

FERMANAGH AND OMAGH DISTRICT COUNCIL

Minutes of Meeting of:	Policy & Resources Committee
Date and Time:	<u>Wednesday 15 April 2015 at 7.06 pm</u>
Location:	Council Chamber, The Grange, Omagh
Chairman:	Councillor Frankie Donnelly
Present:	Councillors: Alex Baird; Rosemary Barton; Mark Buchanan; Glenn Campbell; Debbie Coyle; Josephine Deehan; Barry Doherty; Joanne Donnelly; Sean Donnelly; Keith Elliott; Raymond Farrell; Anthony Feely; Anne Marie Fitzgerald; Mary Garrity; Tommy Maguire; David Mahon; SORCHA McAnespy; Brian McCaffrey; Marty McColgan; Barry McNally; Richie McPhillips; Thomas O'Reilly; Allan Rainey MBE; Paul Robinson; Patricia Rogers; Rosemarie Shields; Chris Smyth; Bernice Swift; Errol Thompson; Howard Thornton; Victor Warrington
In Attendance:	Chief Executive; Director of Community, Health and Leisure; Director of Corporate Services and Governance; Director of Environment and Place; Head of Finance; Head of Human Resources and Organisation Design; Head of Community Planning; Head of Policy and Strategic Services; Senior Democratic Services Officer; PA to Director of Corporate Services and Governance
Apologies:	Councillors: John Coyle; Brendan Gallagher; Robert Irvine; Stephen McCann; Bert Wilson

1. Terms of Reference for the Policy & Resources Committee

NOTED: that Paper A had been issued with the agenda.

The Chief Executive advised that the Terms of Reference contained details of the matters which would be referred to the Policy & Resources Committee in line with the Committee's role and remit.

RECOMMENDED:

On the proposal of Councillor Thompson, seconded by Councillor Thornton, that the draft Terms of Reference for the Policy & Resources Committee are agreed.

2. Declarations of Interest

Declarations of Interest were conveyed by members as follows:

- (i) Item 4.3 - NILGA – Councillors Baird, McCaffrey, McNally, Robinson and Shields.
- (ii) Item 6.1 – Cemeteries Convergence - Councillors Elliott and Mahon.
- (iii) Item 8(c) – Drainage Council for Northern Ireland – Councillor Swift.
- (iv) Item 12 – Confidential Staff Matters – Councillor Smyth and the Chief Executive.
- (v) Additional Item – Castle Archdale Project Border Uplands Project – Councillors Baird, F Donnelly, A Feely, Mahon, Robinson and Shields.

NOTED.

3. Corporate Services and Governance Directorate Reports

3.1 Management Accounts: Period Ended 31 March 2015

NOTED: that Paper B had been issued with the agenda.

The Head of Finance outlined figures for expenditure incurred, income and net expenditure against the available budget for the period up to 31 March 2015 and advised that details of the breakdown were outlined in Appendix 1.

RECOMMENDED:

On the proposal of Councillor Deehan, seconded by Councillor Mahon, that the Management Accounts for the period ended 31 March 2015 are approved.

Councillor Farrell left and re-entered during consideration of the above report.

3.2 Financial Reporting Procedures

NOTED: that Paper C had been issued with the agenda.

In outlining the proposed financial reporting procedures to be implemented by the Council to ensure compliance with legislation and policies as set out in section 1.1 of the report, the Head of Finance advised that the financial statements for the legacy Councils, the Shadow Council and the Statutory Transition Committee would be presented to the Policy & Resources Committee on 10 June 2015.

RECOMMENDED:

On the proposal of Councillor Rainey, seconded by Councillor Robinson, that the financial reporting procedures are approved.

3.3 NILGA Annual Subscription 2015-16

NOTED: that Paper D had been issued with the agenda.

In view of the expressed Declaration of Interest, Councillors Baird, McCaffrey McNally, Robinson and Shields left the meeting at this juncture. Councillor Doherty also left the meeting at this juncture.

The Head of Finance advised that an invoice had been received from NILGA in relation to the Council's annual subscription which had been calculated on a banded system for subscriptions.

RECOMMENDED:

On the proposal of Councillor Thornton, seconded by Councillor Thompson, that the subscription to NILGA of £42,750 is approved and paid to NILGA by 31 May 2015.

Councillors Baird, McNally, Robinson and Shields re-entered the meeting at this juncture.

3.4 Central Government Funding Cuts

NOTED: that Paper E had been issued with the agenda.

The Head of Finance advised that the estimates process had taken into account projected cuts to some central government budget allocations to the Council. The purpose of the report was to inform members of allocations of certain grants that had been confirmed. Subsequent to the issue of the report further notification had been received from DSD advising that due to a miscalculation by the Department in the Community Support Programme grant allocation a revised Letter of Offer in the sum of £198,075 had been issued to the Council. She also advised that no emergency planning grant had been allocated to the Council. The Head of Finance advised that collectively this was a reduction of £63,063 on the figures included in the estimates.

Councillors Doherty and McCaffrey re-entered the meeting during consideration of the above report.

The Chief Executive then provided an update regarding emergency planning referring to the review of ongoing civil contingency arrangements across the 11 councils, an independent review of local government's role and the representations made by the Local Government Chief Executives Group to OFMDFM regarding the requirement for central government funding to be provided to support an increased role for local government and civil contingency arrangements.

In response to a member's comments regarding the reduction in central government funding, the Chief Executive advised that the matter could be raised by the Council's Partnership Panel representative at the next meeting of the Panel and highlighted the need to align central and local government budgeting timelines to prevent this situation arising in the future.

Councillor Farrell left the meeting at this juncture.

RECOMMENDED:

On the proposal of Councillor Swift, seconded by Councillor McColgan, that representations are made to DSD regarding the unacceptable cuts to Fermanagh and Omagh District Council's grant allocation for the Community Support Programme.

RECOMMENDED:

On the proposal of Councillor Swift, seconded by Councillor Robinson:

- (i) That the cuts outlined are noted in conjunction with the above recommendation;**
- (ii) That officers carry out a review of associated costs within the community support programme and related service areas with a view to identifying any potential savings in associated budgets; and**
- (iii) That the loss of funding for emergency planning purposes is met from general funds.**

3.5 Revision to Fraud & Corruption Policy

NOTED: that Paper F had been issued with the agenda.

The Director of Corporate Services and Governance advised that a minor revision had been made to the above policy in order to take account of the Fraud Act 2006. She reaffirmed the Council's position in relation to a zero tolerance to fraud, bribery and corruption and of how fraud referred to the intention as well as the occurrence.

Councillor Robinson left the meeting during presentation of the above report.

RECOMMENDED:

On the proposal of Councillor Thornton, seconded by Councillor Thompson, that the revision to the Fraud & Corruption Policy is approved.

3.5.1 Whistleblowing Policy

The Director of Corporate Services and Governance advised that correspondence had been received from NILGA regarding the Department of Employment and Learning's consultation on a proposal to have an annual reporting requirement in respect of how Public Interest Disclosures are handled.

RECOMMENDED:

On the proposal of Councillor Rainey, seconded by Councillor McCaffrey, that officers submit a response to the Department of Employment and Learning in relation to the above matter before the deadline of 4 May 2015.

Councillors Farrell and Robinson re-entered the meeting at this juncture.

3.6 Options Appraisal Policy

NOTED: that Paper G had been issued with the agenda.

In providing a synopsis of the above report, the Director of Corporate Services and Governance outlined the procedures associated with the various levels of project expenditure and explained that the appraisals would be required to determine whether projects are to be pursued irrespective of being included in the Capital Plan and Estimates. She further added that a report would be brought back following the award of a project tender.

RECOMMENDED:

On the proposal of Councillor Doherty, seconded by Councillor McColgan, that the Options Appraisal Policy is approved.

3.7 Addendum to Guidance on Councillor Allowances

NOTED: that Paper H had been issued with the agenda.

The Director of Corporate Services and Governance provided an update on guidance on councillors' allowances received from the Department of the Environment. She explained that clarification regarding the term 'immediate family member' was outlined in the report and that the taxation of councillors' travel and expenses remained the default position, unless a councillor submitted an independent case which clearly defined their home as a place of work, until such times as the relevant Bill was presented to the Treasury to amend this position.

RECOMMENDED:

On the proposal of Councillor McPhillips, seconded by Councillor Deehan, that the definition of an immediate family member is added to para 1.4 (6) of the Scheme of Allowances which was previously approved by the Policy and Resources Committee on 18 March 2015.

3.8 Co-operation Agreement for Legal Services

NOTED: that Paper I had been issued with the agenda.

In providing a synopsis of the above report, the Director of Corporate Services and Governance set out the proposed service provision for legal services which included basing a solicitor at the offices of Fermanagh and Omagh District Council and the potential to access legal expertise from a wider team of legal advisors located throughout council areas participating in the Co-operation Agreement. She advised that the objectives of the agreement, definition of services to be provided, duration of the agreement, service provision requirements and proposed charging arrangements were outlined in Appendix I of the report.

Councillor Rogers entered the meeting at this juncture.

In response to members' queries, the Director of Corporate Services and Governance advised that there may be occasions when specialist advice was required outside that which could be provided by the team of solicitors; the budget for legal expenditure outlined did not include provision for legal expenses associated with a Judicial Review; and the services of a solicitor assigned to a council and acquired by another council would be charged at an hourly rate. The Chief Executive added that the

solicitors who provided support to the legacy councils would continue to provide legal services to those cases outstanding from the legacy councils. In response to a further query, the Director of Corporate Services and Governance undertook to review the level of indemnification provided under the Service Level Agreement.

RECOMMENDED:

On the proposal of Councillor Baird, seconded by Councillor Barton, that the Council agrees to enter into the Co-operation Agreement for an initial period of 2 years with the option to renew subject to satisfactory performance.

Councillors Doherty and Fitzgerald left and re-entered the meeting during consideration of the above matter.

3.9 Draft Fermanagh and Omagh District Council Constitution

NOTED: that Paper J has been issued with the agenda and Council Powers had been delegated to the Committee to deal with this matter.

CIRCULATED: DoE Constitution Direction setting out the range of information which must be contained within the Council's Constitution.

The Director of Corporate Services and Governance pointed out that the Council's Constitution would be available on the Council's website and at the principal offices for inspection by members of the public from 30 April 2015. She further advised that members would also be provided with a copy of the Constitution. In referring to the various sections of the draft constitution, the Director of Corporate Services and Governance advised that the Council had already approved some of the annexes and that the Protocol in relation to the Planning Committee required further updating following the March meeting of the Committee. With regards to the use of the Shadow Council Standing Orders pending the introduction of Regulations, the Director of Corporate Services and Governance outlined the minor amendments proposed in the interim. She also advised that the Financial regulations would be completed by the end of June adding that the Constitution would be subject to an ongoing review as policies were developed and approved by Council and Regulations were introduced by central government.

Councillor D Coyle entered the meeting at this juncture.

During consideration of the report, members commented on the following matters to which the Chief Executive provided clarification:

- The need to differentiate between receiving a delegation and bodies making a presentation to Council as some subjects could not be presented within the restricted timeframe of 10 minutes as outlined in Standing Orders;
- Consideration may need to be given to rescheduling the time of the Planning Committee in order to accommodate the content of the agenda as the planning workload substantially increased;
- The terminology used within the Scheme of Delegation required further clarity and in particular sections CEX 1, CXCD 1 and CXCD 5;
- The protocol to be implemented when the Council/Committee Chair is not present at the start of a meeting; and

- The protocol of submitting and receiving emergency motions.

Councillor Garrity left and Councillors Maguire, Mahon, McColgan, Rainey, Rogers and Warrington left and re-entered the meeting during the above discussions.

RESOLVED:

On the proposal of Councillor Deehan, seconded by Councillor Thornton:

- (i) That the suggested amendments to the Council's Standing Orders as outlined at para 2.4 of Paper J are approved;
- (ii) That the draft Constitution and annexes are approved; and
- (iii) That the draft Financial, Budget and Policy Framework Procedure Rules are reported to a future meeting of the Committee for approval following which the Constitution would be updated at Part 3.

RESOLVED:

On the proposal of Councillor O'Reilly, seconded by Councillor McColgan, that further consideration is given to the terminology used in Annex 4 – Scheme of Delegation at the next meeting of Group Leaders.

3.10 Proposed Tenders for Supplies & Services (Annual Tenders)

NOTED: that Paper K had been issued with the agenda.

In outlining the details of the above report, the Director of Corporate Services and Governance advised that the proposed tenders for supplies and services were listed in Appendix 1.

In response to members' queries she advised that the tenders marked with an asterix contained an element of labour and that different terms and conditions may apply as the Council employed a number of staff to carry out some plumbing/electrical/painting work therefore the tenderer would be appointed to undertake tasks in exceptional circumstances. She then provided clarification regarding the inclusion of social clauses, where possible, and that there were procedures in place which placed an onus on officers to consider how social clauses could be embedded in procurement exercises.

RECOMMENDED:

On the proposal of Councillor Robinson, seconded by Councillor Doherty, that the proposal to tender for Supplies and Services is approved and that following assessment tenders are awarded based on most economically advantageous for each item or Lot.

Councillors Campbell, Doherty and McCaffrey left and Councillors Baird and J Donnelly left and re-entered the meeting during the above discussions.

3.11 Lease Agreements

NOTED: that Paper L had been issued with the agenda.

The Director of Corporate Services and Governance outlined the details of the lease agreement associated with a catering facility at Omagh Agricultural Complex. In

response to a member's comments she undertook to review the break clauses in relation to maintenance and replacement of the equipment.

Councillor Campbell re-entered the meeting at this juncture.

RECOMMENDED:

On the proposal of Councillor Rainey, seconded by Councillor McColgan, that Fermanagh and Omagh District Council enters into a five year lease with Mrs Rankin in respect of catering accommodation at Omagh Agricultural Mart for the period 1 March 2015 – 29 February 2020 at an annual rental of £5,106.38 plus VAT, as negotiated by Land & Property Services.

Councillor Doherty re-entered and Councillor A Feely left the meeting at this juncture.

3.12 Documents Sealed during March 2015

NOTED: that Paper M had been issued with the agenda.

The Director of Corporate Services and Governance advised that a schedule of documents affixed with the Seal of the Council during March 2015 was attached as Annex 1 to the report.

RECOMMENDED:

On the proposal of Councillor McColgan, seconded by Councillor Barton, that the Council notes the sealed documents identified in Annex 1.

3.13 Options for Chain of Office

NOTED: that Paper N had been issued with the agenda and Council Powers had been delegated to the Committee to deal with this matter.

PRESENTED: various concepts for the design of the jewel.

At the outset, some members questioned the absence of Chairman and Vice Chairman in Irish from the design as it was understood that the proposal made by Councillor F Donnelly, and subsequently agreed, at the Special Council meeting on 1 April 2015 provided for this. The Chief Executive informed members that the officer's record of the decision taken did not include the inclusion of Chairman and Vice Chairman in both English and Irish and in this regard he undertook to review the audio recording of the meeting.

The Director of Corporate Services and Governance then outlined the various concepts being presented for consideration and sought clarification on the preferred shape, colour, size and design of the jewel.

Councillors A Feely and McCaffrey re-entered and Councillors Fitzgerald and Smyth left and re-entered the meeting during presentation of the report.

During discussions, a member commented on the quality of the Celtic artwork on the design. Councillor McNally proposed, and Councillor Maguire seconded, that

Chairman and Vice Chairman are inscribed in both English and Irish on the jewel. This proposal was then put to the meeting and voting took place as follows:

FOR: 19 votes
AGAINST: 12 votes

RESOLVED:

- (i) On the proposal of Councillor Robinson, seconded by Councillor Deehan, approval of Concept 3 with the background of the Chairman's jewel in gold and the background of the Vice-Chairman's jewel in purple;
- (ii) On the proposal of Councillor O'Reilly, seconded by Councillor Mahon, that both jewels are the same size; and
- (iii) By a majority of votes cast that Chairman and Vice Chairman are inscribed in both English and Irish.

NOTED:

- (i) That the linguistics will be presented on a slightly raised plate;
- (ii) Confirmation of the exact wording of Councillor F Donnelly's proposal agreed at the Council meeting on 1 April 2015 would be sought from the audio recording and this may mean that item iii) above is confirmation of a decision already taken;
- (iii) That a copy of the jewel design outlined above would be presented for review at the May Council meeting, taking into account the need to improve the quality of the Celtic knot design; and
- (iv) That following the Council meeting to be held on 5 May 2015, quotations will be sought in line with the Council's procurement rules and awarded on the basis of the most economically advantageous quotation.

Councillor S Donnelly left and re-entered and Councillors Robinson and Swift left the meeting at this juncture.

4. Community, Health and Leisure Directorate Reports

4.1 Transfer of Licences to Sell Intoxicating Liquor – Strule Arts Centre and Ardhowen

NOTED: that Paper O had been issued with the agenda.

The Director of Community, Health and Leisure advised that permission was being sought to transfer the licences to sell intoxicating liquor at the above venues from the Legacy Councils to Fermanagh and Omagh District Council.

In response to a member's query he undertook to provide clarification regarding any restrictions being imposed in relation to where intoxicating liquor could be sold in the Strule Arts Centre.

RECOMMENDED:

On the proposal of Councillor Deehan, seconded by Councillor Rainey, that an application is made to the Court to transfer the Licences to sell intoxicating

liquor at the Strule Arts Centre and the Ardhowen to Fermanagh and Omagh District Council.

4.2 Appointment of a Chairman for Fermanagh and Omagh PCSP for period 1 April 2015-30 June 2016

NOTED: that Paper P had been issued with the agenda.

Councillor Robinson re-entered the meeting at this juncture.

The Director of Community, Health and Leisure provided background information regarding the appointment of a Chairman including the requirement to comply with the Justice Act (NI) 2011. It was noted that the term for Year 1 was 1 April 2015 – 30 June 2016. Nominating Officers were then invited to select their Party's preferred term of office in the order of party strength as agreed by group leaders and by the members present.

RECOMMENDED:

- (i) On the proposal of Councillor McColgan, seconded by Councillor A Feely, that Sinn Féin take the Chair of the PCSP for year 1 and that the Nominating Officer will provide details of the nominee in the coming days;**
- (ii) On the proposal of Councillor Baird, seconded by Councillor Thornton, that the UUP take the Chair of the PCSP for year 4;**
- (iii) On the proposal of Councillor Deehan, seconded by Councillor J Donnelly, that the SDLP take the Chair of the PCSP for year 3; and**
- (iv) On the proposal of Councillor Thompson, seconded by Councillor Robinson, that the DUP take the Chair of the PCSP for year 2.**

Councillor Swift re-entered and Councillor McPhillips left and re-entered during consideration of the above matter.

4.2.1 Change of Membership to PCSP

RECOMMENDED:

On the proposal of Councillor Thompson, seconded by Councillor Mahon, that Councillor Elliott replaces Councillor Thompson on the PCSP.

4.3 Wilde Weekend - Gilding Statue - Cole's Monument

NOTED: that Paper Q had been issued with the agenda.

In providing a synopsis of the above report the Director of Community, Health and Leisure outlined the connection between Oscar Wilde and Cole's Monument. He advised that there would be no financial implications to the Council from the proposal and, in response to a member's comments regarding the porous nature of the stone monument, acknowledged the need to highlight this fact to the Enniskillen International Beckett Festival (EIBF) Ltd who had the responsibility of ensuring the structure was returned to its current condition.

RECOMMENDED:

On the proposal of Councillor Thornton, seconded by Councillor Rogers, that permission is granted to EIBF Ltd to temporarily gild the Statue on Cole's Monument subject to:

- (i) All necessary NIEA (and any other statutory) approvals and consents being in place;**
- (ii) A guarantee from EIBF Ltd relating to making good the monument; and**
- (iii) All risk assessments, insurance and method statements being provided and approved by the Council prior to any works.**

5. Environment and Place Directorate Reports

5.1 Cemeteries Convergence

NOTED: That Paper R had been issued with the agenda.

In view of the expressed Declaration of Interest, Councillors Elliot and Mahon left the meeting at this juncture.

Details of the above report were outlined by the Director of Environment and Place.

In response to members' comments the Director undertook to seek clarification in relation to the relinquishment/transfer of a burial plot at no charge among members of the public and to forward the information to the Member; and that discussions would be held with local Funeral Directors in relation to the various characteristics and regulations in place at each Council cemetery.

RECOMMENDED:

On the proposal of Councillor Robinson, seconded by Councillor Rogers that the Council;

- (i) Maintains the existing computerised record systems in their current format for burials and plot locations. i.e. Cemetery Pro Hosted by Advance Software for Greenhill, Dublin Road and Fintona and Microsoft Access Database for Breandrum and Cross Cemeteries, with a view to procuring a burial plot recording system for use across the entire District for all five cemeteries in the next financial year 2016/17;**
- (ii) Makes no change to the opening hours or access to the graveyard at each of the five locations;**
- (iii) Ensures consistency and minimisation of disruption and sustain existing rules and regulations applicable in relation to each individual cemetery location in their current format;**
- (iv) Approves the proposed new Fermanagh & Omagh District Council application forms for Interment (Burial) and for Erection of Headstone as set out in Appendices A & B respectively; and**
- (v) Recognises that the Right of Deed to Burial is not the selling of the plot of land but only the right to use the plot. On this basis delegated power is given for signing of the Right of Deed of Burial to the Director of Environment and Place.**

Councillor Shields and McAnespy left and re-entered the meeting during consideration of the above matter, Councillor McColgan left and Councillors Mahon and Elliott re-entered the meeting at this juncture.

5.2 Payment of Fixed Penalty Notices

NOTED: that paper S had been issued with the agenda.

In outlining the requirement by the Council to set an amount for and any discounts that would apply to fixed penalty notices, the Director of Environment and Place advised that two options were detailed within the report for consideration.

Councillor McColgan re-entered the meeting at this juncture.

Discussion ensued during which members referred to the significant costs associated with cleaning up litter and were supportive of a substantial penalty being imposed on offenders. It was noted that the legacy councils had invested greatly in raising awareness and educating people on the impact of littering and dog fouling on the environment, including providing resources to community groups to carry out clean-up operations in their area. In response to members' queries the Director advised that information relating to the number of fixed penalty notices issued in the past year would be brought to a future Committee meeting; legislation provided councils with the opportunity to implement discounts for early payment at their discretion; and legislation did not make provision for an appeals process however this did not prevent a person from contesting the penalty if it came before the Court. He advised that officers observed offenders before issuing a fixed penalty notice and any challenge received would be fully investigated to ensure that there was a substantive case before pursuing the matter further adding that the timeframe associated with paying the fine would be suspended until an investigation was completed.

RECOMMENDED:

- (i) On the proposal of Councillor Deehan, seconded by Councillor Elliott, approval of Option 2 as outlined in Paper S ; and**
- (ii) A report outlining historical figures for the issuing of fixed penalty notices is presented to a future Environmental Services Committee meeting.**

Councillor Fitzgerald left and Councillors Doherty and Maguire left and re-entered the meeting during consideration of the above matter.

5.3 Revised Street Trading Fees

NOTED: that Paper T had been issued with the agenda.

Details of the revised street trading fees were outlined by the Director of Environment and Place with particular reference made to 2 (d) which would standardise the charge imposed for refuse collection and street cleansing provided to Street Traders.

RECOMMENDED:

On the proposal of Councillor Mahon, seconded by Councillor Warrington, that the Council approves the new Revised Street Trading Fees.

Councillor Thornton and the Head of Finance left the meeting during consideration of the above matter.

5.4 Tender for Bowling Green Pavilion

NOTED: that Paper U had been issued with the agenda.

The Director of Environment and Place advised that three tenders had been received and explained that as the most economically advantageous tender was above the pre-tender estimate, officers were currently investigating a possible Bill of Reductions. In response to a member's query, the Director acknowledged that the tender prices were substantially different, however advised that the company which had submitted the most economically advantageous tender had previously provided excellent services and he had no reservations regarding the quality of work that would be provided.

RECOMMENDED:

On the proposal of Councillor McColgan, seconded by Councillor Thompson that the tender submitted by MCC Building Systems for the sum of £189,714 is accepted and that this may be subject to a Bill of Reductions.

5.5 Castle Archdale Project Border Uplands Project - Project Number – 1415-027

AGREED: that an additional item would be considered at this juncture.

Councillor Thornton re-entered the meeting at this juncture.

CIRCULATED: Paper EE.

In view of the expressed Declaration of Interest, Councillors Baird, A Feely, Mahon, Robinson and Shields left the meeting at this juncture. Whilst expressing an interest, Councillor F Donnelly remained as Chair of the Committee and on the basis that he would not be contributing to any decision on the matter.

The Director of Corporate Services and Governance outlined the details of the above report advising that in order to avail of €50,000 funding from the EU INTERREG IVA Programme the contract needed to be completed on site by the end of May for final payment in June 2015.

RECOMMENDED:

On the proposal of Councillor McColgan, seconded by Councillor Barton that, following an evaluation process, the highest scored compliant tender submitted by McMackin Contracts, 27 St Dymphna's Road, Dromore, Co Tyrone, BT8 3JG is accepted in the sum of £34,996.46.

NOTED:

- (i) That the assessment was attended by a representative from Central Procurement Directorate (CPD);**

- (ii) **All staff members involved in the assessment signed conflict of interest declaration and confidentiality agreements; and**
- (iii) **As this project had been funded through the European Union's INTERREG IVA Programme, approval has to be granted by SEUPB before the contract can be awarded.**

Councillors Baird, A Feely, Fitzgerald, Mahon, Robinson and Shields re-entered the meeting at this juncture.

5.6 Draft Response to the Consultation on the Interim Report of the Review of the Implementation of the Welfare of Animals Act (NI) 2011

NOTED: that Paper V had been issued with the agenda.

In providing a brief synopsis of the above report the Director of Environment and Place highlighted the key proposals for the review including a proposed increase to sentencing and fines; the level of funding required compared to that being provided by DARD; and the requirement for greater coordination between relevant bodies and the sharing of information. He further advised that the Council's proposed response to the Review's 43 recommendations was attached as Appendix 1.

RECOMMENDED:

On the proposal of Councillor Rainey, seconded by Councillor Thornton, approval of the consultation response on behalf of Fermanagh & Omagh District Council to DARD in relation to the Interim Report on the Review of Animal Welfare.

Councillor O'Reilly left and re-entered the meeting during consideration of the above matter.

5.6.1 Commercial Dog Breeding Establishment – Fermanagh and Omagh District Council Area

The Director of Environment and Place provided a verbal report on the above matter which was the subject of a BBC documentary outlining the date of the last inspection carried out at the said premises and advised that an update report would be presented to the Environmental Services Committee meeting in May.

Following members' comments the Director and the Chief Executive provided the following clarification:

- No complaints had been received with regards to operations at the location in the last three years;
- Notification of an officer's visit to the premises was sent in order to allow the proprietor to compile all the relevant documents required for the inspection;
- The current business was a newly named organisation and therefore only one annual inspection had been carried out following an application from that specific business;
- The size of an operation did not preclude the Council from issuing a licence if all conditions were met; and

- The schedule of criteria used by officers to assess such establishments and before issuing a licence would be emailed to members for information.

NOTED: that an update report would be presented to the Environmental Services Committee meeting in May.

Councillors Elliott and Rogers left and re-entered the meeting during consideration of the above matter. The Director of Environment and Place left at this juncture.

6. Chief Executive Directorate Reports

6.1 Consultation on Proposal for the Future of Day Care Services for Older People

NOTED: that Paper W had been issued with the agenda.

A draft response, on behalf of the Council, to the above consultation was outlined by the Head of Policy and Strategic Services.

Councillors J Donnelly and S Donnelly left and re-entered the meeting during presentation of the above report.

Lengthy discussion ensued during which members made the following comments:

- There was great consternation among local communities that day care facilities for elderly people were being threatened with closure;
- Such a proposal was contradictory to the objectives of 'Transforming Your Care' which aimed to deliver services as close to the client as possible;
- No recognition was being given to the detrimental impact that the removal of the service would have on elderly and vulnerable people who already experience a degree of isolation and the proposals underestimate the value of the centres;
- Many elderly people would not be able to travel the suggested distance to alternative facilities, particularly in rural areas where the roads infrastructure may be inadequate;
- There was no evidence that consideration had been given to rural proofing and this needs to be highlighted with the Department;
- The inaugural meeting of the Fermanagh and Omagh Health Services Group should be scheduled in the near future in order to discuss such concerns with WHSCT officials; and
- The Council's response should be amended to read that 'the Council totally opposes the mergers and closures of Day Care Centres within the Fermanagh and Omagh areas contained within the proposal.'

RECOMMENDED:

On the proposal of Councillor Deehan, seconded by Councillor McCaffrey, that Fermanagh and Omagh District Council approves the draft response for submission to the Western Health and Social Care Trust, subject to inclusion of members' comments.

Councillors Maguire, McColgan and Warrington left and re-entered and Councillor Buchanan left the meeting during consideration of the above consultation document.

6.2 Consultation on Evaluation of the Individual Funding Request Process

NOTED: that paper X had been issued with the agenda.

In providing a brief synopsis of the above report, the Head of Policy and Strategic Services highlighted the proposed changes by the DHSSPS and outlined the details of the draft response prepared on behalf of the Council and attached as Appendix A.

Proposed by Councillor D Coyle, seconded by Councillor Deehan, that the draft response is amended to remove support for recommendation 5 - re-introduction of charging for prescriptions.

During consideration of the matter, some members were supportive of the proposal while other members were of the view that prescription charges should be re-introduced and the money earmarked to improve cancer patients' accessibility to treatment.

Councillor Buchanan re-entered, Councillors Campbell and Baird left and Councillors Doherty, S Donnelly and McCaffrey left and re-entered the meeting during the above discussions.

Councillor D Coyle's proposal was then put to the meeting and voting took place as follows:

FOR: 18 votes

AGAINST: 11 votes

RECOMMENDED:

By a majority of votes cast that Fermanagh and Omagh District Council approves the draft response for submission to the Department of Health Social Services and Public Safety, subject to the removal of support for recommendation 5 – re-introduction of charging for prescriptions.

6.3 Consultation on the Donaldson Report

NOTED: that Paper Y had been issued with the agenda.

In outlining the details of the above report, the Head of Policy and Strategic Services referred to the ten recommendations made by the Donaldson Report.

Councillors Baird and Campbell re-entered and Councillors A Feely and McColgan left the meeting during presentation of the above report.

Discussion ensued during which members felt that the response should be further strengthened in terms of the Council's opposition to the report and that the local community should be under no illusion that a reduction in the number of acute hospitals could threaten the status of the South West Acute Hospital. Members

questioned the proposal when there was a bed crisis in the Royal Victoria Hospital and when no provision had been made to support service delivery in the community. It was also felt that cross border cooperation in the provision of acute services should be further examined in order to support the viability of hospitals in the border region.

RECOMMENDED:

On the proposal of Councillor Deehan, seconded by Councillor Swift that Fermanagh and Omagh District Council approves the draft response for submission to the Department for Health, Social Services and Public Safety, subject to the inclusion of members' comments.

Councillor Maguire left and re-entered and Councillor McColgan re-entered the meeting during the above discussion.

6.4 Update on Preparatory Work to Develop the Fermanagh and Omagh Community Plan

NOTED: that Paper Z had been issued with the agenda and Council Powers had been delegated to the Committee to deal with this matter.

The Head of Community Planning and Performance outlined the proposed Stage 1 of the development process to progress the Community Plan with the aim of commencing public consultation by April 2016.

Councillor Elliott left and re-entered the meeting during presentation of the above report.

During consideration of the report, members highlighted the need to ensure that engagement also took place with those people who preferred not to attend public consultation events to ensure that the whole community had the opportunity to be involved.

RESOLVED:

On the proposal of Councillor Campbell, seconded by Councillor McColgan:

- (i) That the proposed approach to Stage 1 development of the Community Plan is approved together with the revised timeline;**
- (ii) That nominations are provided for the chairs of the 3 task and finish working groups, ie, Social, Economic and Environmental; and**
- (iii) That reports are presented to future meetings in relation to encouraging community engagement and participation in the process following initial consideration by the Group Leaders.**

RESOLVED:

On the proposal of Councillor McColgan, seconded by Councillor Fitzgerald that:

- (i) Councillor Gallagher is nominated as Chair of the Environmental Task and Finish Working Group; and**
- (ii) Councillors F Donnelly and Thompson are nominated Chair of one of the remaining Task and Finish Working Groups, to be decided by the two members.**

6.5 Performance Improvement Activity 2015/16

NOTED: that Paper AA had been issued with the agenda.

In providing a brief synopsis of the above report, the Head of Community Planning and Performance referred to correspondence received from the Department of the Environment which advised that the Order would not be in place until 1 June 2015 and set out a timetable for performance improvement activity in 2015/16.

RECOMMENDED:

On the proposal of Councillor Thompson, seconded by Councillor McColgan:

- (i) That the correspondence dated 31 March 2015 from the Department is noted; and**
- (ii) That a further report on the Council's performance improvement objectives is presented to a future meeting in advance of the deadline of 31 July 2015.**

Councillors Doherty and Councillor Smyth left and re-entered during presentation of the above report. Councillors Fitzgerald and McNally left the meeting at this juncture.

6.6 Arrangements to Establish and Progress Fermanagh and Omagh Health Services Group

NOTED: that Paper BB had been issued with the agenda.

Details of the above report were outlined by the Chief Executive.

RECOMMENDED:

On the proposal of Councillor McColgan, seconded by Councillor Rainey that the Council agrees to proceed with a facilitated workshop to progress preparatory work in advance of the formal establishment of the Fermanagh and Omagh Health Services Group.

7. Correspondence

7.1 NILGA Conference - Thursday 18 June 2015

NOTED: that details of the above conference had been issued with the agenda and that a 5% discount was available until the end of April.

RECOMMENDED:

Approval for the Chairman and NILGA representatives to attend the above conference in La Mon Hotel, Belfast at a cost of £121 + VAT (less 5% for early booking) plus travel costs.

Councillors Fitzgerald and McNally re-entered and Councillor Farrell left the meeting at this juncture.

7.2 Drainage Council for Northern Ireland - Appointments to the Drainage Council

NOTED: that correspondence dated 8 April 2015 from the Drainage Council for Northern Ireland had been issued with the agenda.

In view of the expressed Declaration of Interest, Councillor Swift left the meeting at this juncture.

RECOMMENDED:

On the proposal of Councillor Baird, seconded by Councillor Rainey, nomination of Councillor Swift as the Council's representative to the Drainage Council for Northern Ireland.

NOTED: that this was a public appointment and, given the imminent deadline to submit an application form, clarification would be sought from the Drainage Council in relation to Councillor Swift submitting her application directly as opposed to via Fermanagh and Omagh District Council.

Councillors Maguire and McPhillips left and re-entered and Councillor Farrell re-entered the meeting during consideration of the above matter.

7.3 Proposals for a New Regulatory Framework for Social Housing Providers in Northern Ireland

RECOMMENDED:

On the proposal of Councillor Fitzgerald seconded by Councillor Deehan, approval for Councillor D Coyle to attend the above event in Craigavon on Monday 20 April 2015.

Councillors A Feely and Swift re-entered the meeting at this juncture.

8 Staff Matters

NOTED: that Paper CC had been issued with the agenda.

Details of the above report were outlined by the Head of Human Resources and Organisation Design.

In response to members' comments the officer advised that the current procurement exercise for uniforms was for front line and office based employees and that consideration would be given to the quality of waterproof clothing when purchasing personal protection equipment; consideration would be given to re-establishing the bike to work scheme; and whilst there had been health promotion in both legacy councils, only one legacy council had procured a health care support scheme. She then undertook to provide information regarding the level of absenteeism to the meeting of the Policy & Resources Committee in June.

RECOMMENDED:

On the proposal of Councillor Robinson, seconded by Councillor Thompson that Fermanagh and Omagh District Council:

- (i) Grants approval to progress to tender on the items listed in 2.1 of paper CC;**
- (ii) Approves the revised Redundancy Scheme attached in Appendix 3 of the report;**
- (iii) Notes the Council's financial contributions to the Local Government Staff Commission and the Local Government Task Group;**
- (iv) Notes the dissolution of the Local Government Reform Joint Forum;**
- (v) Agrees to the establishment of a new Fermanagh and Omagh District Council Social Club as outlined in Paper CC; and**
- (vi) Agrees to the approach to employee health and wellbeing/promotion as outlined in the report.**

9. Motion

9.1 Pool Lane Hire and Full Pool Hire

NOTED: that Council powers had been delegated to the Committee to deal with this matter.

Proposed by Councillor Mahon the following motion of which due notice had been given:

“We the undersigned request that the decision referring to the:
Pool Lane Hire and Full Pool Hire rates as agreed at the General Purposes Committee meeting on 11th February 2015 Item 5.2 –
Be rescinded and referred back to the next Committee meeting
which can deal with same.”

AGREED: by the members present and without discussion and on the proposal of Councillor Mahon, seconded by Councillor Elliott a minor amendment to the motion as follows:

“That the decision referring to the Pool Lane Hire and Full Pool Hire rates as agreed at the General Purposes Committee meeting on 11th February 2015 Item 5.2 – be rescinded and reconsidered.”

In proposing the motion, Councillor Mahon advised that the Council had taken its decision in February based on the information provided and that since then further information had been received in respect to the previous hire rates. In this regard he requested that the previous decision is rescinded and the matter reconsidered. Councillor Mahon then provided some background information regarding the Fermanagh Lakelanders in terms of the length of time it had been in existence, the age group of its members, their successes and the cost of running the organisation. Councillor Elliott, in concurring with the above comments, seconded the motion.

Members generally were supportive of the decision being reconsidered in light of new information available and they acknowledged the excellent job being undertaken by members and volunteers of both the Fermanagh Lakelanders and Strule Dolphins

swimming clubs. Reference was also made to the cross community and cross border nature of the swimming clubs; the opportunity for children with disabilities to participate in the activity; the rationale behind upgrading the pools at Omagh Leisure Complex for the benefit of the local community; and the need for consideration to be given to applying VAT exemptions in order to minimise costs, where the conditions necessary for the exemption apply.

Councillors Campbell and McAnespy left and re-entered the meeting during consideration of the above matter.

RESOLVED:
Unanimously approval of the above motion.

9.1.1 Pool Lane Hire and Full Pool Hire

CIRCULATED: Paper outlining pool lane hire and full pool hire rates.

The above paper was outlined by the Director of Community, Health and Leisure and reference was made to Appendix A which provided a breakdown of hire charges for other Leisure Centres located in Northern Ireland and close to the border in the Republic of Ireland.

Proposed by Councillor Mahon, seconded by Councillor Elliott that the hourly rate for use of the swimming pool in Fermanagh Lakeland Forum and Omagh Leisure Complex is set at £5 subject to a swimming club booking 30 lanes per month and paying 6 months in advance.

During discussion some reservations were conveyed in respect to setting a preferential rate for swimming clubs only; the impact that the decision would have on the level of subvention required to support the running of the swimming pools; the impact on the council budget arising from austerity measures; and the need to consider availability of the pools to other users.

Proposed by Councillor Maguire, seconded by Councillor McCaffrey, that the Council approves the recommendation on pool hire charges as set out in the report and that further consideration is given to Councillor Mahon's proposal at the May Council meeting when the full cost implications of implementing the proposal can be provided.

Councillor Maguire's proposal was taken as an amendment to the original proposal. The amended proposal was put to the meeting and voting took place as follows:

FOR: 23 votes
AGAINST: 8 votes

The proposal then became the substantive proposal and voting took place as follows:

FOR: 23 votes
AGAINST: 8 votes

RECOMMENDED:

By a majority of votes cast that Fermanagh and Omagh District Council approves the following Pool Lane Hire Charges and Full Pool Hire Charges for the 2015/2016 financial year beginning on 1 April 2015, subject to further consideration being given to Councillor Mahon's proposal at the May Council meeting when the full cost implications of implementing the proposal can be provided.

<u>OLC</u>	<u>FLF</u>
Club use per lane per hour ..	
£10.00	£8.40
Club use full pool per hour ..	
£85.00	£85.00

Councillors Campbell, Doherty, J Donnelly, Farrell, Maguire, Mahon, McPhillips Robinson, Shields, Swift and Thompson left the meeting at this juncture.

10. Any Other Relevant Business

10.1 Financial Support for Charities

The Chief Executive advised that representations had been received from a number of charitable organisations for a range of support from the Council and in the interim period of a relevant policy being presented to Council for consideration, a decision on addressing the matter was required.

RECOMMENDED:

On the proposal of Councillor Deehan, seconded by Councillor Buchanan that in the interim period of a relevant policy being presented to the Council for consideration, the Council does not support charitable requests for donations or other forms of assistance beyond what has already been agreed by the Council.

Councillor Doherty re-entered the meeting at this juncture.

11. Confidential Staff Matters

NOTED: that Paper DD had been issued with the agenda and that it contained information that was both confidential and exempt from publication as it contained information relating to individuals and information relevant to the Data Protection Act.

AGREED:

On the proposal of Councillor O'Reilly, seconded by Councillor Smyth that the above confidential report is considered 'in committee' as it contained both

confidential information and information exempt from publication relating to Council staff.

Councillor Doherty, the Director of Community, Health and Leisure, Head of Community Planning and Performance and Head of Policy and Strategic Services left the meeting at this juncture. Councillors Thompson and Mahon re-entered the meeting.

In view of the expressed Declarations of Interest, Councillor Smyth left the meeting during consideration of Item 2.2 and the Chief Executive left during consideration of item 2.3.

RECOMMENDED:

On the proposal of Councillor McColgan, seconded by Councillor Thompson, that Fermanagh and Omagh District Council:

- (i) Notes the appointments outlined in the confidential paper;**
- (ii) Notes the transfer of employees from Western Groups;**
- (iii) Notes the agreement on the Chief Executive's pay increase and its subsequent implementation; and**
- (iv) Approves the career break application for the employee referred to in the report subject to appropriate cover arrangements being in place prior to commencement.**

Councillors Buchanan, Elliott, Mahon and Warrington left the meeting during consideration of the above report and Councillor Smyth re-entered the meeting following consideration of item 2.2. The Chief Executive re-entered the meeting following consideration of item 2.3.

AGREED:

On the proposal of Councillor Smyth, seconded by Councillor A Feely that the meeting come 'out of committee'.

The meeting concluded at 12.40am.

Signed: _____
Chairman

Signed: _____
Clerk and Chief Executive

Date: _____