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**Democratic Services Section
Legal and Civic Services Department
Belfast City Council
City Hall
Belfast
BT1 5GS**

17th February, 2021

MEETING OF STRATEGIC POLICY AND RESOURCES COMMITTEE

Dear Alderman/Councillor,

In addition to those matters previously notified to you, the following items will also be considered at the meeting to be held remotely at 9.30 a.m. on Friday, 19th February, 2021.

Yours faithfully,

SUZANNE WYLIE

Chief Executive

AGENDA:

2. Restricted Items

- (h) Covid-19 Community Support Funding (Pages 1 - 4)
- (i) Bonfire Approach 2021 (Pages 5 - 20)
- (j) Brexit and Port Health - Transition Update (Pages 21 - 42)

3. Matters referred back from Council/Motions

- (c) Motion - Black Lives Matter Demonstrations – Response from Police Service of Northern Ireland (Pages 43 - 48)
- (d) Motion: Uplift on Universal Credit – Response from HM Treasury (Pages 49 - 54)

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By virtue of paragraph(s) 3 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

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Subject:	Motion: Black Lives Matter Demonstrations – Response from Police Service of Northern Ireland
Date:	19th February, 2021
Reporting Officer:	John Walsh, City Solicitor/Director of Legal and Civic Services
Contact Officer:	Jim Hanna, Senior Democratic Services Officer

Restricted Reports

Is this report restricted?

Yes

☐

No

☒

If Yes, when will the report become unrestricted?

After Committee Decision

After Council Decision

Sometime in the future

Never

☐
☐
☐
☐

Call-in

Is the decision eligible for Call-in?

Yes

☒

No

☐

1.0	Purpose of Report/Summary of Main Issues
1.1	To consider a response from the Police Service of Northern Ireland to a motion on Black Lives Matter Demonstrations, which was passed by the Council at its meeting on 7th January.
2.0	Recommendation
2.1	The Committee is requested to consider the response and to take such action thereon as may be determined.
3.0	Main Report
3.1	<p>At the Council meeting on 7th January, the following motion, which was proposed by Councillor Matt Collins and seconded by Councillor Ferguson, was passed:</p> <p>“This Council notes the recent Ombudsman report into the policing of Black Lives Matter demonstrations in Belfast and Derry on 6th June, 2020. The Council notes, in particular, the Ombudsman’s conclusions that the PSNI’s actions on the day were disproportionate, discriminatory and showed disregard to people’s human rights in relation to freedom of expression and freedom of protest and further notes the inappropriate use of the Serious Crimes Act (2007) to caution organisers of the events.</p>

	<p>Accordingly, the Council calls for all penalty notices to be rescinded and prosecutions against Black Lives Matter activists relating to 6th June protests to be abandoned, as the first step toward redress. Furthermore, the Council calls on the PSNI to exercise its discretion to withdraw or rescind the applications made to the courts for registration of the Fixed Penalty Notices. The Council reiterates its support for the Black Lives Matter movement and its call for a real and robust racial equality strategy to help tackle the systemic problem of institutional racism.”</p>
3.2	Chief Superintendent Singleton has responded to the motion on behalf of the Chief Constable’s office. A copy of that response is attached.
3.3	Chief Superintendent Singleton highlights the ongoing challenges being faced by communities and by the Police Service and points out that the Service has struggled to find the correct balance between upholding the continually changing restrictions and the rights of all individuals in the community. Whilst those restrictions are often a fundamental interference with individual human rights they have, he states, been made morally and legally necessary by the scale of the public health threat posed by Covid-19. The Police Service has, therefore, unsurprisingly, prioritised the Article 2 ‘Right to Life’ under the European Convention on Human Rights over all the rights, except for Article 3. This, it believes, has been in line with both the intention and the spirit of the Coronavirus regulations, as agreed by the Northern Ireland Executive.
3.3	He goes on to state that the Police Service welcomes the support, analysis and challenge contained within the reports of the Northern Ireland Policing Board and of the Police Ombudsman and that, rather than be defensive about any aspects of its approach or the findings in the reports, it is keen to acknowledge shortcomings, admit mistakes and learn lessons. Having carefully considered both reports, the Police Service is, he points out, in a position to accept the vast majority of recommendations. However, it is unable to accept the recommendations relating to the withdrawal of Fixed Penalty Notices and prosecutions, pursuant to its enforcement of Health Protection Regulations.
3.4	Chief Superintendent Singleton points out that the Police Service has been advised that the existing Regulations make no provision for Fixed Penalty Notices to be rescinded either by it or by the Public Prosecution Service. The only mechanism by which an enforceable penalty registered under Regulation 12 can be set aside is by direction of the Magistrates’ Court. Those individuals who have been reported to the Public Prosecution Service for suspected breaches of the Regulations will have their cases independently assessed in terms of available evidence and public interest. The Police Service has been advised that, should it interfere with prosecutorial decision-making, it would raise questions around potential breaches of human rights.
3.5	<p>He concludes by pointing out that those recommendations resulting from the Northern Ireland Policing Board and the Police Ombudsman reports which had been accepted by the Police Service would be added to its overview systems and allocated timeframes and responsible owners. The Policing Board and Police Ombudsman would be provided with regular updates as that work progressed.</p> <p><u>Financial and Resource Implications</u></p> <p>None associated with this report.</p> <p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>None</p>
4.0	Document Attached
	Response from PSNI



**BOBBY SINGLETON
CHIEF CONSTABLE'S OFFICE**

Our Ref: Com Sec 1602-21
Your Ref: LM.07012021

25 January 2021

Dear Louise,

BLACK LIVES MATTER DEMONSTRATIONS

Thank you for your letter dated 20 January 2021 reference 'Black Lives Matter Demonstrations'.

This continues to be an extraordinary and very challenging period for our communities and, indeed, policing itself. At times, we in policing have struggled to find the right balance in upholding the continually changing restrictions and the rights of all individuals in our community. The restrictions placed upon us all are often a fundamental interference with individual human rights but have been made morally and legally necessary by the scale of the threat to the health of those in our community, in particular the most vulnerable. Perhaps, unsurprisingly, the Police Service has prioritised the Article 2 'Right to Life' under the ECHR over all the rights except for Article 3. This we believe has been in line with both the intention and the spirit of the Coronavirus Regulations agreed by the Executive.

We welcome the support, the analysis and challenge contained within the reports of both the Northern Ireland Policing Board and the Police Ombudsman. We do not seek to be defensive about any aspect of our approach or, indeed, the findings in the reports. We are keen to acknowledge shortcomings, admit mistakes and are determined to learn lessons.

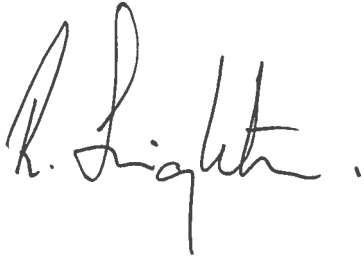
Having carefully considered both reports and their recommendations, the Police Service is in a position to accept the vast majority of recommendations. We have however been unable to accept the report's recommendations relating to the withdrawal and cancellation of the Fixed Penalty Notices and prosecutions pursuant to our enforcement of Health Protection Regulations.

We are advised that existing Regulations make no provision for any Fixed Penalty Notices to be rescinded by the police or by the Public Prosecution Service. The only mechanism by which an enforceable penalty registered under Regulation 12 can be set aside is by direction of the Magistrates' Court.

Those individuals who have been reported to the Public Prosecution Service (PPS) for suspected breaches of the Regulations will have their cases subjected to independent assessment by the PPS in terms of available evidence and public interest. We are further advised that were the Police Service to interfere with prosecutorial decision making this would raise real questions about potential breaches of human rights.



Those recommendations which have been accepted will be added to our overview systems, with timeframes and senior responsible owners. We will, of course, keep both the Ombudsman and the Northern Ireland Policing Board updated as to progress against the recommendations.

A handwritten signature in black ink, appearing to read 'B. Singleton'.

BOBBY SINGLETON

Chief Superintendent
for Chief Constable

Louise McLornan
Democratic Services Officer
Belfast City Council
Legal and Civic Services Department
City Hall
Belfast
BT1 5GS
Via email democraticservices@belfastcity.gov.uk

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Subject:	Motion: Uplift on Universal Credit – Response from HM Treasury
Date:	19th February, 2021
Reporting Officer:	John Walsh, City Solicitor/Director of Legal and Civic Services
Contact Officer:	Jim Hanna, Senior Democratic Services Officer

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report/Summary of Main Issues
1.1	To consider a response from HM Treasury to a motion relating to Universal Credit, which was passed by the Council at its meeting on 7th January.
2.0	Recommendation
2.1	The Committee is requested to consider the response and to take such action thereon as may be determined.
3.0	Main Report
3.1	<p>At the Council meeting on 7th January, the following motion, which was proposed by Councillor Heading and seconded by Councillor Lyons, was passed:</p> <p>“This Council recognises the positive impact of the £20 uplift on Universal Credit implemented in April 2020.</p> <p>The Council also recognises that, since March 2020, the unemployment claimant count has doubled to at least 60,000 in Northern Ireland and with a recession expected in the Spring only to worsen the situation for many households. The Chancellor of the Exchequer has failed to provide certainty that the £20 uplift on UC will remain beyond March 2021 meaning many families are potentially facing a loss of £1,040 a year to</p>

	<p>their incomes overnight. Charity Action for Children has warned that more than one in 10 families in the north are already having to choose between paying bills and eating meals. The Council calls on the UK government to put a protective shield around struggling families by ensuring March's Budget makes clear that Universal Credit will not be cut by £20 a week in the spring. Finally, the Council agrees to write to the Chancellor of the Exchequer requesting they maintain the £20 uplift on Universal Credit in April 2021 and extending the £20 uplift to all legacy benefits.”</p>
3.2	<p>A response has since been received from HM Treasury, on behalf of the Chancellor of the Exchequer. A copy of the response is attached.</p>
3.3	<p>The response explains that the £20 per week in the Universal Credit standard allowance and Working Tax Credit basic element forms just one part of a wide-ranging package of support which the Government has provided to protect people’s jobs and references also income support schemes, mortgage holidays, support for renters, a £500 million local authority hardship fund, £500 payments to help those on low income to self-isolate under NHS Test and Trace, a £170 million Covid Winter Grant Scheme and help with utility bills.</p>
3.4	<p>The response goes on to state that, in order to support families who rely on the safety net of the welfare system, the Minimum Income Floor for self-employed Universal Credit claimants has been suspended temporarily and the Local Housing Allowance Rates for Housing Benefit and Universal Credit has been increased to cover the bottom third of local rents. The Government is also spending £7.4 billion on its package of increased welfare support this year.</p>
3.5	<p>It is pointed out that the increase in Universal Credit and Working Tax Credit is aimed specifically at providing significant temporary support to low income families who may have seen their income fall as a result of the immediate impact of the Covid-19 crisis and is due to end in April, 2021.</p>
3.6	<p>It is pointed out also that the Government will, as it has done throughout the current crisis, continue to consider the most appropriate forms of support as the public health and economic situation develops. However, as an illustration, extending the £20 per week increase by a further twelve months would cost over £6 billion, which would be equivalent to adding 1p to the basic rate of income tax and increasing fuel duty by 3p.</p>
3.7	<p>The response concludes by confirming that the Government is, moving forward, focused on supporting people by helping them gain employment and is making up to £30 billion available through the Plan for Jobs initiative. This includes launching the £2 billion Kickstart Scheme to create hundreds of thousands of fully subsidised jobs for young people and investing £8.6 billion in infrastructure, decarbonisation and maintenance jobs to create jobs.</p>

3.8	<p><u>Financial and Resource Implications</u></p> <p>None associated with this report.</p>
3.9	<p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>None</p>
4.0	<p>Document Attached</p>
	<p>Response from HM Treasury</p>

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HM Treasury

1 Horse Guards Road
London
SW1A 2HQ

Louise McLornan
Democratic Services Officer
Belfast City Council,
Legal and Civic Services Department
City Hall
Belfast
BT1 5GS

21 January 2021
Case Ref: LM 07012021

Dear Louise,

Thank you for your correspondence dated 19 January, regarding Universal Credit. The Treasury has received unprecedented amounts of correspondence since the start of the coronavirus outbreak in the UK. The Chancellor of the Exchequer has asked me to write to you directly.

The £20 per week increase to the Universal Credit (UC) standard allowance and Working Tax Credit (WTC) basic element forms just one part of a wide-ranging package of support the Government has provided to protect people's jobs and incomes, including income support schemes, mortgage holidays, support for renters, a £500 million local authority hardship fund, £500 payments to help people on low incomes to self-isolate under NHS Test and Trace, a £170 million COVID Winter Grant Scheme, and help with utilities.

To support families who rely on the safety net of the welfare system, we have also temporarily suspended the Minimum Income Floor for self-employed UC claimants, and increased the Local Housing Allowance rates for Housing Benefit and UC to the lowest third of local rents. The Government is spending £7.4 billion on its package of increased welfare support this year.

The increase to UC and WTC is specifically aimed at providing significant temporary support to low income families who may have seen their income fall as a result of the immediate impact of the crisis and is due to end in April 2021.

As the Government has done throughout this crisis, we will continue to consider the most appropriate forms of support as the public health and economic context develop. However, to illustrate, extending the £20 per week increase by a further 12 months would cost over £6 billion, equivalent to adding 1p on the basic rate of income tax plus a 3p increase in fuel duty.

Moving forward, the Government is focused on supporting people by helping them get into work and is making up to £30 billion available through the Plan for Jobs. This includes launching the £2 billion Kickstart Scheme to create hundreds of thousands of fully subsidised jobs for young people, and investing £8.6 billion in infrastructure, decarbonisation and maintenance projects to create jobs.

I hope this is helpful. If you have any questions about this reply, please email public.enquiries@hmtreasury.gov.uk quoting reference MC2021/01999.

Yours sincerely,

L Adams

Correspondence and Enquiry Unit
HM Treasury