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Democratic Services Section Chief Executive's Department Belfast City Council City Hall Belfast BT1 5GS

19th March, 2019

MEETING OF STRATEGIC POLICY AND RESOURCES COMMITTEE

Dear Alderman/Councillor,

As previously notified to you, I enclose a copies of the reports for the following items to be considered at the meeting to be held at 9.30 am on Friday, 22nd March, 2019.

Yours faithfully,

SUZANNE WYLIE

Chief Executive

AGENDA:

4. Governance

- (a) Governance Arrangements (Pages 1 8)
- (b) Revision of Council's Scheme of Allowances (Pages 9 18)

5. Belfast Agenda/Strategic Issues

(e) Request to join QUB Climate Commission (Pages 19 - 22)

STRATEGIC POLICY & RESOURCES COMMITTEE





Subject:	Governance Arrangements for the new Council 2019-23
Date:	22 March 2019
Reporting Officer:	John Walsh, City Solicitor / Director of Legal & Civic Services
	Stephen McCrory, Democratic Services Manager;
Contact Officer:	Sarah Williams, Programme Manager

Restricted Reports		
Is this report restricted?	Yes No	X
If Yes, when will the report become unrestricted?		
After Committee Decision		
After Council Decision		
Some time in the future		
Never		

Call-in Is the decision eligible for Call-in? Yes

1.0	Purpose of Report or Summary of main Issues						
1.1	To consider the governance arrangements to apply for the new Council term commencing						
	in 2019.						
2.0	Recommendations						
2.1	Committee is requested to;						
	Consider the issues and to give an initial view on the preferred governance						
	arrangements for the new Council.						
3.0	Main report						
	Background						
3.1	At the meeting of the new Council following the local government elections in May, it will be						
	necessary to agree the new council's governance arrangements for the period 2019-23. In						

	order to allow officers to prepare, Members are asked to consider the following issues and					
	a full report will be brought to Strategic Policy & Resources in April.					
	Key issues					
3.2	1. Council governance arrangements					
	The Local Government Act (Northern Ireland) 2014 provides for a number of types of					
	governance arrangements, namely:					
	Traditional committee arrangements (default position)					
	Executive model					
	In 2014, the Council adopted a Constitution which, amongst other things, agreed the					
	default governance arrangements prescribed in the 2014 Act namely:					
	Traditional Committee system					
	 Positions of responsibility selected using the D'hondt model 					
	 Committee places allocated using the quota greatest remainder model 					
	It would have required a qualified majority vote (80%) in order to choose any of the alternatives.					
	Looking forward to the new Council term, should the Council agree to continue with the existing arrangements as set out in the Council Constitution, then the decision making process requires a simple majority vote to do so.					
	Issue to consider:					
	 Do members wish to continue with existing governance arrangements ie traditional committee system? 					
3.3	2. Standing Committees					
	The council currently has established seven Standing Committees which promote cross- departmental and thematic working across the organisation supporting the delivery of the Belfast Agenda and the developing process of Outcomes Based Accountability:					

Committee	Number	Responsibility
	of	
	Members	
Strategic Policy	20	Responsible for setting the strategic direction of the
& Resources		Council through the development of its corporate pla
		and other key corporate and cross cutting strategies
		and policies and for setting the budget overseeing the
		appropriate use of Council finances
City Growth &	20	Responsible for the development and implementation
Regeneration		strategies, policies, programmes and projects direct
		to the regeneration and inclusive growth of the city
People &	20	Responsible for the development and implementatio
Communities		strategies, policies, programmes, services and proje
		aimed at improving life at a local level
Licensing	20	Responsible for the consideration of all matters
		pertaining to policy and legislation in relation to licen
		issues
Planning	14	Responsible for all the Council's planning functions
Belfast	14	Responsible for making the decisions required by th
Waterfront &		Shareholders' Agreement and ensure that the Comp
Ulster Hall Ltd.		complies with the contract for the operation of the
Shareholders'		Belfast Waterfront and Ulster Halls
Brexit	20	Responsible for researching, monitoring and reviewi
		the financial, resource or operational impact upon th
		Council and the district as a result of the UK's leavin
		the European Union

- Do we wish to continue with these Committees?
- Do we wish to maintain the current remit of each Committee?
- Do we wish to continue with these Committees with the same numbers of members?
- Do we wish to retain the Brexit committee?

3.4	3. Annual review of Committee membership
J.4	J. Annual review of Committee membership
	In the current council term, members were appointed to the Committees for the full four- year term. It is considered that it would be better in the new term for the members to be appointed for one-year terms, and reappointed at each Annual Meeting. This would allow for any changes in political affiliation which can occur during a council term to be accounted for. The City Solicitor believes this to be in keeping both the spirit and intent of the 2014 Act.
	Issue to consider:
	 Would members be supportive of a change to a one-year committee membership term?
3.5	4. Method of appointing positions of responsibility including PCSP and DPCSPs
	The positions of responsibility include the Lord Mayor, Deputy Lord Mayor, Committee Chairpersons and Deputy Chairpersons, some prescribed outside bodies and the Policing and Community Safety Partnership (PCSP) and the four District Policing and Community Safety Partnerships (DPCSPs). In dealing with the appointments of members to the PCSP and DPCSPs, the Council needs to ensure that the appointments are made in accordance with not only the LGA 2014 but also the Justice Act (Northern Ireland) 2011 and are considered as part of the allocation of positions of responsibility.
	The solution, which was agreed by all parties in 2015, was that the appointments to the PCSP and DPCSPs were made by allocating those parties' D'hondt choices from the bottom up. Therefore, the parties' earlier choices for positions of responsibility were not adversely affected by the requirements of the Justice Act as to how the appointments to the PCSP and DPCSPs had to be made.
	Issue to consider:Are we happy to again employ this solution in 2019?
3.6	5. Standing Orders
	One of the first acts of business of the new Council at their meeting on 21 May will be to agree a new set of Standing Orders. It is recommended that an opportunity is taken to review some sections of the Standing Orders in:

Standing Order 47: Call-in

Following recent legal advice, it is recommended that Members considers some amendments to the process of call-in in order to more accurately reflect the legislation as it currently stands. Specifically this would add provisions:

- That on a procedural call-in authority be delegated to the City Solicitor, in consultation with the Chief Executive, to obtain legal advice, to be tabled at the meeting of the ad hoc committee, if it is their view that this will assist in addressing the issues raised within the call-in
- ii. That in suspending the operation of call-in on the grounds that the unreasonable delay that would be caused could be prejudicial to the Council's or the public's interests, the proposer will be required to give reasons as to why this is the case
- iii. That to allow the timely implementation of decisions arising from the Contracts for Award report, delegated authority be given to SP&R for that purpose
- iv. In relation to call-ins submitted under Section 41(1)(b) of the 2014 Act, the Chief Executive will wait until the expiry of the period for valid call-ins to be submitted before determining if the required 15% threshold is still in place. If that is the case then the opinion of a practising barrister or solicitor will be sought.
- v. That any decision called in under Section 41(1)(b) of the 2014 Act and subsequently referred back to the Council for decision after the call-in has been disposed of, will be taken by a simple majority vote.

Standing Order 13: Notices of Motion

That Notices of Motion which fall within the remit of a Committee are automatically referred to the relevant committee for consideration without appearing on the Council agenda

Standing Order 64: Amendments to the Standing Orders and repeals That changes to the Standing Orders can be agreed at one Council meeting as opposed to two consecutive Council meetings as is the current requirement.

Issues to consider:

• Would Members be supportive in principle of these proposed amendments and a more detailed report would be brought back to April's SP&R?

Other areas of political governance which Members are asked to consider relate to:

6. Appointment of Working Groups

3.7

The Council decided to appoint a number of Working Groups in 2015. These Working Groups are not specified in the 2014 Act and the Council is free to use whatever mechanism it sees fit to appoint members to them. It is suggested that some of the current Working Groups could be re-aligned to the most relevant thematic committee in order to make their decision-making process more efficient.

Current Working Group	Recommendation
Audit and Risk Panel	Retain
Budget and Transformation	Retain both and review individual Terms of Reference
Panel / Party Group Leaders	and the name of each group with
	minutes being issued to any Independent members
	within two days of meeting
North Foreshore Members'	Matters could be considered by City, Growth and
Steering Group	Regeneration
Reference Group on Older	Matters could be considered by People and
People	Communities although some consultation may be
	required with sector
Shared City Partnership	Retain
Strategic Cemeteries and	Matters could be considered by People and
Crematorium Working Group	Communities and/or Strategic Policy and Resources
	Committees

Issues to consider:

• Would Members be supportive of reviewing the current Working Groups as outlined above?

3.8	7. Area Working Groups					
	Some consideration needs to be given to the terms of reference for the Area-Based					
	Working Groups. Members are already aware that the financial position of the Council has					
	changed significantly and there will not in the near future be a LIF3/BIF2 etc. This will					
	significantly impact the role of the AWGs during this period. It is therefore recommended					
	that there is a move to a more strategic area-based framework approach based on loc					
	needs encompassing:					
	council service and facility provision					
	external or multi-agency service and facility provision					
	agreed local area plans to improve outcomes for local people					
	longer term local regeneration and investment plans (including capital, revenue or					
	other projects with multiple funding sources)					
	It is recommended that the AWGs are reviewed within this context and that, following					
	holding a series of workshops with each Area Working Group, a revised Terms of					
	Reference are drawn up (to be taken into Committee late summer / autumn).					
	Issue to consider:					
	Would Members be supportive of this approach?					
3.9	8. Process for nomination for High Sheriff					
	The current Council agreed to use a separate D'hondt process to decide which Parties					
	would be entitled to nominate a person for consideration for appointment as High Sheriff for					
	each year of the Council term. This process sits outside the positions of responsibility					
	process as the appointment is made by the Secretary of State.					
	Issue to consider:					
	• Do we wish to use this process again from 2019?					
3.10	9. Appointment to Outside Bodies					
	There are a number of appointments to Outside Bodies. In 2015, the Council decided to					
	use the Sainte Lague method to make these appointments. A report on the appointments					
	to be made would be presented to the first meeting of the new SP&R Committee in June.					

	Issue to consider:				
	• Do we wish to use this method again or the more common D'hondt method?				
3.11	10. Rate of Members' Allowance				
	The Council did not agree in 2017 and 2018 to increase the Members' Allowances by the				
	rate of inflation as it was permitted to do. In the new Council, do we wish to increase the				
	basic and special responsibility allowances to the maximum permissible (as all other of the				
	10 Councils do currently)?				
	Issue to consider:				
	• Do we wish to do so for 2019?				
3.12	Financial & Resource Implications				
	None at this stage				
3.13	Equality or Good Relations Implications/Rural Needs Assessment				
	None at this stage				
4.0	Appendices – Documents Attached				
	None				



Belfast STRATEGIC POLICY & RESOURCES COMMITTEE

Subject:	Revision of the Council's Scheme of Allowances
Date:	22 nd March, 2019
Reporting Officer:	John Walsh, City Solicitor and Director of Legal & Civic Services
Contact Officer:	Stephen McCrory, Democratic Services Manager

Restricted Reports		
Is this report restricted?	Yes 📃 No	X
If Yes, when will the report become unrestricted?		
After Committee Decision		
After Council Decision		
Some time in the future		
Never		

Call-in				
Is the decision eligible for Call-in?	Yes	X	No	

1.0	Purpose of Report or Summary of main Issues	
1.1	To consider an amendment to the Council's Scheme of Allowances to provide for the	
	removal of allowances and support services to a Member who is disqualified or suspended	
	following an adjudication by the Local Government Commissioner for Standards in relation	
	to a breach of the Northern Ireland Local Government Code of Conduct for Councillors. It	
	is not proposed that any amendment to the scheme should be made in respect of partial	
	suspensions or sanctions imposed as part of an interim adjudication.	
2.0	Recommendations	
2.1	It is recommended that the Committee:	
	1. Approve the amendment to the Scheme of Allowances as set out in the report;	

3.0	Main report	
3.1	Key Issues	
3.1.1	The Committee, at its meeting on 19 th October 2018, considered a report on amendments to the Scheme of Allowances (copy attached). The Committee agreed to defer consideration of the report and agreed that a letter be forwarded to the Local Government Commissioner for Standards to ascertain clarification on the imposing of sanctions on Councillors who had been found to have breached the Northern Ireland Code of Conduct for Councillors, following the response to which, a briefing on the matter be held for all Members of the Council. A letter was sent to the Commissioner and her response is appended to this report. This confirms the Commissioner has no power to give any direction to the Council in respect of measures to be implemented by it in relation to any penalty imposed other than to notify the Chief Executive in respect of a suspension or disqualification or other sanction.	
3.1.2	The Council is required, under the Local Government (Payments to Councillors) Regulations (Northern Ireland) 2012, to publish a Scheme of Allowances, which sets out the allowances, and support services that apply to a Councillor.	
3.1.3	The Council's current Scheme does not cover what should happen if a Councillor is disqualified, suspended or partially suspended following an adjudication by the Local Government Commissioner for Standards in relation to a breach of the Northern Ireland Local Government Code of Conduct for Councillors. The issue of most concern to Members last October, in light of the Commissioner's interim ruling against Councillor Bunting, was that the Council was being left to determine what penalty should be imposed on a Member who was found to be in breach of the Code and who has a partial suspension imposed upon them.	
3.1.4	It seems that it should be relatively clear that a Member who is either disqualified or who is fully suspended for a period should have the payment of any allowances and the access to other facilities such as equipment and rooms in City Hall removed.	
3.1.5	The Committee will be aware that Alderman Ruth Patterson has been suspended from acting as a Councillor for a period of six months with effect from 11 th March, 2019. Therefore, it seems incumbent upon the Council to stop her allowances from that date,	
	i nerefore, it seems incumbent upon the Council to stop her allowances from that date,	

	require the return of any equipment on loan from the Council and prevent her use of the Members' Common Room, Party Room and Car Park.
3.1.6	The following amendment to the Scheme of Allowances is recommended for approval by the Committee in order to give effect to this:
	"Disqualification or Suspension of a Councillor
	The Local Government Commissioner for Standards may impose sanctions on a
	Councillor who is found to have breached the Northern Ireland Code of Conduct for
	Councillors. Such sanction may be imposed at the conclusion of the
	Commissioner's adjudication process of the alleged breach or at the conclusion of an interim adjudication by the Commissioner.
	For the purpose of this Scheme of Allowances, the following action will be taken upon receipt by the Chief Executive of a decision by the Commissioner which results in the disqualification or the suspension of a Councillor.
	<u>Disqualification</u>
	If a Councillor is disqualified, then the payment of all allowances and the provision of all support services outlined in this Scheme will cease with immediate effect from the date of disqualification.
	<u>Suspension</u>
	If a Councillor is wholly suspended for a period, then the payment of all allowances and the provision of all support services outlined in this Scheme will cease with immediate effect from the date of suspension.
3.1.7	The Committee is requested to note that further consideration will have to be given as to how the Scheme of Allowances might be further amended to deal with partial suspensions or suspensions following an interim adjudication.

3.2	Financial & Resource Implications
3.2.1	There would not be any adverse impact on the Council's budgets if the recommendation is approved. Any individual Councillor who is disqualified or suspended will be affected adversely.
3.3	Equality or Good Relations Implications/Rural Needs Assessment
3.3.1	There are not any Good Relations, Equality or Rural Needs issues associate with this report.
4.0	Appendices – Documents Attached Appendix 1 – Report to SP&R meeting on 19 October 2018 Appendix 2 – Letter from Local Government Commissioner for Standards



Revision of the Council's Scheme of Allowances	
19 th October, 2018	
Stephen McCrory, Democratic Services Manager	
As Above	
	19 th October, 2018 Stephen McCrory, Democratic Services Manager

Restricted Reports		
Is this report restricted?	Yes No	Х
If Yes, when will the report become unrestricted?		
After Committee Decision		
After Council Decision		
Some time in the future		
Never		

Call-in	
Is the decision eligible for Call-in?	Yes X No

1.0	Purpose of Report or Summary of main Issues		
1.1	To consider an amendment to the Council's Scheme of Allowances to provide for the removal of allowances and support services to a Member who is disqualified, suspended or partially suspended following an adjudication by the Local Government Commissioner for Standards in relation to a breach of the Northern Ireland Local Government Code of Conduct for Councillors.		
2.0	Recommendations		
2.1	It is recommended that the Committee: 1. Approve the amendment to the Scheme of Allowances as set out in the report;		
	T. Approve the amendment to the Scheme of Allowances as set out in the report		

3.0	Main report	
3.1	Key Issues	
3.1.1	The Council is required, under the Local Government (Payments to Councillors) Regulations (Northern Ireland) 2012, to publish a Scheme of Allowances, which sets out the allowances, and support services that apply to a Councillor.	
3.1.2	The Council's current Scheme does not cover what should happen if a Councillor is disqualified, suspended or partially suspended following an adjudication by the Local Government Commissioner for Standards in relation to a breach of the Northern Ireland Local Government Code of Conduct for Councillors. It is recommended that the Scheme should be amended to provide for this.	
3.1.3	The following amendment is recommended for approval by the Committee:	
3.1.4	"Disqualification, Suspension or Partial Suspension of a Councillor	
	The Local Government Commissioner for Standards may impose sanctions on a Councillor who is found to have breached the Northern Ireland Code of Conduct for Councillors. Such sanction may be imposed at the conclusion of the Commissioner's adjudication process of the alleged breach or at the conclusion of an interim adjudication by the Commissioner.	
	For the purpose of this Scheme of Allowances, the following action will be taken upon receipt by the Chief Executive of a decision by the Commissioner which results in the disqualification or the suspension or the partial suspension of a Councillor.	
	Disqualification	
	If a Councillor is disqualified, then the payment of all allowances and the provision of all support services outlined in this Scheme will cease with immediate effect from the date of disqualification.	
	<u>Suspension</u>	
	If a Councillor is wholly suspended for a period of time, then the payment of all allowances and the provision of all support services outlined in this Scheme will cease with immediate effect from the date of suspension.	
	Partial Suspension	
	If a Councillor is partially suspended for a period of time, then the Strategic Policy and Resources Committee shall decide, on a case by case basis, what impact that partial suspension shall have upon the Councillor's right to receive any allowances and support services from the date of that partial suspension having regard to the nature of the partial suspension."	
	Interim Adjudication	
	The payment of allowances and any other entitlements will continue until final adjudication subject to adjustments required to reflect the nature of any partial suspension.	

3.2	Financial & Resource Implications	
3.2.1	There would not be any adverse impact on the Council's budgets if the recommendation is approved. Any individual Councillor who is disqualified, suspended or partially suspended will be affected adversely.	
3.3	Equality or Good Relations Implications/Rural Needs Assessment	
3.3.1	There are not any Good Relations, Equality or Rural Needs issues associate with this report.	



Private and Confidential

Mr John Wash Legal & Civic Services Department Belfast City Council City Hall Belfast BT1 5GS

5 March 2019

Dear Mr Walsh,

Sanctions – Local Government Commissioner for Standards Local Government Act (NI) 2014 ('The 2014 Act')

I refer to your letter dated 30 January 2019 to which I am responding on the Commissioner's behalf in my capacity as her Legal Officer.

In this correspondence you have advanced Belfast City Council's SP&R Committee's view that the Commissioner should decide what penalties would apply to a councillor whom she has suspended or partially suspended.

The Commissioner does not have the statutory remit to decide on the Council's policy on payment of salary, allowances or expenses in the event a suspension or partial suspension is imposed on a Councillor in breach of the Code pursuant to section 59(3)(b) of the 2014 Act. She considers that this is a matter for each Council to address.

The Commissioner's decision on the action (if any) to be taken in any case is a matter for her discretion based on the circumstances of each case.

Yours sincerely,

James Hagan .egal Officer

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Page 17

Northern Ireland Local Government Commissioner for Standards Progressive House 33 Wellington Place Belfast BT1 6HN Telephone: 028 9023 3821 Text phone: 028 9089 7789 Freephone: 0800 34 34 24 Email: nipso@nipso.org.uk www.nipso.org.uk

Agenda Item 5e

STRATEGIC POLICY & RESOURCES COMMITTEE





Subject:	Request to join QUB Climate Commission
Date:	22 March 2019
Reporting Officer:	Grainia Long, Commissioner for Resilience
Contact Officer:	Clare McKeown, Sustainable Development Manager

Restricted Reports	
Is this report restricted?	Yes No X
If Yes, when will the report become unrestricted?	
After Committee Decision	
After Council Decision	
Some time in the future	
Never	

Call-in Is the decision eligible for Call-in? Yes

1.0	Purpose of Report or Summary of main Issues
1.1	Belfast City Council has received a request from Queen's University Belfast to join a
	'Climate Commission' for Belfast, which will work closely with Edinburgh and Leeds, and is
	funded by the Economic and Social Research Council. It is proposed that the
	Commissioner for Resilience join the Commission, working alongside the Council's
	Sustainable Development Manager, Clare McKeown.
2.0	Recommendations
2.1	The Committee is asked to agree:
	- That Belfast City Council accepts the invitation from Queen's University Belfast to
	join the ESRC-funded 'Climate Commission' for Belfast.

	- That the Commissioner for Resilience, Grainia Long, joins the Commission as part
	of her broader work to develop a resilience strategy for Belfast.
	- The work will also inform our broader sustainable development goals as lead by the
	Council's Sustainable Development Manager, and will help to inform how we meet
	our obligations under the UK Climate Change Act.
3.0	Main report
	Key Issues
3.1	The UK Minister for Energy and Clean Growth, Claire Perry, launched an initiative in
	January to create a network of new and extended city climate commissions in Edinburgh,
	Belfast and Leeds. The project aims to help the UK meet the requirements of the 2015
	Paris Agreement on climate change and the UK Climate Change Act by building local
	capacities and stimulating the flow of green finance into cities across the UK.
3.2	Known as Place-based Climate Action Network (P-CAN), the project will help the local
	delivery of the UK's climate change objectives by supporting action in UK cities through a
	partnership made up of the private, public and third sectors.
3.3	The Economic and Social Research Council (ESRC) is investing £3.5 million in P-CAN
	over the course of five years. It will be hosted by the London School of Economics and
	Political Science, the University of Leeds, the University of Edinburgh and Queen's
	University, Belfast. It will seek to increase engagement between university researchers and
	the public, private and third sectors in building environmental resilience in the context of a
	changing climate.
3.4	Belfast City Council has been asked to join the Climate Commission for Belfast, which
	seeks to accelerate and sustain the transition to a low-carbon, climate-resilient society
	through the creation of local climate commissions, following the Leeds model developed in
	2017, as well as other broader measures focused on increasing investment in low-carbon,
	climate-resilient development.
3.5	Given our membership of the 100 Resilient Cities programme, and our work to develop a
	resilience strategy for Belfast, which will seek to build our environmental resilience as a
	city, the Commission is a timely opportunity to work with other cities and key strategic
	partners in this area.

3.6	Our participation will involve contributing to discussion with public and private sector
	partners on improving Belfast's environmental resilience, contributing ideas on optimum
	ways to build a climate resilient society and practical ways deliver transition to a low-carbon
	city.
3.7	The Lord Mayor previously wrote a letter of support for the application from QUB to join the
	programme. Should the committee agree to this proposal, the Lord Mayor will be asked to
	participate in the launch of the Commission on the 9 April, in Belfast.
	Financial & Resource Implications
3.8	No financial implications. The main resource implication is the time spent by the
	Commissioner for Resilience.
	Equality or Good Relations Implications/Rural Needs Assessment
3.9	None.
4.0	Appendices – Documents Attached
	None