

# Document Pack

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



2<sup>nd</sup> April, 2014

## **MEETING OF STRATEGIC POLICY AND RESOURCES COMMITTEE**

Dear Alderman/Councillor,

The above-named Committee will meet in the Lavery Room (Room G05), City Hall on Friday, 4th April, 2014 at 10.00 am for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

PETER McNANEY

Chief Executive

### **AGENDA:**

1. **Routine Matters**
  - (a) Apologies
  - (b) Minutes
  - (c) Declarations of Interest
2. **Reform of Local Government**
  - (a) Future Governance Arrangements for the Shadow Council Period (Pages 3 - 14)
3. **Democratic Services and Governance**
  - (a) Election Update (Pages 15 - 34)
4. **Finance/Value-for-Money**

- (a) Authority to seeking tenders and award contracts (Pages 35 - 38)

5. **Human Resources**

- (a) Arrangements for Chief Executive (To Follow)
- (b) Industrial Relations Review (Pages 39 - 64)
- (c) Public Health Agency 'Breastfeeding Welcome Here' Scheme (Pages 65 - 68)

6. **Asset Management**

- (a) Disposal of former Maysfield Leisure Centre (Pages 69 - 76)
- (b) Corporate Accommodation Strategy (Pages 77 - 80)

**To: The Chairman and Members of the Strategic Policy and Resources Committee**



### Belfast City Council

<b>Report to</b>	<b>Strategic Policy and Resources Committee</b>
<b>Subject:</b>	<b>Future Governance Arrangements for the Shadow Council Period</b>
<b>Date:</b>	4 April 2014
<b>Reporting Officer:</b>	Ronan Cregan, Director of Finance and Resources
<b>Contact Officer:</b>	Emer Husbands, Strategic Performance Manager Stephen McCrory, Democratic Services Manager

<b>1.0</b>	<b>Background</b>
<b>1.1</b>	At the Strategic Policy and Resources Committee on 13th December 2013, Members were updated on the three possible forms of governance available to new councils as provided for in Part 5 of the Local Government Bill: (a) executive arrangements (either cabinet or streamlined committee); (b) a traditional committee system; or (c) prescribed arrangements.
<b>1.2</b>	At the meeting, Members agreed on a process of engagement, to facilitate discussions on potential new political management arrangements for the operation of the new council during the Shadow period (May 2014 – March 2015).
<b>1.3</b>	Party Group briefings took place in January 2014, facilitated by Jonathan Huish from the Improvement and Efficiency Social Enterprise (IESE), at which Members explored the issues associated with each model. Jonathan Huish provided feedback to the Committee at its meeting on 7 <sup>th</sup> February where it was agreed that officers should work with the Governance Steering Panel to develop options for possible committee structures for the Shadow period based on a more streamlined traditional committee system. These options would then be discussed with party groups before a final report was brought back to SP&R and STC in April.
<b>1.4</b>	This report therefore sets out recommendations on the proposed interim governance arrangements for the shadow period June 2014 – March 2015.
<b>2.0</b>	<b>Existing Council</b>
<b>2.1</b>	In considering arrangements for the Shadow Council, Members firstly discussed the governance structures for the existing council, as both structures will operate simultaneously from June 2014 to March 2015.
<b>2.2</b>	The Annual Meeting of the existing council has been scheduled for Monday 2 <sup>nd</sup> June 2014, where the Council will appoint a Lord Mayor, Deputy Lord Mayor and committee membership for the period ending on 31st March 2015. The current council will have to oversee the work of the departments as laid out in the departmental plans and revenue estimates and it is therefore recommended that the current committee structures remain in place during this period to fulfil this function. As the year progresses, depending on the volume of business, it may be possible to review the frequency of meetings of these committees to free up members time.
<b>2.3</b>	Members will be aware that the committees are supported by a large number of working groups (details of committee and working group meeting is attached at Appendix 1). Given the demands on Members' time in the shadow period it is recommended that a review of the working groups is undertaken with a view to

reducing the number where possible.

### 3.0 The Role of The Shadow Council

3.1 While the current council will continue to oversee day to day delivery of service the Shadow council will work to prepare the organisation for the adoption of full functions, powers and responsibilities in April 2015. A consultation document on regulations for the shadow period has been released which sets out the requirements of the Shadow Council up to April 2015. A summary of key actions is set out below

<b>Governance</b>	<ul style="list-style-type: none"> <li>• Identify and design the preferred governance model - including the number, size and roles of committees for the adoption of full powers on 1st April 2015</li> <li>• Agree a method for filling positions of responsibility (by nomination or election) for the 4 year period between 2015 and 2019</li> <li>• Agree the allocation of Special Responsibility Allowance (SRA)</li> <li>• Agree the name of the new council</li> <li>• Develop Standing Orders for the new council post April 2015</li> <li>• Prepare a Scheme of Delegation for the new council post April 2015</li> <li>• Define and agree the constitution for the new council</li> <li>• Develop a Corporate and Business Plan for the new council</li> </ul>
<b>People</b>	<ul style="list-style-type: none"> <li>• Appoint staff – HR and Finance</li> <li>• Build capacity in preparation for new functions – particularly planning</li> </ul>
<b>Financial</b>	<ul style="list-style-type: none"> <li>• Striking the Rate for 2015 – 2016</li> <li>• Agree budget for new Council</li> <li>• Medium Term Financial Plan</li> <li>• Capital Programme</li> </ul>
<b>Operational</b>	<ul style="list-style-type: none"> <li>• Prepare service convergence plans to ensure continuity of service within new areas</li> <li>• Prepare for the transfer of functions from central to local government (planning, regeneration, community planning, local economic development, housing, off street parking)</li> <li>• Design and agree the organisational structure of the new council</li> </ul>
<b>Transformational</b>	<ul style="list-style-type: none"> <li>• Commence the development of the Community Plan and Local Development Plan</li> <li>• Develop the Councils approach to strategic regeneration</li> <li>• Develop the approach to area working</li> <li>• Agree outcomes framework</li> </ul>

### 4.0 Proposed Governance Structures for the Shadow Council

4.1 In order to fulfil these functions, two options for possible committee structures were presented at the party group briefings. All parties agreed that an enhanced traditional committee system with the following four standing committees was the preferred option;

- a **strategic committee** which would take decisions or make recommendations in relation to budgets, governance arrangements, organisational development and design, corporate planning and performance processes etc. This is similar to the type of work currently undertaken by the current

SP&R Committee.

- The inclusion of a **transition committee** with responsibility for ensuring the smooth transfer of services from central government including planning, regeneration, housing, off street car parking and the extension of current council functions to the new ratepayers from Lisburn and Castlereagh. This will include overseeing the transfer of staff and assets transfer, service standards, accommodation etc.
- a **transformation committee** with responsibility to commence the development of the community plan, local development plan and prepare the organisation for its future role as a regeneration authority. This will include the development of a city vision and priorities, an outcomes framework, establishing an external partnership reference group and formulating the Councils approach to area working.
- a **regulatory committee** which, during the Shadow period, would prepare for its own future regulatory role in respect of planning through capacity building, awareness raising and case studies/visits.

4.2 These standing committees could be supported by working groups where needed and this requirement would be fed into the review of working groups for the current council to make the best use of Members' time.

4.3 As with a traditional committee system, all committees will report into the full Council. A schematic of the preferred option is set out in Appendix 2 and details of the high level decisions and activity required by each committee for the duration of the Shadow Council are included in Appendix 3.

4.4 If Members agree this option officers will work up the terms of reference for each committee to inform the Standing Orders for the shadow period.

## 5.0 Process for the implementation of the Shadow Governance Arrangements

5.1 Interim Governance arrangements will need to be in place to allow the Shadow Council to function and to carry out the actions outlined above. A number of key issues need to be addressed almost immediately after the May elections in order that later deadlines can be met.

5.2 The Annual Meeting of the Shadow Council must take place within 21 days of the Local Election – ie by 12<sup>th</sup> June 2013. Officers will work with party groups during this timeframe to ensure key decisions can be taken at this first meeting including;

- Agree the preferred interim governance model for the shadow period – including the number, size and responsibilities of committees
- Agree the allocation of special responsibility allowance for the shadow period
- Agree Standing Orders for the shadow period
- Agree a full work plan (Corporate Plan) for the shadow period

A draft Agenda for the first meeting of the Shadow Council is set out at Appendix 4.

5.3 There are a number of key considerations which must be taken into account regardless of the governance arrangements selected. The decision about the final structure and composition of the committees for the Shadow period will need to take account of the following:

- **Call – in** - decisions will be subject to 'call-in' whereby 15% of Members (9 out of 60) may call for any committee decision to be reconsidered on the basis that (a) a decision was not arrived at after proper consideration of the relevant facts and issues (due process) or (b) that the decision would disproportionately affect adversely any section of the inhabitants of the district (adverse impact).
- **Qualified Majority Voting (QMV)** - all decisions are subject to 'simple majority' voting. However a number of decisions (to be specified by DOE and included in standing orders) will be subject to 'Qualified Majority Voting (QMV)' where the support of 80% of the Members of a council present and voting at a meeting will be required for a specified decision or resolution to be agreed.
- **Number, size and composition of Committees** - although no limit has been imposed on the size of Committees within the Traditional Committee system, any decision should be considered in the light of its impact on the degree of political representativeness, the speed of decision-making and how it might affect remuneration generally. The Council will need to determine how many Members should sit on

each Committee and how often they should meet.

- **Positions of Responsibility / Allocation of Special Responsibility Allowances (SRA)** - The Chair and Deputy Chair of any committee are currently considered as positions of responsibility as are the positions of Party Leader and Deputy Party Leader and Party Secretary (depending upon party strength). As positions of responsibility will be entitled to Special Responsibility Allowance (SRA), the number of committees will also impact on the division of the SRA allocation amongst Members. Indications are that the SRA will be capped at £108,000 per annum for Belfast City Council.
- **The role of working groups and panels - non-decision making bodies** - this layer of governance may include a Governance working group, Audit and Budget Panels and Area Working Groups. These advisory groups will have no decision making powers but will provide advice and recommendations to the Committees into which they report and inform its decision-making process.
- **Review of existing working groups** – As outlined in 2.0 Members will also need to undertake a review of the number and constitution of existing working groups taking account of the dual governance arrangements which will exist during the shadow period, the revised geography of the council area and the additional pressure which will be placed upon Members' time as a result of the adoption of new powers, functions and responsibilities.

## 6.0 Recommendations

6.1 It is recommended that Members:

1. Agree to continue with the current committee structures for the current council from June 2014 – March 2015.
2. Review the number and role of the existing working groups to take account of the dual governance systems which will exist during the shadow period.
3. Agree to the traditional committee system with four standing committees as set out in the report as the governance structures for the Shadow Council to operate from June 2014 – March 2015.
4. Agree that officers now work up terms of reference for each committee to inform the standing orders for the Shadow Council.
5. Agree the draft Agenda for the first meeting of the Shadow Council

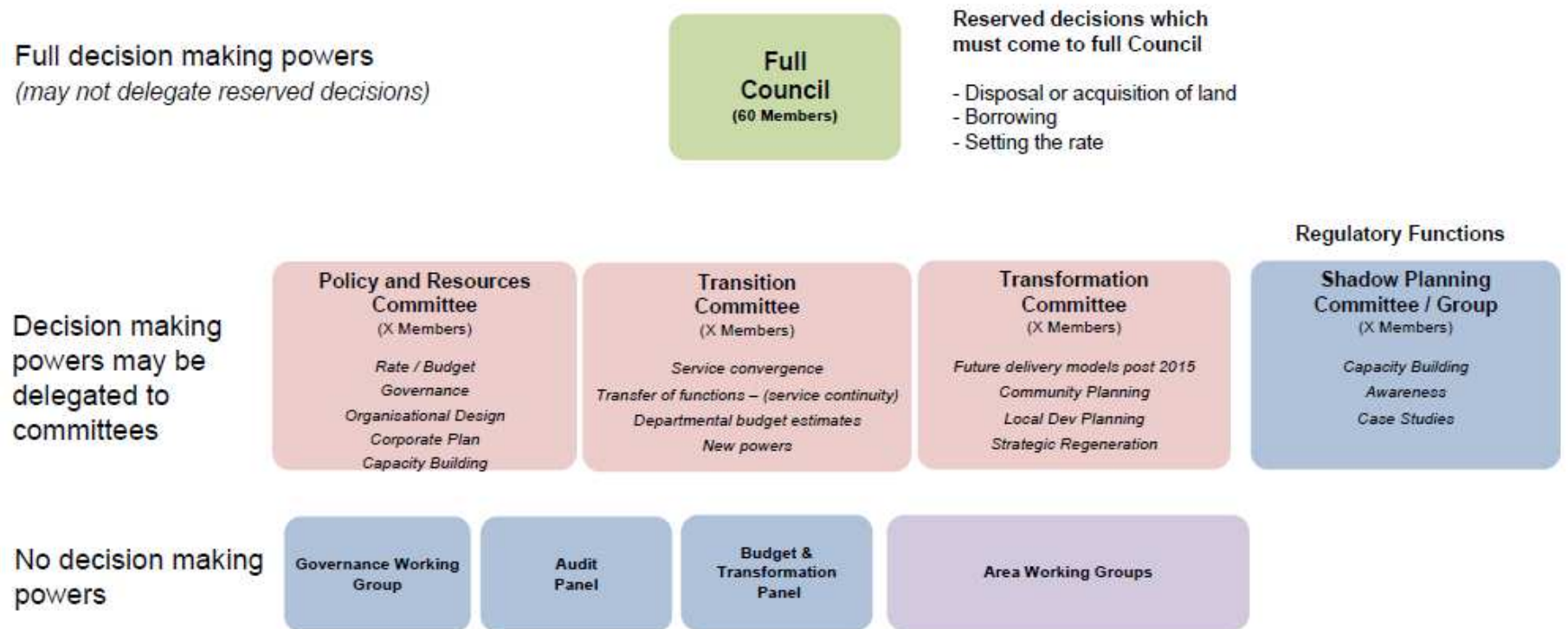
## Appendix 1 – Committee and Working Group meetings

Meeting	June 11-May 12	June 12-May 13	June 13- Feb 14
Accommodation Steering Group	0	0	3
Audit Panel	4	5	6
Belfast Statutory Transition Committee	0	0	4
Belfast Voluntary Transition Committee	0	9	5
Council	12	13	11
Cross-Party Reference Group on Community Planning	8	7	3
Development Committee	26	23	13
East Belfast Area Based Working Group	1	9	6
Emergency and Severe Weather Working Group	0	0	1
Good Relations Partnership	11	11	8
Governance Working Group	3	2	1
Greater Shankill Area Based Working Group	2	10	7
Health and Environmental Services Committee	16	16	9
Historic Centenaries Working Group	4	0	0
Housing Forum	6	5	5
Joint Group of Party Group Leaders' Forum and Historic Centenaries Working Group	8	9	4
Licensing Committee	18	12	9
Members' Development Steering Group	2	2	0
North Belfast Area Based Working Group	1	9	9
North Foreshore Steering Group	1	0	1
Parks and Leisure Committee	17	13	10
Reference Group on Older People	8	10	7
South Belfast Area Based Working Group	1	12	10
Strategic Policy and Resources Committee	26	23	16
Town Planning Committee	24	25	17
Waste Plan Implementation Working Group	0	0	0
West Belfast Area Based Working Group	2	10	11
<b>Total</b>	<b>201</b>	<b>235</b>	<b>176</b>

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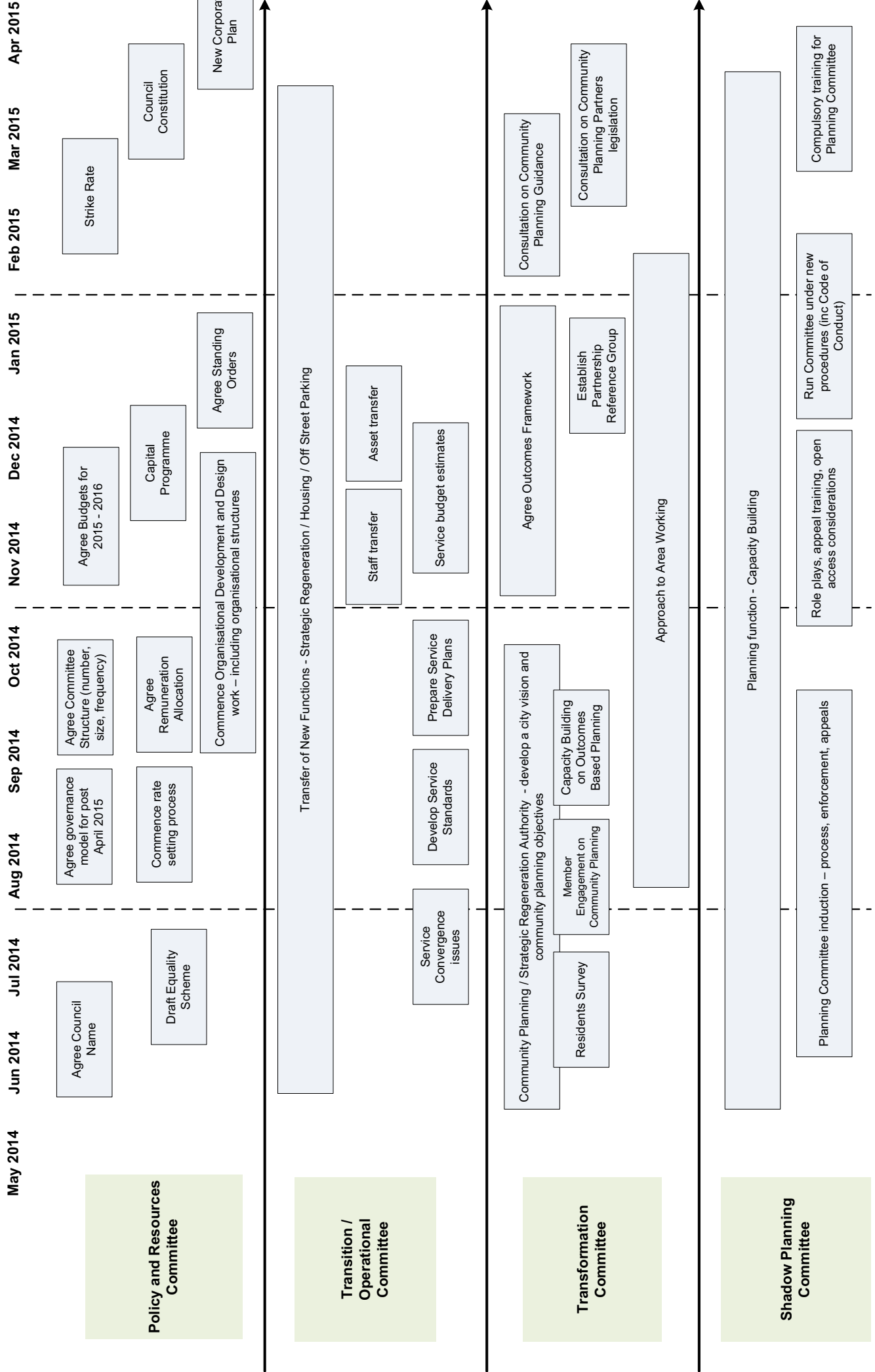
## Appendix 2 – Proposed Governance Structure for the Shadow Council



- Decisions are subject to 15% Call in or 80% Qualified Majority Vote
- No Overview and Scrutiny Committee appointed
- Overview and scrutiny by Full Council
- Council can delegate authority to standing committees on any decision other than reserved decisions
- Councils to decide how much to delegate to standing committees
- No limit on Membership of Committees

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# Shadow Council – Potential Work Plan for each of the Proposed Shadow Committees June 2014 – 31 March 2015



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## Appendix 4

### **Draft Agenda for First meeting of Shadow Council**

1. Nominate the Presiding Councillor (Chair) & Deputy Presiding Councillor (Deputy Chair) of Council;
2. Agree the preferred interim governance model for the shadow period – including the number, size and responsibilities of committees
3. Agree method of appointing Positions of Responsibility
4. Agree the method of appointment to and formulation of Committees
5. Agree the allocation of Special Responsibility Allowance for the shadow period
6. Agree Standing Orders for the operation of the Shadow Council
7. Agree initial work plan (Corporate Plan) for the shadow period
8. Agree schedule of meetings for shadow period

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**Belfast City Council**

<b>Report to</b>	<b>Strategic Policy and Resources Committee</b>
<b>Subject:</b>	<b>Election Update</b>
<b>Date:</b>	4th April, 2014
<b>Reporting Officer:</b>	Stephen McCrory, Democratic Services Manager (Ext 6314)

<b>1</b>	<b>Relevant Background Information</b>
	Members will be aware that the Local Elections to the Shadow Belfast District Council will be held on 22nd May, 2014. The poll will be a joint one with the European Parliamentary Election.

<b>2</b>	<b>Key Issues</b>
	<p>The timetable for the Local Elections is attached at Appendix 1 and sets out the various dates and deadlines which will be of interest to candidates standing for election.</p> <p>Members are asked to note that the election will be to the new Belfast <b><u>District</u></b> Council and this is the wording that will be required to be used on ballot papers and on election banners etc around the City Hall on the days of the counts. This is because the names of the 11 new Councils were set out in the Local Government (Boundaries) Act (Northern Ireland) 2008 and in our case the name chosen was Belfast District Council. It will be a matter for the Shadow Council to determine if it wishes to change the name of the new Council back to a City.</p> <p><u>Nomination Process</u></p> <p>The Notice of Election will be placed in the Belfast Telegraph, Irish News and News Letter newspapers on Monday 14th April. The delivery of nomination papers must be made between the hours of 10.00am and 4.00pm on 15th, 16th, 17th, 22nd, 23rd, 24th, 25th, 28th April and between the hours of 10.00am and 1.00pm on 29th April. As in previous elections, we will be using the Lavery Room for the receipt of nomination papers.</p>

Parties are requested to reserve a date and time for the lodging of their papers as the process can take quite some time to complete and this will assist in ensuring that the Deputy Returning Officer (Peter McNaney) or one of the Assistant Returning Officers (Stephen McCrory and Jim Hanna) are available to receive the papers. It would be of significant assistance if Parties were to submit the papers in draft initially so that the details can be checked and any required amendments made in advance of the formal submission.

Nomination papers, consent to nomination papers etc are contained within the Guide to Candidates document which may be obtained from the Electoral Office website at [http://www.eoni.org.uk/getmedia/29aa50ee-c6fb-49e3-bb91-8161c1aebd3e/Local-Council-Election-22-May-2014-Guide-for-Candidates-\(final\)](http://www.eoni.org.uk/getmedia/29aa50ee-c6fb-49e3-bb91-8161c1aebd3e/Local-Council-Election-22-May-2014-Guide-for-Candidates-(final)). For convenience, copies of the forms are attached as Appendices to the report or may be obtained from the Democratic Services offices in the City Hall upon request.

Members are reminded that no cameras will be permitted within the Lavery Room during the nomination process.

#### Date of Poll

The poll will be taken between the hours of 7.00am and 10.00pm on Thursday, 22nd May, 2014. Members are reminded that this will be a joint poll with the election to the European Parliament.

#### Overnight Verification of Unused Ballot Papers

Following the close of poll on 22nd May, the ballot boxes for the 10 District Electoral Areas in the Belfast District, together with the European ballot boxes from the Polling Places within those 10 DEAs, will be delivered to the City Hall. The verification of **unused ballot papers** for both elections will take place within the 5 count venues in the City Hall.

This process does not involve the opening of any ballot boxes but merely records the number of unused papers returned in the election stationery against the figures recorded on the Ballot Paper Accounts. Candidates, Election Agents etc will be entitled to be present during this process if they so wish and details of how to register to attend will be circulated to those persons after the nomination period ends.

It is anticipated that this process should be concluded between 2.00am and 3.00am on Friday, 23rd May.

#### Verification of Used Ballot Papers

The verification of the used ballot papers for both elections will commence at 8.00am on Friday, 23rd May. This process involves the 2 ballot boxes from each polling station (1 Local Council box and 1 European box) being opened and the contents sorted and counted in view of the Candidates, Election Agents and Counting Agents. Members are asked to note that the Local Council papers will be sorted and counted face up whilst the European papers will be face down.



The purpose of the process is to verify the numbers of ballot papers found in each box and to check this against the Ballot Paper Account and the verification statement of unused ballot papers. The verification of the DEAs of Botanic, Ormiston, Oldpark, Collin and Titanic will take place first and when completed the verification for the DEAs of Balmoral, Black Mountain, Castle, Court and Lisnasharragh will follow immediately afterwards. It is anticipated that this process will be completed between 2.00pm and 3.00pm that day.

Once the verification process has been completed, we will commence the actual Local Council counts for the DEAs of Balmoral, Black Mountain, Castle, Court and Lisnasharragh as follows:

Banqueting Hall – Black Mountain – Count Controller Gareth Quinn  
Reception Room – Balmoral – Count Controller Andrew Wilson  
Great Hall (1) – Castle – Count Controller Ronan Cregan  
Great Hall (2) – Court – Count Controller Mark McBride  
Great hall (3) – Lisnasharragh – Count Controller Rose Crozier

The first stage of each count will be to carry out the initial sort of ballot papers according to first preference votes and to identify any invalid papers. This stage can take a couple of hours to complete and therefore we may not be in a position to announce the total valid vote and establish the electoral quota until near to tea time on Friday. Each count will continue stage by stage where either candidates' surpluses will be transferred or candidates will be excluded until the required number of Councillors have been elected. Local election rules indicate that a count should ideally not continue after 11.00pm. Should any count not be completed by then an assessment will be undertaken as to how long it might take to finish the process and, if that time is not excessive and if the candidates and agents agree, the count will continue until completion.

The counts for the 5 DEAs of Botanic, Ormiston, Oldpark, Collin and Titanic will commence at 9.00am on Saturday, 24th May as follows:

Banqueting Hall – Ormiston – Count Controller Gareth Quinn  
Reception Room – Botanic – Count Controller Andrew Wilson  
Great Hall (1) – Oldpark – Count Controller Ronan Cregan  
Great Hall (2) – Collin – Count Controller Mark McBride  
Great hall (3) – Titanic – Count Controller Rose Crozier

The same process as followed for the counts on Friday will be undertaken with the exception that there will not be a separate verification process as that will have been carried out on the Friday morning. Accordingly, it is anticipated that all counts should be completed by 5.00pm on the Saturday.

#### Facilities during the Verification and Counts

The City Hall will continue to operate a full working day for staff on Friday, 23rd May. However, access to the building by the public will be prohibited except for the Registration of Births, Deaths and Marriages service. All access to the City Hall will be by the rear entrance at Donegall Square South and all other doors will be locked.

Only persons who have been authorised will be permitted access to the relevant count area and candidates and agents will be asked to submit the names of

	<p>those persons in due course.</p> <p>There is extreme pressure on car parking in the City Hall but all existing Members of Council will be able to park in the City Hall courtyard on the days of the counts. No other requests for car parking spaces will be able to be granted.</p> <p>The Bobbin Restaurant will be closed to the public but will remain open and serve a range of hot and cold food during the counts. There will also be a tea, coffee and sandwich facility in the East Entrance area.</p> <p><u>Contacts for Election Information</u></p> <p>The Principal Office for the purpose of the election is the Members' Support Office, Room G42. This office will be able to issue any papers that candidates might need.</p> <p>If anyone has any questions about the election process they should contact:</p> <ul style="list-style-type: none"> <li>• Stephen McCrory, Senior Assistant Returning Officer, Room G37, City Hall. Telephone 02890 270382. Email <a href="mailto:mccrorys@belfastcity.gov.uk">mccrorys@belfastcity.gov.uk</a> or</li> <li>• Jim Hanna, Assistant Returning Officer, Room G39, City Hall. Telephone 02890 270549. Email <a href="mailto:hannajim@belfastcity.gov.uk">hannajim@belfastcity.gov.uk</a>.</li> </ul>
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<b>3</b>	<b>Resource Implications</b>
	The costs of running the Local Elections have been budgeted for over the last 4 years and costs will be met from within existing budgets.

<b>4</b>	<b>Equality and Good Relations Implications</b>
	There are not any equality or good relations considerations connected to this report.

<b>5</b>	<b>Recommendations</b>
	The Committee is requested to note the information.

<b>6</b>	<b>Abbreviations</b>
	DEA – District Electoral Area

<b>6</b>	<b>Documents Attached</b>
	<p>Appendix 1 – Election Timetable</p> <p>Appendix 2 – Nomination Form</p> <p>Appendix 3 – Consent to Nomination Form</p> <p>Appendix 4 – Nomination of Election Agent Form</p>

Appendix 5 – Request to Use Party Description and Emblem Form

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# Local Elections

## Polling Day Thursday 22 May 2014

### Timetable

Event	Deadline
Publication by the Deputy Returning Officer of notice of election	Monday 14 April 2014
Delivery of nomination papers	10.00am to 4.00pm on: Tuesday 15 April, Wednesday 16 April, Thursday 17 April, Tuesday 22 April, Wednesday 23 April, Thursday 24 April, Friday 25 April, Monday 28 April and 10.00am to 1.00pm on Tuesday 29 April 2014
Delivery of notices of withdrawals of candidature	10.00am to 4.00pm on: Tuesday 15 April, Wednesday 16 April, Thursday 17 April, Tuesday 22 April, Wednesday 23 April, Thursday 24 April, Friday 25 April, Monday 28 April and from 10.00am to 1.00pm on Tuesday 29 April 2014
Receipt of notice of appointment of election agents	1.00pm on Tuesday 29 April 2014
The making of objections to nomination papers	10.00am to 4.00pm on: Tuesday 15 April, Wednesday 16 April, Thursday 17 April, Tuesday 22 April, Wednesday 23 April, Thursday 24 April, Friday 25 April, Monday 28 April and from 10.00am to 2.00pm on Tuesday 29 April 2014
Publication by the Deputy Returning Officer of statement of persons nominated: a) If no objections made b) If any objections are made, after they have been disposed of but no later than 24 hours after the deadline for delivery of nomination papers	6.00pm on Tuesday 29 April 2014 or as soon as practicable thereafter  1.00pm on Wednesday 30 April 2014
Receipt at Area Electoral Offices of postal and proxy vote applications	5.00pm on Thursday 1 May 2014

Receipt at Area Electoral Offices of late registration applications	Tuesday 6 May 2014
Receipt at Area Electoral Offices of additional information in relation to late registration applications	Monday 12 May 2014
Receipt at Area Electoral Offices of late postal and proxy vote applications	5.00pm on Wednesday 14 May 2014
Publication by the Returning Officer of notices of alteration as a result of late registration	Thursday 15 May 2014
Receipt by the Deputy Returning Officer of notice of appointment of polling, verification and counting agents	5.00pm on Thursday 15 May 2014
Receipt of spoilt postal votes for replacement	5.00pm on Wednesday 21 May 2014
<b>Polling day</b>	<b>7.00am to 10.00pm Thursday 22 May 2014</b>
Alterations to the register due to clerical error	7.00pm on Thursday 22 May 2014
Verification of votes	As soon as practicable after 10.00pm on Thursday 22 May 2014
Count commences	Following verification on Friday 23 May 2014
Count continues	9.00am on Saturday 24 May 2014

**Note:** the above timetable excludes Saturdays (with the exception of the count), Sundays and the following public holidays:

- Good Friday 18 April 2014
- Easter Monday 21 April 2014
- May Day Bank Holiday 5 May 2014

Receipt by candidates/agents of claims for election expenses	21 calendar days after the result of the election is declared
Payment by candidates/agents of claims for election expenses	28 calendar days after the result of the election is declared
Receipt by the Deputy Returning Officer of Return and Declaration of Election Expenses by Election Agent	35 calendar days after the result of the election is declared

<p>Receipt by the Deputy Returning Officer of candidate's declaration of election expenses</p>	<p>7 calendar days after receipt of the agent's declaration (or at the same time election agent delivers return)  (If the Candidate is out of the UK, the declaration shall be delivered 14 calendar days after their return)</p>
<p>Publication by the Deputy Returning Officer in two or more newspapers circulating in the District Electoral Area for which the election was held, a summary of the returns accompanied by a notice of the time and place at which the return and declarations (including the accompanying documents) can be inspected</p>	<p>10 calendar days after receipt from the election agent of return as to election expenses</p>

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Annex C

Office Use only	Date received	Time received	Initials

LE2	Local Council Elections	Nomination paper
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District	
District Electoral Area	
Date of election	Thursday 22 May 2014

We, the undersigned, being electors in the above mentioned district electoral area do hereby nominate the under-mentioned person as a candidate at this election.

Candidate's Details	
Candidate's surname	
Other names in full	
Commonly used surname (if any)	
Commonly used forenames (if any)	
Description (if any)	
Home address in full (including postcode)	

	Print name	Signature	Electoral no. (see para 4.27)	
			Ward no.	Electoral no.
Proposer				
Seconder				

We, the undersigned, being electors for the above-mentioned district electoral area do hereby assent to the foregoing nomination.

	Full name	Signature	Ward no.	Electoral no.
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				

This form must be delivered to the Deputy Returning Officer by 1pm on 29 April 2014.

NOTES

1. You are advised to read Section 4 of this Guide before completing the form and to complete all sections in CAPITAL LETTERS except for signatures and dates.
2. The attention of candidates and electors is drawn to the rules for completing nomination papers and other provisions relating to nomination contained in the local elections rules in Schedule 5 to the Electoral Law Act (Northern Ireland) 1962, as substituted by Schedule 1 to the Local Elections (Northern Ireland) Order 1985 and, in particular, to the need for a candidate to consent to their nomination.
3. Where the candidate is commonly known by some title (e.g. a Lord) he or she may be described by their title as if it were their surname.
- 3A. Where a candidate commonly uses a name which is different from any other name he or she has, the commonly used name may also appear on the nomination paper, but if it does so, the commonly used name (instead of any other name) will appear on the ballot paper.
- 3B. But the ballot paper will show the other name if the deputy returning officer thinks—
  - (a) that the use of the commonly used name may be likely to mislead or confuse electors, or
  - (b) that the commonly used name is obscene or offensive.
4. An elector must not sign more nomination papers for the district electoral area than there are vacancies to be filled.
5. A person whose name is entered in the register may not subscribe a nomination paper if the entry gives as the date on which he will become of voting age a date later than the day fixed for the poll.
6. Where, because of blindness or disability, you are unable to sign a nomination paper or consent to nomination you may instead make your mark. The mark must be witnessed by a person who must sign the document and give their address. You may contact the Deputy Returning Officer for advice.
7. This form, along with the consent to nomination, must be delivered to the Deputy Returning Officer by 1pm on 29 April 2014. Incomplete, illegible or incorrectly completed forms will be invalid.

Office Use only	Date received	Time received	Initials

LE2(A)

Local Council Elections

Candidate's consent to nomination

Date of election	Thursday 22 May 2014		
I (name in full)			
of (home address in full)			
hereby consent to my nomination as a candidate for election as councillor for the		district electoral area	
in the district of			
I declare that I have attained the age of 18 years and that I am a qualifying Commonwealth citizen or citizen of the Republic of Ireland or a citizen of another Member State of the European Union and that:			
*(a) I am a local elector for the district of the Council;			or
*(b) during the whole of the period of twelve months preceding the day of the poll: *(i) I have occupied as owner or tenant land in that district, or *(ii) resided in that district;			or
*(c) my principal or only place of work during that 12 months has been in that district. <i>*delete as appropriate</i>			or
I further declare that to the best of my knowledge and belief I am not disqualified for being elected by reason of any disqualification set out in section 4 of the Local Government Act (Northern Ireland) 1972, a copy of which is printed overleaf, and I am not a candidate at an election in the same local government electoral area the poll for which is to be held on the same day as the election to which this consent relates.			
I declare that, if elected, I will not by word or deed express support for or approval of: (a) any organisation that is for the time being a proscribed organisation specified in Schedule 2 to the Terrorism Act 2000; or (b) acts of terrorism (that is to say, violence for political ends) connected with the affairs of Northern Ireland.			
Candidate's date of birth		Candidate's signature	Date of consent
DD	MM	YEAR	
Witness: I confirm the above-mentioned candidate signed the declaration in my presence.			
Witness's signature		Date	
Witness (name in full)			
Address of witness (in full)			

This form must be delivered to the Deputy Returning Officer by 1pm on 29 April 2014.

Candidates are advised to seek their own legal advice if they think they may be disqualified.

## Local Government Act (Northern Ireland) 1972 (as amended)

### 4 Disqualifications

- (1) Subject to section 5, a person shall be disqualified for being elected or being a councillor if—
- (a) he holds any paid office or other place of profit (not being that of chairman or sheriff) in the gift or disposal of that or any other council; or
  - (b) is the subject of
    - (i) a bankruptcy restrictions order or interim order; or
    - (ii) a debt relief restrictions order or interim order;
  - (c) he is disqualified for being elected or being a councillor under Article 19 or 20 of the Local Government (Northern Ireland) Order 2005;
  - (cc) he has been found guilty of one or more offences by any court in Northern Ireland or elsewhere in the British Islands and sentenced or ordered to be imprisoned or detained indefinitely or for three months or more without the option of a fine and either of the periods mentioned in subsection (3) is current; or
  - (d) he has within the five years immediately preceding the day of his election or at any time subsequent to that day been guilty of any conduct which the High Court has by order declared was reprehensible within the meaning of section 31; or
  - (dd) within the five years immediately preceding the day of his election or at any time subsequent to that day, a determination has been made by the High Court that he has acted in breach of the terms of a declaration against terrorism as defined in section 7 of the Elected Authorities (Northern Ireland) Act 1989; or
  - (e) he is disqualified for being elected or being a councillor either under section 6(2) or under any other statutory provision (including a provision relating to corrupt or illegal practices).
  - (f) he has received a severance payment (within the meaning of section 19 of the Local Government (Miscellaneous Provisions) Act (Northern Ireland) 2010).

*Subs.(2) rep. by 1985 NI 15*

- (3) The periods referred to in subsection (1)(cc) are—
- (a) the period of his actual imprisonment or detention (including any time when he is unlawfully at large), and
  - (b) the period of five years beginning with his discharge.
- (4) For the purposes of subsections (1)(cc) and (3)—
- (a) consecutive terms of imprisonment or detention imposed in respect of offences of which the offender was found guilty in the same proceedings are to be treated as a single term,

- (b) the release of an offender on licence or in pursuance of a grant of remission is to be treated as his discharge, whether or not his release is subject to conditions, but if, in respect of the same offence or offences, he is required to return to prison or detention for a further period the reference in subsection (3) to his discharge includes a reference to his discharge in respect of that further period, and
  - (c) the reference in subsection (1)(cc) to a sentence or order does not, except in a case where the sentence or order does take effect for any term, include one that is ordered not to take effect unless the conditions specified in the order are fulfilled and, in such a case, the original sentence or order is to be treated as a sentence or order of imprisonment or detention for that term.
- (5) In the application of this section to a person who is a candidate to be returned under section 11D, 11E or 11F (casual vacancies) of the Electoral Law Act (Northern Ireland) 1962, references to the day of the person's election are to the date of the person's response under section 11D or declaration under section 11E or 11F (as the case may be).

Note:

4(1)(c) and (e) above have been modified by Article 3(4) of The Local Government (Boundaries)(2008 Act)(Commencement, Transitional Provision and Savings) Order (Northern Ireland) 2013 which commenced on 3 October 2013 and provides:

3. (4) A reference in section 4(1)(c) or (e) of the 1972 Act to the disqualification of a person for being elected or being a councillor includes reference to a person disqualified for being elected or being a councillor in relation to an existing council or a new council as the case may be.

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	Date received	Time received	Initials
Office Use only			

LE39(A)

Local Council Elections

Notification of election agent

District	
District Electoral Area	
Date of election	Thursday 22 May 2014

<b>Candidate's notification of their election agent</b>	
I, (Candidate name in full)	
Hereby declare that the name and address of my election agent is	
Agent's name	
Agent's address (in full)	
The office address of my election agent to which all claims, notices, legal process and other documents may be sent is (note: the address must be in the Local Council area):	
Agent's office address (in full)	
Candidate's signature (or signature of person authorised to act on behalf of candidate)	
Date	
<b>Confirmation of acceptance by election agent</b>	
I [agent named above] confirm my acceptance as the election agent for the above named candidate. I understand that I must carry out my duties according to law. I understand that there are penalties if I fail to fulfil my duties according to law.	
Agent's signature	
Date	
<b>Agent's other details in case of query (optional – will not be published)</b>	
Home telephone	
Work telephone	
Mobile telephone	
Email address	

This form must be delivered to the Deputy Returning Officer by 1pm on 29 April 2014.

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Office Use only	Date received	Time received	Initials

<b>LE2(C)</b>	<b>Local Council Elections</b>	<b>Request to use party description/emblem</b>
---------------	--------------------------------	--

District	
District Electoral Area	
Date of election	Thursday 22 May 2014

Complete this form if you wish to have a party description or party emblem on the ballot paper next to your name.

Candidate name (in full)	
--------------------------	--

I wish to use the following description on my nomination paper

The emblem must be one of the emblems registered by your political party, or in the case of a joint candidate one of the parties registered with the Electoral Commission. Where a party has more than one registered emblem, the one that is authorised for use must be specified by giving the unique number or description allocated to it on the Electoral Commission website <https://pefonline.electoralcommission.org.uk/search/searchintro.aspx>.

I wish to use the party emblem number/description as shown on the Electoral Commission website, a copy of which is attached.	
Emblem number/ description	

Note: In the case of a joint candidate the schedule must be signed by the Nominating Officer of both parties, or a person authorised by them.

The Nominating Officer has completed the schedule authorising my use of the above description and emblem on the ballot paper and lodged it with the Deputy Returning Officer.

Candidate's signature		Date	
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This form must be delivered to the Deputy Returning Officer by 1pm on 29 April 2014.

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**Belfast City Council**

<b>Report to:</b>	Strategic Policy and Resources Committee
<b>Subject:</b>	<b>Delegated authority seeking tenders and awarding contracts</b>
<b>Date:</b>	4 April 2014
<b>Reporting Officer:</b>	Gerry Millar, Director of Property & Projects, Ext: 6217
<b>Contact Officer:</b>	Cathy Reynolds, Property & Projects, Ext: 3493 Philip Hynds, Property & Projects, Ext: 6193

<b>1.0</b>	<b>Purpose</b>
	<p>The purpose of this report is to obtain approval seeking tenders for:</p> <ul style="list-style-type: none"> <li>• Annual property asset revaluations</li> <li>• Financial appraisal of those submitting tender returns and claimants for council funding</li> </ul>

<b>2.0</b>	<b>Relevant Background Information</b>
	<b>Annual property asset revaluations</b>
2.1	Local Government Capital accounting requires the value to Council of owning property assets to be recorded in the annual accounts. The values assessed are for accounting purposes only and therefore do not represent market value.
2.2	A rolling revaluation programme has been in operation for a number of years whereby approximately 25% of Council's operational assets are discretely inspected each year thus achieving a total revaluation of all its operational assets based on actual physical inspections, in line with CIPFA guidance for valuation intervals, not exceeding five years.
2.3	The financial statements (annual accounts) of local authorities must be in accordance

	with the CIPFA IFRS Based Code of Practice on Local Authority Accounting.
2.4	Valuations for inclusion in local authority accounts are provided in accordance with RICS Valuation Standards (The Red Book) and must be undertaken by suitably qualified and registered valuers.
	<b>Financial Appraisal</b>
2.5	As part of the Council's pre contract evaluation of tenders, assurance is sought that those organisations which will enter into a contractual arrangement with Council have the financial capacity to meet the terms of that contract.
2.6	To minimise the risks of council funding a due diligence process of recipients is carried out. This includes an assessment of an organisation's financial standing so as to mitigate any potential failure to deliver the agreed outcomes of the contract.

<b>3.0</b>	<b>Key Issues</b>
3.1	The 2014 property asset revaluation exercise concluded a full inspection cycle whereby all of the Council's operational assets have been discretely inspected in accordance with the Code of Practice on Local Authority Accounting.
3.2	In line with RICS best practice guidance it is proposed to award a contract that will provide the Council with annual discrete property asset assessments. This approach will provide continuity in providing the necessary assessments for all Council's operational assets within the term of a single contract.
3.3	The tender specification will provide for inclusion and revaluation of a substantial number of property assets that will transfer to the Council under LGR in April 2015.
3.4	In line with the Council's Procurement Policy, both these tenders will be invited from professionally qualified organisations with necessary experience in their respective fields. With the evaluation criteria based on both cost and quality with a contract awarded to the most economically advantageous tender.
3.5	Both these tenders will be awarded on a 3 year basis with the option to renew for a further year.
3.6	This co-ordinated approach to financial appraisals will provide the Council with assurance that the contracts are both cost effective and fully compliant. Corporate Procurement Services will manage the co-ordinated tender process on behalf of the Council.

<b>4</b>	<b>Resource Implications</b>						
4.1	<p><b><u>Financial</u></b></p> <table border="0"> <thead> <tr> <th><b>Category of Spend</b></th> <th><b>Indicative costs/year</b></th> </tr> </thead> <tbody> <tr> <td>Annual property asset revaluations</td> <td>£40K</td> </tr> <tr> <td>Financial appraisals</td> <td>£50K</td> </tr> </tbody> </table> <p>These costs will be met out of the existing revenue budgets within departments.</p>	<b>Category of Spend</b>	<b>Indicative costs/year</b>	Annual property asset revaluations	£40K	Financial appraisals	£50K
<b>Category of Spend</b>	<b>Indicative costs/year</b>						
Annual property asset revaluations	£40K						
Financial appraisals	£50K						
4.2	<p><b><u>Human Resources</u></b></p> <p>There are no additional human resource implications for Council over those already committed to completion of this annual exercise.</p>						
4.3	<p><b><u>Asset and Other Implications</u></b></p> <p>There are no asset or other implications.</p>						

<b>5</b>	<b>Equality and Good Relations Considerations</b>
5.1	There is no direct equality or good relations implications in respect of this report.

<b>6</b>	<b>Recommendations</b>
6.1	<p>Members are asked to :</p> <ol style="list-style-type: none"> <li>1. Approve seeking tenders for the above categories using pre-determined evaluation criteria which will include both quality and cost. In addition, Committee approval is sought under the Scheme of Delegation for acceptance of successful tenderer to be delegated to the Director of Property and Projects.</li> </ol>

<b>7</b>	<b>Decision Tracking</b>
The Director of Property and Projects is responsible for approval of the recommended tenders.	

<b>Key to Abbreviations</b>
<p>RICS – Royal Institution of Chartered Surveyors  LGR – Local Government Reform  CIPFA –Chartered Institute Public Accounting  IFRS –International Financial Reporting Standards</p>

<b>Documents Attached</b>
None

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**Belfast City Council**

<b>Report to:</b>	Strategic Policy and Resources Committee
<b>Subject:</b>	<b>Industrial Relations Review</b>
<b>Date:</b>	18 April 2014
<b>Reporting Officer:</b>	Jill Minne, Asst Chief Executive and Head of Human Resources (3221)
<b>Contact Officer:</b>	Emma Dorman, Principal HR Advisor (ext 3221)

<b>1</b>	<b>Relevant Background Information</b>
1.1	Members will be aware that the council recognises four trade unions for negotiating and bargaining purposes - GMB, NIPSA, SIPTU and UNITE.
1.2	The council has an agreed industrial relations structure to enable trade unions and management to work together on a range of issues affecting employees through negotiations and consultations within recognised industrial relations forums.
1.3	Following recommendations as a result of an independent report in 2008, a review of the council's industrial relations framework was undertaken. This work was facilitated by the Labour Relations Agency (LRA). As an outcome of this detailed review, in 2012, the existing JCC was replaced with the Joint Negotiating and Consultative Committee (JNCC). In addition, a full review of the council's Trade Union Facilities Agreement (TUFA) started in October 2012. The TUFA sets out how and when trade union representatives can request time off to undertake trade union activities and clarifies the nature of the trade union representative's role. Clarification on these issues is essential to ensure that industrial relations within the council are effective.

<b>2</b>	<b>Key Issues</b>
2.1	<p>A revised TUFA has now been confirmed with three out of the four Trade Unions, (attached at Appendix One) NIPSA raised objections to two elements to the revised Agreement, addressing:</p> <ul style="list-style-type: none"> <li>a) the process to be followed when requesting paid time off for TU duties, and</li> <li>b) provisions outlining when and how it would be appropriate for a shop steward in one department to represent an employee working in a different department.</li> </ul>

2.2	In reference to point 2.1a), management responded to NIPSA requesting clarification of why it would be unreasonable to ask trade union representatives to follow a defined process, including filling in a form, when requesting paid time off to complete TU duties. NIPSA did not provide this clarification, but continued to object to the requirement to follow a process. Management does not consider this objection to be reasonable. Management also notes that the process for requesting time off was contained within the existing TUFA which was agreed with the trade unions in 2006.
2.3	In reference to point 2.1b), management asked NIPSA to clarify the nature of the objections raised regarding provisions outlining when and how it would be appropriate for a shop steward in one department to represent an employee working in a different department (cross sectional representation). This was contained within the existing TUFA which was agreed with the trade unions in 2006. NIPSA objects to this provision on the basis that employees should have unfettered choice of representation, which management does not dispute.
2.4	Notwithstanding the right of employees within disciplinary and grievance hearings to choose a representative, the legislative framework requires employers to permit trade union representatives to be granted 'reasonable' time off for the completion of trade union duties. Management has outlined to NIPSA that, in this context, the existing council provisions are reasonable. The TUFA stipulates that <i>'trade union representatives will normally only undertake representational duties within the service in which they are employed'</i> but allows that <i>'there may be occasions where it will become necessary to seek the services of a representative from outside the Service / Department owing to their experience, specialist knowledge or expertise of a particular subject or issue or where there is no experience representative in place.'</i> Management contends that these provisions are reasonable in assessing whether or not a request for time off for completion of TU duties should be granted. NIPSA, however, continues to reiterate objections, regardless of the responses provided by management.
2.5	Management has attempted to reach agreement with NIPSA through meetings and correspondence over a period of 13 months. Given that agreement has been reached with three out of the four trade unions within the trade union group and given that NIPSA has continued to reiterate objections without acknowledging the assurances given to them by management addressing these concerns, management notified trade unions that where agreement could not be reached on the proposed amendments, management would revert to the provisions as set out within the existing TUFA which had been agreed with the trade union group in 2006. Whereas these provisions have been in force previously, there has been an acknowledged inconsistency of approach across the council. Following implementation of the revised TUFA, these provisions would, however, be rigorously applied and regularly audited to ensure consistency across the council, in accordance with the proposed implementation plan, (attached at Appendix Two.)
2.6	Corporate HR now seeks member approval for the implementation of this revised agreement. A full communication exercise and a detailed training programme will be required for implementation of the amendments. Training would be run jointly with management and trade unions. It is intended that this training will assist managers and trade union representatives by equipping them with a detailed knowledge of the mechanisms available to them to facilitate industrial relations.



<b>3</b>	<b>Resource Implications</b>
3.1	<u>Financial</u>
3.2	Any costs associated with the provision of training would be covered by the corporate OD budget and normal procurement processes for commissioning external expertise would apply.
	<u>Human Resources</u>
	All actions will be undertaken in accordance with agreed HR policies and procedures and normal procurement processes will apply.

<b>4</b>	<b>Equality Implications</b>
4.1	There are no equality issues.

<b>5</b>	<b>Recommendations</b>
5.1	Members are asked to: <ul style="list-style-type: none"> <li>(i) Consider the contents of this report, including the appendices attached.</li> <li>(ii) Approve the revised Trade Union Facilities Agreement.</li> </ul>

<b>Decision Tracking</b>

<b>Documents Attached</b>
Appendix One – Revised Trade Union Facilities Agreement
Appendix Two – Draft Implementation Plan



## **TRADE UNION FACILITIES AGREEMENT AND GUIDELINES ON TIME OFF FOR TRADE UNION DUTIES AND ACTIVITIES**

### **1. Introduction:**

- 1.1. The Council and trade unions have a joint responsibility to ensure that agreed arrangements work to mutual advantage by specifying how reasonable time off for union duties and activities and for training will work. This can be particularly important in the case of union learning representatives where the lack of such an understanding may result in duplication of functions concerning employees' training needs.

### **2. General purpose of these guidelines**

- 2.1. The general purpose of the statutory provisions, the LRA Code of Practice and these guidelines is to aid and improve the effectiveness of relationships between employers and trade unions.

### **3. Background**

- 3.1. This agreement and guidelines are based on the Labour Relations Agency's Code of Practice on Time Off for Trade Union Duties and Activities, as amended.

### **4. Relevant Legislation**

- 4.1. Trade union officials have a statutory right to reasonable paid time off from employment to carry out trade union duties and to undertake trade union training. Union officials and members also have a statutory right to reasonable unpaid time off when taking part in trade union activities.
- 4.2. Trade union members have a statutory right to reasonable unpaid time off for the purpose of having access to the services of a Union Learning Representative.
- 4.3. The relevant law relating to this agreement is set out in:
  - The Employment Rights (Northern Ireland) Order 1996
  - The Collective Redundancies and Transfer of Undertakings (Protection of Employment) Amendment Regulations (Northern Ireland) 1999
  - The Employment (Northern Ireland) Order 2003

- The Industrial Relations (Northern Ireland) Order 1992
- The Trade Union and Labour Relations (Northern Ireland) Order 1995

**5. The Right:**

- 5.1. To operate effectively and democratically, trade unions need the active participation of members. The council recognises that it is in the organisation's interests that such participation is assured. An employee who is a member of a trade union recognised by the council in respect of that description of employee is permitted reasonable time off during working hours to take part in any trade union activity.
- 5.2. An employee who is a member of recognised trade union is also permitted to take reasonable time off during working hours for the purposes of accessing the services of a Union Learning Representative.

**6. Reasons for requesting Time Off:**

- 6.1. Examples of Trade Union Activities for which time off can be requested will include:
- Attending workplace meetings, e.g. JNCC / Departmental TU forums, to discuss and vote on the outcome of negotiations with the council.
  - Meeting full-time officials to discuss issues relevant to the workplace.
  - Voting in union elections.
- 6.2. In addition, where the member is acting as a representative of a recognised union, activities can be, for example, taking part in:
- Preparatory time for organising members' meetings and the dissemination of information to members.
  - Co-ordination of and attendance at workplace meetings with members.
  - Branch, area or regional meetings of the union where the business of the union is under discussion.
  - Meetings of official policy-making bodies such as the executive committee or annual conference.
  - Meetings with full-time officials to discuss issues relevant to the workplace.
- 6.3. Details relating to Trade Union Representatives rights to attend training and learning activities are set out in section 2.

## **7. Union Learning Representatives**

- 7.1. Employees who are members of trade union recognised by the council can take reasonable time off to undertake the duties of a Union Learning Representative, provided that the union has given the council notice in writing that the employee is a learning representative of the trade union and the training condition is met. (See paragraph 2 for further information on the training condition.)
- 7.2. The functions for which time off as a Union Learning Representative is allowed are:
- analysing learning or training needs
  - providing information and advice about learning or training matters
  - arranging learning or training
  - promoting the value of learning or training
  - consulting the council about carrying on any such activities
  - preparation to carry out any of the above activities
  - undergoing relevant training
- 7.3. Belfast City Council has in place well-established training and development programmes for its employees. Union Learning Representatives should liaise with the council to ensure that their respective training activities complement one another and that the scope for duplication is minimised.

## **8. Confidentiality**

- 8.1. The Council respects the confidential and sensitive nature of communications between trade union representatives and their members and trade union. The Council will not carry out regular or random monitoring which is specifically targeted at union emails. Any monitoring which may be necessary will be carried out in line with agreed Council policies and procedures.

## **9. Payment**

- 9.1. Trade union / learning representatives will be paid either the amount that they would have earned had they worked during the time taken off, or where earnings vary with the work done, an amount calculated by reference to the average hourly earnings for the work they are employed to do.
- 9.2. There is no statutory requirement to pay for time off where the duty is carried out at a time when the representative would not otherwise have been at work, but employees who work part time will be paid if

employees who work full time would be entitled to be paid. In all cases the amount of time off must be reasonable.

**10. Non Standard Working:**

- 10.1. The council will, have in mind the difficulties for trade unions and members in ensuring effective representation and communications with, for example:
- shift workers
  - part-time workers
  - home workers
  - those employed at dispersed locations
  - workers with particular domestic commitments.
- 10.2. Belfast City Council recognises that representatives who work non standard working patterns may be at a disadvantage in relation to other trade union representatives attending meetings during normal office hours. Accordingly, Belfast City Council will grant time off in lieu to representatives who are required to attend on their days off at Service Consultative meetings; Departmental consultative forum meetings; Joint Consultative Committee and Trade Union Facilities Group meetings.
- 10.3. In circumstances where ad hoc meetings are called at management request and cannot be arranged at a time to suit all participants then time off in lieu will be granted to representatives who attend on their day off.
- 10.4. Employees will not be required to attend work prior to or following the conclusion of a TU activity in the event that the hours worked on that day would then be excessive. (Normally, an employee would not be expected to work more than 7.4 hours per day, unless their contractual working hours are longer than this.)

**11. General Considerations**

- 11.1. The amount and frequency of time off should be reasonable in all the circumstances. Trade unions should be aware of the wide variety of difficulties and operational requirements to be taken into account when seeking or agreeing arrangements for time off, for example:
- the size of the department/section/location and the number of workers.
  - the need to maintain a service to the public.
  - the need for safety and security at all times.
- 11.2. For time off arrangements to work satisfactorily, trade unions should:

- ensure that reps are aware of their role, responsibilities and functions
- inform management, in writing, as soon as possible of appointments or resignations of officials
- ensure that reps receive any appropriate written credentials promptly
- ensure that the council receives details of the functions of union reps where they carry out special duties or functions.

11.3. Managers and unions should however seek to agree a mutually convenient time which minimises the effect on service provision. For example, where trade union meetings are requested trade union representatives should consider holding them:

- towards the end of a shift
- before or after a meal break.

11.4. All council employees are bound to meet the standards of conduct set out for them within the relevant policies and procedures. Council employees acting as Trade Union representatives, while engaged on trade union activities, remain bound to meet these standards and failure to do so could result in appropriate action being taken. (This could include action through the industrial relations mechanisms or through disciplinary action.)

## **12. Cross Sectional Representation**

12.1. Trade Union representatives will normally only undertake representational duties within the service in which they are employed.

12.2. There may be occasions where it will become necessary to seek the services of a representative from outside the Service / Department owing to their experience, specialist knowledge or expertise of a particular subject or issue or where there is no experience representative in place.

12.3. In the event of the above circumstances arising, the representative will clearly state the reason for cross Service / Department representation on the application for time off form and management may liaise with human resources if necessary to confirm the substance of the request.

## **13. Trade Union Access to Facilities:**

13.1. The council will make available to representatives the facilities necessary for them to perform their duties efficiently and communicate effectively with their members, colleagues and full-time officers. Where resources permit, the facilities will include:

- accommodation for meetings, which could include provision for Union Learning Representatives and a union member(s) to meet to discuss relevant training matters
  - access to a p.c., telephone and other office equipment
  - the use of notice boards, which could include other forms of electronic communications such as e-mail and intranet/internet
  - the use of dedicated office space for the two trade union co-ordinators.
  - Trade unions will jointly clarify the facilities they require for trade union recruitment activities in relation to new employees and will formally request these from the council.
- 13.2. It would not, usually, be considered reasonable for TU representatives to meet with members in their own home, or outside the boundary of Belfast city.
- 13.3. Consideration may also be given to allowing Union Learning Representatives access to a room in which they can discuss training in a confidential manner with an employee.
- 14. Procedure for Requesting Time Off**
- 14.1. Trade union reps and members requesting time off to pursue their duties or activities or to access the services of a Union Learning Representative must provide management with as much notice as possible (usually not less than five working days) and give details of:
- the purpose of such time off
  - the intended location
  - the timing and duration of time off required.
- 14.2. The pro-forma attached as **appendix 1** must be used to request and grant time off for trade union duties/activities.
- 14.3. The pro-forma must be completed by all trade union representatives / members and given to the Head of Service or nominee.
- 14.4. The use of the pro-forma will ensure that:
- trade union representatives make any application in writing
  - trade union representatives provide details of reasons for time off
  - details of training courses/conferences/seminars are provided by trade union representatives and assessed by Corporate HR.
  - a database of requests for time off is maintained departmentally and centrally (in particular to ensure consistency).
- 14.5. After having received the completed application form and documentation, the Head of Service or nominee should ensure all



details have been completed and that he/she is in possession of all information. The Head of Service or his / her Service / Departmental nominee should then assess whether or not time off should be granted in accordance with the provisions of section 12 below.

- 14.6. Once the pro-forma has been completed it should be forwarded to the Departmental Business Manager for filing purposes and to the Head of Human Resources for central record keeping and monitoring purposes.
- 14.7. In the event of an emergency situation arising release may be granted by the manager verbally and the form filled in subsequently as a matter of record.
- 14.8. Where permission to attend trade union training/conferences/seminars is being requested, the trade union representative should follow the procedure set out in section 2.

**15. Granting / Declining Requests for time off:**

- 15.1. The council will consider each application for time off on its merits and will consider the reasonableness of the request in relation to agreed time off already taken or in prospect. However, union representatives should not be unreasonably impeded in performing and carrying out legitimate trade union duties / activities including the representation of their members.
- 15.2. When deciding whether requests for paid time off should be granted, consideration will be given to their reasonableness. When deciding whether or not a request is reasonable management will consider issues such as the need for adequate cover for safety, operational and business requirements and financial impact.
- 15.3. Management will monitor the number of requests for time off made and will scrutinise the reasons for these requests. Where it is considered that excessive time off has been requested, or the reasons for requesting time off are inappropriate, this will be raised with the Trade Union Representative and may lead to the request, and subsequent requests, being declined.
- 15.4. Each application will be considered on its merits and consideration will be given to:
  - adequate cover for safety or operational requirements
  - financial impact
  - agreed time off already taken or in prospect
  - consistency in relation to time off given
  - the relevance of the meeting/training course etc.

- 15.5. Other than in the most exceptional circumstances time off will be given for attendance at JNCC meetings, Health and Safety Committees and planned joint management / trade union departmental meetings, disciplinary / grievance hearings and meetings under the Council's Attendance Policy.
- 15.6. Where the representative is a member of a committee/regular management/trade union meeting which have a pre-planned schedule of dates of attendance a list of these dates should be provided by trade union representatives to management as soon as this is available.
- 15.7. Should the Head of Service or nominee refuse time off for trade union duties/activities details of the reasons for refusal should be detailed on the pro-forma. To ensure consistency of approach, a copy of this form, detailing the reasons for rejection, will be forwarded to Corporate HR.

## **16. Unauthorised Absence**

- 16.1. For the avoidance of doubt, the process for applying for time off for TU activities must be adhered to for all absences. Failure to comply with the process without a reasonable reason will result in the absence being considered to be unauthorised and may result in action being taken under the council's disciplinary procedure.

## **17. Industrial Action**

- 17.1. Employers and unions have a responsibility to use agreed procedures to settle problems and avoid industrial action. Time off may therefore be permitted for this purpose, particularly where there is a dispute. There is no right to time off for trade union activities which themselves consist of industrial action. However, normal time off arrangements apply for TU activities relating to potential industrial action, such as conducting ballots or meeting with management regarding the exemptions list etc.

## **18. Resolving Disputes**

- 18.1. The council will seek to make every effort to resolve any dispute or grievance in relation to time off work for union duties or activities. In an effort to resolve an issue related to trade union duties or activities the council will afford a formal right of appeal to an independent director supported by the head of human resources who should consult with the TU Co-ordinator to ensure Trade Union input before the matter is considered at the appeal. Should any grievance in this regard remain unresolved, trade union reps, Union Learning

Representatives or members have a right to complain to an industrial tribunal.

**19. Review of Agreement**

- 19.1. The agreement will be subject to review by the Belfast City Council Trade Union Facilities Group after two years of operation.

## **Section 2: Attendance and travel provisions for Trade Union Representatives attending learning and development activities**

### **1. Introduction**

- 1.1 Trade Union (TU) Representatives will be required to attend reasonable trade union learning and development activities to develop knowledge, skills and expertise to assist in their representation of staff and this may incur travel and other costs. Activities may include training courses, conferences, seminars, study visits amongst others. These activities will be funded by the Representatives respective Trade Union. Internal training activities such as Effective Employee Relations Course, Job Evaluation and Categorisation training will be funded by Belfast City Council.
- 1.2 In determining whether to grant time off to attend a trade union learning and development activity, management will give consideration to the learning objectives of the activity and the impact the absence will have on the Section. In addition, the number of trade union training activities already completed in the previous 12 months will be taken into account.
- 1.3 The Council recognises that TU reps are more likely to carry out their duties effectively if they possess the skills and knowledge relevant to their duties. In particular, the Council will seek to accommodate requests to release TU Reps for initial training i.e. basic representational skills as soon as possible after their election or appointment. Reasonable time off will also be considered, for example:
  - For further training, particularly where the rep has special responsibilities, e.g. Health and Safety, Environmental, Equality, Learning and Pensions.
  - For training courses to develop the rep's skills in representation and negotiation
  - Where legislative change may affect the conduct of employee relations, employment law and policy at the place of work and may require the reconsideration of existing agreements.
  - Consideration will be given to increased facility time for Branch Officials, in recognition of their additional responsibilities, in representational areas including collective bargaining, Terms and Conditions of Employment and Consultation and Negotiation Machinery.

### **2. Process:**

- 2.1 Representatives who request paid time off to undergo relevant TU training should provide management with as much notice as possible.

Where TU Representatives wish to attend a TU training event, they are required to make a written application for facility time to attend such events, completing the pro forma as contained within the TU Facilities Agreement. This application should normally be made at least five working days' in advance and be directed to the TU representative's Head of Service / Head of Section. The pro forma should include:

- The purpose of such time off
- The intended location
- The timing and duration of time off required
- Where possible, prior to the course, the syllabus or prospectus indicating the contents of the training course.

2.2 Failure to provide adequate notice of attendance at a TU training event, as referred to in 2.1 above, will usually result in facility time being refused.

2.3 When deciding whether requests for paid time off for TU training should be granted, consideration will be given to their reasonableness, for example to ensure adequate cover for safety or to safeguard the provision of services.

2.4 In considering such requests, the council will endeavour to minimise the disruption to service delivery in all instances and therefore will look at a range of options including shift swaps, adjustment to working hours and time off in lieu to facilitate attendance. Any mechanisms proposed to minimise service disruption will recognise the employee's work-life balance.

2.5 Management will respond to all requests for facility time and, where applicable, will provide the TU Representative with reasons why facility time has been refused. Where sufficient notice of an application has been provided, responses to such requests will be given not more than five days from receipt of the application for the request.

### **3. Time allowance for attending learning and development activities for TU Duties**

3.1 TU Representatives may be required to attend a TU learning and development activity prior to or immediately following a period of work. There is no statutory requirement to pay for time off where TU training is undertaken at a time when the rep would not otherwise have been at work, but employees who work part time, shifts or other non-standard hours will be entitled to be paid if employees who work full time would be entitled to be paid.

3.2 The duration of the TU learning and development activity may at times be less than the TU Representative's daily contracted hours. A TU Representative who is undertaking a TU learning and development activity will be required to attend work prior to or return to work

subsequent to the training course to make up their daily contracted hours unless otherwise agreed with their line manager e.g. circumstances where it is not feasible to return to work due to location of where the learning and development activity is being held or where the TU Representative has requested to use leave or time off in lieu. The time spent travelling back to the workplace hours will be included as part of the TU Representative's daily contracted hours for that day.

- 3.3 Employees will not be required to attend work prior to or following the conclusion of a TU training course in the event that the hours worked on that day would then be excessive. (Normally, an employee would not be expected to work more than 7.4 hours per day, unless their contractual working hours are longer than this.)
- 3.4 In all cases, the amount of time off granted for TU learning activities must be reasonable. Overtime must not routinely be granted for attendance at a TU learning and development activity and will only be granted in exceptional circumstances where time off in lieu or credit of flexi cannot be facilitated.
- 3.5 When the duration of the learning and development activity is held during normal working hours, but the hours of the activity are more than or held outside of the Trade Union Representative's daily contracted hours the TU Representative will receive adequate rest breaks to comply with the requirements of the Working Time Regulations (Northern Ireland) 1998, as amended. In such cases, an appropriate adjustment to the TU Representative's working hours to facilitate this may be made.

#### **4. Unauthorised Attendance at TU Learning and Development Activities**

- 4.1. For the avoidance of doubt, the process for applying for TU learning and development activities must be adhered to for all TU learning and development activities. Failure to comply with the process will result in the absence being considered to be unauthorised.

#### **5. Additional Training**

- 5.1. For the avoidance of doubt, the provisions in this paper relate solely to TU training activities. Any additional training activities would be considered in respect of the Council's Attendance and travel provisions for employees attending learning & development activities.

#### **6. Training for Union Learning Representatives**

- 6.1. Employees who are members of a trade union recognised by the council are entitled to reasonable paid time off to undertake the functions of a Union Learning Representative. To qualify for paid time off the member must be sufficiently trained to carry out duties as a learning representative:

- either at the time when their trade union gives notice to the council in writing that they are a learning representative of the trade union
  - or within six months of that date.
- 6.2. Where training is required within six months of becoming a learning representative, the trade union is required to give the council notice in writing that the employee will be undergoing such training. Once the employee has completed the training, the trade union is required to give the council notice of that fact. It should be confirmed by the union in a letter that the training undertaken is sufficient to allow the Union Learning Representative to undertake their role and the union should give details of the training which has been completed and any previous training that has been taken into account.
- 6.3. In the interests of good practice, the six month qualifying period during which an untrained Union Learning Representative must receive sufficient training to continue operating as a learning representative may be extended, with agreement between management and unions.
- 6.4. To satisfy the training requirement an employee will need to be able to demonstrate to their trade union that they have received sufficient training to enable them to operate competently in one or more of the following areas of activity relevant to their duties as a Union Learning Representative:
- *analysing learning or training needs* this could for example include understanding the different methods for identifying learning interests or needs, being able to identify effectively and record individual learning needs or being able to draw up a plan to meet identified learning requirements.
  - *providing information and advice about learning or training matters* including, for example, the development of communication and interviewing skills, knowledge of available opportunities, in order to be able to provide accurate information to members about learning opportunities within and outside the workplace and the ability to “signpost” members to other sources of advice and guidance where additional support is needed – for example, basic skills tutors or fuller in-depth professional career guidance.
  - *arranging and supporting learning and training.* For example, obtaining and providing information on learning opportunities, supporting and encouraging members to access learning opportunities and helping to develop and improve local learning opportunities.

- *promoting the value of learning and training.* Some examples of this activity could be: understanding current initiatives for the development of learning and skills in the workplace, promoting the value of learning to members and within trade union networks and structures, and working with employers to meet the learning and skill needs of both individuals and the organisation.

6.5. An employee could demonstrate to their trade union that they have received sufficient training to enable them to operate competently in one or more of these areas of activity by:

- completing a training course approved by the Northern Ireland Committee of the Irish Congress of Trade Unions or by the independent trade union of which the employee is a Union Learning Representative, or
- showing that they have previously gained the relevant expertise and experience to operate effectively as a Union Learning Representative. In the latter case, previous experience and expertise gained in areas such as teaching, training, counselling, providing careers advice and guidance or human resource development may well be relevant, as may periods of extensive on-the-job training and experience gained in shadowing an experienced Union Learning Representative.

6.6. Reasonable time off will also be considered for further training to help Union Learning Representatives develop their skills and competencies. Although not required by law it is recognised by the council that there would be clear advantages both to the individual and the organisation if training undertaken leads to a recognised qualification standard.

## **7. Payment for learning representatives:**

- 7.1. There is no statutory requirement that union members or representatives be paid for time off taken on trade union activities or that union members be paid for time off taken for accessing the services of learning representatives.
- 7.2. Nevertheless, the council may consider payment in certain circumstances – for example to ensure that workplace meetings are fully representative or to ensure that employees can make use of the services of a Union Learning Representative.



**BELFAST CITY COUNCIL**

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**APPLICATION FOR TIME OFF FOR TU DUTIES / ACTIVITIES**

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**SECTION 1: to be completed by applicant**

**Name:**

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**Job Title:**

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**Staff No:**

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**Trade Union:**

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**Location:**

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I wish to apply for \_\_\_\_\_ hours / days leave

**From (date)** \_\_\_\_\_

**From (time)** \_\_\_\_\_

**To (date)** \_\_\_\_\_

**To (time)** \_\_\_\_\_

**Confirm subject matter of meeting:** (e.g. disciplinary hearing / TU forum etc)

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**Confirm where meeting is to take place:** \_\_\_\_\_

**Confirm meeting is within Service:** Yes / No

**If meeting is not within Service, provide reasons for attendance:**

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**Please detail your reasons for applying for leave:** (e.g. representing member during a hearing etc)

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Signed \_\_\_\_\_

Date \_\_\_\_\_

Please sign and date this form and pass it to your Head of Service to comment at Section 2 overleaf.

**SECTION 2: to be completed by Head of Service**

Please detail your recommendations on this application below:

Recommended:                      Yes / No

Payment:                              Paid / Unpaid

If application is rejected, please provide reasons:

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Signed \_\_\_\_\_

Date \_\_\_\_\_

Director / Head of Service

If application is for time off for trade union seminar / conference / training course, refer to Employee Relations Unit, Corporate HR, for advice.

Referred to: \_\_\_\_\_ (Employee Relations Officer)

Date: \_\_\_\_\_

Recommendation from Corporate Human Resources:

Recommended:                      Yes / No

Payment:                              Paid / Unpaid

If application is rejected, please provide reasons:

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Signed \_\_\_\_\_

Date \_\_\_\_\_

**Employee Relations Officer**

Copied to individual personnel file: (date)

Copied to 'Time Off' file: (date)

Copied to Employee Relations Unit: (date)



## Appendix Two

	Action	Officers Responsible	Date	Completed? Y/N
<b>1.</b>	<b>Governance:</b>			
	Present finalised TUFA to JNCC for approval	Jill Minne	March 2014	
	Prepare report for CMT on amendments to TUFA	Jill Minne / Emma Dorman	April 2014	
<b>2.</b>	<b>Implementation</b>			
	Circulate revised TUFA to all Business Managers for implementation within Department.	Emma Dorman	May 2014	
	Prepare briefing for FTOs and provide FTOs with final version.	Emma Dorman	May 2014	
	Prepare briefing for DMTs for delivery by the Business Managers	Emma Dorman	May 2014	
	Provide briefing for inclusion in Team Brief and for upload to Interlink	Emma Dorman / Corporate Communications	May 2014	
<b>3.</b>	<b>Training</b>			
	Prepare training programme in consultation with TU Coordinators	Emma Dorman / Lisa Rogan / TU Coordinators	May-June 2014	
	Identify officers for attendance at training course	TU Coordinators / Business Managers / HoS	May-June 2014	
	Arrange training schedule	Lisa Rogan	May-June 2014	
	Deliver training	TBC	July 2014	
<b>4.</b>	<b>Review</b>			
	Conduct monthly audit of TU Requests for Time off for Activities and Duties	Employee Relations Unit	Commence September 2014	

	Prepare quarterly report on TU Requests for Time off for TU Activities and Duties and present to Head of HR for consideration / further action.	Employee Relations Unit	September 2014	
	Arrange meeting of Sub Group of IR Review to conduct review	Emma Dorman	January 2016	



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**Belfast City Council**

<b>Report to:</b>	Strategic Policy & Resources Committee
<b>Subject:</b>	<b>Public Health Agency 'Breastfeeding Welcome Here' Scheme</b>
<b>Date:</b>	4th April 2014
<b>Reporting Officer:</b>	Siobhan Toland, Head of Environmental Health Service
<b>Contact Officer:</b>	Una Lappin, Health Equity Project Manager (3777)

<b>1</b>	<b>Relevant Background Information</b>
1.1	The ' <i>Breastfeeding welcome here</i> ' scheme aims to make it easier for breastfeeding mothers to recognise places where they can breastfeed their baby when they are out and about. Creating supportive environments for breastfeeding is one of 4 key strategic outcomes of 'Breastfeeding – A Great Start' a Strategy for Northern Ireland (DHSSPS 2013). The scheme is supported and facilitated by the Public Health Agency (PHA).
1.2	Businesses which are open to the general public, for example coffee shops, restaurants, shops, supermarkets, leisure centres and hairdressers, are eligible to join the scheme, provided the business meets the following membership criteria: <ul style="list-style-type: none"> <li>• Breastfeeding is acceptable in all areas of the business premises that are open to the general public.</li> <li>• A mother who is breastfeeding in an area of the business premises open to the general public will not be asked to move to another area or stop breastfeeding.</li> <li>• All staff members are made aware that the business is a member of the scheme and are therefore supportive of the needs of breastfeeding mothers.</li> <li>• The public are made aware that the business is a member of the scheme and supports breastfeeding through the display of the scheme's window sticker and certificate on the business premises.</li> </ul>
1.3	All businesses that are part of the scheme are given recognition through ongoing promotion and awareness-raising. Businesses in the scheme are listed on <a href="http://www.breastfedbabies.org">www.breastfedbabies.org</a> .

1.4	An Act of the Scottish Parliament was made in 2003 which protects breastfeeding in public. Similar legislation is likely to be proposed in Northern Ireland by 2016.
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<b>2</b>	<b>Key Issues</b>
2.1	The Council's Women's Steering Group has proposed that the Council considers membership of the ' <i>Breastfeeding welcome here</i> ' scheme.
2.2	Joining the scheme would contribute to the council's strategic theme of providing leadership of the City and, specifically to the corporate objective of tackling health inequality.
2.3	<p>In order to join the scheme, the following process must be followed:</p> <ul style="list-style-type: none"> <li>• A senior member of the Council would be asked to sign a written agreement which states that the Council will adhere to the membership criteria.</li> <li>• The signed agreement is then returned to the Public Health Agency (PHA).</li> <li>• The PHA will issue the 'Breastfeeding welcome here' certificate and window sticker once the signed agreement is received.</li> <li>• After an initial monitoring assessment, post three to four weeks of signing up to the scheme, the Council buildings would be added to a list of businesses participating in the scheme and published online on the <a href="http://www.breastfedbabies.org">www.breastfedbabies.org</a> website</li> <li>• Ongoing monitoring will then be undertaken by the PHA and mothers from local breastfeeding support groups to ensure that businesses which have signed up to the scheme are adhering to the criteria.</li> </ul>
2.4	The Women's Steering Group proposes that membership to the scheme could be introduced on a phased basis, initially at City Hall, The Waterfront and Ulster Halls, leisure centres, community centres and the zoo. The introduction of this scheme would be with a view to reviewing the initial implementation of the policy and phasing in the introduction of the scheme to other council locations to which the general public has access. The PHA is supportive of this approach.
2.5	<p>The way forward will be for the Health Equity Project Manager to:</p> <ul style="list-style-type: none"> <li>• Work with PHA to implement and monitor the scheme.</li> <li>• Liaise with Democratic Services to identify the senior member of Council to sign the agreement.</li> <li>• Liaise with Corporate Communications to ensure that all staff members are made aware that the council is a member of the scheme and are therefore supportive of the needs of breastfeeding mums.</li> </ul>

	<ul style="list-style-type: none"> <li>• Prepare more specific presentations for the staff of the council premises listed above to engender positive participation in the scheme.</li> <li>• It is envisaged that the scheme will be implemented in the first phase council premises by September 2014.</li> <li>• Roll out the scheme to other council locations as appropriate, and look for opportunities to promote the scheme for example when carrying out advice to small businesses, and when the food safety team are engaged with the businesses in the city.</li> </ul>
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<b>3</b>	<b>Resource Implications</b>
3.1	<p><u>Financial</u></p> <p>None.</p>
3.2	<p><u>Human Resource</u></p> <p>The Health Equity Project Manager will coordinate the council involvement with the PHA scheme.</p> <p>Staff will need to be informed of appropriate responses to challenges made to breast feeding mothers. A full communication plan will be developed and implemented to ensure staff are fully informed about the initiative.</p>

<b>4</b>	<b>Equality Implications</b>
4.1	There are no equality issues.

<b>5</b>	<b>Recommendations</b>
5.1	Strategic Policy and Resources Committee are asked to approve the council's membership of the PHA 'Breastfeeding welcome here' Scheme.

<b>6</b>	<b>Decision Tracking</b>
<b>7</b>	<b>Documents Attached</b>
	None

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