

Strategic Policy and Resources Committee

Friday, 18th February, 2011

MEETING OF STRATEGIC POLICY AND RESOURCES COMMITTEE

- Members present: Councillor Crozier (Chairman); and
Councillors Attwood, D. Browne, W. Browne,
M. Campbell, Garrett, Hartley, Hendron, N. Kelly,
Lavery, McCarthy, McVeigh, Newton, O'Reilly,
G. Robinson, Rodway J. Rodgers and Stoker.
- Also attended: Councillor Mhic Giolla Mhín.
- In attendance: Mr. P. McNaney, Chief Executive;
Mr. C. Quigley, Assistant Chief Executive;
Mr. G. Millar, Director of Property and Projects;
Mrs. J. Thompson, Director of Finance and Resources;
Mr. S. McCrory, Democratic Services Manager; and
Mr. J. Hanna, Senior Democratic Services Officer.

Modernisation and Improvement

Local Government Reform Policy Proposals – Draft Consultation Response

The Committee considered the undernoted report:

“1.0 Relevant Background Information

- 1.1 **As Members are aware, as part of his announcement to the Assembly on 30th November, the Environment Minister launched the ‘Local Government Reform – Policy Proposals’ consultation document which set out proposals intended to modernise the governance and legal framework within which district councils operate. It is envisaged that the proposals will, in due course, be translated into a draft Bill (previously known as the Local Government Reorganisation Bill) to be considered by the NI Assembly.**
- 1.2 **The consultation document sought views on eight key areas including:**
1. **New governance arrangements – proposals in regards to decision making structures; sharing power and responsibility; putting in place necessary checks and balances (including proposals to introduce a call-in procedure) and ensuring that there is openness and transparency in how councils conduct their business.**

2. **Ethical Standards** – proposals for a new ethical standards regime for local government which would include a mandatory code of conduct for councillors with supporting mechanisms for the investigation and adjudication of appeals.
 3. **Service Delivery and Performance Improvement** - proposals for the introduction of a new service delivery and performance improvement framework for local government. This would involve a revised, more expansive statutory duty for councils to secure best value and to continuously improve services.
 4. **Community Planning** – proposals to bring forward a statute based community planning process, led and facilitated by the new councils.
 5. **Power of Well-Being** – proposals to confer to councils a new power of well-being which would enable councils to take any action that is not already the responsibility of another agency, to promote or improve the well being of their districts. It is suggested that such a duty would further support the community planning role of councils.
 6. **Partnership Panel** – proposals to formalise the relationships between the Executive and district councils and provide a forum to consider strategic issues collectively. It is proposed that the Panel will consist of Departmental Ministers and representatives from each of the 11 new councils.
 7. **Supervision of Councils** – proposals to extend the supervision powers currently available to the DOE to all Government Departments.
 8. **Reorganisation of District Councils** – seeks views on how key elements of the reorganisation of district councils (e.g. transfer of staff, transfer of assets and liabilities etc) should be progressed.
- 1.3 The closing date for responses to this consultation is 11th March 2011.
- 2.0 **Key Issues**
- 2.1 The Council's draft response to this consultation is attached at Appendix 1, for Members consideration. The Council has previously made a number of detailed consultation responses in the past on the RPA process and has engaged in the discussions as part of the Policy Development Panels. The comments as set out in this response therefore reflect views previously expressed by the Council.
- 2.2 Whilst a detailed draft response, is attached at Appendix 1, Members are asked to note the following key points raised within the response:

- (i) **Alignment and Integration of Legislation:** The Council is aware of the separate, but associated pieces of legislation (e.g. Planning Bill, Local Government Finance Bill) currently under consideration within the NI Assembly and which will inevitably impact upon the future remit and operation of local authorities. The Council would commend that further consideration be given to the interconnections between these pieces of legislation and the local government reform policy proposals.
- (ii) **Governance arrangements:** Whilst the Council fully supports and recognises the importance of ensuring that decision making processes are efficient, fair and transparent, it would highlight the potential for some of the current governance proposals to create unnecessary tensions and delays in the decision making process in councils. For example, the proposals in respect to suggested % triggers for both call-in (i.e. 15% of total council membership) and qualified majority voting (i.e. 80% members present), may make it practically impossible for a decision to be made in some councils.

Clearly such proposals will be for political consideration and individual Party Groups are likely to have their own views. It is suggested however that consideration be given to the viability and practical implications of implementing the proposals within a working council. It would be important to subject such proposals to a test on decisions which are actually made by councils to determine whether it would work. It may be beneficial to consider other options for % thresholds.

- (iii) **Resource Implications:** The Council also points out that there is no reference in the consultation document to the resource and financial implications for councils of implementing the policy proposals and would seek further engagement with the Department in this regard.
- (iv) **Capacity Building:** The Council highlights the critical need for sufficient capacity within both central and local government to ensure that the reform proposals are implemented in an effective way. Supporting Members' development should therefore be a critical component of any reform programme brought forward.

- (v) **Community planning** – the Council continues to advocate that local councils are uniquely and ideally placed to lead and facilitate community planning and that all partners must be statutorily required to participate and contribute to the process
- (vi) **Ethical Standards**: Belfast City Council has consistently supported the establishment of a statutory ethical standards framework and a mandatory code of conduct for all Councillors and would therefore welcome, in principle, the proposals set out within the consultation document.
- (vii) **Service Delivery & Performance Improvement**:
The Council would be concerned with the over reliance within the consultation document, on best value to drive service improvement rather than setting the performance framework in the context of community planning and providing councils with appropriate flexibility to address local needs.
- (viii) **Power of Well-Being**: Highlights the recent legislative shift, linked to the introduction of the new Localism Bill for England and Wales, to confer to councils a wider power of general competence rather than a power of well-being and requests that further consideration be given to appropriateness of this within Northern Ireland.
- (ix) **Partnership Panel** – agreement in principle with the proposal to establish a Partnership Panel but would further clarification sought on the representation, operation and remit of the Panel.

NILGA Briefing Sessions

- 2.3 NILGA are holding a series of briefing sessions for local government representatives to examine and discuss the reform policy proposals with a view to informing the development of a composite response on behalf of the local government. A copy of the invitation and dates for the briefing sessions is attached at Appendix 3. It is suggested that the Committee approve the attendance of the Chairman of the Committee, the Deputy Chairman of the Committee and a representative from each of the other Parties (or their nominee) at the NILGA briefing sessions.

3.0 Resource Implications

There are no Human Resource or financial implications contained within this report

4.0 Recommendations

Members are asked to note the content of this report and

1. consider the Council's draft response attached at Appendix 1
2. agree the submission of the Council's response, subject to any proposed amendments made by Members, to the Department of the Environment by 11th March; and
3. approve the attendance of the Chairman, Deputy Chairman and a representative from each of the other parties (or their nominees) to the NILGA briefing sessions.

5.0 Documents Attached

Appendix 1 Draft Council response to the Local Government Reform Policy Proposals consultation document

Belfast City Council
Response to 'Local Government Reform – Policy Proposals'
Consultation document

1.0 INTRODUCTION

- 1.1 Belfast City Council is fully supportive of the need for local government reform within Northern Ireland and welcomes the opportunity to respond to the 'Local Government Reform – Policy Proposals' issued for consultation by the Department of the Environment.
- 1.2 The Council has a number of general comments to make in regard to reform proposals as well as detailed commentary on the individual questions set out within the consultation document. The response is intended to be constructive and seeks to ensure that the policy proposals take account of the associated operational and implementation issues within local government. It will be important that all efforts are taken to ensure that the reform proposals are both progressive but realisable.

2.0 GENERAL COMMENTS

- 2.1** The Department will be aware that the Council has proactively engaged within the local government reform process to date and has inputted into the policy development process. Many of the comments, as set out within this response, therefore reinforce previous views expressed by the Council.
- 2.2** Belfast City Council notes the ambition as set in the Ministerial Forward to the consultation document so “look at proposals for constructing the new governance framework to provide for efficient, fair and transparent decision-making in councils, with a regime to ensure that the highest standards of behaviour are maintained’. The Council believes that this is particularly important within the context of any potential future transfer of new functions to councils.

Alignment and Integration of Legislation

- 2.3** The Council is aware of the separate, but associated pieces of legislation (e.g. Planning Bill, Local Government Finance Bill) currently under consideration within the NI Assembly and which will inevitably impact upon the future remit and operation of local authorities. The Council would commend that further consideration be given to the interconnections between these pieces of legislation and the local government reform policy proposals.

Capacity Building

- 2.4** Belfast City Council is surprised to note that there are a number of key areas in relation to the reform which are not covered in this consultation. The Council would highlight, in particular, the critical need for sufficient capacity within both central and local government to ensure that the reform proposals are implemented in an effective way. Supporting Members’ development should therefore be a critical component of any reform programme brought forward. This is further necessitated by the fact that the proposed local government reform policy proposals (e.g. new governance, decision making, ethical standards and performance regime) will coincide with the transfer of new functions to councils including community planning.

Resource Implications

- 2.5** The Council also points out that there is no reference in the consultation document to the resource and financial implications for councils of implementing the policy proposals and would seek further engagement with the Department in this regard.

Governance arrangements

- 2.6 Whilst the Council fully supports and recognises the importance of ensuring that decision making processes are efficient, fair and transparent, it would highlight the potential for some of the current governance proposals to create unnecessary tensions and delays in the decision making process in councils. For example, the proposals in respect to suggested % triggers for both call-in (i.e. 15% of total council membership) and quality majority voting (i.e. 80% members present), may make it practically impossible for a decision to be made in some councils.
- 2.7 Clearly such proposals will be for political consideration and individual Party Groups are likely to have their own views. It is suggested however that consideration be given to the viability and practical implications of implementing the proposals within a working council. It would be important to subject such proposals to a test on decisions which are actually made by councils to determine whether it would work. It may be beneficial to consider other options for % thresholds.

Ethical Standards

- 2.8 Belfast City Council has consistently supported the establishment of a statutory ethical standards framework and a mandatory code of conduct for all Councillors and would therefore welcome, in principle, the proposals set out within the consultation document. The Council recognises the role that such frameworks provide in reinforcing the trust in councils and in local democracy and that this is particularly important in the context of any future transfer and delivery of new functions by councils. The Council would seek further engagement with the Department in developing such frameworks.

Service Delivery & Performance Improvement

- 2.9 The Council would be concerned with the over reliance within the consultation document, on best value to drive service improvement rather than setting the performance framework in the context of community planning and providing councils with appropriate flexibility to address local needs. The Council would highlight the current policy shift in the rest of the UK whereby there is a retrenchment in centralised scrutiny/inspection and move towards greater sector self-regulation.

- 2.10 Whilst the Council recognises the potential need for local and central government to jointly agree a small number of outcomes which may be delivered locally; possibly linked to certain transferring functions or aligned with the Programme for Government priorities, it would be concerned about the proposal to bestow to departments the ability to specify performance indicators for the delivery of council functions. The setting of performance indicators should be left to local authorities in the context of community planning.

Community Planning

- 2.11 The Council would fully support the proposal that local authorities lead and facilitate community planning and would view this as a key enabler for the integration of services to address local needs. The effectiveness of the community planning process and the delivery of improved outcomes will be dependant upon the strength of relationships between councils, departments and other public bodies. There should be a shared commitment to align plans and resources to address identified needs. The Council would therefore recommend that similar to other jurisdictions there be a statutory duty placed upon relevant public bodies and statutory agencies to participate and contribute to the community planning process.

Power of Well-Being

- 2.12 The Council would support, in principle, the proposal to introduce a power of well-being as this would provide appropriate freedoms for council to improve service provision and to contribute to the wider economic, social and environmental well-being of their areas. The Council would however, take this opportunity to highlight the recent legislative shift, linked to the introduction of the new Localism Bill for England and Wales, to establish a power of general competence rather than a power of well-being.
- 2.13 Belfast City Council would therefore request that further consideration be given as to whether the proposed power of well-being should be replaced with a power of general competence.

A Partnership Panel

2.14 Belfast City Council recognises the need for a strengthened and formal relationship between central and local government and believes that the proposals to streamline the number of local authorities in NI presents a real opportunity to create a more effective interface between central and local government. The Council would support the proposed establishment of a Partnership Panel as a positive way forward, however, would seek further clarification and engagement in respect to the representation, operation and remit of such a Partnership Panel.

3.0 **Conclusion**

3.1 Belfast City Council reiterates its overwhelming support for modernising local government in Northern Ireland and view these initial policy proposals as a positive step in moving forward. The Council recognises that the consultation document is dealing with indicative proposals at this stage and that an informed assessment of the likely impact of the proposals and the potential consequences for councils and citizens in the future will be difficult until the proposals are finalised further.

3.2 The Council would take this opportunity to reiterate the need for a closer working relationship with the Department in taking this process forward and on the further development of the policy proposals and drafting of any subsequent legislation.

Detailed Commentary on Questions

<u>QUESTION</u>	<u>BELFAST CITY COUNCIL COMMENTS</u>
Section 3 - Governance Arrangements	
<i>Section – Decision making structures (Paragraphs 3.5-3.9 – Pages 6-9)</i>	
Question 1: Do you agree that a list of alternative decision-making structures should be available to councils?	Yes <ul style="list-style-type: none"> - The Council agrees that alternative decision-making structures should be available to councils. - The Council would seek clarification if proposed decision-making models as set out within the consultation document prohibit other types of committees being established by councils (e.g. area committees, thematic committees).

<u>QUESTION</u>	<u>BELFAST CITY COUNCIL COMMENTS</u>
<p>Question 2: Where decision-making is devolved to a committee of the council, do you agree that effective internal scrutiny arrangements should be required?</p>	<p>Yes</p> <ul style="list-style-type: none"> - The Council supports the need to ensure that effective scrutiny arrangements are in place to underpin the decision making processes within councils. However, the Council would urge caution about being overly prescriptive in terms of both the form and scope of such scrutiny arrangements. It is vital that any scrutiny arrangements do not result in the orderly and efficient transaction of business being made more difficult.
<p>Question 3: If a list of decision-making structures, as set out, is provided, do you support the proposal that a default option should be available?</p>	<p>Yes</p>
<p>Question 4: Should a list of core issues, for which decisions must be taken by the full council, be specified? If so, what are your views on the issues that should be included in this list?</p>	<p>Yes</p> <ul style="list-style-type: none"> - The Council believes that the starting point for identifying a core list of decisions which are to be reserved for decision by full council, should be those outlined within the Local Government 1972 Act (e.g. the striking of the rate, borrowing money and the acquisition and disposal of land). It will be for political consideration as to whether this list is to be revised.
<p><i>Section - Sharing of power and responsibility (Paragraphs 3.10-3.17 – Pages 9-12)</i></p>	
<p>Question 5: Do you support the proposal that a limited number of methods for ensuring the sharing of positions on a council, its committees, and external appointments should be made available? Are the methods identified appropriate?</p>	<p>Yes</p> <ul style="list-style-type: none"> - In order to provide for a degree of consistency, it would be beneficial if a limited number of systems of proportionality were outlined and the Council would support the choice of the Quota Greatest Remainder and Droop Quota being offered. - Belfast City Council has for a number of years successfully operated a system of proportionality which uses the Quota Greatest Remainder and d'Hondt systems to allocate places on Committees to party groupings based upon the strength of the groupings on the Council.
<p>Question 6: Should the D'Hondt system be specified as the default model, for use in the absence of agreement?</p>	<p>Yes</p>

<u>QUESTION</u>	<u>BELFAST CITY COUNCIL COMMENTS</u>
<p>Question 7: Do you support the proposal that the Department specifies the method for applying each of the available systems?</p>	<p>Yes</p> <ul style="list-style-type: none"> - Belfast City Council believes that there would be advantages in the application of a consistent methodology across local government. However, the Council would request further information on the exact details of the proposed method and would seek further engagement with the Department on the proposed methods before coming to a decision.
<p>Question 8: Do you agree that the Department should specify the list of positions that would be allocated using these methods?</p>	<p>Yes</p> <ul style="list-style-type: none"> - The Council would suggest that consideration be given to the following positions being allocated on the basis of proportionality, as currently applied by the Council: <ul style="list-style-type: none"> • Lord Mayor and Deputy Lord Mayor • Positions on the Cabinet and/or Committees • Chairmen and Deputy Chairmen of Cabinet/Committees • Positions on Outside Bodies - Belfast City Council has for several years operated a system of proportionality which separates the various positions of authority into separate pools and appoints Members for different periods of time based upon what is deemed to be appropriate. Following the elections in May this year, the Council will divide the positions of authority into three pools. <ul style="list-style-type: none"> • Lord Mayor and Deputy Lord Mayor - for each year of the 4-year term; • Chairmen and Deputy Chairmen of the six standing committees for one year only. This is then re-run each year (could be expanded to include choices for each year of the 4-year term); • Positions on outside bodies for the full 4-year term. This is seen to be advantageous in providing for consistency of approach and to allow the Members appointed to develop a degree of expertise.

<u>QUESTION</u>	<u>BELFAST CITY COUNCIL COMMENTS</u>
	<ul style="list-style-type: none"> - The Council would urge that the Department should not require that all of these positions be grouped together into one pool nor should it specify the period of time of the appointments, but rather it should be left to each individual council to decide how best the application of proportionality should be carried out.
<p>Question 9: What are your views on the proposal for ensuring proportionality in the membership of council committees? Are the methods to be used appropriate?</p>	<p>Yes</p> <ul style="list-style-type: none"> - The Council fully supports the use of either the Quota Greatest Remainder or Droop Quota for ensuring proportionality in the membership of committees.
<p><i>Section – Checks and Balances (Paragraphs 3.18-3.25 –Pages 13-16)</i></p>	
<p>Question 10: Should a call-in procedure be introduced to provide a check and balance for council-decision making?</p>	<p>Yes, in certain defined circumstances</p> <ul style="list-style-type: none"> - The Council would suggest that given the potential delay that the introduction of call-in could create in the democratic decision making process, such provisions should only be introduced in limited circumstances (e.g. one party overall control within a council) or where a council chooses to apply them. - The Council would highlight that it can be demonstrated that a system which embraces the principles and spirit of proportionality in its decision-making structures can, over time, develop methods of reaching agreement across different political parties without the need for rigid structures for checks and balances. Decisions reached by mature debate and, where possible, consensus or agreement are much more robust and provide for better decision-making than those achieved through regulation.

<u>QUESTION</u>	<u>BELFAST CITY COUNCIL COMMENTS</u>
<p>Question 11: Do you support the proposal for such a call-in to be available in the two circumstances outlined, and for how it would operate?</p>	<p>Yes</p> <ul style="list-style-type: none"> - The Council has no objections to the principle of “call in” being available in the two circumstances outlined; i.e. where procedures used in reaching a decision are questioned, and where there is an issue in relation to the protection of political minorities in the council district. However, the Council would urge that the Department liaises with local authorities in order to develop and agree robust and clear definitions around the criteria for each of the two circumstances and to examine and detail the practicalities and process for implementing such procedures. - The Council would be concerned that, in their current form and without more detailed definition, there is a risk that the policy proposals may result in a high percentage of committee decisions being subjected to call-in and thereby making effective decision making more difficult.
<p>Question 12: Do you agree that 15% of council membership should be the trigger for a call-in?</p>	<ul style="list-style-type: none"> - Clearly such proposals will be for political consideration and individual Party Groups are likely to have their own views. - It is important to note from a practical perspective that under the current proposals (i.e.15% trigger) , 8 members of Belfast City Council can call-in a decision. - It is suggested, however, that consideration be given to the viability and practical implications of implementing the proposed 15% trigger for call-in within a working council and it is suggested that other trigger options should be further considered.

<u>QUESTION</u>	<u>BELFAST CITY COUNCIL COMMENTS</u>
<p>Question 13: Should the use of qualified majority voting be introduced to provide safeguards in the council's decision-making processes?</p>	<ul style="list-style-type: none"> - Clearly such proposals will be subject to political consideration and individual Party Groups may wish to express their own views. - The Council would highlight, however, that local government within Northern Ireland has operated for many years on the basis of a simple majority vote and this system has been successfully used in Belfast over the past years. The introduction of qualified majority voting proposed within the consultation document is suggested without any supporting evidence being presented to prove that it is desirable or even necessary. - It is suggested at para. 3.24, that qualified majority voting should be applied to '<i>strategic decisions</i>' without any definition being given to what this actually means. The Council would therefore seek further clarification on this.
<p>Question 14: Do you agree that 80% of council membership should be the threshold for qualified majority voting?</p>	<ul style="list-style-type: none"> - Again such proposals will be subject to political consideration and individual Party Groups may wish to express their own views. - Whilst suggesting that qualified majority voting may not be appropriate (refer to question 13 above), the Council would suggest that if introduced, due consideration should be given to the appropriateness of the proposed 80% threshold and the practical implications of implementing this within a working council and the impact it would have on a council's ability to take decisions. - In practical terms, the implementation of the proposals as currently outlined would mean that at a full council meeting in Belfast with all 51 councillors present, 41 would need to vote in favour of a proposal before it could be agreed. Again, it is suggested that this may create unnecessary tensions, delays and possibly stifle the decision making process.

<u>QUESTION</u>	<u>BELFAST CITY COUNCIL COMMENTS</u>
<i>Section - Transparency (Paragraphs 3.26 & 3.27 – Pages 16 & 17)</i>	
<p>Question 15: What are your views on the proposed steps to enhance transparency and openness in the operation of a council and its decision-making?</p>	<p>Yes</p> <ul style="list-style-type: none"> - The Council would support, in principle, the proposals to enhance the transparency and openness in the operation and decision-making processes within councils. However, would highlight the fact that limited information is contained within the consultation document as to the detail of any such proposals and would seek further clarification from and engagement with the Department on this point.
Section 4 - Ethical Standards	
<i>Section – Background (Paragraphs 4.1-4.7 –Pages 17-19)</i>	
<p>Question 16: Do you agree that a statutory ethical standards framework should be introduced for members of district councils in Northern Ireland?</p>	<p>Yes</p> <ul style="list-style-type: none"> - Belfast City Council has consistently argued that a statutory ethical standards framework and a mandatory code of conduct for all Councillors should be introduced within Northern Ireland. - The Council recognises the role that such frameworks provide in reinforcing the trust in councils and in local democracy and that this is particularly important in the context of any future transfer and delivery of new functions to councils. - The Council would seek further engagement with the Department in developing such frameworks.
<i>Section – Code of Conduct (Paragraphs 4.8-4.12 –Pages 20 & 21)</i>	
<p>Question 17: Do you agree that the principles mentioned above should apply to councillors and co-opted members?</p>	<p>Yes</p> <ul style="list-style-type: none"> - The Council would commend the proposed principles as set out within the consultation document and would suggest that they inform the development of any Code of Conduct which may be introduced.

<u>QUESTION</u>	<u>BELFAST CITY COUNCIL COMMENTS</u>
<p>Question 18: Do you agree that a mandatory Code of Conduct should be introduced and that all council members should give a written undertaking to comply with it before accepting office?</p>	<p>Yes</p> <ul style="list-style-type: none"> - Belfast City Council has consistently argued that a mandatory code of conduct should be introduced for all Members and would seek further engagement with the Department whilst further developing these policy proposals. - The Council would also suggest that consideration be given to creating a Code of Conduct for Members of Public Bodies similar to the Model which has been successfully established in Scotland.
<p><i>Section - Complaints (Paragraphs 4.13-4.15 –Pages 22 & 23)</i></p>	
<p>Question 19: Do you agree that all written complaints concerning alleged breaches of the Code should be sent in the first instance to the Commissioner for Complaints to determine how they should be investigated?</p>	<p>Yes</p> <p>This would ensure independence in the initial consideration of alleged breaches and a consistency of approach in how such initial consideration is undertaken.</p>
<p>Question 20: If you do not agree, what other suitable alternative would you suggest?</p>	<p>N/A</p>
<p><i>Section – Investigation and Adjudication (Paragraph 4.16-4.24 –Pages 23-28)</i></p>	
<p>Question 21: Do you agree that the Commissioner for Complaints should only deal with those cases that are deemed to be serious or high profile?</p>	<p>Yes</p> <ul style="list-style-type: none"> - The Council notes that the consultation proposes that the Commissioner should only deal with cases that are ‘deemed to be serious or high profile’ The Council would highlight, however, the current absence of any definition or criteria of what would constitute a ‘serious’ or ‘high profile’ case, and would seek further clarification on who would determine this and the mechanisms for such determinations.
<p>Question 22: Alternatively, would you prefer the Commissioner for Complaints to be responsible for <u>all</u> types of cases? What would you consider to be the advantages of this?</p>	<p>No</p> <ul style="list-style-type: none"> - Councils should be responsible for those cases which are not of a ‘serious’ or ‘high-profile’ nature (which are still to be defined).

<u>QUESTION</u>	<u>BELFAST CITY COUNCIL COMMENTS</u>
<p>Question 23: Do you agree that each council should be required to establish a standards committee? If so, do you agree that each Standards Committee should include independent members and that an independent member should chair the committee?</p>	<p>Yes</p> <ul style="list-style-type: none"> - The Council has consistently supported the establishment of a firm legislative basis supported by codes of practice to ensure equitable and fair representation of all interests in the future. The Council continues to believe that consideration should be given to an appropriate enforcement and sanction system, for example, through a two-tier system; firstly at a Council level through the creation of Standards Committees and secondly at an external level through either the creation of an independent Standards Commission or through extending the present responsibilities of the Commissioner for Complaints.
<p>Question 24: Do you agree that complaints concerning less serious breaches of the Code should be dealt with by the relevant council's standards committee; Do you agree that the council's independent monitoring officer should undertake any necessary investigation; Do you agree that the standards committee will consider all cases on the basis of the monitoring officer's reports and on the evidence presented; and Do you agree that the council's standards committee should decide what sanctions, if any, should be taken against the members concerned?</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
	<p>Yes</p> <ul style="list-style-type: none"> - The Council would request that further clarity (and potential guidance) be provided in respect of the potential sanctions which could be imposed and in what circumstances.

<u>QUESTION</u>	<u>BELFAST CITY COUNCIL COMMENTS</u>
<p>Question 25: Do you agree that monitoring officers should be independent of councils or do you think that they should be council officers who, in addition to investigating less serious complaints, might be better placed to support the development of an ethical culture within councils?</p> <p>Do you agree that an independent monitoring officer should be appointed to each council? If not, what alternative would you propose?</p>	<p>No</p> <ul style="list-style-type: none"> - It is already a Council officers job to advise the decision making process, wherever a decision is within the Councils powers and also on whether a decision is being made in accordance with the law and standing orders, financial regulations and other matters governing the process of decision making. - The Council would recommend that monitoring officers should be an appropriate council officer, for example, in the case of Belfast the Assistant Chief Executive/Town Solicitor could undertake this role. - It may be more appropriate to give councils the choice, within their own decision-making process, as to whether they wish to appoint an internal officer or an independent person.
	<p>No</p> <ul style="list-style-type: none"> - It should be left to a council's own discretion, within established decision making processes, to make the appropriate appointment of a monitoring officer.
<p>Question 26: Do you agree that sanctions should be available to standards committees and the Commissioner for Complaints where breaches of the Code have occurred?</p>	<p>Yes</p> <ul style="list-style-type: none"> - The Council would point out that further clarity (and potential guidance) in respect of the potential sanctions which could be imposed and in what circumstances, would be beneficial.
<p>Question 27: Do you agree that members should have a right of appeal to the Commissioner for Complaints concerning decisions taken by standards committees and to the Court system concerning decisions taken by the Commissioner for Complaints?</p>	<p>Yes</p>

<u>QUESTION</u>	<u>BELFAST CITY COUNCIL COMMENTS</u>
Section 5 – Service Delivery & Performance Improvement	
<i>Section – Revised Best Value Duty (Paragraph 5.5 –Pages 30 & 31)</i>	
<p>Question 28: Do you agree that a newly defined best value (continuous improvement) duty should be placed on councils?</p>	<p>No</p> <ul style="list-style-type: none"> - The Council would be concerned with the apparent over reliance within the consultation document, on best value to drive service improvement rather than setting the performance framework in the context of community planning and providing councils with appropriate flexibility to address local needs. The Council would highlight the current policy shift in the rest of the UK away from overly bureaucratic and centralised scrutiny/inspection regime and move towards greater sector self-regulation, subject to the achievement of a set of agreed targets or outcomes with central government.
<i>Section – Best Value Guidance (Paragraphs 5.6-5.7 –Pages 31 & 32)</i>	
<p>Question 29: Should the Department be able to issue guidance in relation to best value?</p>	<p>No, unless it is developed with Local Government</p> <ul style="list-style-type: none"> - In light of the Council’s response to question 28 above, the Council would be of the view that such guidance is unnecessary. - Notwithstanding, if such guidance is to be progressed the Council would reinstate the purpose of best value as set out within the consultation document is to establish a culture of good management for the delivery of efficient, effective and economical services that meet users’ needs. As it will be the responsibility of councils to deliver the duties as set out within any revised best value regime introduced, it is essential that local government contribute to the design and implementation of the process – as was the case with the development of the current best value duty.
<p>Question 30: Should councils be required to have regard to any guidance issued?</p>	<p>Yes</p> <ul style="list-style-type: none"> - If introduced, the Council would agree that local authorities should be required to have regard to any guidance issued but would highlight the need for Councils to be involved in developing and agreeing both the process and the associated guidance.

<u>QUESTION</u>	<u>BELFAST CITY COUNCIL COMMENTS</u>
<i>Section – Performance Indicators and Standards (Paragraphs 5.8 & 5.9 –Page 32)</i>	
<p>Question 31: Do you agree that the Department should be able to specify performance indicators for the delivery of council functions?</p>	<p>No, unless it is developed with Local Government</p> <ul style="list-style-type: none"> - Whilst the Council recognises the potential need for local and central government to jointly agree a small number of outcomes which may be delivered locally; possibly linked to certain transferring functions or aligned with the Programme for Government priorities, it would be concerned about the proposal to bestow to departments the ability to specify performance indicators for the delivery of council functions. - The Council believes that the setting of performance indicators should be left to local authorities and set within the wider context of community planning and in developing integrated solutions to local needs. - Rather than introducing an overly bureaucratic and centralised performance regime, a more supportive approach should be developed. Local and central government should work together to develop and implement a more progressive approach to performance and service improvement including, for example, the creation of performance tools such as peer review, self assessment and benchmarking. - The performance of other public sector organisations involved in improving outcomes at a local level through community planning should be taken into consideration within any policy proposals. The Council would stress that any performance framework which is implemented should be based on the following principles: <ul style="list-style-type: none"> ▪ Councils are accountable to their ratepayers. ▪ Councils are responsible for their own performance and for leading on the delivery of services and improving outcomes for the people they serve. ▪ A range of assessment methods including self assessment, peer review and performance indicators should be used. ▪ The burden of inspection, data collection and reporting to be kept to a minimum. ▪ The framework should provide value for money, be affordable, transparent and fair, easily understood and capable of implementation.

<u>QUESTION</u>	<u>BELFAST CITY COUNCIL COMMENTS</u>
<i>Section – Public Performance Reporting – A Corporate and Improvement Plan (Paragraphs 5.10-5.12 –Pages 32 & 33)</i>	
<p>Question 32: Do you agree with the proposals for the public reporting of a council’s performance improvement?</p>	<p>Yes</p> <ul style="list-style-type: none"> - Belfast City Council fully supports the need for local government to be open, transparent and accountable and recognises the importance of effective planning, performance and communication. - The Council would therefore welcome the proposal that local authorities should publish a corporate plan which gives due consideration to service improvement and performance management.. Belfast City Council’s Corporate Plan is already publicly available on the Council’s website at www.belfastcity.gov.uk/corporateplan - The Council firmly believes that the content of Corporate Plans and Improvement Plans should be decided by local authorities (not the Department) and take account of local need and circumstances. - Whilst the Council would be opposed to the introduction of a more prescriptive and one size fits all approach to corporate planning by councils, there may be potential benefit in the development of supporting guidance which would outline the core areas plans should address based on the need for councils to deliver efficient, economic and equitable services.
<i>Section – A Statutory Audit of the Corporate and Improvement Plan (Paragraphs 5.13-5.16 – Pages 34 & 35)</i>	
<p>Question 33: Should the local government auditor have a role in providing external assurance in relation to a council’s improvement plan?</p>	<p>No</p> <ul style="list-style-type: none"> - Whilst the Council fully recognises the role and importance of the local government auditor and the independent scrutiny/assurances provided, the council does not agree that the role of the local government auditor should be extended to include auditing local authorities corporate and/or improvement plans as this would undermine the local democracy process. This role should be the role undertaken by elected Members who set the priorities for the organisation and should oversee deliver against these priorities.

<u>QUESTION</u>	<u>BELFAST CITY COUNCIL COMMENTS</u>
<p>Question 34: Is the proposed role for the local government auditor as comprehensive as might be required?</p>	<ul style="list-style-type: none"> - The proposed use of the external auditor in this regard contradicts what is happening in the rest of the UK. The Council would urge that further consideration needs to be given to resource and capacity implications resulting from any proposed extension to the role of the local government auditor. - The Council would see potential benefit in the local government auditor being asked to provide assurance on the implementation of the agreed framework.
<p><i>Section – A Power of Intervention/Enforcement (Paragraphs 5.17 – 5.20 – Pages 36 & 37)</i></p>	
<p>Question 35: Do you agree that Ministers should be able to intervene if a council is failing to deliver services?</p>	<ul style="list-style-type: none"> - The Council would question the need for this. Section 129 of the Local Government Act already provides for this and the Council believes that this power, which should continue to be viewed as an action of last resort, is sufficient.
<p><i>Section 6 – Community Planning (Paragraphs 6.1 -6.7 – Pages 37-40)</i></p>	
<p>Question 36: Do you agree that councils should lead and facilitate community planning and that a requirement should be placed on them to do so?</p>	<p>Yes</p> <ul style="list-style-type: none"> - The Council would fully support the proposal that local authorities lead and facilitate community planning and would view this as a key enabler for joining-up services to address local needs. - Local councils are uniquely and ideally placed to lead and facilitate community planning. Democratically accountable to local people and with a broad remit to protect and enhance their district area, community planning is a natural extension of this role. - The Council is committed to the principle of “co-producing” improvements to quality of life across the city with local people and would welcome the development of a statutory community planning framework which would further enhance this work. The Council therefore welcomes the Department’s stated intention that <i>“the community planning process to be introduced would not be overly prescriptive, to take account of the range of situations that exist across the region and within individual districts. This would provide individual councils with the flexibility to act at a local level to best meet local needs.”</i>

<u>QUESTION</u>	<u>BELFAST CITY COUNCIL COMMENTS</u>
	<ul style="list-style-type: none"> - Belfast City Council already has in place many innovative and effective ways of engaging and involving local people and connecting them to service planning and delivery. There are many excellent examples of joined-up working and partnership (e.g. community safety and district policing partnerships, community development and regeneration partnership working, health and well-being initiatives). It is imperative that councils are given the flexibility to build on this work in a way which works best locally. Statutory obligations and guidance must therefore be flexible and not unduly restrictive
<p>Question 37: What are your views on departments and statutory bodies being required to participate in and support community planning?</p>	<ul style="list-style-type: none"> - Belfast City Council firmly believes that for community planning to work, all partners must be statutorily obliged to participate and contribute to the process. There should be a shared commitment to align plans and resources to address identified needs. - Whilst there are many examples of effective partnership working and excellent relationships between Belfast City Council and its partners, it is essential that a shared responsibility to develop and, more importantly, deliver the community plan is contained within the legislation. Belfast City Council therefore strongly recommends that public bodies / statutory agencies must be required to support and participate in the community planning process with shared responsibility for implementation. - The Council is disappointed to note that paragraph 6.5, page 35 of the consultation document only places a duty on government departments to <i>“promote the use of community planning and have regard to community”</i>. The Council would strongly urge that similar to other jurisdictions there should be a statutory duty placed upon relevant public bodies and statutory agencies to participate and contribute to the community planning process. This is important not just from a resources and planning point of view but also to ensure that regional government is better connected to local issues. - The Council would point out the provisions set out under Section 75 of the NI Act 1998 equality duty whereby statutory bodies must have due regard for the duty and would urge that the current policy proposals be reviewed.

<u>QUESTION</u>	<u>BELFAST CITY COUNCIL COMMENTS</u>
<p>Question 38: Should councils be required to publish community plans for their districts, and to review these as necessary?</p>	<p>Yes</p> <ul style="list-style-type: none"> - Whilst the Council supports this proposal, it notes the envisaged role proposed for the Department in specifying the “<i>form, content and frequency</i>” of community planning reports. - In such circumstances, it will be important that any emerging guidance or process put in place are not unduly bureaucratic and can take account of local circumstances and need. Local government should be fully involved in the design of the community planning framework for the region including the reporting and monitoring arrangements.
<p>Question 39: Do you agree that the Department should be able to issue guidance to support community planning, and in relation to the format and content of a council’s community plan?</p>	<p>Yes, but the guidance needs to be flexible enough to adopt to different local authority circumstances</p> <ul style="list-style-type: none"> - The Council believes that it is essential that any such guidance is based upon an understanding of the current practice in partnership working within local council areas and any learning emerging from this, including any on-going “pilot” work with respect to community planning. Community planning is an evolving process and by its nature will require compromise and flexibility. This will need to be reflected in any guidance. - Again, the Council would urge that local government must be fully involved in the development of the community planning framework and associated guidance to ensure that local government experience and knowledge is taken into account. This will not only ensure that the framework is achievable but will set the basis for ongoing partnership working between local and central government. - The Council would point out the potential benefits of creating a supporting resource for councils (e.g. good practice toolkits and technical support) to assist were necessary in the community planning process. The Council would refer to the Scottish Community Development Centre as a good example of this.

<u>QUESTION</u>	<u>BELFAST CITY COUNCIL COMMENTS</u>
Section 7 – Power of Well-Being (<i>Paragraphs 7.1-7.3 – Pages 40 & 41</i>)	
<p>Question 40: Do you agree that a power of well-being should be introduced for councils, and that the Department should be able to issue guidance to support its operation?</p>	<p>Yes</p> <ul style="list-style-type: none"> - The Council would support, in principle, the proposal to introduce a power of well-being as this would provide appropriate freedoms for councils to improve service provision and to contribute to the wider economic, social and environmental well-being of their areas. However, the Council would take this opportunity to highlight the recent legislative shift, linked to the introduction of the new Localism Bill for England and Wales, to establish a power of general competence rather than a power of well-being. Belfast City Council would therefore request that further consideration be given as to whether the proposed power of well-being should be replaced with a power of general competence. - No matter which power is introduced guidance would be required to clarify the operation of this new power, providing both clarity and protection for councils and local people. Local councils should be involved in developing this guidance in partnership with the Department.
Section 8 – A Partnership Panel (<i>Paragraphs 8.1 -8.4 – Pages 41-43</i>)	
<p>Question 41: Should a Partnership Panel be established to formalise relations between central and local government?</p>	<ul style="list-style-type: none"> - Belfast City Council recognises the need for a strengthened and formal relationship between central and local government and believes that the proposals to streamline the number of local authorities in NI presents a real opportunity to create a more effective interface between central and local government. The Council would support the proposed establishment of a Partnership Panel as a positive way forward, however, would seek further clarification and engagement in respect to the representation, operation and remit of such a Partnership Panel.
<p>Question 42: What are your views on the proposed remit of the Panel?</p>	
Section 9 – Supervision of Councils (<i>Paragraphs 9.1-9.2 – Pages 43 & 44</i>)	
<p>Question 43: Do you agree that the supervision powers currently available to the DoE should be made available to all departments?</p>	<p>No</p> <ul style="list-style-type: none"> - Given that these powers are so rarely used, the Council does not understand why this power should be expanded to other departments

<u>QUESTION</u>	<u>BELFAST CITY COUNCIL COMMENTS</u>
Section 10 – The Reorganisation of District Councils	
<i>Section – Staff Transfer Schemes (Paragraphs 10.6 – 10.8 – Pages 46 - 48)</i>	
Question 44: Do you agree that model transfer schemes should be developed?	<p>Yes</p> <ul style="list-style-type: none"> - Staff Transfer Schemes - Yes the Council would agree that model transfer schemes should be developed. - Assets and Liabilities Transfer Schemes – See answer in Question 46 below
Question 45: Who should be responsible for preparing any model transfer schemes?	<ul style="list-style-type: none"> - In relation to ‘Staff Transfer Schemes’, the Council believes that the Department should be responsible for preparing any model transfer scheme to be agreed through the appropriate negotiating machinery - Assets and Liabilities Transfer Schemes – See answer in Question 46 below
<i>Section – Assets and Liabilities Transfer Schemes (Paragraphs 10.9 – 10.11– Pages 48 & 49)</i>	
Question 46: Do you agree that transfer schemes in relation to property and assets of government departments transferring to the new councils should provide for a continuing interest for the department concerned?	<p>No</p> <ul style="list-style-type: none"> - The Council does not agree that departments should have a continuing interest in transferred property & assets. If strong local government is a key outcome of RPA then these proposals would appear to significantly weaken local government’s autonomy & decision making process in relation to their estates & assets. Assets follow function, and if a function and associated legislative power is to transfer to councils then so too should the resources and assets associated with that function also transfer. The assets are key to service delivery and to do otherwise would be at odds with strong local government and the democratic process. - The Council would note that as part of the previous RPA deliberations, it was proposed that the Local Government (Re-Organisation) Act (Northern Ireland) 2010 would provide a ‘standard ‘rule for the transfer of assets and liabilities from the 26 council structure to the new 11 council structure. This would avoid the need for Transfer Schemes for the majority of local government assets.

<u>QUESTION</u>	<u>BELFAST CITY COUNCIL COMMENTS</u>
	<ul style="list-style-type: none"> - The Transfer Schemes were therefore only to capture the transfer of property, rights, and liabilities that were outside this standard rule arrangement as set out in the legislation. It was proposed that the legislation would provide that all existing assets & liabilities of the merging councils would transfer to the respective new council structure, with the exception of those councils with split areas arising from the Local Government Boundaries Act (NI) 2008, believed to affect only Belfast, Lisburn & Castlereagh. - In such exceptions a Transfer Scheme would be required. They would also be required for the scheduling of assets in joint ownership of two current Councils who may not be part of any new cluster arrangement. It was also intended that individual Transfer Schemes would be used to transfer property, rights, and liabilities associated with specific central government functions transferring to local government. - Belfast City Council had previously asserted that all existing assets & liabilities of the present Belfast City Council would transfer to the new Belfast City Council. Any assets held for local government purposes situated within the transferring areas of Castlereagh & Lisburn (and which are to be assimilated within the new Belfast City Council area) would transfer to the new Belfast City Council area, as well as any liabilities specifically referable to the transferring assets.
Section – Financial Arrangement (Paragraphs 10.12 & 10.13 – Pages 49 & 50)	
<p>Question 47: Do you support the proposal that existing district councils should be able to incur expenditure on behalf of the new council to be established for that area?</p>	<p>Yes, in certain circumstances</p> <ul style="list-style-type: none"> - The Council recognises that there may be occasions whereby existing councils may need to incur expenditure in preparation for the formation of the new council and that appropriate provisions need to put in place to enable this. The Council would urge, however, that further detail and potential guidance should be developed to provide clarity in respect to both the scope and nature of such expenditure and the associated governance and decision-making process.”

After discussion, the Committee adopted the recommendations, subject to the inclusion of a comment in response to the question on qualified majority voting to the effect that, whilst the Council recognises that such a provision might be necessary to protect political minorities in circumstances where there was a sizeable majority in a Council area, in Belfast, where the City is equally divided politically, such a system could lead to stalemate and make it much more difficult for proper decision-making.

Democratic Services and Governance

**Request for the Use of City Hall and
the Provision of Hospitality**

The Committee was informed that the undernoted requests for the use of City Hall and the provision of hospitality had been received:

Organisation/ Body	Event/Date - Number of Delegates/ Guests	Request	Comments	Recommendation
Northern Ireland Environment Agency	The European Union Network for the Implementation and Enforcement of Environmental Law Conference Dinner 8th March, 2011 Approximately 40 attending	The use of the City Hall and the provision of hospitality in the form of a drinks reception	Delegates will be staying in accommodation in Belfast and the conference will take place within the city. This event would contribute to the Council's Key Themes of 'City leadership, strong, fair and together', 'Better Services – listening and delivering' and 'Better care for Belfast's Environment'.	The use of the City Hall and the provision of hospitality in the form of red/white wine and soft drinks. Approximate cost £200
British Dental Association Community Dental Services Group	British Dental Association Community Dental Services Group Conference Dinner 13th October, 2011 Approximately 90 attending	The use of the City Hall and the provision of hospitality in the form of a drinks reception	Delegates will be staying in accommodation in Belfast and the conference will take place within the city. This event would contribute to the Council's Key Theme of 'City leadership, strong, fair and together'.	The use of the City Hall and the provision of hospitality in the form of red/white wine and soft drinks. Approximate cost £500
Queen's University of Belfast School of Planning, Architecture and Civil Engineering	Architectural Humanities Research Association Conference Dinner 28th October, 2011 Approximately 100 attending	The use of the City Hall and the provision of hospitality in the form of a drinks reception	Delegates will be staying in accommodation in Belfast and the conference will take place within the city. This event would contribute to the Council's Key Theme of 'City leadership, strong, fair and together'.	The use of the City Hall and the provision of hospitality in the form of red/white wine and soft drinks. Approximate cost £500

Organisation/ Body	Event/Date - Number of Delegates/ Guests	Request	Comments	Recommendation
British Association for the Study and Prevention of Child Abuse and Neglect (BASPCAN)	8th BASPCAN Congress Dinner 17th April, 2012 Approximately 150 attending	The use of the City Hall and the provision of hospitality in the form of a drinks reception	Delegates will be staying in accommodation in Belfast and the conference will take place within the city. This event would contribute to the Council's Key Themes of 'City leadership, strong, fair and together' and 'Better support for people and communities'.	The use of the City Hall and the provision of hospitality in the form of red/white wine and soft drinks. Approximate cost £500
Engineers Ireland	Gala Conference Dinner 26th April, 2012 Approximately 300 attending	The use of the City Hall and the provision of hospitality in the form of a drinks reception	Delegates will be staying in accommodation in Belfast and the conference will take place within the city. This event would contribute to the Council's Key Themes of 'City leadership, strong, fair and together' and 'Better care for Belfast's environment'.	The use of the City Hall and the provision of hospitality in the form of red/white wine and soft drinks. Approximate cost £500
Chartered Institute of Management Accountants (CIMA)	CIMA Annual Dinner and Award Ceremony 4th June, 2011 Approximately 220 attending	The use of the City Hall and the provision of hospitality in the form of a pre-dinner drinks reception	This event will acknowledge those CIMA members who have made a significant contribution to their profession and to the success of Belfast. The event will also seek to recognise those who have contributed to the professional development of individuals throughout the City. This event would contribute to the Council's Key Themes of 'Better services - listening and delivering' and 'Better opportunities for success across the city'.	The use of the City Hall and the provision of hospitality in the form of red/white wine and soft drinks. Approximate cost £500

Organisation/ Body	Event/Date - Number of Delegates/ Guests	Request	Comments	Recommendation
Common Purpose	<p>Meridian Programme Reflection and Graduation Ceremony</p> <p>18th August, 2011</p> <p>Approximately 60 attending</p>	<p>The use of the City Hall and the provision of hospitality in the form of a drinks reception.</p>	<p>Meridian is a leadership development programme which brings together a diverse group of leaders from the private, public and voluntary community sectors. The individuals learn how to improve their capacity to lead, effect change and expand their networks. This event will recognise the achievements of those individuals who have successfully completed the Meridian Programme.</p> <p>This event would contribute to the Council's Key Themes of 'City leadership, strong, fair and together' and 'Better opportunities for success across the City'.</p>	<p>The use of the City Hall and the provision of hospitality in the form of red/white wine and soft drinks.</p> <p>Approximate cost £300</p>
Junior Chamber International (JCI)	<p>JCI Belfast Presidential and Civic Awards 2011</p> <p>1st December, 2011</p> <p>Approximately 70 attending</p>	<p>The use of the City Hall and the provision of hospitality in the form of a drinks reception.</p>	<p>This event seeks to recognise those members of JCI Belfast who have made a significant contribution to the civic, community, social, environmental and entrepreneurial sectors across the city.</p> <p>This event would contribute to the Council's Key Themes of 'City leadership, strong, fair and together' and 'Better opportunities for success across the City'.</p>	<p>The use of the City Hall and the provision of hospitality in the form of red/white wine and soft drinks.</p> <p>Approximate cost £350</p>

Organisation/ Body	Event/Date - Number of Delegates/ Guests	Request	Comments	Recommendation
Ulster Supported Employment Limited	50th Anniversary of USEL 16th March, 2012 Approximately 150 attending	The use of the City Hall and the provision of hospitality in the form of a pre-dinner drinks reception.	This event seeks to celebrate the 50th Anniversary of Ulster Supported Employment Limited and to acknowledge its contribution to the general life and well-being of the city. This event would contribute to the Council's Key Theme of 'City leadership, strong, fair and together' 'Better opportunities for success across the City' and 'Better support for people and communities'.	The use of the City Hall and the provision of hospitality in the form of red/white wine and soft drinks Approximate cost £500
National Young Life Campaign	Centenary Celebration of the National Young Life Campaign 26th November, 2011 Approximately 300 attending	The use of the City Hall and the provision of hospitality in the form of a pre-dinner drinks reception.	This event seeks to celebrate the 100th Anniversary of the National Young Life Campaign and to acknowledge its contribution to the general life and well-being of the city. This event would contribute to the Council's Key Theme of 'City leadership, strong, fair and together' 'Better opportunities for success across the City' and 'Better support for people and communities'.	The use of the City Hall and the provision of hospitality in the form of red/white wine and soft drinks Approximate cost £500

Organisation/ Body	Event/Date - Number of Delegates/ Guests	Request	Comments	Recommendation
<p>Agricultural Need for Sustainable Willow Effluent Recycling</p>	<p>Public Launch of INTERREG IVA funded ANSWER Project</p> <p>12th April, 2011</p> <p>Approximately 100 attending</p>	<p>The use of the City Hall</p>	<p>This event will specifically launch a project which is aimed at achieving high water quality by having environmentally robust technologies for the management of waste water, whilst reducing energy use and increasing the proportion coming from renewable sources.</p> <p>This event would contribute to the Council's Key Theme of 'City leadership, strong, fair and together', 'Better opportunities for success across the City' and 'Better support for people and communities'.</p>	<p>The use of the City Hall</p>
<p>Northern Ireland Youth Forum</p>	<p>Question Time 13th April, 2011</p> <p>Approximately 100 attending</p>	<p>The use of the Council Chamber and the provision of hospitality in the form of tea/coffee and biscuits</p>	<p>This event will take the form of a discussion which will enable young people to ask questions of politicians on a range of issues currently affecting the younger generation. The event will also allow young people to inform these politicians of issues which can be given consideration in the lead up and following the Local Government and Assembly Elections in May.</p> <p>Although this event takes place after the Notice of Election, it would be in keeping with the guidance provided within the Council's 'Election Protocol' which permits the use of the City Hall for an event involving a range of political parties which has the purpose of increasing voter interest and participation in the electoral process generally</p> <p>This event would contribute to the Council's Key Theme of 'City leadership, strong, fair and together' 'Better opportunities for success across the City' and 'Better support for people and communities'.</p>	<p>The use of the Council Chamber and the provision of hospitality in the form of tea/coffee and biscuits</p> <p>Approximate cost £250</p>

The Committee adopted the recommendations.

Use of the City Hall for Election Counts

The Committee was reminded that, at its meeting on 20th November, 2009, it had considered a request from the Electoral Office for the counts for the Westminster Elections to be held in the City Hall in 2010. The Committee had decided that it would not accede to that request. In arriving at that decision, the Committee had recognised that the emphasis placed on the usage of City Hall had changed considerably and that the Council's efforts to make the building available to a wider range of groups had inevitably led to an increased usage. Given the uncertainty at that time as to when the election counts would be held, the Committee felt that it would not be possible to give a commitment to the Electoral Office to allow it to use the building when that might require a previously confirmed booking for another event to be cancelled. The Committee noted that, given the Electoral Office would not know until a relatively late stage when the Westminster elections would be held, it would be unlikely that the situation would change in the future.

The Democratic Services Manager reported that correspondence had again been received from the Electoral Office requesting that the Committee give consideration to including the City Hall in the list of venues which the Electoral Office would consider using for election counts. The letter recognised that any such requests would be subject to availability and was merely seeking an agreement, in principle, for the City Hall to be considered as an appropriate count centre. He pointed out that the request was different both in content and in tone to previous requests and explained that Members had previously expressed the view that, where possible, the City Hall should be able to be used for Westminster counts, subject to availability and to all logistical arrangements being confirmed to the satisfaction of the Council. It was considered that the request from the Electoral Office was in keeping with the Committee's wish to see the building used for a wide range of events and, as such, it was recommended that the Committee accede to the request. He indicated that the first occasion when the Electoral Office would be likely to approach the Council for use of the building would be for the count associated with the bye-election for the Belfast West Parliamentary Constituency, whenever that was called.

After discussion, the Committee agreed to accede to the request from the Electoral Office for the City Hall to be considered as an appropriate venue for election counts, subject to availability. The Committee noted that the Electoral Office would be required to cover any costs incurred by the Council in regard to its use of the building and to pay any hire charges which applied at the time of booking.

Review of the Member Development Framework

The Committee considered the undernoted report:

"1 Relevant Background Information

- 1.1 The Strategic Policy and Resources Committee, at its meeting on 24 September, 2010, agreed that a Member Development Steering Group be established comprising one Member from each of the Party Groups supported by officers from the Democratic Services and HR Sections.**

1.2 The purpose of the Steering Group is to oversee the development and implementation of an integrated revised Member Development Strategy.

2 Key Issues

2.1 The Steering Group met in December and January and have progressed the following:

2.2 Member Development Charter

2.2.1 The Member Development Charter, a framework currently being used by over 200 Local Authorities in England, has been identified as the most effective tool to develop the Council's revised Member Development Strategy. The Steering Group has agreed that the Council should adopt the 'Charter Framework'.

2.2.2 The Northern Ireland Local Government Association (NILGA) in conjunction with the South East Employers Organisation (SEE) will be piloting the Member Development Charter in Northern Ireland. SEE is one of nine regional employers' organisations which represent the interests of Local Authorities and public sector bodies in England.

2.2.3 NILGA will support up to four Councils or clusters of Councils to help them achieve charter status and will subsidise 75% of the normal £3,000 costs, resulting in a one of charge of £750. NILGA has invited Councils to submit a bid to be considered for one of the four pilots. The Steering Group has recommended that the Council declare its interest in being chosen as one of the pilots. If successful, the Council will undergo an assessment in liaison with NILGA and the SEE at an appropriate time with a view to achieving charter accreditation.

2.2.4 Furthermore, NILGA would like the chosen Council or clusters to share their learning and experience with other Councils and to agree to champion the Charter Framework by having a number of Members and officers trained as assessors. Although the Steering Group agreed in principle, it was keen to ensure that any time and resource commitment is measured to ensure that significant resources are not required.

2.3 Advice NI Benefits Training

2.3.1 The Member Development Steering Group oversaw the delivery of four sessions of training held by Advice NI to raise the awareness of Members on the relevant issues associated with the Welfare Benefits system.

- 2.3.2 The training focused on two discrete but complementary areas. The first two sessions dealt with benefits and tax credits for older people, people of working age and children, with the last two sessions concentrating on the changes arising from the Government Welfare Reform Programme and how this will impact on vulnerable groups. Advice NI also produced a comprehensive Benefits Manual designed specifically for Members as a tool to assist them when dealing with their constituents' benefits queries.
- 2.3.3 The Steering Group commented on how useful and worthwhile the sessions were and agreed that further relevant training from Advice NI should form part of the revised Member Induction Programme to be delivered at the commencement of the new Council term.
- 2.4 The Steering Group has also agreed to progress the following development activities:
- 2.5 Women Leaders Programme
- 2.5.1 The Council has developed a three day Women Leaders Programme for our female elected Members and senior officers. The programme, developed as part of the Council's gender action plan, is aimed at addressing the under-representation of female Members and senior female officers. Three programmes have been delivered to date.
- 2.5.2 The programme is aimed at increasing participants' leadership skills but also to facilitate joint Member-officer development.
- 2.5.3 The Steering Group agreed that a further Women Leaders Programme be delivered, prior to the Local Government Elections in May, for our newer female Members who haven't had an opportunity to attend a programme and for our experienced Members who were previously unable to attend.
- 2.6 Growing A Shared City Project
- 2.6.1 The Council's Good Relations Unit has been successful in securing additional funding from the PEACE III Programme, under the theme which aims to build the key institutional capacities required for a shared society. The project, which will run until June 2012, is a learning and development programme which will explore the policy and capacity required in the Council and its partner agencies, to effect change in Belfast's divided society.

2.6.2 The project plan includes a series of actions to enhance understanding of the role of diversity in the social, economic and political life of the city. Through collaboration and engagement it aims to demonstrate strong civic leadership which recognises the links between progress and harnessing different perspectives.

2.6.3 The Member Development Steering Group has agreed to recommend to the Strategic Policy and Resources Committee the holding of a series of workshops, at a cost not exceeding £6,750 funded through Peace III, on topics which will promote the sustained involvement of elected Members in cross-party dialogue on planning and prioritising for a shared city.

2.7 Best Practice Visits

2.7.1 As a means of providing further development and support, especially to newer Members, the Steering Group agreed that there would be merit in Members undertaking a number of best practice visits to high performing Councils. This would provide Members with opportunities to liaise directly with other Members and officers who have been involved in guiding their Local Authority to address key issues.

2.7.2 Dublin, Edinburgh and Glasgow City Councils have been identified as suitable for best practice visits. The purpose of these visits would be to increase Members' knowledge in key areas such:

- Local area working
- Regeneration
- Organisation improvement and efficiency
- City investment and city marketing
- Improving community confidence and supporting communities
- Health inequalities
- Environmental management and meeting the challenges of the waste plan.

2.7.3 The Steering Group agreed in principle to the participation of Members on such best practice visits. However, it was decided that they should not take place until after the start of the new Council term.

2.8 Future Work Programme

2.8.1 The Steering Group has agreed to hold two further meetings before the Local Government Elections in May. The main purpose of these meetings will be to agree on the content and delivery of the revised Members Induction Programme which will be rolled out in the months following the elections.

3 Resource Implications

3.1 Financial

Application fee for Member Development Charter	-	£750
Advice NI Training and associated booklets	-	£3,300
Growing a Shared City Workshops (100% funded)	-	£6,750
Delivery of Women Leaders Programme	-	£10,000

3.2 Human Resources

The Democratic Services Section and Human Resources Service will jointly co-ordinate the actions recommended by the Member Development Steering Group.

4 Equality Implications

N/A

5 Recommendations

5.1 The Committee is asked to agree to:

1. the Council making a submission to NILGA to be considered as one of the four pilots for the Member Development Charter ;
2. the delivery of a Women Leaders Programme in the current Council term; and
3. the holding of a series of workshops for Members to advance the objectives of Growing a Shared City project.

6 Decision Tracking

**Officers responsible:
Stephen McCrory, Democratic Services Manager
Jill Minne, Head of Human Resources
May 2011."**

The Committee adopted the recommendations.

Election Protocol

a protocol which set out how issues which might impact upon the election process should be dealt with in the run-up to Westminster, European, Assembly or Local Elections. The Election Protocol had served the Council well in the previous six years and was issued to all Council Departments in advance of the "purdah" period, that is,

the period from the publication of the Notice of Election until the Count(s) were completed. This year, the purdah period would run from 25th March until 10th May inclusive. The Democratic Services Manager reported that the opportunity had been taken to update the Election Protocol prior to it being issued in advance of the Local Elections in May 2011. In essence, the only material change proposed was the insertion of a paragraph in Section 8 in relation to "Public Meetings". Accordingly, a copy of the revised protocol was now being submitted to the Committee for approval and a copy is set out hereunder:

**"BELFAST CITY COUNCIL
ELECTION PROTOCOL**

1.0 Introduction

This protocol has been prepared primarily to provide guidance to Council Officers in dealing with issues relating to the functions and policies of the Council which might impact on the election process, particularly in the run-up periods to the various elections held in Northern Ireland. It sets out some general advice and principles to ensure that the impartiality and integrity of Council Officers is maintained during such periods when there is increased political sensitivity.

The protocol also provides useful information to Members of the Council, other elected representatives and prospective candidates for election in terms of the principles which the Council will observe in the run-up period to any election.

2.0 Types of Election

The four main types of election in Northern Ireland are;

- Local Council Elections (scheduled for 5th May, 2011)
- Elections to the European Parliament (last held in June 2009)
- Elections to the Northern Ireland Assembly (scheduled for 5th May, 2011)
- Westminster Parliamentary Election (last held in May 2010)

There is also potential for bye-elections in relation to vacancies which might occur at a Westminster level although the introduction of the Electoral Law Act (Northern Ireland) 1962 (Amendment) Order 2010 makes it most unlikely that bye-elections will be required for casual vacancies arising in the Council.

The guidance contained in this protocol relates to all of the elections mentioned above but it does not refer to the actual arrangements and procedures for the running of such elections.

The responsibility for running all elections in Northern Ireland rests with the Chief Electoral Officer for Northern Ireland and enquiries relating to the running of elections should be made to him or his Electoral Officers in Belfast as set out below:

Mr Graham Shields, Chief Electoral Officer for Northern Ireland, St Anne's House, 15 Church Street, Belfast, BT1 1ER.

Telephone: 0800 4320 712 (freephone)
Textphone: 0800 3284 502 (freephone)
Fax: 028 9033 0661
Email: info@eoni.org.uk

Mr Peter McNaney, Chief Executive, is the Deputy Returning Officer for local elections in the Belfast City Council area and he is responsible for making the arrangements for Council elections in Belfast.

3.0 General Principles

The guidance contained in this protocol relates to the main areas of Council activity which might impact on the election processes including the conduct of employees, the provision of support services to Members, the use of Council premises, publicity and the holding of public meetings.

However, it is recognised that because of the Council's diverse range of functions there may be other issues outside of these general areas of activity which might from time to time impact on the election processes. It is important therefore to set out some general principles which Council Officers should observe when conducting business during the run up period to any election.

The run up period is generally taken to be that period from the issuing of the notice of election to polling day at the election. The notice of election would generally be issued some three or four weeks in advance of election day but the Chief Executive's Department will issue to Departments the proposed date of publication of the notice of an election as soon as this is known.

While the run-up period, as defined above, is particularly sensitive caution also needs to be exercised in relation to some activities, such as the organisation of Council events involving publicity, just outside the run-up period particularly where the likely impacts would extend into the sensitive election period.

The general principles which Council Officers should observe in relation to all activity during the run-up period to any election are:

- they should not undertake any activity which would call into question their political impartiality
- they should ensure that Council resources are not used for party political purposes
- they should not undertake any activities which could have a direct bearing on the election campaign

In relation to matters which are not specifically mentioned in this protocol and about which there may be uncertainty Departments are advised to seek guidance from the Democratic Services Section.

4.0 Employees and Elections

There is specific legislation, together with rules and guidance, which relates to the participation of Council employees in political activities.

4.1 Disqualification

The Local Government Act (Northern Ireland) 1972, Section 4, provides that a person shall be disqualified for being elected or being a Councillor if he holds any paid office or other place of profit in the gift or disposal of that or any other Council. Any Council employee therefore wishing to stand for election as a councillor within Belfast or any other Council area would first have to resign from the Council.

4.2 Political Activity

The Council's Standing Order 57, states 'Whilst the Council concede to all officers and servants employed by them the fullest liberty of private judgement in exercise of their franchise, it is ordered as a matter of discipline that they shall not be permitted to take any public part in support of or in opposition to any candidate at the election of the Council.'

The Council's code of conduct states:-

'Employees must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work. While the Council recognises and respects the rights of all employees to hold personal or political opinions; employees should ensure that the expression of those opinions does not constitute a conflict of interest for their role within the Council. Employees who have concerns about whether there is a potential conflict of interest should raise the matter with their line manager.'

The requirements of Standing Order 57 and the Code of Conduct are clear and should be observed at all times by all employees.

4.3 Political Neutrality

The Council's code of conduct also states 'Employees serve the Council as a whole. They must serve all Councillors and not just those of a particular group and must ensure that the individual rights of all Councillors are respected.'

Some employees of the Council may be required to advise political groups. In the provision of such advice employees should not compromise their political neutrality. Any advice given should be available to all political groups, if requested.'

The requirements of the code of conduct in relation to political neutrality are pertinent at all times but assume particular sensitivity in the run up to an election. The holding of public meetings and other events involving elected representatives, for example, needs careful consideration in such a period and this is dealt with separately elsewhere in the protocol.

5.0 Support Services to Elected Members

Belfast City Council provides a wide range of support services to its elected Members including the provision of party rooms, research and library services, the provision of personal computers and typing, photocopying and postal services. The support services provided to Members are to assist them in discharging their roles as Councillors and are not for use for political campaigning or private purposes.

On this basis the Council will continue to provide a full range of support services to Members in the run up period to elections.

6.0 Use of Council Premises

The Council owns and operates a wide range of properties within the City and the use of such properties for election purposes will depend on the conditions which apply to each property.

The Belfast Waterfront Hall, the Ulster Hall, Malone House and Belfast Castle all operate on a commercial basis and are used from time to time for party political meetings and events. The normal booking arrangements would apply to the use of these buildings for political purposes even in the run up period for an election. Other Council premises including the City Hall, Leisure and Recreation Centres and Community Centres would not be available for political purposes although there is a discretion for the Council to permit the use of the City Hall for an event involving a range of political parties which has the purpose of increasing voter interest and participation in the electoral process generally.

7.0 Publicity

7.1 Legislation: The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992 amended the Local Government Act (Northern Ireland) 1972 to provide for the prohibition of political publicity. The relevant insertion to the principal Act reads as follows:-

115A – ‘Publicity

- (1) A council shall not publish any material which, in whole or in part, appears to be designed to affect public support for a political party.**
- (2) In determining whether material falls within the prohibition regard shall be had to the content and style of the material, the time and other circumstances of publication and the likely effect on those to whom it is directed and, in particular, to the following matters.**
 - (a) whether the material refers to a political party or to persons identified with a political party or promotes or opposes a point of view on a question of political controversy which is identifiable as the view of one political party and not of another;**
 - (b) where the material is part of a campaign, the effect which the campaign appears to be designed to achieve**

- (c) A Council shall not give financial or other assistance to a person for the publication of material which the council is prohibited by this section from publishing itself.'

7.2 Specific Requirements at Election Time

The run up period to any election is a particularly sensitive time in terms of Council publicity. The Council communicates regularly with the people of Belfast through responding to media enquiries, issuing press releases, holding press launches of major initiatives and publishing the Council's newsletter.

It is important that in the run up period to an election that any Council publicity issued could not be perceived as seeking to influence public opinion or to promote the public image of a particular candidate or group of candidates. The Council should also in this period, in its communication, avoid dealing with controversial issues or reporting views or proposals in a way that identifies them with individual members or groups of members. The Council should avoid where possible mentioning individual members in press releases.

This is not to say that all Council publicity should be stopped in the run up period to an election. It is appropriate for example that the Council should respond to the media in relation to legitimate service enquiries or to important events, such as a major emergency, which have happened and where a member level response may be required. In such circumstances information communicated to the media should be factual in nature and avoid issues of political controversy.

In relation to elections where the polling date is known in advance (such as the European Assembly Elections and the Local Elections) Council Departments should avoid arranging major press launches or other such publicity events in the run up period to the elections.

Where the date of an election is not known in advance, and where it transpires that a major launch or other publicity event has been arranged during the run up period to the election, then the Department concerned should consider the postponement of the event until a later date.

8.0 Public Meetings

In the normal course of events, Chief Officers, Heads of Service and other Senior Officers will meet regularly with Members of the Council and other public representatives about a range of issues affecting their constituents. Where such meetings are about legitimate service issues then there is no reason why they should not continue even in the run up period to an election. Officers, however, should observe the general principle that there should be even-handedness in considering requests for one-to-one meetings with members or other public representatives particularly during the run up period to an election.

Particular care needs to be exercised at election time in cases where a public representative wishes to bring a delegation of local people to a meeting with a Council Officer. Even though this may be a private meeting it may be perceived that one candidate at an election is being given an advantage over another candidate. It is suggested that unless such a request for a meeting relates to some urgent service delivery issue then the meeting should be delayed until after the completion of the election.

Officers should avoid participation in public meetings involving public representatives during the run up period to an election. Such meetings could involve representation from some political parties and not others and officers may also be asked to comment on sensitive political issues in a public forum. To avoid a situation where officers may be accused of promoting the views of one political party as opposed to another the general assumption should be that participation in public meetings is to be avoided during the run up period to an election.

However, the situation might arise whereby the Council has issued a policy document for consultation and the consultation period extends into the run up period to an election. If this consultation includes the holding of public meetings or meetings with particular interest groups, then the Council officers should firstly seek the authority of the appropriate Council Committee before proceeding and, if such authority is granted, ensure that all political groupings on the Council are afforded equality of opportunity to either attend or arrange such meetings.

9.0 Conclusion

This protocol is not likely to have covered all the many different situations which are liable to occur during the run up period to an election. However, the general principles set out in section 3.0 and the general thrust of the advice contained in the protocol can be applied to specific situations which arise.

If Departments are unclear about how they should act in any given situation then they should seek advice from the Democratic Services Section.”

The Committee approved the updated Election Protocol.

Council Representation on Non-Departmental Public Bodies

The Committee considered the undernoted report:

“Relevant Background Information

- 1.1 The Northern Ireland Local Government Association (NILGA) has written to the Council seeking its views on Council representation on Non-Departmental Public Bodies. NILGA has explained that this follows concerns voiced by some of its members over the last number of months in regard to their lack of involvement in important decisions, particularly as a result of the absence or reduction in the numbers of elected Members who sit on public bodies.
- 1.2 Public bodies carry out a wide range of functions on behalf of government. A public body is not part of a government department, but carries out its function to a greater or lesser extent at arm's length from central government.
- 1.3 NILGA reports that as of 31 March, 2009, there were 78 public bodies sponsored by the Northern Ireland Executive. Due to changes as a result of the Review of Public Administration, this figure has now changed slightly. For example, the Health and Social Care Board replaced the existing four Health and Social Services Boards and the Patient Client Council replaced the Health and Social Service Councils. As at 31 March, 2009, 14 of these bodies had Council representation, namely:
 - Education and Library Boards (x5)
 - Drainage Council
 - Patient Client Council
 - Local Commissioning Groups under the Health and Social Care Council
 - Local Government Staff Commission

- Northern Ireland Fire and Rescue Service
 - Public Health Agency
 - Northern Ireland Housing Executive (and NI Housing Council)
 - NI Museums Council
 - Sport NI
- 1.4 NILGA argues that a lack of democratic representation on Non-Departmental Public Bodies reduces the accountability of the bodies and that it is important that decisions about public services and public money are taken as close as possible to local people and local communities by those who have been elected to represent them.
- 1.5 It is important that central government and local government work together in order to ensure that local communities are strengthened and have the ability to make decisions about their local areas, including what services are offered and what money is spent on improving an area.
- 1.6 NILGA is seeking the views of all Councils in order to inform its research which aims to gauge the current position on democratic accountability on Public Bodies in Northern Ireland.
- 1.7 Furthermore, based on the research carried out to date (Appendix 1), NILGA is making the following recommendations:
- 1.7.1 *'Introduce community planning as a matter of priority in order to provide a framework to enable delivery of better, more responsive public services where local people have a say in what services are delivered locally.'*
- 1.7.2 *'Introduce scrutiny powers for local councils which enable locally elected representatives to call Non Departmental Public Bodies to account.'*
- 1.7.3 *'Introduce a new ethical standards regime and a new Code of Conduct in order to improve confidence in governance arrangements within council structures.'*
- 1.7.4 *'Lobby for a full commitment by the NI Executive to the European Charter of Local Self Governance.'*

Key Issues

- 2.1 Do you think that local Councillors should be represented on every Non-Departmental Public Body in NI?

Most, if not all, of the 78 Public Bodies sponsored by the Northern Ireland Executive have a regional focus (perhaps with the exception of the new Education and Library Boards) and representation from Local Government would therefore be sought on the basis that representatives would be speaking on behalf of Local Government generally rather than locally. There can be no doubt that elected Councillors would bring important local knowledge to these public bodies. However, it would be important to identify the exact role which Councillors were being asked to play and also to identify the mechanism to be used to appoint Councillors to these bodies. Would individual Councils be asked to submit names for consideration or is it envisaged that NILGA would play a central role?

Local Councillors are busy people and are elected primarily to represent their local area. There would have to be a question as to the time commitment required of Councillors if all public bodies were to have Local Government representation. An important balance would be required to ensure that Councillors' time is being utilised effectively whilst ensuring that all Public Bodies are informed of the issues relevant to local government.

In essence, the Council believes that Councillors should be members of NDPB's which operate in their local areas eg Education Boards, Health Trusts etc, and through community planning should be given powers to scrutinise regional bodies decisions that have an impact on local areas served by the Council eg Libraries and Roads.

- 2.2 If no, how would you propose local government chooses which Boards they should lobby to have representation on?

Again, it would be important to determine both who would be responsible for nominating Councillors to these bodies and who such appointees would be representing should they secure a place (their own local Council or Local Government generally). It should be a matter for individual Councils or clusters of Councils to make nominations to public bodies which have a local focus, such as the several Education & Library Boards. Appointments to public bodies which operate on a regional basis should be sought from local government generally and, perhaps, NILGA would have a role to play in this process. If such a role were to be given to NILGA it would be important that due recognition is given to the position of Belfast both as the largest Council in Northern Ireland and as the regional driver for inward investment and economic regeneration.

- 2.3 As an interim measure, do you think that Non-Departmental Public Bodies should issue personal specification briefings to councils in order to ensure that Councillors nominated to sit on Boards have the required knowledge and expertise to carry out duties relevant to the post?

No – This could be dealt with by the issue of a personal specification with the letter to Councils asking them to nominate candidates.

- 2.4 Do you believe that it is important that Councillors are provided with capacity building training in order to ensure an effective engagement with a particular Board?

Yes – It is essential that sufficient finance and adequate arrangements are put in place to enhance Member capacity both on a local and regional basis. This will ensure that Elected Members make informed decisions based on sound knowledge of the relevant issues.

- 2.5 It is thought that Community Planning, if implemented, could be an effective mechanism to scrutinise Non-Departmental Public Bodies. Do you agree?

The Council fully supports the proposal that local authorities lead and facilitate community planning and would view this as a key enabler for the integration of services to address local needs. The Council believes that the effectiveness of the community planning process and the delivery of improved outcomes will be dependant upon the strength of relationships between councils, departments and other public bodies.

Whilst the Council would advocate for the need for a statutory duty to be placed upon relevant public bodies and statutory agencies to participate and contribute to the community planning process, it would not necessarily agree that Community Planning could be or should be “an effective mechanism to scrutinise Non-Departmental Public Bodies”.

Community Planning should not be driven by a process of scrutiny but rather by a real and meaningful partnership and a shared commitment to delivering. There should be a willingness to seek to align priorities, policies and resources to deliver more integrated solutions to local problems.

- 2.6 Do you agree that the European Charter for Local Self Government should form the basis of NILGA's policy work in the future?

The Council fully recognises the importance of the European Charter for Local Self Government in supporting strong, effective and responsive local government.

- 2.7 Do you think that NILGA should lobby for similar scrutiny powers to those contained within the Local Government Act 2000 in England and Wales, which provides councils scrutiny powers to report 'on matters which affect the authority's area or the inhabitants of that area'.

The Council would seek further clarification in respect of what is being proposed under this section. Notwithstanding, the Council would suggest that the future relationship between the Council and other stakeholders within the city should be considered within the context of any emerging Community Planning process.

- 2.8 Is there anything else you think NILGA should be doing to take this work forward?

No

3 Resource Implications

3.1 Financial – None

Human – An increase in the number of Councillors required to sit on Public Bodies will have a direct bearing on the amount of time available to Councillors in carrying out other roles and responsibilities relevant to their position as a locally elected representative.

4 Equality Implications

4.1 N/A

5 Recommendations

The Committee is asked to consider the draft response outlined above and agree that it can be submitted, subject to any amendments proposed by Members, to NILGA.

6 Decision Tracking

Officers responsible:
Gareth Quinn, Senior Democratic Services Officer
March 2011

7 Key to Abbreviations

NILGA – Northern Ireland Local Government Association.”

During discussion, a Member expressed a view that the Committee needed to be more pro-active in arranging meetings with public bodies on which it had representation. He expressed the view also that the Committee should seek clarification in relation to the representation of Elected Members on the new Belfast Education and Library Board, as the Council's nominees had, as yet, not been appointed to that Body by the Minister. It was pointed out also that there was a need to build up the capacity of Councillors who sat on a number of boards of outside bodies and that the Council needed to be strategic and specific about the type of Bodies to which Members were appointed.

In response, the Chief Executive explained that the Council was developing currently an External Relations Strategy which would outline how the Council would engage with statutory bodies which had a key impact on the city and that a report in this regard would be submitted to the Committee in due course.

After discussion, the Committee approved the submission of the draft response on Council representation on Non-Departmental Public Bodies and agreed that a letter be forwarded to the Permanent Secretary of the Department of Education, Mr. Paul Sweeney, seeking clarification regarding the position in relation to the appointment of the Elected Members to the new Belfast Education and Library Board and clarifying also whether or not this would be implemented before the date of the next Local Government Elections.

Ten Year Review of the Regional Development Strategy

The Committee was reminded that the "Shaping Our Future Regional Development Strategy 2025 – 10 Year Review" consultation document had been launched by the Minister for Regional Development on 6th January. A public consultation process had been initiated and the Department for Regional Development had requested that comments be submitted by 31st March. A special meeting of the Development Committee had been scheduled for 24th March to give consideration to a draft response on behalf of the Council.

The Democratic Services Manager explained that the purpose of the Regional Development Strategy was to provide an overarching, spatial framework to influence the future distribution of activities throughout the Region to 2035. The document examined the factors which were having an impact on the region, set out aims and provided guidance on how those aims could be achieved. It was intended that the review would result in a revised Strategy which would replace the one which had been published in 2001 and which had been subsequently amended in 2008 after a five year review.

He reported that the Local Government Association, in conjunction with the Department for Regional Development, was holding a consultation event specifically for Councillors and officers to examine the revised Regional Development Strategy. Attendance at this event would provide an opportunity for Councillors to have their views heard and would also allow Members to be aware of further issues affecting other Councils from across Northern Ireland. The event would be held at the Old Courthouse, Antrim on Tuesday 1st March from 10.30 a.m. to 1.30 p.m.

The Committee authorised the attendance at the consultation event of any Member who so wished, together with the relevant officers who were involved in drafting Council's response to the consultation.

Finance

Financial Reporting – Quarter 3, 2010/2011

The Committee considered the undernoted report:

“Relevant background information

The Strategic Policy and Resources Committee agreed at on 18 June 2010 that:

- the council would produce financial reporting packs for the Strategic Policy and Resources Committee and each Standing Committee on a quarterly basis
- the Budget and Transformation Panel would also receive monthly financial updates if there were any significant issues to report.

The reporting pack contains a summary dashboard of the financial indicators and an executive summary explaining the financial performance. It also provides a more detailed explanation of each of the relevant indicators covering the year to date and forecast financial position, progress in year on the capital programme, implications for reserves, payments to creditors and recovery of debt.

The style and layout reflect much of the discussion and feedback arising from the members' financial training at the end of September 2010. As we previously advised the committee, we will continue to develop the style and contents of the reports in liaison with members.

Central finance and departmental management teams have worked together to develop the information within the financial reporting packs.

Key Issues

Current and Forecast Financial Position 2010/11 and Implications for Reserves

The current year to date financial position for the council is an under spend of some £0.7m (0.8%) with a forecast end of year under spend of some £0.6m (0.5%).

As in quarter 2, the key elements of the under spend relate to the current unutilised pay rise budget, additional electricity generation income, fuel costs being lower than anticipated, the deferred roll out of food collection as part of waste management and delays in the filling of vacant posts.

In addition, the forecast also reflects:

- the utilisation of £0.7m of the 2010/11 under-spend, £0.5m less than was agreed at Strategic Policy and Resources Committee on 19th November 2010, due to fewer voluntary redundancies than had been anticipated; and
- increased savings in committees compared to the previous quarter's forecast.

This year to date and forecast position reflects the recent notification from LPS of an estimated claw back amounting to £3.5m for 2010/11 (compared to £600k at quarter 2). LPS are trying to take actions to reduce this estimated clawback, (potentially by up to £0.5m) but there are many factors which could impact on the final position which will be declared in September.

At the Budget and Transformation Panel meeting on 8 February 2011, Members recommended that the claw back should be covered from this year's under spend, assuming there were sufficient resources available. This recommendation was made on the basis that deferring payment in the context of a volatile rate base may compound the council's financial position in future years.

Members should note that the key drivers of the under spend have been addressed as part of the rate setting process for 2011/12. For example, the estimates for 2011/12 only cater for a pay rise for those staff who earn less than £21,000 per annum.

The district reserves of the council were planned to be some £9.1m by 31 March 2011, being the opening reserves of £4.6m at 1 April 2010 and the £4.5m contribution from the rates to reserves, agreed as part of the 2010/11 rates setting exercise. The current forecast under spend of £0.6m would lead to reserves of some £9.7m by 31 March 2011. In addition, there are also £231k of specified reserves which will be utilised in 2011/12.

The financial reporting pack contains more detail on both the overall council position and the financial performance in each of the Committees.

Other Financial Indicators

The financial reporting pack includes information on a number of other financial indicators - progress in year on the capital programme, payments to creditors and recovery of debt.

Of these indicators, recovery of debt is currently red and cause for concern. Work is ongoing in relation to implementing the recommendations made in the report to committee on 22 October 2010, and in particular from mid-January we have introduced additional measures to pro-actively manage debt.

Recommendations

Members are recommended to note the above report and associated financial reporting pack.

Decision Tracking

N/A

Key to Abbreviations

LPS - Land and Property Services”

The Committee adopted the recommendation and noted that a full copy of the reporting pack was available on the Council's website.

Human Resources

Business Support Review – Finance and Resources Department

The Director of Finance and Resources submitted for the Committee's consideration the undernoted report:

“Relevant Background Information

The SP&R Committee gave approval on 22 October 2010 to secure a proportion of the 2010/11 under spend to fund potential voluntary redundancies (VR) this financial year.

It was agreed that specific proposals in relation to potential voluntary redundancies in targeted areas such as Finance & Resources, Parks & Leisure Services and Facilities Management would be developed with a view to bringing these back to standing Committees/Strategic Policy and Resources Committee for approval.

Permission to release 2 people on VR in the Finance and Resources Department was given at Strategic Policy and Resources Committee on 21 January 2011.

Key Issues

The voluntary redundancies identified within the Finance and Resources Department were two Secretarial Assistant posts. The deletion of these two posts was identified during the review of Finance and Resources Business Support, the aim of which was to improve effectiveness and ensure a more flexible business support service throughout the department.

The outcome of the review of the business support function, including the changes under VR, is as follows:

Current staffing establishment:

No.	Job title	Grade	Located in
1	Programme & Business Support Officer	PO3	ISB
1	Business Support Officer	PO3	Directorate
1	Business Support Officer	PO1	Former BIS
2	Programme & Business Support Assistant	SO1	ISB
2	Secretarial Assistant	Scale 6	1x HR 1x Directorate
1	Business Support Assistant	Scale 6	1x HR
3	Business Support Assistant	Scale 5	1x Former BIS 1x Directorate 1 x ARGS
15	Business Support Clerk	Scale 3	Across all functions
2	Receptionist/Telephonist	Scale 3	ISB

Total of 28 posts

Proposed staffing establishment:

No.	Job title	Grade	Proposed location
2	Business Coordinators	PO3	Directorate
4	Senior Business Support Assistant	SO2	2x ISB 1x HR 1x Finance & Performance
3	Business Support Assistants	Scale 5	3x Finance & Performance
14	Business Support Clerk	Scale 3	Directorate with allocation to functions
2	Receptionist/Telephonist	Scale 3	ISB

Total of 25 posts

In summary the overall effect of this means two voluntary redundancies (as previously agreed by committee) and one Business Support Clerk will move back to the basic grade pool to be redeployed elsewhere.

Management wishes to implement the above changes in order to provide greater flexibility; better alignment of resources across the department; and better planning and coordination.

A significant consultation exercise has taken place with the trade unions and staff members between October 2010 and January 2011. While management considers much progress to have been made in moving towards the trade union side position and with the individual employees concerned, the trade unions have advised they do not endorse the management proposal.

The proposals set out above however present a clear business case for the voluntary redundancy of two secretarial posts and an alignment of remaining resources across the department. There is no compulsory redundancy nor financial detriment to any member of staff.

Resource Implications

Financial (as reported to Committee on 21 January 2011)

The one off cost to the council to release the two Secretarial Assistants on voluntary redundancy is £89,000
This will result in year on year savings of £59,590
The payback period is 1.49 years

Human Resources

Consultation will continue with all relevant stakeholders, including Trade Unions and staff to develop an implementation plan which is fully in accordance with all HR policies and procedures. The changes will be implemented fully in accordance with the councils HR policies and procedures.

Recommendations

Members are asked to agree to the Director of Finance and Resources implementing the changes outlined above, in accordance with normal Human Resource policies and procedures that include job description agreement, job evaluation and the Council's Categorisation process.

Decision Tracking

Responsible Officer – Director of Finance & Resources

Key to Abbreviations

VR – Voluntary Redundancy”

After discussion, the Committee adopted the recommendation and agreed that a report on the Council's overall Business Support functions be submitted to a future meeting of the Committee.

Asset Management

Connswater Community Greenway Update

The Committee was reminded that, as part of the City Investment Strategy, it had agreed to co-ordinate the acquisition of lands to allow the Connswater Community Greenway to proceed. It was reported that two areas of land had been identified as being required to help complete the Greenway route and associated landscaping. The first was an area of 0.19 acres of land at Ladas Drive and Council officers had agreed, subject to the Committee's approval, to purchase the land from Castlereagh Borough Council for the sum of £9,500 on the condition that the land shall be used for amenity purposes only. The second was an area of 133.2 square metres of land at the Loop River, adjacent to Ladas Drive. Subject to the Committee's approval, Council officers had agreed to purchase the land from Castlereagh Borough Council at a cost of £1,000.

The Committee granted approval for the purchase of the two areas of land as outlined.

North Foreshore Landfill Gas Powered Electricity Generation Facility

The Committee considered the undernoted report:

"1 Relevant Background Information

1.1 In February 2008, Council approved the appointment of Renewable Power Systems Ltd as a joint venture partner for the generation of electricity from landfill gas at the North Foreshore. This led to the installation of five x 1 Megawatt generators which became operational in September 2009. Electricity is sold to NIE and exported to the local grid via a NIE sub-station sited at the North Foreshore.

2 Key Issues

2.1 Each generator requires a supply of 600 m³ of landfill gas per hour to operate at maximum efficiency.

2.2 In September 2009, the gas field was producing in excess of 3000 m³ of landfill gas per hour.

2.3 As anticipated, a gradual natural decline in the volume of gas has occurred and output is now in the region of 2400 m³ per hour.

2.4 It is anticipated that the volume of landfill gas will continue to decline over the foreseeable future but at a slower rate. It is not possible to give accurate predictions of gas volumes as this depends on the composition of waste, the rate of decomposition, temperature, rainfall, seasonal weather conditions and atmospheric pressure.

2.5 On the advice of Renewable Power Systems Ltd, our Joint Venture Partner, one generator must now be removed to operate the facility at maximum efficiency

3 Resource Implications

Financial

- The gross accrued income to the Council from the sale of electricity, together with government incentives for the generation of 'green' electricity from landfill gas, will amount to c £3.35 million for the period September 2009 to August 2010.
- The net accrued income to the Council after profit sharing with our joint venture partner will be in the region of £1.5 million which is at the top end of £1.0 million to £1.5 million as estimated in 2008. An income of £1.5 million represents a 60% per annum return to Council.
- The joint venture procurement process evaluated the set-up and operational costs associated with this facility. This included the cost of removing one generator during the second year of operation. The cost is currently £230,340.
- The removal of one generator will reduce the council's plant fee cost by 20% or £269,132 per annum. The removal cost will be recovered within one year.
- Whilst the volume of landfill gas and hence the quantity of electricity generated will continue to decline, it is worthwhile noting that the wholesale price of electricity on the All Ireland Electricity Market has increased by roughly 30% over the past year. If this continues, the loss of income through reduced generation will be minimised

3.2 Other Implications

- It is clearly in the interests of the Council that the volume of gas and electricity generation be maximised. Whilst we have no control over the volume of landfill gas produced from decomposing waste, the council could initiate a process whereby diminishing volumes of landfill gas can be replaced by biogas produced by means of anaerobic digestion.
- In an effort to encourage private sector involvement in the generation of biogas, the Department of Enterprise Trade and Investment has introduced the draft Northern Ireland Renewable Obligation Amendment Order 2011, which comes into effect on 1 April 2011. This will significantly increase the level of government incentives for the generation of electricity from biogas. These are to be increased from 1 Renewable Obligation Certificate to 3

Renewable Obligation Certificates per megawatt hour of generation. In financial terms this represents a revised grant of roughly £140 per megawatt hour or approximately £190 per megawatt hour to include income from the sale of electricity. Using these figures a one megawatt generator could produce a gross income in the region of £1.5 million per annum.

- A site of approximately 1.3 acres adjoining the generating facility at the North Foreshore has been identified as the location of a possible anaerobic digestion facility. The next step in procuring this facility is to publicly invite development submissions from private operators. The appointed operator will be required to lease the site from the Council, fund, construct, and operate the facility to produce biogas for sale to Council. The Council will retain the income from the sale of electricity and Renewable Obligation Certificates.
- This facility will prolong the lifespan of the remaining four generators.
- The cost to Council of this initiative is nil. The site will generate a rental income and the Council will derive an income from the sale of electricity and Renewable Obligation Certificates.

4 Equality and Good Relations Considerations

4.1 None

5 Recommendations

To note the removal of one generator.

To approve a request to publicly invite development submissions from private sector operators to develop and operate an anaerobic digestion facility at the North Foreshore.

6 Documents Attached

6.1 Copy report to Development Committee seeking approval to appoint Renewable Power Supplies Ltd as a joint venture partner.

6.2 A brief description of the anaerobic digestion process. Source – Friends of the Earth.

6.3 A site location plan.”

The Committee adopted the recommendations.

Capital Programme: Mountain Tea House

The Committee was reminded that the Mountain Tea House at the Belfast Zoological Gardens had been destroyed by a fire in June, 2009. The design and procurement process for the replacement building was underway and the expenditure incurred (less excess) would be reimbursed through an insurance claim.

The Director of Property and Projects reported that the Parks and Leisure Committee, at its meeting on 10th February, had considered a report and associated business case which was proposing to extend the external patio area at the Tea House at an additional estimated cost of £58,000. That Committee had approved the proposal and commended it to the Strategic Policy and Resources Committee for consideration for inclusion in the Capital Programme, subject to the gates process.

The Committee adopted the recommendation.

Good Relations and Equality

(Mr. D. Robinson, Good Relations Officer, attended in connection with these items.)

Minutes of Meeting of Historic Centenaries Working Group

The Committee approved the minutes of the meeting of the Memorabilia Working Group of 7th February.

Minutes of Meeting of Good Relations Partnership

The Committee approved the minutes of the meeting of the Good Relations Partnership of 7th February.

Cross-Cutting Issues

Request to Address Committee – Services Industrial Professional and Technical Trade Union (SIPTU)

The Committee was advised that a request had been received from the Services Industrial Professional and Technical Trade Union (SIPTU) to address the Committee as part of its campaign to protect the Community Sector, the service users and providers of vital services to the local community.

The Committee agreed to hold a briefing session, to which all Members of the Council would be invited, for that purpose.

**Bi-lingual Traffic Signs – Draft Policy
and Equality Impact Assessment Consultation**

The Committee considered the undernoted report:

“1.0 Relevant Background Information

- 1.1 The Council, at its meeting on Tuesday 1st February, considered the undernoted Notice of Motion submitted by Councillor Mac Giolla Mhín:

‘This Council welcomes the recent release of a consultation document by the Department for Regional Development on the introduction of bi-lingual traffic signage. The Council supports the introduction of such signage in Belfast, which would assist the Council in demonstrating the cultural diversity which the City enjoys and enhance the potential for the success of its various tourism initiatives.’

The Council referred consideration of the Motion to the Strategic Policy and Resources Committee.

It should be noted that the consultation runs from 10th January 2011 to 11 March 2011. Following consideration of all responses a final Equality Impact Assessment will be published on the Department’s website at www.drdni.gov.uk.

- 1.2 The draft policy is intended to facilitate the introduction of a limited number of certain bi-lingual traffic signs in English and either Irish or Ulster–Scots for the specific purpose of promoting minority languages. DRD states that this policy will help the department meet its commitments under the European Charter for Regional or Minority Languages, which came into force on 1 July 2001.

The purpose of the consultation is to obtain:

- Views on the draft policy itself
- Views on the draft assessment of the equality impact of the draft policy; and
- Any further information which could be useful in assessing those equality impacts

1.3 Equality Impact Assessment (EQIA)

The draft EQIA examines the various factors influencing the policy development and how these factors impact on the section 75 groupings.

In developing the draft policy three main options were considered which are as follows:

- *Do nothing* – was deemed not commensurate with the overall desire to include either Irish or Ulster Scots on traffic signs for the specific purpose of promoting both languages. It was therefore set aside
- *Treat all traffic signs bi-lingually* – was deemed would place an enormous burden on Roads Service in terms of finance, to replace the signs, and staff resource. This option could not be justified for economic reasons.
- *Consider a limited range of signs for treatment* – the final option was to consider a limited range of signs which, when treated bi-lingually, could be confined to discrete areas where a level of support could be confirmed. This is the Department's preferred option.

In light of the differential impacts highlighted in the EQIA it is recommended that the Draft Equality Impact Assessment is referred to the Party Groupings on the Council for individual consideration and comment.

1.4 Summary of the Draft Policy

Documentation issued by the DRD states that the draft policy is intended to facilitate the introduction of a limited number of certain bi-lingual traffic signs in English and either Irish or Ulster-Scots for the specific purpose of promoting minority languages.

The draft policy will permit the inclusion of either Irish or Ulster-Scots, as well as English on the following types of signs, examples for each and specifics are detailed in the consultation document:

- Town/village place name signs
- Some worded supplementary plates to standard warning signs (e.g. School) and
- Certain tourist signs

The Policy highlights that the types of sign have been carefully chosen so that they can be employed in discrete localised areas to minimise their impact and to go some way to ensuring that they will get as much local support as possible. In order to ensure community support, applications will only be considered where there is an affirmative resolution of support from the local authority.

The principal language to be used on traffic signs is English. It shall always take precedence where a legend is present on a traffic sign. Only one additional language may be added to a sign.

There are a number of functions proposed within the policy relating specifically to District Councils namely:

- Signs will have to be requested by a promoter through their local District Council. The promoter may be the Local Council in the case of town or village entry signs, a local tourist operator in the case of tourist signs, or the manager of the facility in the case of the warning supplementary signs, which could, for example, be a school Principal.**
- The EQIA states that the Local District Council will be responsible for reimbursing Roads Service of the total cost of the sign approval, design, manufacture and erection, although it is envisaged that the Local District Council will recover these costs from the promoter. No direct cost will be borne by the Department. However the Policy & Procedure Guide states that 'The Local Council shall then supply and erect signs that comply in all respects with the agreement entered into' – therefore clarification is required as to who would have responsibility for erecting and maintaining signs.**
- The consultation recognises that this could be a politically sensitive issue and may not be accepted in all areas. Consequentially, in order to ensure a degree of local support for any bilingual signing proposal, Roads Service will require, as a pre-requisite, confirmation that the proposal has the support of the relevant Local Council**

2.0 Key Issues

2.1 Points for Consideration

As mentioned above the draft policy outlines a number of potential functions for District Councils in terms of administering the policy. In relation to these functions Council Officers have highlighted that it would be helpful if clarification could be given as to:

- The definition of the terms ‘Discrete areas’ and ‘Overall Support’ used within the policy;
- The definition of an “area” is important in terms of surveying areas for opinion before submitting signs for approval. Administering the legislation on street signs is more clearly defined in that a survey is conducted of those residents within a specified street;
- As with any new policy the resource implications of its administration need to be explored including the costing of applications;
- Clarity is required on who is responsible for erecting and maintaining signs and any attendant liability issues.

3.0 Resource Implications

N/A

4.0 Equality Implications

It has been recommended that the consultation document in terms of the Draft Equality Impact Assessment be referred to the Party Groupings on the Council for individual consideration and comment

5.0 Recommendations

1. It is recommended that the consultation document in terms of the Draft Equality Impact Assessment be referred to the Party Groupings on the Council for individual consideration and comment.
2. The Strategic Policy and Resources Committee is asked to consider the draft consultation and to consider if it wishes to submit a Council response to the draft policy or to refer to Party Groupings on the Council for individual consideration and comment.”

**B
2538**

**Strategic Policy and Resources Committee,
Friday, 18th February, 2011**

After a lengthy discussion, it was

Moved by Councillor Robinson,
Seconded by Councillor M. Campbell,

That the Council does not support the Draft Bi-lingual Traffic Signs Policy and, as a nominating body, would not wish to finance the erection of such signs in the City.

On a vote by show of hands, ten Members voted for the proposal and six against and it was accordingly declared carried.

Chairman