

Standards and Business Committee

Thursday, 27th January, 2022

MEETING OF THE STANDARDS AND BUSINESS COMMITTEE

HELD IN THE COUNCIL CHAMBER AND REMOTELY VIA MICROSOFT TEAMS

Members present: Councillor McCullough (Chairperson);
Aldermen Copeland and Kingston; and
Councillors Black, Bunting, Canavan, Corr, de Faoite,
Ferguson, Groogan, M. Kelly, T. Kelly, Kyle, McCabe
and Pankhurst.

In attendance: Mr. J. Walsh, City Solicitor;
Mrs. S. Williams, Governance and Compliance Manager; and
Mr. J. Hanna, Senior Democratic Services Officer.

Apologies

Apologies were reported on behalf of Councillors Gormley, McAllister and McDonough-Brown.

Minutes

The minutes of the meeting of 6th January were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council, at its meeting on 10th January, subject to the omission of those matters which had been delegated to the Committee.

Declarations of Interest

Councillor Pankhurst declared an interest in respect of item 2(b) Notice of Motion – Proposed cuts in Higher Education in that he was a PhD Candidate and employed by a university and left the meeting whilst the item was under consideration.

Delegated Matters

Notices of Motion Received for Council on 27th January

The Committee considered a report in relation to Notices of Motion which had been received for consideration by the Council at its meeting on 1st February.

The Committee considered each motion in turn and agreed the following:

Unauthorised Clothing Banks

That the motion be referred directly to the Strategic Policy and Resources Committee for consideration.

Proposed Cuts in Higher Education

That the motion calling on Proposed Cuts in Higher Education be referred to the Council for debate, with no restrictions on the number of speakers.

Working Group – Review of Standing Orders

The Committee agreed to establish an All-Party Working Group to undertake a review of the Council's Standing Orders.

It was agreed also that the terms of reference be extended to include a review of the remit of Committees for the next Council term.

Members Internal Dispute Resolution Protocol

The Committee considered the following report:

“1.0 Purpose of Report or Summary of main Issues

1.1 The purpose of this report is to provide Members with the latest version of the draft Members Internal Dispute Resolution Protocol which was updated following the workshop on 6th January. As the process outlined in the protocol may be applicable (on a voluntary basis) to all Members of the council, it is proposed that the protocol be presented to full Council on 1 February for ratification.

2.0 Recommendations

2.1 It is recommended that the Standards and Business Committee:

- agree the draft Members Internal Dispute Resolution Protocol attached at Appendix 1, and**
- agree that the protocol is presented to Council on 1 February for ratification.**

3.0 Main report

3.1 Members received a further presentation on a draft Members Internal Dispute Resolution Protocol at the workshop which followed the meeting of the Standards and Business Committee on 6 January 2022. Members noted that participation in the protocol is on a voluntary basis and that its purpose is to provide an internal mediation mechanism for the prompt resolution of low level disputes between individual members of Council in relation to their behaviour towards each other.

Following discussion it was recommended that the protocol should be amended to ensure that a note of the meeting would be made and retained by the Monitoring Officer and a note of the outcome of any mediation meeting including any agreement reached should be recorded by the Monitoring Officer and provided to all participants on a private and confidential basis.

It was also recommended that as the process outlined in the protocol may be applicable (on a voluntary basis) to all Members of the council, that it should be circulated to all Members and ratified at full council.

Next Steps

The draft Members Internal Dispute Resolution Protocol will be presented to Council on 1 February for ratification.

If approved, awareness training on the protocol will be rolled out to all Members in February 2022.

3.2 Financial and Resource Implications

No financial or resource implications attached to this report.

3.3 Equality or Good Relations Implications/ Rural Needs Assessment

Any equality, good relations and rural needs assessments implications will be subject to the usual screening processes.”

Appendix

BELFAST CITY COUNCIL MEMBERS' INTERNAL DISPUTE RESOLUTION PROTOCOL

CONTEXT

The Northern Ireland Local Government Code of Conduct for Councillors came into effect in 2014, providing ethical standards and rules for all councillors in Northern Ireland. The Code places personal responsibility on each elected member to manage their own conduct and behaviour and the Local Government Commissioner for Standards is legally empowered to investigate and adjudicate on any alleged breaches of the provisions of the Code.

Council fully endorses both the letter and spirit of the Code and the functions of Council's Standards and Business Committee include a 'commitment to 'uphold the high standards of values and behaviours in a relationship of mutual trust'.

As part of that commitment and in order to afford members to resolve basic issues of respect and consideration for others which may arise in the course of 'member to member' engagement, the Standards and Business Committee is providing a simple, informal, mediation mechanism to address such issues without necessarily having to seek the involvement of the Commissioner through the lodging of a formal complaint of a breach of the Code. In this way, the Committee hopes to ensure a speedy outcome for all the parties within the process, thus making it easier for relationships to be restored without continuing rancour.

Details of the purpose, scope and operation of the Protocol are set out below.

PURPOSE OF PROTOCOL

The purpose of the Protocol is to provide an internal mechanism for the prompt resolution of disputes between individual members of Council in relation to their behaviour towards each other.

SCOPE OF PROTOCOL

The Protocol will only apply to disputes between Members in respect of alleged misconduct under paragraph 4.13(a) of the Northern Ireland Local Government Code of Conduct for Councillors:

Code Paragraph 4.13(a) - You must show respect and consideration for others

The Protocol offers a mediation mechanism to seek a swift resolution of member to member disputes and since it is a voluntary arrangement, both parties must agree to participate in the process if it is to be utilised. The Protocol cannot consider complaints by any third parties, including members of staff.

Complaints in relation to conduct which is claimed to be in breach of any other provisions of the Code cannot be dealt with under the Protocol but can, if desired, be made directly to the Local Government Commissioner for Standards.

The operation of the Protocol is not intended to impinge upon the jurisdiction of the Local Government Commissioner for Standards but, rather, to deal informally with a limited category of complaints which may obviate the need for referral to the Commissioner.

The Protocol is not intended to interfere with, or take the place of, group or party discipline, nor self-regulation by members.

The involvement of the Party Group Leaders and Monitoring Officer is not to make any adjudication on the merits or otherwise of the complaint but rather to facilitate a simple mediation process to provide both parties to the complaint with an opportunity to reach an agreed settlement.

OPERATION OF PROTOCOL

The Monitoring Officer will facilitate the operation of the Protocol.

A member wishing to utilise the Protocol must put his/her complaint in writing (using the form provided or simply by email) to the Monitoring Officer explaining:

- when and where the alleged breach occurred;
- how he/she considers that paragraph 4.13(a) of the Members' Code of Conduct has been breached;

Such written complaint must be sent to the Monitoring Officer within fourteen days from the date of the event which is the subject of the complaint, or within fourteen days from the date when the event came to the knowledge of the complainant.

The Monitoring Officer will then share the complaint with the member who is the subject of the complaint.

The member who is the subject of the complaint will have fourteen days, from receipt, within which to send a written reply to the Monitoring Officer setting out a response and, in particular, indicating willingness or otherwise to participate in the dispute resolution process. Should the member fail to respond during this fourteen day period or indicate unwillingness to participate in the process, the Monitoring Officer will terminate the process at this point and inform the complainant accordingly.

In the event of receiving a reply from the member complained of indicating a willingness to proceed to the mediation process available, the Monitoring Officer will:-

- copy the full response to the complainant; and
- arrange a mutually convenient and private meeting between the complainant and the member who is the subject of the complaint, together with their respective Party Group leaders. This will take place as soon as reasonably practicable and will be held in private.
- If the complaint is between Members from the same political group – the Monitoring Officer and the relevant Group leader will meet with the complainant and Member who is the subject of the complaint to seek an agreed resolution.
- If the complaint is between Members of different political groups – the Monitoring Officer and the relevant Group Leaders will meet with the complainant and Member who is the subject of the complaint to seek an agreed resolution.
- If the complaint is between a Member of a political group and a non-aligned Member (i.e. a member who does not belong to any political group) – the Monitoring Officer and the relevant Group Leader together with the Chair of the Council (the Lord Mayor) will meet with the complainant and Member who is the subject of the complaint to seek an agreed resolution.
- If a Group Leader is involved either as complainant or as the subject of the complaint, the Monitoring Officer and the relevant Deputy Group Leaders will

meet with the complainant and Member who is the subject of the complaint to seek an agreed resolution.

- The Monitoring Officer will make and retain a note of the meeting and a note of the outcome of the meeting. The Monitoring Officer will provide a copy of the note of the outcome of the meeting to all participants in the process on a private and confidential basis.
- The Monitoring Officer will also advise the Standards and Business Committee on the number of cases dealt with through the Protocol and the respective outcomes of such cases (i.e. whether the case was resolved successfully or otherwise).

All documentation in respect of this process will be treated in the strictest confidence and all participants in the process will be expected to respect the rights to confidentiality of all other participants.

MEMBERS' INTERNAL DISPUTE RESOLUTION PROTOCOL

COMPLAINT FORM

The Members' Internal Dispute Resolution Protocol only deals with disputes between Members in respect of alleged breaches of Code Paragraph 4.13(a) – "You must show respect and consideration for others."

Complaints in relation to conduct which you consider is in breach of other provisions of the Code cannot be dealt with under the Protocol. Such complaints may, if desired, be reported directly to the Local Government Commissioner for Standards

A: Your Details

Surname:	Forename(s):	Title:
Address and Postcode:		
Email Address:		
Contact telephone number (s) :		

Please state by which of the above methods you would prefer to be contacted.

B: About your complaint (please continue your answers to the following questions on a separate sheet(s) if necessary)

Name of the member you are complaining about:

In what way do you consider that a breach of Paragraph 4.13(a) of the Members' Code of Conduct has occurred?

(Code Paragraph 4.13(a) - You must show respect and consideration for others)

Describe how you have been affected by the conduct which is the subject of your complaint.

When did you first become aware of the matter which is the subject of your complaint?

Have you already tried to resolve your complaint with anyone else, e.g. directly with the member concerned, group leader, etc.? If so, please give brief details of how, when you did so and any outcome.

In what way do you consider this complaint might be remedied to your satisfaction?

Signature: _____ **Date:** _____

When you have completed this form, please forward it to:

The Monitoring Officer

Email: monitoringofficer@belfastcity.gov.uk

Please note that a copy of your complaint will be shared with the member who is the subject of your complaint. All documentation in respect of this process will be treated in the strictest confidence and all participants in the process are expected to respect the rights to confidentiality of all other participants.

After discussion, it was:

Moved by Councillor Black,
Seconded by Councillor McCabe,

That the Committee agrees the draft Members Internal Dispute Resolution Protocol attached at Appendix 1 to the report and that it be presented to the Council on 1st February for ratification.

On a vote, twelve Members voted for the proposal and five against and it was declared carried.

Chairperson