copy circulated)**

Councillor Byrne commended officers for the report stating the document was a great tool to reflect on some of the successes of Council. He highlighted that recycling and street cleanliness required more focus in the coming years especially with the planned changes to the Neighbourhood Services directorate.

Agreed: It was agreed on the proposal of Councillor Byrne, seconded by Councillor Doran, that Members approve:

- The Assessment of Performance 2019-20.
- The publication of the Assessment of Performance by 30 September 2020, before full Council ratification, in order to meet the statutory deadline.
- That the publication of 'Our Performance Looking Back Going Forward' is delayed and incorporates the strategic objectives within the Corporate Plan 2020-23.
- Members approve the draft Disability Action Plan 2020-2023 & draft Equality Action Plan 2020-2023.

SPR/126/2020:

PERFORMANCE AUDIT AND ASSESSMENT PROGRESS REPORT – IMPLEMENTATION OF THE 'PROPOSALS FOR IMPROVEMENT' 2019-20

Read: Report dated 17 September 2020 from Mrs D Carville, Director of Corporate Services regarding, Performance Audit and Assessments Progress Report – Implementation of the 'Proposals for Improvement' 2019-20 **(Copy circulated)**

Agreed: It was agreed on the proposal of Councillor Ó Muirí, seconded by Councillor Savage, that Members approve the Performance Audit and Assessments Progress Report – Implementation of the 'Proposals for Improvement' 2019-20.

SPR/127/2020:

ASSESSMENT AND UPDATE OF EMERGENCY BUSINESS PLANS

Read: Report dated 17 September 2020 from Mrs M Ward, Chief Executive and Mrs D Carville, Director of Corporate Services regarding, Assessment and Update of Emergency Business Plans **(Copy circulated)**

Councillor Byrne stated that some activities that had been postponed or delayed due to Covid needed advancement over the next 6 months. He advised the Climate Change and Sustainability Working Group had recently met and momentum was needed to build actions into the Community Plan.

Councillor Byrne praised the establishment of the Strategic Finance Working Group stating that the first meeting was very productive. He asked that online tools be used for capacity building training and commended the excellent work of officers during lockdown.

Agreed: It was agreed on the proposal of Councillor Byrne, seconded by Councillor Savage, to approve the:

- Mid Term Assessments of the Chief Executive's Department and Corporate Services Directorate Emergency Business Plans
- Assessment of Emergency Business Plans April-September 2020 (in October)
- Development of Emergency Business Plans October 2020-March 2021 (in October 2020)
- Annual assessment of Directorate Business Plans 2019-20 (in October 2020)
- Assessment of Emergency Business Plans October 2020-March 2021 (in March 2021)
- Business Planning and Performance Management Cycle to consider & approve the new Conditions of Hire Policy for implementation across all Council Facilities as relevant.

SPR/128/2020: CONSULTATION ON THE CODE OF CONDUCT FOR LOCAL GOVERNMENT EMPLOYEES

Read: Report dated 17 September 2020 from Mrs C Miskelly, Assistant Director of Corporate Services regarding, Consultation on the Code of Conduct for Local Government Employees **(Copy circulated)**

Mrs Miskelly confirmed a meeting had been arranged for Monday 28 September 2020 with Local Government Staff Commission and the National Association Councillors and the matter would be progressed.

Agreed: It was agreed on the proposal of Councillor Ó Muirí, seconded by Councillor Byrne, that Members agree to the revised Consultation Response Questionnaire at Appendix 1.

CORPORATE PLANNING AND POLICY

SPR/129/2020 PRESENTATION OF 2021 ANNUAL REPORT/NMD CONNECT

Read: Report dated 17 September 2020 from Mrs R Mackin, Assistant Director Corporate Planning & Policy regarding, Presentation of 2021 Annual Report/NMD Connect **(Copy circulated)**

In response to a query, Mrs Carville confirmed there was funding available in the budget to continue to circulate NMD Connect to schools and acknowledged officers would engage with schools early in the new year as to their acceptance of print media in the wake of Coronavirus regulations permitting at that time.

Agreed: It was agreed on the proposal of Councillor Ó Muirí, seconded by Councillor Magennis, that Council continue to publish the Annual Report/NMD Connect as one document, with versions in Irish and English published on the website and supported by a limited print run. This strategy had the advantage of ensuring the widest distribution across the District as well as ensuring value for money. The strategy would be supported by a marketing campaign.

DEMOCRATIC SERVICES

SPR/130/2020

MEMBERSHIP OF PARTY REPRESENTATIVE'S FORUM

Read: Report dated 17 September 2020 from Mrs M Ward, Chief Executive regarding, Membership of Party Representatives Forum **(Copy circulated)**

Councillor Brown proposed the inclusion of the technical grouping with Councillor Tinnelly as group leader on the Party Representative's Forum, providing the group membership remained at 5 members as outlined within the circulated appendix document. This was seconded by Councillor Enright.

Councillor Brown stated over 10% of elected members had been excluded from an 'agenda-setting body' that discussed vitally important matters which was a huge democratic deficit. He also confirmed legal advice would be sought as a grouping, depending on the outcome of the report and asked for clarification as to why there had been no 'Equality Impact Assessment' noted as being carried out on the report.

Mrs Ward stated that the Equality Impact Assessment omission on the report was an administrative oversight. She stated however that legal advice had been sought and she was content that equality was not an issue.

Councillor Brown requested sight of the legal opinion before a decision was made.

Mrs Ward confirmed, in order to discuss the legal opinion, the Committee would need to go into closed session.

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

Agreed: On the proposal of Councillor Brown, seconded by Councillor Enright, 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. 3 of Part 1 of Schedule 6 of the Local Government (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 this item of business.

Agreed:

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

Following the overview of the legal advice provided by the Chief Executive, Members discussed the matter at length with the following comments:

Councillor Walker confirmed DUP were against the proposal, as it was not inclusive of all Independent Members. He stated the Party Reps Forum was not a decision-making body, with discussions on matters being presented to full Council or the relevant Committee which was the mechanism for Independent Members/Alliance to challenge same.

Councillor Lewis stated he would accept the Alliance Party becoming members on the forum, however not as part of a technical grouping.

Councillor Byrne confirmed the SDLP could not support the terms of reference that had been circulated, particularly the wording 'other relevant positions' as this could mean the technical grouping would then be above both Unionist Parties in importance. He stated the terms of reference did not make sense compared to the previous set that had been used in the past and as it stood, the technical grouping could reduce to 1 Member and stay as a grouping, therefore his Party would not be supporting the proposal.

Councillor Ó Muirí stated the grouping made up of independents, all elected on their own mandate, with diverse Political opinions, along with the Alliance Party did not meet the criteria set and therefore Sinn Féin would not be supporting Councillor Brown's proposal. He stated Sinn Féin would be content to welcome the Alliance Party if they had a third Councillor to meet the criteria.

Councillor Enright spoke in support of the proposal stating the Committee for the Administration of Justice had been consulted, who were of the opinion not having an Equality Impact Assessment on discontinuing the original terms of reference for Independents and Alliance warranted a potential Judicial Review. He stated the terms of reference had previously been used, worked well, and the previous Chief Executive had advised that all Independent Councillors should be given the right to be a member in order to avoid the possibility of having more than one group formed.

The Chairperson put Councillor Brown's proposal to include a technical grouping with Councillor Tinnelly as group leader on the Party Representative's Forum, providing the group membership remained at 5 members, to a recorded vote (copy of which is appended to these minutes), the results of which were as follows:

FOR:	2
AGAINST:	11
ABSTENTIONS	0

The proposal was LOST

Councillor Brown proposed that the 2 Alliance party members become Members of the Party Rep's Forum. This was seconded by Councillor Enright.

Councillor Byrne suggested that Alliance and Independent members should reconvene and bring a report back when they had agreement and meet the set criteria for membership of the Forum. Councillor Savage concurred with this viewpoint.

Councillor Ó Muirí, for the benefit of Councillor Brown, explained he had stated he would welcome Alliance Members onto the Party Reps Forum if they had a third Councillor, as per the set criteria.

Mrs Ward clarified that the proposal being put forward would require an amendment to the terms of reference that currently exist as it stated a grouping of 3 or more. She suggested Councillor Brown may wish to consider further and bring a paper to the next SPR Committee Meeting.

Councillor Brown confirmed he would rather put the matter to a vote at this stage, and if the proposal was passed, the terms of reference would need to be amended.

The Chairperson put Councillor Brown's proposal, that the 2 Alliance Party Members become Members of the Party Reps Forum, to a recorded vote (copy of which is appended to these minutes), the results of which were as follows:

FOR:	3
AGAINST:	10
ABSTENTIONS	0

The proposal was LOST

Agreed: **It was agreed to retain the current membership of the Party Reps Forum.**

FOR NOTING

SPR/131/2020 ACTION SHEET FOR ALBERT BASIN TASK AND FINISH WORKING GROUP MEETING – 20 AUGUST 2020

Read: Action Sheet for the Albert Basin Task and Finish Working Group Meeting held on 20 August 2020. **(Copy circulated)**

Agreed: **It was agreed to note the content of the report.**

SPR/132/2020 ACTION SHEET FOR STRATEGIC FINANCE WORKING GROUP – 10 SEPTEMBER 2020

Read: Action Sheet of the Strategic Finance Working Group Meeting held on 10 September 2020. **(Copy circulated)**

Agreed: **It was agreed to note the content of the report.**

SPR/133/2020 SICKNESS ABSENCE – 3 YEAR REVIEW

Read: Report dated 17 September 2020 from Mrs L Fitzsimons, HR Manager regarding, Sickness Absence – 3 Year Review **(Copy circulated)**

Agreed: **It was agreed to note the content of the report.**

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

Agreed: On the proposal of Councillor Byrne, seconded by Councillor Ó Muirí, it was agreed to exclude the public and press from the meeting during discussion on the next matters which related to exempt information by virtue of para. 3 of Part 1 of Schedule 6 of the Local Government (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 this item of business.

SPR/134/2020 DIRECTOR RECRUITMENT

Read: Report dated 17 September 2020 from Mrs M Ward, Chief Executive regarding, Director Recruitment **(Copy circulated)**

Agreed: On the proposal of Councillor Howell, seconded by Councillor Brown, it was agreed the Committee come out of closed session.

Agreed: On the proposal of Councillor Ó Muirí, seconded by Councillor Byrne, it was agreed that Elected Members note the contents of the report and agree to nominate 3 Elected Members to the Shortlisting and Interview Panel for the recruitment of two new Directors.

That Members note it is the intention to put in place interim arrangements, to facilitate the release of the incumbent Neighbourhood Services Director.

Mrs Ward left the meeting at this point – 7.30pm.

SPR/135/2020 ENCROACHMENT ON COUNCIL LANDS AT CIRCULAR ROAD, CASTLEWELLAN

Read: Report dated 17 September 2020 from Mr F O'Connor, Head of Legal & Administration (Acting) regarding, Encroachment on Council lands at Circular Road, Castlewellan **(Copy circulated)**

Agreed: On the proposal of Councillor Howell, seconded by Councillor Brown, it was agreed the Committee come out of closed session.

Agreed: On the proposal of Councillor Howell, seconded by Councillor Murphy, to approve the following recommendations:

- i) That Elected Members approve a transfer of the lands shaded yellow on the map attached hereto to Mr and Mrs McCartan at the market value of five hundred pounds (£500.00) with the occupiers being responsible also for any legal and valuation costs.

- ii) That no further action be pursued to obtain possession of the lands shaded pink on the map attached hereto.
- iii) That Council's internal legal team recommend to the owner of no. 40 that her ownership of the area shaded pink be regularised, and that approval be given to a formal transfer of the area to her at no cost.

SPR/136/2020: LANDS AT WINDMILL BUSINESS PARK, SAINTFIELD – (DEFERRED)

Agreed: It was agreed that this item be deferred.

SPR/137/2020 SHIMNA ROAD FLOOD ALLEVIATION SCHEME

Read: Report dated 17 September 2020 Mr F O'Connor, Head of Legal & Administration (Acting), regarding Shimna Road Flood Alleviation Scheme
(Copy circulated)

Councillor Hanlon wished to put on record, on behalf of Councillor Clarke, thanks to officials in relation to the quick response regarding the Hardship Funding, and to staff on site for their assistance during the recent flooding in Newcastle.

Agreed: On the proposal of Councillor Howell, seconded by Councillor Brown, it was agreed the Committee come out of closed session.

Agreed: On the proposal of Councillor Howell, seconded by Councillor Murphy, it was agreed that Council facilitate access as per the proposed agreement to allow DFI to undertake the flood alleviation works.

SPR/138/2020 TOURISM SERVICE LEVEL AGREEMENTS

Read: Report dated 17 September 2020 from Mr A Patterson, Assistant Director Tourism, Culture & Events regarding, Tourism Service Level Agreements
(Copy circulated)

Agreed: On the proposal of Councillor Howell, seconded by Councillor Brown, it was agreed the Committee come out of closed session.

Agreed: On the proposal of Councillor Sharvin, seconded by Councillor Hanlon, it was agreed to approve the following recommendations:

1. Service Level Agreements that were approved in March 2020 with Mourne Heritage Trust, St Patrick's Visitor Centre and Outdoor Recreation NI for the delivery of projects and services within the 2020/21FY, are continued with Council funding continued as planned.
2. Service Level Agreements with Downpatrick Railway Society and Kilkeel Development Association receive no further payments at this time and officers continue to

work with both groups to identify opportunities to deliver against objectives and therefore avail of funding.

SPR/139/2020 REOPENING MUSEUMS

Read: Report dated 17 September 2020 from Mr A Patterson, Assistant Director Tourism, Culture & Events regarding, Reopening Museums **(Copy circulated)**

Agreed: On the proposal of Councillor Howell, seconded by Councillor Brown, it was agreed the Committee come out of closed session.

Agreed: On the proposal of Councillor Hanlon, seconded by Councillor Sharvin, it was agreed to approve the reopening of the Council's two museums, in compliance with current Government guidelines, in a phased manner commencing in October 2020.

FOR NOTING

SPR/140/2020 CHIEF EXECUTIVES APPRAISAL 2019-2020

Read: Report dated 17 September 2020 from Mrs C Miskelly, Assistant Director of Corporate Services regarding, Chief Executives Appraisal 2019 - 2020 **(Copy circulated)**

Agreed: On the proposal of Councillor Howell, seconded by Councillor Brown, it was agreed the Committee come out of closed session.

Agreed: It was agreed to note the contents of the officer's report.

SPR/141/2020 REFERS TO ITEM 4 ON THE AGENDA – DULY NOTED

There being no further business, the Meeting concluded at 8.27pm.

Signed: Councillor Gareth Sharvin
Chairperson

Signed: Dorinnia Carville
Director of Corporate Services

NEWRY, MOURNE & DOWN DISTRICT COUNCIL
RECORDED VOTE

DATE: 17/09/2020 **VENUE:** Microsoft Teams – Hybrid **MEETING:** SPR Committee

SUBJECT OF VOTE: Councillor Brown's proposal to include a technical grouping with Councillor Tinnelly as group leader on the Party Representative's Forum, providing the group membership remained at 5 members

COUNCILLOR	FOR	AGAINST	ABSTAIN	ABSENT
P Brown	X			
P Byrne		X		
S Doran		X		
C Enright	X			
H Gallagher				X
O Hanlon		X		
R Howell		X		
A Lewis		X		
H McKee				X
O Magennis		X		
D Murphy		X		
B Ó Muíri		X		
M Savage		X		
G Sharvin		X		
W Walker		X		
TOTALS	2	11	0	2

NEWRY, MOURNE & DOWN DISTRICT COUNCIL
RECORDED VOTE

DATE: 17/09/2020 **VENUE:** Microsoft Teams – Hybrid **MEETING:** SPR Committee

SUBJECT OF VOTE: Councillor Brown's proposal that 2 Alliance Party Members become Members of the Party Reps Forum

COUNCILLOR	FOR	AGAINST	ABSTAIN	ABSENT
P Brown	X			
P Byrne		X		
S Doran		X		
C Enright	X			
H Gallagher				X
O Hanlon		X		
R Howell		X		
A Lewis	X			
H McKee				X
O Magennis		X		
D Murphy		X		
B Ó Muíri		X		
M Savage		X		
G Sharvin		X		
W Walker		X		
TOTALS	3	10	0	2