

# Shadow Strategic Policy and Resources Committee

Friday, 29th August, 2014

## MEETING OF SHADOW STRATEGIC POLICY AND RESOURCES COMMITTEE

Members present: Councillor Stalford (Chairman);  
Councillors Attwood, Beattie,  
Carson, Groves, Haire, Hanna, Hargey,  
Hutchinson, Jones, Kingston, Long,  
McNamee, McVeigh, Ó Muilleoir,  
Robinson, Rodgers and Spence.

In attendance: Mrs. S. Wylie, Chief Executive;  
Mr. R. Cregan, Director of Finance and Resources;  
Mr. A. Hassard, Director of Parks and Leisure;  
Mr. J. McGrillen, Director of Development;  
Mrs J. Minne, Director of Organisational Development;  
Mr G. Millar, Director of Property and Projects;  
Mr. S. McCrory, Democratic Services Manager; and  
Mr. J. Hanna, Senior Democratic Services Officer.

(Councillor Ó Muilleoir, Deputy Chairman, in the Chair.)

### Apologies

An apology for inability to attend was reported from Councillor McCabe.

### Minutes

The minutes of the meeting of 23rd June were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 2nd July.

### Declarations of Interest

Councillor Robinson declared an interest in Item 6a – Belfast City Council Planning for PEACE IV Interreg V, insofar as he was a Special Advisor to the First Minister.

### Democratic Services and Governance

#### Elected Member Capacity Building

The Committee considered the undernoted report:

#### **“1 Relevant Background Information**

- 1.1 The Statutory Transition Committee, at its meeting on 9 April 2014, approved the high level member capacity building plan. Elected members acknowledged the importance of building capacity during the shadow period and the induction programme in particular.**

## **2 Key Issues**

### **2.1 Initial awareness sessions**

Delivery of the initial member induction activities (awareness sessions on Initial Information and Orientation provision; Running the Council and Committees and Media Relations & Public Communications) is complete. Chairing skills training was also provided for the chairs and deputy chairs of committees.

### **2.2 Code of conduct training**

Training on the mandatory code of conduct has been attended to date by the vast majority of both the existing and shadow councils. A further mop-up session will be delivered in August.

Feedback on the training has been positive with members indicating they found the details of the GB experience and examples arising from the 14 years of a mandatory code in England, Scotland and Wales, beneficial especially in the absence of the local guidance to the Code. This will be borne in mind when developing the further training in respect of the application of the Code in relation to planning matters to take place once the guidance is issued from the DOE.

### **2.3 Next steps**

The key capacity building activities for the remainder of the shadow year will focus on the technical knowledge; skills and leadership and behaviour aspects associated with the role of the council and elected members in preparation for the new Belfast Council:

### **2.4 Governance arrangements and the decision making process- a session on the council's decision making processes will be provided for our newly elected members prior to the September meeting of the shadow council. Other members will also be invited to attend.**

### **2.5 The generic skills programme- a series of short sessions will be delivered from September 2014 on key topics including: Delivering the new functions: Planning; Regeneration and Community Planning; How we manage our finances; How we plan the council's priorities and measure outcomes; the Capital Programme and Managing Good Relations and Equality.**

### **2.6 Member site visits- Undertaking site visits is a key approach to learning as they help to reinforce learning; provide opportunities to see things in practice and can help to shape future thinking. A programme of site visits will be incorporated within the overall capacity building plan.**

At the 25 June 2014 Transition Committee meeting it was discussed that it would be beneficial for members of the committee to have the opportunity to attend site visits in order

to get a better understanding of the areas that will transfer as part of Local Government Reform (LGR).

To align this to the capacity building plan it is recommended that city wide site visits are offered to all elected members to cover both the current areas and those that are transferring to BCC in April 2015. This will raise Members' awareness of work that is currently underway across the city and the opportunities that are available to us as a result of LGR. The visits will allow members to explore:

- key challenges and issues in local areas including detail of relevant statistics about the area(s);
- key outcomes associated with regeneration projects;
- development opportunities;
- key projects underway or planned;
- engagement opportunities with key stakeholders;
- understanding of the key assets and liabilities to transfer and
- reinforce learning regarding strategic leadership opportunities in the city (linked to the Leadership Academy programme and members roles around Planning and Community Planning).

In order for the site visits to add value to other capacity building activities it is proposed we host an initial one day programme for members to be followed up with a further programme of similar site/best practice study visits through the remainder of the year.

This initial event will include a mixture of brief presentations; a tour of a number of sites across the city and stop off visits at a small number of focused areas or projects to allow members to engage with local stakeholders and obtain more detailed information on what is happening or planned in particular areas.

The suggested programme for the initial site visits is set out at appendix two. This details the proposed areas and specific sites/projects to be included and the local contacts to be involved in hosting the visit(s) along with the expected outcomes of the visits.

- 2.7 **Code of Conduct**- further training in respect of the application of the Code in relation to planning matters will be provided when the guidance is issued from the DOE.
- 2.8 **The Leadership Academy**- a three day modular leadership development programme focusing on Community & Partnership leadership; Council leadership and Personal & Political leadership will be delivered from October 2014. The indicative content is set out in appendix one and will involve input from council officers and external experts.

- 2.9 **Member development charter re-accreditation-** Members may be aware Belfast City Council's approach to member development was recognised in 2011 when the council was the first council in Northern Ireland to achieve Elected Member Development Charter status.

The Member Development Charter is a best practice framework designed specifically for the development of elected members and ensures that the practices and mechanisms required for elected member development are in place and working. We are continuing to implement the requirements of the Charter framework and plan to seek re-accreditation in November 2014.

### **3 Resource Implications**

- 3.1 A significant part of the capacity building plan will be provided internally. Any externally commissioned resources will be financed mainly from the 2014-2015 £200,000 allocation from the DOE or from allocated funding from the Local Government Training Group. The 2014-2015 member development budget may also be used if required.
- 3.2 Corporate Human Resources will continue to work with key senior officers to ensure continued delivery of the plan.

### **4 Equality and Good Relations Considerations**

- 4.1 There are no equality and good relations implications as access to capacity building will be provided for all members.

### **5 Call In**

- 5.1 This decision is subject to Call In.

### **6 Recommendations**

- 6.1 Members are asked to note progress with the delivery of the elected member capacity building plan to date and the planned capacity building activities for the remainder of the shadow period.
- 6.2 Members are asked to agree the suggested approach to conducting city wide site visits and the proposed initial site visit programme and itinerary."

The Committee adopted the recommendations.

### **Council response to the draft Local Government (Standing Orders) Regulations (Northern Ireland) 2014 and Model Standing Orders**

The Committee considered the undernoted report:

**“1.0 Relevant background information**

1.1 The purpose of this report is to seek approval from the Shadow Strategic Policy and Resources Committee and subsequently the Full Shadow Council on a formal Council response to the DoE’s Consultation on the ‘Local Government Standing Order Regulations and Model Standing Orders’.

1.2 Members will recall that an initial report on Standing Orders had been presented to the inaugural meeting of the Shadow Council on 11 June 2014. The report indicated that the incoming new Belfast City Council would operate under a new set of standing orders, the content of which would be informed by both mandatory provisions enshrined in primary legislation, emerging as part of local government reform, and associated Guidance (i.e. Model Standing Orders) to be issued by the Department for Environment (DoE).

1.3 At the meeting Members had been informed that the DoE had recently issued a consultation document on the draft Standing Order Regulations (including Model Standing Orders) with responses sought by 15 August 2015.

1.4 **Interim arrangements for Shadow Council**

At the meeting on 11 June 2014, Members agreed that the Shadow Council would operate on the basis of the draft Model Standing Orders as issued by DoE until such time as the consultation had been concluded and the legislation finalised.

1.5 **Standing Orders for the New Council**

Upon finalisation of the Standing Order Regulations (and associated Model Standing Orders) the Shadow Council can review and build upon the Model Standing Orders in the lead up to the commencement of the new Council in April 2015.

1.6 This review will be undertaken via a specific programme of engagement with Members over the next few months and it is proposed that a revised and final version of the new Belfast City Council Standing Orders will be submitted for the approval of the Shadow SP&R Committee in the first instance and then to the Shadow Council for ratification. A further report on the forward work plan around Governance (including taking forward the Standing Orders for the new Council) will be brought to Committee in September.

2.0 **Key Issues**

2.1 Members should note that the Council sought from the DoE an extension to the consultation period for the ‘Local

Government Standing Order Regulations and Model Standing Orders' until September to allow Members to consider the detail and allow for the emerging response to be taken through the Committee and Council decision-making processes. The Department had not agreed to the proposed extension on the grounds that any delay could unnecessarily stall the progress of the legislation through the Assembly.

- 2.1 Accordingly, as a formal Council response could not be agreed through the established Committee and Council decision-making process before the specified deadline for submission, a series of briefing sessions had been scheduled with Party Groups during the week commencing 11 August. This provided an opportunity to discuss with Members their emerging views on the key proposals set out in the consultation document which informed the development of an interim informal officer response which has been submitted to the DoE on 15 August 2014.
- 2.2 Members should note that in submitting the interim officer response, DoE were advised that the response would be considered by the Shadow SP&R Committee on the 29th August and by full Council on the 9<sup>th</sup> September and that a formal response would be submitted to the Department thereafter.
- 2.3 Attached at Appendix 3 is a copy of the proposed draft Council formal response which builds upon the officer response submitted. Set out below for Members consideration is a summary of the key elements of the draft Standing Order Regulations and the proposed Council responses

**Standing Order Regulations and Model Standing Orders – Emerging Response**

- 2.4 The Local Government Act (Northern Ireland) 2014 requires councils to make standing orders for the regulation of the proceedings of the council. It also sets out (under Section 38 of the 2014 Act) 'Mandatory Provisions' which councils must incorporate into their Standing Orders.
- 2.5 The draft Standing Order Regulations set out; however, proposals in regards to the inclusion of a number of additional mandatory provisions which it is suggested should form the basis of the standing orders for each of the councils. It is these provisions which are subject to consultation and cover the following areas:-
  - (i) decisions that require a qualified majority (which are not already provided for in the Act)
  - (ii) the process for the reconsideration of decisions (the call-in process)

- (iii) the timescales in which the appointment of a councillor to hold a position of responsibility must take place; and
- (iv) the procedure for appointing members to more than one committee at a time

2.5.1 (i) Provisions in relation to Qualified Majority

The Local Government Act (Northern Ireland) 2014 provides that the following decisions must be taken by a qualified majority (i.e. 80% of councillors present and voting):

- the adoption of the council's form of governance (executive, committee or prescribed)
- the method for filling positions of responsibility (d'Hondt is specified default)
- the method for appointing councillors to committees (Quota Greatest Remainder is specified default).

In addition to the decisions above, the draft Standing Order Regulations (Schedule 1, Paragraph 3) propose that the following decisions must also be taken by qualified majority:

- a) the exercise of general power of competence;
- b) a call-in made in accordance with section 41(1)(b) of the 2014 Act (adverse impact); and
- c) the suspension of standing orders.

The Department requested views as to whether other strategic decisions of a council should be specified as requiring a qualified majority.

**PROPOSED DRAFT RESPONSE**

*Schedule 1, Paragraph 1 – Standing Order: decisions to be taken by a qualified majority*

- The Council are agreed that no further category of decisions should be subject to a qualified majority vote, otherwise the decision making processes of councils could be frustrated.
- The Council would have no substantive difficulties with the proposal that decision (a) – the exercise of the general power of competence be subject to a qualified majority vote.
- In relation to decision (b) – a call in made under section 41(1)(b) of the 2014 Act (disproportionate adverse impact grounds) most parties consulted highlighted the need for further detail and clarification around definitions, etc.
- However, notably the proposals in respect to decision (b) – a call in made under section 41(1)(b) of the 2014 Act (disproportionate adverse impact grounds) or decision (c) – the suspension of standing orders, one of the political parties was of the view that if a decision is called in under these grounds it should not be subject to qualified majority voting.

- Members should note that it was not therefore possible to submit a definitive officer response in relation to decisions (b) and (c) as referred to above and had highlighted to the Department that they may wish to consult with individual Party Groups on these matters. The Committee needs to consider if it is satisfied that this position remains as the formal response.

2.5.2 (ii) Provisions in relation to the Call-in Process (Schedule 1, Paragraph 3)

The 2014 Act provides that any decision taken may be subject to 'call-in' whereby 15% of all Members (9 out of 60) may call for any council or committee decision or recommendation to be reconsidered on the basis that it:

- a) was not arrived at after proper consideration of the relevant facts and issues (due process) or;
- b) would disproportionately affect adversely any section of the inhabitants of the district (adverse impact).

The Department has developed a process, which is specified in the draft standing orders, that a council must put in place in relation to both the request for a call-in and the processing of such a request.

The proposed arrangements specify those decisions that are subject to a request for reconsideration – and those decisions which may not be the subject of such a request. The latter includes decisions in respect of the regulatory or quasi-judicial functions of the council which are subject to separate appeal mechanisms, and also where a decision needs to be taken as a matter of urgency.

**PROPOSED DRAFT RESPONSE**

**Schedule 1, Paragraph 3 – Standing Order: decisions subject to call-in**

- The Council would note that Section 41(4) of the 2014 Act defines a decision for the purposes of call in as “a decision of the council or a committee of the council and includes a decision to make a recommendation”. However, the proposed Standing Order in paragraph 3 does not make reference to a decision of the council but refers only to committee decisions. The Council would therefore recommend that the standing order is amended to deal with this discrepancy and ensure consistency with the 2014 Act.

**Decisions not subject to call-in**

- The Council note that Schedule 1, Paragraph 3(2) indicates those decisions that shall not be subject to



call in. Within a Traditional Committee system, these include decisions on a regulatory or quasi-judicial function which is subject to a separate appeal mechanism; and, a decision where an unreasonable delay could be prejudicial to the council's or public interest.

- Whilst the first reason is relatively straightforward, the Council would recommend that the regulations or guidance are clear as to who has the authority to 'deem' that an unreasonable delay could be prejudicial to the council's or the public's interests. It is anticipated that this would be the responsibility of the Committee making the decision. The Council would further recommend that there are clear guidelines provided around the types of decisions where a delay could be prejudicial to the council or public's interests – for example on health, safety or legal grounds.

**Schedule 1, Paragraph 4 – Standing Order: Call in admissibility**

- The Council also note that the regulations require councillors submitting a call in request under Section 41(1) b of the 2014 Act to specify the community affected and the nature and extent of the disproportionate adverse impact. The Council would point out that the 2014 Act refers to disproportionate adverse impact on “any section of the inhabitants of the district” and provides that “section” will “specified in standing orders”. In this Standing Order “section” has been specified as “community” and the Council would recommend that further detail and interpretation is required as to what is meant by community in this context in order to assist councillors when making a request for call in.
- Whilst the Council appreciate that the Standing Order Regulations are mainly geared towards procedural issues, the absence of clarity around the meaning of the phrase “disproportionate impact” remains a concern.
- It is therefore strongly recommended that the Standing Orders, or supporting guidance, include a clear framework and definition around the two cases in which decisions can be called in (i.e. on the grounds of ‘disproportionate adverse affect’ or under ‘undue process’)

**Paragraph 5 – Standing Order: The call in process – committee arrangements**

- This paragraph sets out the practicalities of the call in process with respect to a council operating under committee arrangements. The process includes a requirement to establish an ad-hoc committee

comprised of the chairperson and deputy chairperson of each of the committees of the council to deal with decisions called in under Section 41(1)a of the Act (undue process).

- One view expressed by an elected Member was that as opposed to establishing an ad-hoc committee to deal with call-in made under 'undue process' (procedural) grounds could these not be dealt with through seeking legal advice as being applied to call-in under 'disproportionate adverse impact' grounds. Notwithstanding, the Council would be of the view that legal advice should be provided, as appropriate, to any ad-hoc committee to be established for these purposes.
- The Council would seek further clarification as to how the Chairperson and Deputy Chairperson of the ad-hoc committee is to be determined and appointed, and whether the Chairperson would have a casting vote. Clarity is also sought in relation to the situation whereby a member of the ad-hoc committee is also a signatory on a request for call in – would such a councillor be permitted to sit on the ad-hoc committee and if so, would there be any impact on their voting rights?

**2.5.3 (iii) Provisions in relation to Positions of Responsibility time limit**

Schedule 1 of the Act provides for the Regulations to specify the time limit within which a nominating officer of a political party is to select a position of responsibility and the term for which it will be held by a member of his or her party.

The draft Standing Order Regulations make provision for these actions to take place within 15 minutes of the nominating officer being required to make a nomination and for the person nominated to accept the position. The Department considers that this should provide a sufficient period for the exercise of these functions – but the regulations also allow that an extension to this time period may be allowed subject to the approval of the council.

**PROPOSED DRAFT RESPONSE**

**Schedule 1, Paragraph 7 – Standing Order: Positions of responsibility – time limits**

- The Council would recommend that whilst the positions of responsibility will be allocated to parties on a term basis (all positions of responsibility allocated for each of the four years), it would be more practical if the actual names of the nominated persons were provided on an annual basis at the relevant Annual General Meeting for that coming year – and not at the outset of the full four year term.

- It is felt to be unreasonable to expect a party to name the specific councillor who will fill a position which would not commence for at least another year.

2.5.4 (iii) Provisions in relation to Appointment of Councillors to Committees

Schedule 2 of the Act provides for the appointment of councillors to committees by either the Quota Greatest Remainder or the Droop Quota method. The Act provides that standing orders must make provision for circumstances where a council decides to appoint more than one committee at a time.

The draft Standing Orders Regulations include provisions to ensure that the process for making appointments to a single committee is, as far as practicable, replicated if more than one committee is appointed. This will ensure that the membership of each committee reflects, as far as practicable, the political balance of the council.

**PROPOSED DRAFT RESPONSE**

- The Council is content with the provisions in relation to the appointment of councillors to committees.

3.0 **Resource Implications**

3.1 None

4.0 **Equality and Good Relations Implications**

4.1 None

5.0 **Call-in**

5.1 This decision is subject to call-in.

6.0 **Recommendations**

6.1 It is recommended that Members:

- (i) note the contents of the report including the draft consultation document ;
- (ii) note the informal officer response; and
- (iii) consider the formal Council response as attached at Appendix 3 and agree its submission to the DOE subject to any amendments being proposed by the Committee”

Consultation on the Draft Local Government (Standing Orders)  
Regulations (NI) 2014 and Model Standing Orders

Belfast District Council (Shadow) Response

**1.0 INTRODUCTION**

**1.1** The new Belfast District Council welcomes the opportunity to respond to the draft Local Government (Standing Orders) Regulations (NI) 2014 and Model Standing Orders.

**1.2** The Council's response is structured as follows. The first part of the response provides a summary of the key points which the Council would like to make in respect of the draft Regulations. This is supported by a more detailed table of comments on the Regulations and each of the paragraphs contained within Schedule 1.

**2.0 GENERAL COMMENTS**

**2.1** The Council note that this consultation is dealing primarily with those mandatory elements which the Standing Order Regulations state must be included in each of the new council's standing orders. The Council also notes that aside from these specified mandatory elements, the draft model standing orders will be open to change by the Council. For that reason, the focus of this consultation response is on the mandatory elements of the Regulations only.

**3.0 KEY COMMENTS**

**Schedule 1**

**3.1** Paragraph 1 – Standing Order: Decisions to be taken by a qualified majority

- The Council are agreed that no further category of decisions should be subject to a qualified majority vote, otherwise the decision making processes of councils could be frustrated.
- The Council would have no substantive difficulties with the proposal that decision (a) – the exercise of the general power of competence be subject to a qualified majority vote.
- In relation to decision (b) – a call in made under section 41(1)(b) of the 2014 Act (disproportionate adverse impact grounds) most parties consulted highlighted the need for further detail and clarification around definitions, etc.
- However, notably the proposals in respect to decision (b) – a call in made under section 41(1)(b) of the 2014 Act (disproportionate adverse impact grounds) or decision (c) – the suspension of standing orders, one of the political parties was of the view that if a decision

is called in under these grounds it should not be subject to qualified majority voting.

- It is therefore not possible for an agreed response to be given on decisions (b) and (c) and there were strong views expressed across the parties consulted. If there is no agreement at Committee it may therefore be more appropriate for the Council to suggest that the Department consult with individual Party Groups on these matters. [this remains subject to discussion and agreement at Committee]

### 3.2 Paragraph 3 – Standing Order: Decisions subject to call in

- The Council would note that Section 41(4) of the 2014 Act defines a decision for the purposes of call in as ‘a decision of the council or a committee of the council and includes a decision to make a recommendation’. However, the proposed Standing Order in paragraph 3 does not make reference to a decision of the council but refers only to committee decisions. The Council would therefore recommend that the standing order is amended to deal with this discrepancy and ensure consistency with the 2014 Act.

#### Decisions not subject to call-in

- The Council note that Schedule 1, Paragraph 3(2) indicates those decisions that shall not be subject to call in. Within a Traditional Committee system, these include decisions on a regulatory or quasi-judicial function which is subject to a separate appeal mechanism; and, a decision where an unreasonable delay could be prejudicial to the council’s or the public’s interests.
- Whilst the first reason is relatively straightforward, the Council would seek clarity around who would have the authority to ‘deem’ that an unreasonable delay could be prejudicial to the council’s or the public’s interests. The Council would recommend that there are clear guidelines provided around the types of decisions where a delay could be prejudicial to the council or public’s interests – for example on health, safety or legal grounds.

### 3.3 Paragraph 4 – Standing Order: Call in admissibility

- This paragraph specifies the criteria required for a call in to be deemed valid (including the method of submitting a call in request, the associated timescales and the supporting information required). The paragraph also outlines the process to be followed in respect of a decision which is called in under Section 41(1)b – disproportionate adverse impact.

- The Council also note that the regulations require councillors submitting a call in request under Section 41(1)b of the 2014 Act to specify the community affected and the nature and extent of the disproportionate adverse impact. The Council would point out that the 2014 Act refers to disproportionate adverse impact on 'any section of the inhabitants of the district' and provides that 'section' will 'specified in standing orders'.
- In this Standing Order section has been specified as 'community' and the Council would recommend that further detail and interpretation is required as to what is meant by community in this context in order to assist councillors when making a request for call in.
- Whilst the Council appreciate that the Standing Order Regulations are mainly geared towards procedural issues, the absence of clarity around the meaning of the phrase 'disproportionate impact' remains a concern.
- It is therefore strongly recommended that the Standing Orders, or supporting guidance, include a clear framework and definition around the two cases in which decisions can be called in (i.e. on the grounds of 'disproportionate adverse affect' or under 'undue process')

**3.5 Paragraph 5 – Standing Order: The call in process – committee arrangements**

- This paragraph sets out the practicalities of the call in process with respect to a council operating under committee arrangements. The process includes a requirement to establish an ad-hoc committee comprised of the chairperson and deputy chairperson of each of the committees of the council to deal with decisions called in under Section 41(1)a of the Act (undue process).
- The Council would be of the view that legal advice should be provided, as appropriate, to any such committee to inform their considerations of those decisions.
- One view expressed by an elected Member was that as opposed to establishing an ad-hoc committee to deal with call-in made under procedural 'undue process' grounds could these not be dealt with through seeking legal advice as being applied to call-in under 'disproportionate adverse impact' grounds. Notwithstanding, the Council would be of the view that legal advice should be provided, as appropriate, to any ad-hoc committee to be established for these purposes.
- The Council would seek further clarification as to how the Chairperson and Deputy Chairperson of the ad-hoc committee is to be determined and appointed, and

whether the Chairperson would have a casting vote. Clarity is also sought in relation to the situation whereby a member of the ad-hoc committee is also a signatory on a request for call in – would such a councillor be permitted to sit on the ad-hoc committee and if so, would there be any impact on their voting rights?

**3.6 Paragraph 7 – Standing Order: Positions of responsibility – time limits**

- This paragraph specifies a time limit of 15 mins between the nominating officer selecting a position of responsibility and the person nominated accepting the position.
- The Council would recommend that whilst the positions of responsibility will be allocated to parties on a term basis (all positions of responsibility allocated for each of the four years), it would be more practical if the actual names of the nominated persons were provided on an annual basis at the relevant Annual General Meeting for that coming year – and not at the outset of the full four year term.
- It is felt to be unreasonable to expect a party to name the specific councillor who will fill a position which would not commence for at least another year.

Detailed comments on the Draft Local Government (Standing Orders) Regulations (NI) 2014 and Model Standing Orders

Reference		Summary	Belfast City Council Comments
<b>Draft Standing Order Regulations</b>			
<b>Regulations</b>			
<b>Regulations</b>			
<b>Reg 1</b>	<b>Citation, commencement and interpretation</b> This regulation outlines the citation of the legislation, the commencement date and interpretation.	<ul style="list-style-type: none"> <li>▪ No comment</li> </ul>	
<b>Reg 2</b>	<b>Incorporation of provisions in standing orders</b> This regulation states that a council must incorporate the provisions in the Schedule in its standing orders	<ul style="list-style-type: none"> <li>▪ No comment</li> </ul>	
<b>Reg 3</b>	<b>Modification of standing orders</b> This regulation states that a council must not modify its standing orders to enable the mandatory standing orders incorporated under regulation 2 to be amended or disapplied.	<ul style="list-style-type: none"> <li>▪ No comment</li> </ul>	
<b>Schedule 1</b>			
<b>Part 1 - Voting</b>			
<b>Para 1</b>	<b>Standing Order – Decisions to be taken by a qualified majority</b>	<ul style="list-style-type: none"> <li>▪ The Council are agreed that no further category of decisions should be subject to a qualified majority vote, otherwise the decision making processes of councils could be frustrated.</li> </ul>	



Reference	Summary	Belfast City Council Comments
	<p>This Paragraph states that a qualified majority shall be required in relation to a councils decision on:</p> <ul style="list-style-type: none"> <li>a. the exercise of the general power of competence</li> <li>b. a call in made in accordance with section 41(1)b – adverse impact</li> <li>c. the suspension of standing orders</li> </ul>	<ul style="list-style-type: none"> <li>▪ The Council would have no substantive difficulties with the proposal that decision (a) – the exercise of the general power of competence be subject to a qualified majority vote.</li> <li>▪ In relation to decision (b) – a call in made under section 41(1)(b) of the 2014 Act (disproportionate adverse impact grounds) most parties consulted highlighted the need for further detail and clarification around definitions, etc.</li> <li>▪ However, with respect to the proposals in relation to decision (b) – a call in made under section 41(1)(b) of the 2014 Act (disproportionate adverse impact grounds) and decision (c) – the suspension of standing orders, one of the political parties was of the view that if a decision is called in under these grounds it should not be subject to quality majority voting.</li> <li>▪ It is therefore not possible for an agreed response to be given on decisions (b) and (c) and there were strong views expressed across the parties consulted. If there is no agreement at Committee it may therefore be more appropriate for the Council to suggest that the Department consult with individual Party Groups on these matters.</li> </ul>
	<b>Part 2 – Call in Process</b>	
<b>Para 2</b>	<p><b>Interpretation</b></p> <p>This paragraph simply provides the interpretation of the various terminologies in this Part.</p>	<ul style="list-style-type: none"> <li>▪ No comment</li> </ul>

<p><b>Para 3</b></p>	<p><b>Standing Order – Decisions subject to call-in</b></p> <p>This paragraph specifies those decisions which may be subject to call-in, and those which may not be subject to call-in.</p>	<p><b>Decisions subject to call-in</b></p> <ul style="list-style-type: none"><li>▪ The Council would note that Section 41(4) of the 2014 Act defines a decision for the purposes of call in as ‘a decision of the council or a committee of the council and includes a decision to make a recommendation’. However, the proposed Standing Order in paragraph 3 does not make reference to a decision of the council but refers only to committee decisions. The Council would therefore recommend that the standing order is amended to deal with this discrepancy and ensure consistency with the 2014 Act.</li></ul> <p><b>Decisions not subject to call-in</b></p> <ul style="list-style-type: none"><li>▪ The Council note that Schedule 1, Paragraph 3(2) indicates those decisions that shall not be subject to call in. Within a Traditional Committee system, these include decisions on a regulatory or quasi-judicial function which is subject to a separate appeal mechanism; and, a decision where an unreasonable delay could be prejudicial to the council’s or the public’s interests.</li><li>▪ Whilst the first reason is relatively straightforward, the Council would seek clarity around who would have the authority to ‘deem’ that an unreasonable delay could be prejudicial to the council’s or the public’s interests. The Council would recommend that there are clear guidelines provided around the types of decisions where a delay could be prejudicial to the council or public’s interests – for example on health, safety or legal grounds.</li></ul>
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<p><b>Para 4</b></p>	<p><b>Standing Order – Call-in admissibility</b></p> <p>This paragraph specifies the criteria required for a call-in to be deemed valid. This includes the method of submitting a call-in request, timescales, the supporting information, the role of the clerk (chief executive), etc.</p> <p>The paragraph also outlines the process to be followed when a call-in is submitted under Section 41(1)b – (adverse impact) in relation to the seeking of an opinion by a practising solicitor or barrister.</p>	<ul style="list-style-type: none"> <li>▪ The Council also note that the regulations require councillors submitting a call in request under Section 41(1)b of the 2014 Act to specify the community affected and the nature and extent of the disproportionate adverse impact. The Council would point out that the 2014 Act refers to disproportionate adverse impact on ‘any section of the inhabitants of the district’ and provides that ‘section’ will ‘specified in standing orders’.</li> <li>▪ In this Standing Order section has been specified as ‘community’ and the Council would recommend that further detail and interpretation is required as to what is meant by community in this context in order to assist councillors when making a request for call in.</li> <li>▪ Whilst the Council appreciate that the Standing Order Regulations are mainly geared towards procedural issues, the absence of clarity around the meaning of the phrase ‘disproportionate impact’ remains a concern.</li> <li>▪ It is therefore strongly recommended that the Standing Orders, or supporting guidance, include a clear framework and definition around the two cases in which decisions can be called in (i.e. on the grounds of ‘disproportionate adverse affect’ or under ‘undue process’)</li> </ul> <p><b>Format of call in request</b></p> <ul style="list-style-type: none"> <li>▪ The Council note that no detail is provided as to the appropriate format of a call-in request. The Council would seek clarification as to whether this would be left to the discretion of a council or will guidance specify that original signatures are provided on a hard copy for example.</li> </ul>
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<p><b>Para 5</b></p>	<p><b>Standing Order – The call-in process: committee arrangements</b></p> <p>This paragraph sets out the practicalities of the call in process with respect to a council running under committee arrangements.</p> <p>The process includes the requirement to establish an ad-hoc committee comprised of the chairpersons and deputy chairpersons of all committees of the council, to deal with decisions called-in under section 41(1)a of the Act (undue process).</p>	<ul style="list-style-type: none"> <li>• One view expressed by an elected Member was that as opposed to establishing an ad-hoc committee to deal with call-in made under procedural ‘undue process’ grounds could these not be dealt with through seeking legal advice as being applied to call-in under ‘disproportionate adverse impact’ grounds. Notwithstanding, the Council would be of the view that legal advice should be provided, as appropriate, to any ad-hoc committee to be established for these purposes.</li> <li>• The Council would seek further clarification as to how the Chairperson and Deputy Chairperson of the ad-hoc committee is to be determined and appointed, and whether the Chairperson would have a casting vote. Clarity is also sought in relation to the situation whereby a member of the ad-hoc committee is also a signatory on a request for call in – would such a councillor be permitted to sit on the ad-hoc committee and if so, would there be any impact on their voting rights?</li> </ul>
<p><b>Para 6</b></p>	<p><b>Standing Order – The call-in process: executive arrangements</b></p> <p>This paragraph sets out the practicalities of the call in process with respect to a council running under committee arrangements.</p>	<ul style="list-style-type: none"> <li>▪ No comment</li> </ul>
<p><b>Part 3 – Positions of Responsibility</b></p>		
<p><b>Para 7</b></p>	<p><b>Standing Order – Positions of responsibility: time limits</b></p> <p>This paragraph specifies a time period of 15 mins between a) the nominating officer selecting a position of responsibility and the term for which it will be held; and b) the person nominated accepting the position.</p> <p>An extension to this time limit may be granted subject to the approval of the council.</p>	<ul style="list-style-type: none"> <li>▪ The Council would recommend that whilst the positions of responsibility will be allocated to parties on a term basis (all positions of responsibility allocated for each of the four years), it would be more practical if the actual names of the nominated persons were provided on an annual basis at the relevant Annual General Meeting for that coming year – and not at the outset of the full four year term.</li> <li>▪ It is felt to be unreasonable to expect a party to name the specific councillor who will fill a position which would not commence for at least another year.</li> </ul>

<b>Part 4 – Appointment of Councillors to Committees, etc</b>		
<b>Para 8</b>	<b>Interpretation</b> This paragraph simply provides the interpretation of the various terminologies in this Part.	▪ No comment
<b>Para 9</b>	<b>Standing Order – Appointment of more than one committee</b> This paragraph provides that where a council appoints more than one committee at the same meeting, for the purposes of determining the number of places that must be allocated across the parties and independent members of the council it must agree: a) The number of committees to be appointed; and b) The number of councillors that shall constitute the membership of each committee	▪ No comment
<b>Para 10</b>	<b>Nomination</b> - This paragraph provides that the process for nominating places on a committee to councillors must be calculated in accordance with Schedule 2 of the 2014 Act.	▪ No comment

Model Standing Orders	
Model Standing Orders	
<b>General comment</b>	<ul style="list-style-type: none"><li>▪ The Model Standing Orders comprise each of the mandatory elements provided for in the Act and the Standing Order Regulations. As they have been produced to assist councils to develop their own bespoke standing orders, the Council understand that there would be no contention with the Council altering the running order / presentation of their bespoke standing orders provided that mandatory elements in the legislation are complied with.</li></ul>

The Committee adopted the recommendations.

**Council response to the Consultation on draft guidance on Filling Positions of Responsibility and Appointing Councillors to Committees**

The Committee was advised that the Department of the Environment was seeking comments on its consultation on draft Guidance Papers on Filling Positions of Responsibility and Appointing Councillors to Committees. The Department had prepared two pieces of guidance to support the operation of the new procedures. The Local Government Act (Northern Ireland) 2014 had made provisions in relation to the sharing of positions of responsibility across the political parties represented on the Council and for ensuring that the membership of committees reflected the political balance on the Council. The draft guidance which had been prepared by the Department had been provided to assist Council officers and Councillors to comply with the requirements of the Act by outlining a practical step-by-step guide to the operation of the provisions, including worked examples.

The Committee was advised that the consultation did not seek comments on the procedures for filling positions of responsibility or for appointing Councillors to committees as those provisions were already in statute by way of the Local Government Act 2014. The purpose of the consultation was therefore to seek views of the Council as to the helpfulness of the guidance and to incorporate any suggestions for improvement. Given the tight timescale for response which had been set by the Department of the Environment, an interim officer response had been submitted with a clear proviso that that response remained subject to formal ratification by the Council's Shadow Strategic Policy and Resources Committee and by the Shadow Council on 9th September, 2014.

**Guidance on Filling Positions of Responsibility**

Schedule 1 to the Local Government Act (Northern Ireland) 2014 provided that a council might use either the d'Hondt or the Sainte-Lague formula method for the filling of positions of responsibility by nomination or the single transferable vote to fill the positions by election. Part 1 of the Schedule specified the procedure for the application of the formula methods to ensure a consistent approach across all the councils. During the consultation on the Local Government Bill (now the 2014 Act), the Council had previously provided comments recommending that the legislation should not require that the positions of responsibility be grouped together into one pool, nor should it specify the period of time of the appointments, but rather it should be left to each individual council to decide how best the application of proportionality should be carried out. Those comments were not, however, taken on board by the Minister and were now embedded within the legislation. There was therefore no scope at this juncture to query those aspects of the provisions during the consultation.

The Council did have access to the draft guidance on filling positions of responsibility in advance of the first Shadow Council meeting on 11th June and that the guidance had been applied at that meeting to fill the designated positions of responsibility for the shadow period (presiding Councillor, Deputy presiding Councillor and the Chairmen and Deputy Chairmen of each of the four committees). The Council had no

issue with the guidance as drafted and officers would therefore recommend that a nil response be submitted by the Council in relation to that part of the guidance.

The Committee adopted the recommendation.

### **Guidance on Appointing Councillors to Committees**

Schedule 2 of the Local Government Act (Northern Ireland) 2014 provided that a council might use either the Quota Greatest Remainder Method or the Droop Quota Method for the appointment of Councillors to committees and specify the procedure for the application of the revised formula. Schedule 3 of the Local Government (Transitional, Supplementary, Incidental Provisions and Modifications) Regulations (Northern Ireland) 2014 provided for the appointment of councillors to committees where a council appointed more than one committee at a time. It was reported that the Council had again had access to the draft guidance on appointing councillors to committees in advance of the first Shadow Council meeting on 11th June and the guidance had been applied at the meeting to make the appointments of councillors to the four standing committees. The Council had no issue with the guidance as drafted and officers would therefore recommend that a nil response be submitted by the Council in relation to that part of the guidance.

The Committee adopted the recommendations.

### **Appointment of Panel Members for the Recruitment of Independent Members to the Belfast PCSP and the Four DPCSPs**

(Ms. S. Toland, Head of Environmental Health/Lead Operations Officer, attended in connection with this item.)

The Committee was advised that the Council was required, under Part 3 of the Justice Act (Northern Ireland) 2011, to establish the Belfast Policing and Community Safety Partnership and the four District Policing and Community Safety Partnerships. On 1st April 2015, in line with the Local Government Reorganisation, the current Belfast structures for the five partnerships would be reconstituted.

The Committee was advised that the existing partnership structures would continue to function for the duration of the shadow period, that is, from 22nd May to the reconstitution date on 1st April, 2015. The current Members would hold office until the day before the reconstitution date. However, during the shadow period, should a member of any of the partnerships leave office for whatever reason, the Council or the Northern Ireland Policing Board could not fill any vacancies. As part of the reconstitution process, the Joint Committee (Policing Board and Department of Justice) was required to conduct a recruitment process for the recruitment of independent members to the partnerships which was scheduled to commence in October, 2014. The Joint Committee recognised that there were many competing pressures for Councils in the run up to 1st April and that it might not be possible to have the Political Members nominated in time for the recruitment process for independent members to commence. In order to resolve a way forward and having discussed the matter with a number of Chief Executives, the



Joint Committee had agreed a procedure that would enable the process of recruiting independent members to begin. That would enable an appointable pool of candidates, from which Independent Members could be appointed by the Policing Board, once the make-up of the Elected Members of the partnerships was known.

The proposed process was that in advance of September, 2014, the Shadow Council would appoint a panel comprising at least two, and up to four councillors, one of whom would act as the Chair, who would meet along with an Independent Panel Member appointed by the Policing Board to shortlist and interview the independent candidates. The Council was required to seek to ensure that the panel was representative in terms of gender and community background. Furthermore, to ensure consistency and because of the possibility of overlap in membership, it was recommended that the same panel should be involved in selecting independent members for the Partnership and the four District partnerships. Guidance on the process for appointing independent members, including key milestones, would be issued by the Policing Board, and training would be provided for those Panel Members during September/October, 2014.

Moved by Councillor Jones,  
Seconded by Councillor Long

That the Committee agrees to appoint one representative from each of the four largest parties on the Shadow Council, that is, Sinn Fein, DUP, SDLP and Alliance.

#### **Amendment**

Moved by Councillor Robinson,  
Seconded by Councillor Hutchinson

That the Committee agrees to appoint to seek flexibility from the Joint Committee to appoint up to six Members from different parties, two of whom might be observers.

On a vote by show of hands, eleven members voted for the amendment and three against and it was declared carried. The Amendment was put as the substantive motion, when twelve members voted for and none against and was declared carried.

#### **Committee Schedule August – October 2014**

The Committee approved the dates of the Committee and Council meetings from August til October, 2014 and agreed that a further report on the schedule of meetings for the remainder of the shadow council term be submitted to the Committee in October.

**Finance/Value-for-Money**

**Managing Convergence of District Rates**

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

**"1.0 Relevant Background Information**

**1.1 This report outlines the draft response to the DFP Consultation on the 'Review of Public Administration – Managing Convergence of District Rates, May 2014.**

**1.2 A copy of the consultation document proposing options for the structure of the transitional scheme to manage rates convergence between those council areas coming together as a result of local government reform was presented to the Shadow Strategic Policy and Resources Committee at its meeting on the 23 June 2014.**

**1.3 As the closing date for comments on the consultation document was the 18 August 2014, a draft submission, based on this report, was considered by the Chair and Vice Chair of the Shadow Strategic Policy and Resources Committee and the Budget and Transformation Panel in early August 2014 and submitted to DFP. The Department were advised that the submission would be considered at the meeting of the Shadow Strategic Policy and Resources Committee on the 29 August 2014 and that any issues raised at the meeting would be communicated to DFP following the meeting.**

**1.4 Rates Convergence Impact on the New Boundary Area**

**Domestic and non domestic rate bills are made up of two parts.**

- The District Rate, which is set by the Council and represents 44% of the rates bill.**
- The Regional Rate, which is set by the Executive and represents 56% of the rates bill.**

**1.5 The local nature of the district rate means that it varies from council to council and ratepayers who transfer to another council area, as the result of the boundary changes arising from local government reform, will see the district element of their rates bills affected.**

- 1.6 This is particularly relevant for those residents who will transfer into the Belfast area from Castlereagh, Lisburn or North Down.
- 1.7 Table 1 and 2 below illustrates the potential impact on the district rate element of the rates bill for a domestic property with a capital value of £150,000 and a non domestic property with an NAV of £15,000 based on the 2014/15 district rates above and prior to any relief.

**Table 1**  
**District Rate Element of Annual Rates Bill**  
**(Domestic Property - Capital Value of £150k)**

	<b>Pre Convergence</b>	<b>Post Convergence</b>	<b>Difference</b>
<b>Castlereagh to Belfast</b>	<b>£326.40</b>	<b>£464.10</b>	<b>£137.30</b>
<b>Lisburn to Belfast</b>	<b>£400.35</b>	<b>£464.10</b>	<b>£63.75</b>
<b>North Down to Belfast</b>	<b>£438.45</b>	<b>£464.10</b>	<b>£25.65</b>

**Table 2**  
**District Rate Element of Annual Rates Bill**  
**(Non Domestic Property - NAV of £15k)**

	<b>Pre Convergence</b>	<b>Post Convergence</b>	<b>Difference</b>
<b>Castlereagh to Belfast</b>	<b>£2,714.09</b>	<b>£4,503.54</b>	<b>£1,789.45</b>
<b>Lisburn to Belfast</b>	<b>£3,055.50</b>	<b>£4,503.54</b>	<b>£1,448.04</b>
<b>North Down to Belfast</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>

- 1.8 The Executive has set aside £30m to fund a transitional relief scheme for those ratepayers who incur an increase in the district rate element of their rate bill as a result of local government reform. The transitional relief will be applied directly to the rates bill before any other existing reliefs are applied.
- 1.9 This paper considers the options for the transitional relief scheme outlined in the consultation document issued by DFP.

**2.0 Key Issues**

- 2.1** As part of the transitional relief scheme, DFP are proposing that a specified discount be applied to the 2015/16 District Rate for both domestic and non-domestic properties. The consultation document outlines three options for consideration.
- Option 1: Duration 3 Years. (Annual Relief - Yr1 100%, Yr2 66%, Yr3 33%)
  - Option 2: Duration 3 Years. (Annual Relief - Yr1 80%, Yr2 50%, Yr3 30%)
  - Option 3: Duration 4 Years: (Annual Relief - Yr1 80%, Yr2 60%, Yr3 40%, Yr4 20%)
- 2.2** The consultation document includes examples of the likely relief under each option using a notional domestic and non domestic district rates for a domestic property with capital value of £150,000 and a non-domestic property with a Net Annual Value (NAV) of £15,000.
- 2.3** To assist the Council in assessing the preferred option, the examples included within the consultation document have been updated with the actual domestic and non domestic rate factors for Belfast, Lisburn, Castlereagh and North Down and these are included in appendix 1. It should be noted that there are no non-domestic properties transferring from North Down to Belfast.
- 2.4** The analysis included, as appendix 1 shows, that option 2 would provide the lowest level of rates relief for those properties transferring into Belfast in comparison with the other two options.
- 2.5** Options 1 and 3 provide a similar level of relief, with option 3 being slightly higher than option 1. The major difference being that in option 1 the relief is spread over 3 years whereas in option 3 the relief is spread over 4 years.
- 2.6** Option 1 provides 100% relief in year 1. The advantage of this is that in the first year of the new Council those transferring ratepayers would see no increase in their rates bill as the consequence local government reform. The disadvantage of this option is that the first rates bill increase in year 2 could be perceived as being levied by Belfast City Council rather than as a result of Local Government Reform.

## 2.7 Preferred Option

- Option 3 appears to represent the best option for the Council and those ratepayers transferring from Lisburn, Castlereagh and North Down for the following reasons.
- Option 3 provides the highest level of support for transferring domestic and non-domestic ratepayers.
- Option 3 phases the relief in over the lifetime of the first 4 year term of the new Council allowing time for the longer term transformation programmes and resultant efficiencies to be delivered.
- Option 3 commences with 80% relief in year 1 and reduces by 20% each year. It is therefore easy to understand and the staged conversion increase commences in year 1.

## 2.8 Draft Response

The consultation document includes a number of questions in relation to the scheme. The Council's draft response to these questions is included as appendix 2 and a copy of the NILGA consultation response has also been circulated.

2.9 It should be noted that the Council's draft response differs from the NILGA draft response in relation to the notion that there may be an acceptable level of rates increase that ratepayers should bear before relief is applied.

2.10 The Council believe that relief should be applicable to any increase that arises exclusively from local government reform and notes the principal stated in the consultation document that 'the transitional relief scheme has been designed to ensure that downward adjustments to rates are made to mitigate the impact of convergence alone'.

2.11 The Council does not therefore accept the suggestion that the scheme should include an arbitrary amount for 'normal increase' before relief is applied. Belfast City Council has set a zero increase in the district rate for the past two financial years and if the Shadow Council strikes a district rate for Belfast at the same level as the domestic rate in 2014/15, then any increase in the district rate element of domestic rate bills will be due to convergence alone. The inclusion of an arbitrary 'normal increase' threshold as part of the scheme would

render the scheme fundamentally flawed and could unfairly penalise those ratepayers transferring from Castlereagh, Lisburn and North Down.

- 2.12 As referred to above, the draft response from Belfast City Council was submitted to DFP before the closing date of the 19 August 2014, after consideration by the Budget and Transformation Panel on the 15 August 2014. Any issues raised by the Committee will be notified to DFP.

3.0 Resource Implications

- 3.1 The Executive has agreed to allocate up to £30m to fund transitional arrangements to manage rates convergence. The scheme will adjust the district rate bills of those ratepayers facing increases as a result of this major reorganisation.

4.0 Equality and Good Relations Implications

There are no equality and good relations implications associated with the report.

5.0 Recommendation

Members are asked to agree the draft response from the Shadow Council attached as appendix 2.”

Appendix 2

**Draft Response of the Shadow Belfast City Council to the Review of Public Administration – Managing Convergence of District rates, Consultation Paper, May 2014**

Question1: Do you believe that transitional relief should be provided to ratepayers adversely affected by the convergence of rates that will arise from the merging of Councils as a result of Local Government Reform?

Answer: Yes. The Council welcomes the provision of £30m of funding from the Executive to provide transitional relief for those ratepayers affected by convergence, especially as those ratepayers transferring into the new Belfast area will be adversely affected.

Question 2: Do you consider there to be an ‘acceptable’ rates increase the ratepayer should bear before relief is applied?

‘The ratepayer should see no increase in their rate bill due to reform, other than what ‘normally’ occurs from year to year, for example due to inflation’.

‘It is acceptable for the ratepayer to bear a 5% increase in rates due to the reform (or more than 5%, or less than 5%)?’

Answer: The Council believe that relief should be applicable to any increase that arises exclusively from local government reform and notes the principal stated in the consultation document that 'the transitional relief scheme has been designed to ensure that downward adjustments to rates are made to mitigate the impact of convergence alone'.

The Council does not therefore accept the suggestion that the scheme should include an arbitrary amount for 'normal increase' before relief is applied. Belfast City Council has set a zero increase in the district rate for the past two financial years and if the Shadow Council strikes a district rate for Belfast at the same level as the domestic district rate in 2014/15, then any increase in the district rate element of domestic rate bills will be due to convergence alone. The inclusion of an arbitrary 'normal increase' threshold as part of the scheme would render the scheme fundamentally flawed and could unfairly penalise those ratepayers transferring from Castlereagh, Lisburn and North Down.

Question 3: How long do you believe any transitional relief scheme should last?

Two years  
Three years  
Four years  
Other

Answer: The Council believe that the scheme should last for a period of four years which would align with the term of the new Council.

Question 4: Based on the models provided in the document what level of relief do you think is acceptable over each year of the phasing in?

For Example

100%, 66%, 33%  
80%, 50%, 30%  
80%, 60%, 40%, 20%

Answer: The Council believe that the phased relief presented in option 3 i.e. 80%, 60%, 40% and 20% would be appropriate to align with the four years of the scheme.

Question 5: Do you have any suggestions how the scheme could be improved within the Executive's £30m budget?

Answer: The Council believe that if the final scheme option does not fully utilise the £30m funding allocated by the Executive then the surplus should be targeted to those ratepayers who will encounter a significant increase in their district rate as a result of the boundary changes and the transfer to another Council area. As highlighted in the consultation this will particularly affect those ratepayers transferring from Castlereagh and Lisburn to Belfast.

Question 6: Do you think relief should be provided to all ratepayers affected by the scheme or just to ratepayers significantly affected? Or should there be a two tier scheme? (a longer one for ratepayers in areas most affected)

Answer: As outlined in the responses above the Council believe the scheme should last for four years in line with the new Council term. The Council also believe that the targeting of any surplus resources at those significantly affected, as outlined in the response to question 5 would be appropriate.

Question 7: Do you consider that any additional support should be provided for ratepayers detrimentally affected by the boundary changes as described in paragraph 21?

Answer: Yes. The proposed approach outlined in our response to question 5 would target the ratepayers affected by boundary change.

Question 8: Do you have views on the differential impact of implementing this scheme?

Answer: The Council notes the commentary included as annex 5 to the consultation.

Question 9: Do you have additional evidence on differential impact this scheme may have?

Answer: No.

Question 10: Have you any other views on the issues covered in this document?

Answer: No.

The Committee approved the draft response

### **Department of the Environment Expenditure Controls**

The Committee was reminded that, in May, 2014, the Department of the Environment had issued to all councils, a Departmental Direction and Guidance in relation to the introduction of expenditure controls for the period during which the 11 new councils would operate in shadow form. The Departmental Direction, which had been made under Section 10 of the Local Government (Miscellaneous Provisions) Act (Northern Ireland) 2010, stated that existing councils might not, without the written consent of the new council:

- (a) make any disposal of land, if consideration for disposal exceeded £100,000;
- (b) enter into any capital contract where
  - (i) under which the consideration payable exceeded £250,000
  - (ii) which included a term allowing the consideration payable to be varied
- (c) enter into any non-capital contracts where consideration exceeded £100,000. Such contracts might include:



- (i) employment contracts (for example, individual employment contracts over £100,000 per annum and fixed-term contracts of employment exceeding £100,000 in total over the fixed-term period)
- (ii) service contracts (for example, asset maintenance contracts);
- (iii) revenue contracts (for example, accountancy or legal services).

It was pointed out that similar expenditure controls had been introduced by the Department during the operation of the Statutory Transition period and the release of the guidance did not preclude the necessity to follow Belfast City Council Standing Orders and the associated process for entering into contracts and land disposals requiring approval through the Strategic Policy and Resources Committee and full Council.

Accordingly, the committee was recommended to give its consent to the following non-capital contracts which had already been presented to the Councils Strategic Policy and Resources Committee:

Contract name	Estimated value over period of contract (£)	Department	Capital/Non Capital
Business Demand Stimulation Programme in support of Super Connected Project	£ 240,000	Finance and Resources	Non Capital
Leisure Contract Agreement	£2m annual efficiencies by 1st April 2016	Parks and Leisure	Non Capital

The Committee adopted the recommendations.

### **Transfer of Functions Budget Allocations**

The Committee considered the undernoted report:

#### **“1 Relevant Background Information**

- 1.1 As part of the Local Government Reform programme a number of new functions and powers will transfer from central government departments to Belfast City Council in April 2015. This will include operational responsibility for spatial planning, regeneration and community development, off-street car parks, responsibility for the regulation of houses of multiple occupancy (HMOs) and housing unfitness, as well as an enhanced role in supporting local economic development.
- 1.2 A report had been submitted to the Committee on 19 June providing an update on the Deloitte due diligence work which had been undertaken at a regional level to assess and quantify the resources (e.g. budget, staffing, assets and liabilities) attached to those functions transferring to local government.

## **2 Key Issues**

- 2.1** The allocation of functional resources by individual central government departments across the 11 councils will be a decision for each Minister. Members will be aware that to date, only DSD have brought forward specific proposals regarding the allocation of budgets to councils. The Council has been actively engaging with DSD in regards to its concerns around the proposals put forward including a recent cross-party meeting with the Social Development Minister, Nelson McCausland MLA on 20 August. A verbal update on the discussions with the Minister will be provided at Committee.
- 2.2** Work is currently underway between DFP and government departments in regards to the more general aspects of the budget allocation proposals for the other transferring functions. DFP, in liaison with DOE, are also currently assessing and seeking to quantify service (notional) costs which are attached to the delivery of the functions to transfer (e.g. associated ICT, HR and accommodation costs). The intention would be that such costs are included in the overall budget allocation to transfer to local government. However agreement on the precise nature of the model used and the figures has not yet been reached.
- 2.3** It is understood that DFP have requested that final departmental budget allocations to local government are finalised by October 2014. This will inform the work to be taken forward in relation to the transfer of resource provisions from the Regional to the District rate base. This timescale is important as the final transfer of functions budget allocations need to be factored into the council's estimating and rates setting process for 2015/16.

Whilst the detail around the budget allocations and service costs are still to emerge, council officers have had sight of the early thinking on these matters and would have a number of significant concerns as set out below:-

### **Emerging Departmental Budget Allocations**

- Significant variances between the emerging budget allocation proposals and the figures set out in the Deloitte Due Diligence report (submitted to Shadow SP&R in June '14) – particularly in relation to off-street car parks and planning.
- 4% efficiency reduction to budgets – still remains on the agenda of some transferring function departments

and now needs to be discussed with DFP and NI Executive.

- Departmental capital maintenance budgets – this is a cross-cutting issue being discussed with DFP. Many government departments (e.g. DRD and DSD) do not have a planned maintenance programme and/or budget in place. There are, however, significant financial risks in regards to the potential condition of some of the assets to transfer. BCC is currently undertaking its own due diligence around this to quantify any financial implications for the council which will inform the engagement and negotiations to take place with government departments and DFP.
- DSD allocation – previous reports have highlighted the difficulties with the DSD allocation and in particular the fact that without some form of additional non-recurrent fund and Executive funding for larger scale, regionally significant projects, the Council will be unable to initiate many of the physical projects which DSD has committed to.
- Planning – DOE have indicated that a more detailed report on budget allocation for the transfer of spatial planning will be with councils in the next few weeks. The Council will wish to have assurance that all costs associated with the transfer, including planning reform and the Area Development Planning process have been taken into consideration.

#### Off-Street Car Parks

- Off-Setting Income - DRD and DFP have stated that the net surplus income received from off-street car parks would be off-set against the overall TOF budget to transfer to the Council. This would impact upon the Council's ability to; for example, consider reducing the pricing tariffs for car parks as part of any economic regeneration strategy for the city centre. This issue will require both political engagement and discussion.
- Transfer of assets – It is proposed that the majority of DRD's existing off street car parking assets will transfer to the new Councils. However, recent discussions with DRD indicate that they are proposing to exclude a number of car parks for outright transfer to the Council on the basis that they will be required for future major road schemes at City Centre Ring South and York Road Interchange.
- The car parks being proposed are well used with a total of 493 spaces and a total income in 2013/14 of £979K.

They represent approx 25% of the total number of spaces that DRD currently operations as off-street car parks. A detailed report on this has been recently submitted to the Transition Committee.

- A request has been issued to DRD seeking engagement and briefing for elected Members on the detail of the transfer proposals including budget allocations.

#### **Notional (Service) Costs**

- DFP, in liaison with government departments, are also currently assessing and seeking to quantify those notional costs attached to the delivery of the functions to transfer (e.g. ICT, HR, and accommodation related costs).
- Again, whilst early proposals are emerging, there is a lack of detail around the notional costs. Further work is required in regard to the definition and scope of potential notional costs and other 'fixed costs' which will be incurred by councils (e.g. legal costs).
- This will also need to be brought forward in-line with the October timescale for finalising departmental budget allocation proposals.
- An urgent meeting has been sought with DOE and DFP officials to examine in more detail the emerging proposals around notional costs. There is a need to benchmark and verify against reasonable standards.

#### **Accommodation**

- Budget allocation – there are concerns regarding the basis on which accommodation costs appear to be calculated i.e. NICS's standard space per person (9-11m<sup>2</sup>) and average cost of existing accommodation in the NICS estate across Northern Ireland. There are particular concerns regarding the cost of accommodation in Belfast in comparison to the proposed average cost being applied.
- Lease agreements - concerns regarding the financial implications of emerging DFP assumption "that councils will use existing accommodation arrangements with DFP Properties Division for a period of 5 years from 1 April 2015 or until the expiry of the current lease (if shorter) unless otherwise arranged by mutual agreement. Council officers are currently engaging with DSD estates branch on this.

### **3 Next Steps**

**3.1 The following practical steps are now being taken to assess and challenge, as appropriate, the emerging central government proposals in regards to the transferring function budget allocations to the Council:**

- (i) Belfast Due Diligence - Members should note that Council officers are already in intensive engagement with respective transferring functions departments (including DSD, DOE Planning, DRD, DETI) to carry out its own due diligence around the cost of delivering the functions to transfer and scoping any potential variance from what is being proposed as part of the emerging budget allocation proposals. This information will help inform the council's engagement, negotiations and challenge with central government in agreeing the overall transferring function budget allocation to Belfast. A more detailed update will be brought to Committee in September**
- (ii) Regeneration and Urban Development – a cross party meeting with the DSD Minister took place on the 20 August. Papers requesting specific funding mechanisms will be sent to DSD and DFP.**
- (iii) Planning – as part of ongoing due diligence work, specific meetings are taking place with senior officials in regards budget, finance and staffing related matters.**
- (iv) Off-Street Car Parks – specific meeting to be held with DRD officials to examine in detail the transfer (and budget allocation) proposals. A formal request has been issued for DRD to brief elected Members and the Transition Committee agreed to write to the Minister.**
- (v) Notional Costs – meeting scheduled with DOE and DFP officials on 28 August '14 to examine in detail and challenge as appropriate the emerging proposals.**

**A further detailed report will be submitted to Shadow SP&R in September for Members consideration and direction.**

### **4 Resources**

**4.1 There are significant financial risks attached to the emerging budget allocations for Belfast, however, the scale of this is still to be quantified as part of the ongoing due diligence work and engagement with central government departments (including DFP).**

A further report on this matter will be submitted to a future meeting of the Committee.

**5 Equality and Good Relations Considerations**

5.1 None at this time

**6 Call In**

6.1 This decision is subject to Call In.

**7 Recommendations**

7.1 Members are asked to note that:

- (i) a detailed report will be submitted to Committee in September when further information is made available from central government and council necessary due diligence work is undertaken by the Council officers: and
- (ii) a specific meeting has been requested with DRD to discuss the emerging concerns in regard to the transfer of off-street car parks”

The Committee noted the contents of the report and agreed that a letter be forwarded to the Minister for the Department for Regional Development seeking clarification in relation to the transfer and budget allocation proposals for off-street car parks.

**Human Resources**

**Council response to the draft Local Government (Disqualification)(Prescribed Offices and Employments) Regulations (Northern Ireland) 2014**

The Committee considered the undernoted report:

**“1.0 Introduction**

1.1 The purpose of this report is to present Members with a draft Shadow Council response to the DoE’s Consultation on the Local Government (Disqualifications)(Prescribed Offices and Employments) Regulations (Northern Ireland) 2014.

The draft Regulations make provisions to:

- disqualify a council employee from being a councillor on his or her employing council;

- specify the offices and employments the holding of which would disqualify the holder from being a councillor on any council.

The deadline for the council response to the consultation is 5 September 2014. A copy of the consultation document and the draft Regulations has been circulated.

- 1.2 Members should note that while the Council seeks to submit a response agreed by this Committee to the DoE in line with the 5 September deadline, this response will remain subject to ratification by the Shadow Council at its meeting on 9 September 2014.

## 2.0 Background

### 2.1 Removal of blanket ban on employee being a councillor

Section 4(1)(a) of the 1972 Act currently provides a blanket prohibition on an employee of a council being elected or being a councillor. This means that a person employed by a council, in any capacity, may not stand for election as a councillor or be co-opted to fill a vacancy in the office of elected representative of a council.

The DoE has determined that this blanket prohibition could give rise to a challenge that it violates Article 10 of the European Convention of Human Rights and as a result the 2014 Act has amended the 1972 Act to remove the blanket ban.

The 1972 Act, as amended by the 2014 Act, also provides for the Department to maintain a prohibition in relation to specified offices and employments on a council. This approach is in line with statutory arrangements in England, Scotland, Wales and the Republic of Ireland in relation to disqualifying specified employees of the council for being elected or being a councillor.

## 3.0 Key Issues

### 3.1 Specified offices and employments

The draft Regulations will make provision in relation to two categories of offices and employments for the purposes of disqualification:

- those of a geographic nature
- those related to the nature of the office or employment

### **3.2 Geographic**

The Department considers that it is not appropriate for an employee of a council, irrespective of the nature of the office or employment held, to be a councillor on his or her employing council. It is therefore proposed that an employee of a council cannot be a councillor on his or her employing council.

### **3.3 Related to the nature of office or employment**

The Department considers that it would not be appropriate for officers that provide advice to council or its committees on a regular basis; or, who discharge a function on behalf of a council, from being a councillor under any circumstances.

The Department proposes that this group of officers would include individuals holding the most senior positions in a council's administrative structure (including the clerk to the council (chief executive), and other senior officers that a council is required by law to appoint, e.g. the chief financial officer).

It is further proposed that this group of officers should include those officers that report directly to one of the senior officers and those officers who speak on a council's behalf to journalists or broadcasters.

### **3.4 Maximum level of remuneration**

In order to provide clarity for council employees and a uniform approach to the prescription of employments that would disqualify the holder from being a councillor, the Department proposes basing the prescription of employments on those over a maximum level of remuneration – which is recommended as Spinal Column Point 32 on the NJC scale (at 1 April 2013 this represented £27,323).

## **4.0 Consultation Response**

**4.1** The Department would welcome the views of the Council on the four questions listed below. A summary of the proposed council response to each question is included below for the consideration of Members.



**Consultation questions**

- 1) Do you agree that a council employee should be prohibited from being a councillor on the council which employs them?  
*Yes – the Council agree that council employees should be prohibited from being a councillor on their own Council*
- 2) Do you agree that a council employee should (subject to the restrictions on specified offices and employments) not be prohibited from being a councillor on a council other than one which employs them?  
*Yes – the Council agrees that an employee should be permitted to be a councillor on a council other than the one which employs them, subject to the restrictions placed on specified offices and employments*
- 3) Do you agree that the holding of any of the senior offices specified should disqualify the holder for being elected or being a councillor in any council?  
*Yes – the Council agrees that employees who hold specified senior positions should be prohibited from being a councillor in any council.*
- 4) Do you support the maximum level of remuneration specified by the Department as the basis for prescribing the employments that would disqualify the holder for being elected or being a councillor in any council?

*The Council supports the principle that certain post holders should be disqualified from being elected or being a councillor in any council.*

*The council does not agree, however, that the level of the employees remuneration should serve as the only metric for prescribing the employments that would be disqualified, given the purpose and spirit of the legislation, and would note the following considerations:*

*The identification of SCP 32 as the maximum permitted level of remuneration is arguably somewhat arbitrary. In the Council, SCP 32 equates to grade SO2 which would not be considered a senior level of staff. It seems likely therefore, that establishing SCP 32 as the maximum remuneration permissible may have the effect of unnecessarily politically restricting a number of staff.*

*Using an employee's remuneration as the decisive criterion seems unlikely to achieve the stated purpose of the legislation. That is, if the legislation's prescribed intention is to disqualify those employees who have access or reporting responsibilities to very senior officers, members and Committees, it seems more appropriate to specify those criteria in the legislation rather than to apply an unrelated metric, or at least alongside that metric. Consideration might also be given to an appeals mechanism to ensure that the criteria are being applied consistently and within the spirit of the legislation.*

*From a practical perspective, if a maximum level of remuneration is established for employees who will be able to seek co-option or election to other Councils, guidance will be needed to allow Councils to resolve circumstances when an employee's level of pay increases over the threshold during their period of office. For example, if that employee secures a promotion or upgrade through structural review processes.*

**5.0 Resource Implications**

5.1 None

**6.0 Equality and Good Relations Implications**

6.1 None

**7.0 Recommendations**

7.1 It is recommended that Members:

- (i) Note the contents of the report including the draft consultation document; and
- (ii) Consider and approve the attached Shadow Council consultation response subject to any amendments proposed by the Committee"

The Committee approved the consultation response.

**Response to the Draft Revised Code of Conduct for Local Government Employees and the Draft Local Government Employees and Councillors Protocol**

The Committee considered the undernoted report and approved the draft responses for submission to the Local Government Reform Joint Forum:

**“1.0 Introduction**

**1.1** The purpose of this report is to present Members with a draft Shadow Council response to the consultations on the Draft Revised Code of Conduct for Local Government Employees and the Draft Local Government Employees and Councillors Protocol.

**1.2** The deadline for the response to these two consultation documents is 5 September 2014. Members should note that whilst the Council seeks to submit a response agreed by this Committee to the Local Government Reform Joint Forum (LGRJF) in line with the 5 September deadline, this response will remain subject to ratification by the Shadow Council at its meeting on 9 September 2014.

**2.0 Background**

**2.1** The purpose of the Draft Revised Code of Conduct for Local Government Employees is to set guidelines for council employees which will help maintain and improve standards and protect employees from criticism or misunderstanding.

**2.2** The Draft Local Government Employees and Councillors Protocol is intended to provide guidance on all aspects of the working relationship between Councillors and employees of councils and to advise of the steps to be taken to deal with concerns at an early stage to ensure the prompt resolution of any difficulties which may arise.

**2.3** Status of the revised Code of Conduct

Under Article 35(1)(b) of the Local Government (Miscellaneous Provisions) (NI) Order 1992, the functions of the Local Government Staff Commission include, *‘establishing and issuing a code of recommended practice as regards conduct of officers of councils’*. The draft document aims to be a model Code of Conduct for individual councils to adapt to suit their particular requirements, structures and procedures. The LGRJF has issued a revised model Code of Conduct for consultation with key stakeholders.

**2.4** Status of the draft Local Government Employees and Councillors Protocol

The draft Local Government Employees and Councillors Protocol, prepared by the Department of the Environment

(DOE), is intended to complement both the Code of Conduct for Local Government Employees and the Northern Ireland Local Government Code of Conduct for Councillors. It has also been issued by LGRJF for consultation.

**3.0 Key Issues**

**3.1** The LGRJF has invited comments from the Council on both draft documents and the full draft response is attached at Appendix Three.

**3.2** Proposals in the draft Code of Conduct which may be of particular interest to the Shadow Council and the relevant draft responses are summarised below:

**3.3** In section 4.4 *Relationships with Councillors*, the draft code states that employees, “*should not approach nor attempt to influence councillors out of personal motives...*” It is suggested that the wording could be clarified to balance an employee’s democratic right, as a ratepayer, to access their Councillor, while making explicit the need for both council officers and councillors to follow the relevant Council procedures, protocols and processes in relation to an employee’s personal concerns or interests.

**3.4** In section 4.4 *Relationships with Contractors, Planning Applicants and those applying for Council Grant*, and in section 4.8 *Equality Issues*, there are references to “*the local community*”. It may be helpful to clarify this phrase and provide a more detailed or broad definition of the relevant stakeholders in the work of the council, who may live outside the council boundary.

**3.5** In section 4.4 *Political Activity*, it may be helpful to make reference to any changes in practice arising from the draft Local Government (Disqualification) (Prescribed Offices and Employments) Regulations (Northern Ireland) 2014, and provide specific guidance to those council officers who are seeking election or who serve as elected members in other council areas.

**3.6 Local Government Employees and Councillors Protocol**

Proposals in the Draft Local Government Employees and Councillors Protocol which are of particular interest to the Shadow Council and the relevant draft responses are summarised below:

### 3.7 Conduct of Local Government Employees toward Councillors

In section 3.1 the protocol states that *“Employees should not seek to influence or lobby a Councillor with regards to personal issues.”*

Again, it is suggested that the wording could be clarified to balance an employee’s democratic right, as a ratepayer, to access their Councillor, while making explicit the need for both council officers and Councillors to follow the relevant Council procedures, protocols and processes in relation to an employee’s personal concerns or interests.

It may also be helpful to provide advice to Councillors on how they should respond when approached by an employee of the Council in this way, and to whom they should divert any staff query.

### 3.8 Procedure – Section 4.0

At Section 4.6, the protocol stipulates that if a Councillor wishes to raise a formal complaint regarding the conduct or behaviour of an employee, the relevant Head of Service/Director/Chief Executive *‘will ensure the matter is investigated according to the council disciplinary procedures, consulting with appropriate human resource sections.’*

It may be preferable to include a more general statement that the matter will be investigated according to relevant council procedures, thereby permitting scope to ensure the correct procedure is applied.

At Section 4.8 the protocol stipulates that the Head of Service/Director/Chief Executive will *‘write to the Councillor and Group Party Leader advising of the outcome.’* It is suggested that it would be appropriate for the Councillor to be informed that the matter has been referred for investigation and appropriate action will be taken, in order to ensure that councils are operating in line with their responsibility to maintain an appropriate level of confidentiality.

It is suggested that at both informal and formal stages of this procedure, employees should be permitted to be accompanied by a colleague or trade union representative at any meetings.

**3.9 Conduct of Councillors towards Employees – Section 5.0**

It is noted that the draft protocol states, at Section 5.6 that the matter would be investigated according to *'the council's investigatory process within its disciplinary procedures'*.

It does not appear that disciplinary procedures would be applicable in these circumstances as such procedures apply to Council officers. It may, therefore, be more feasible to use the investigation framework set out in the councils' grievance procedures to make this kind of complaint.

It is suggested that at both informal and formal stages of this procedure, employees will be permitted to be accompanied by a colleague or trade union representative at any meetings.

**3.10 Confidentiality:** As a general point, the protocol and code should have due regard to the need to maintain confidentiality.

**4.0 Resource Implications**

**4.1 None**

**5.0 Equality and Good Relations Implications**

**5.1 None**

**6.0 Call In**

**6.1 This decision is subject to Call In.**

**7.0 Recommendations**

**7.1 It is recommended that Members:**

- (i) Note the contents of the report including the draft consultation documents at Appendix One and Appendix Two; and**
- (ii) Consider and approve the attached Shadow Council consultation responses at Appendix Three subject to any amendments proposed by the Committee"**

## Appendix Three

### Draft Revised Code of Conduct for Local Government Employees – Draft consultation response

#### 2.0 Framework for the Code

In Section 2.2 it is suggested that the wording of the opening paragraph should be amended to state, *‘those in public life should practice;’*

It is suggested that for consistency, the Nolan Principles and the Northern Ireland Assembly Five Principles of Conduct could be structured and referenced in the same way as in the Local Government Employees and Councillors Protocol.

#### 4.0 Model Code of Conduct for Local Government Employees

In section 4.4 *Relationships with Councillors*, the draft code states that employees *‘should not approach nor attempt to influence councillors out of personal motives...’*

It is suggested that the wording could be clarified to balance an employee’s democratic right as a ratepayer to access their Councillor, while making explicit the need for both council officers and Councillors to follow the relevant council procedures, protocols and processes in relation to an employee’s personal concerns or interests.

In section 4.4 *Relationships with Contractors, Planning Applicants and those applying for Council Grant*, and in section 4.8 *Equality Issues*, there are references to *“the local community”*. It may be helpful to clarify this phrase and provide a more detailed or broad definition of the relevant stakeholders in the work of the council who may live outside the council boundary.

In section 4.4 *Political Activity*, it may be helpful to make reference to any changes in practice arising from the draft Local Government (Disqualification) (Prescribed Offices and Employments) Regulations (Northern Ireland) 2014, and provide specific guidance to those council officers who are seeking election or who serve as elected members in other council areas.

#### Appendix 1

In the section, *‘Key Terms Used in the Code of Conduct’*, the definition of *‘Employee/s or Member/s of Staff’* is extended to casual staff, agency workers and volunteers while they are engaged in work for a council.

It noted that councils may encounter difficulty in providing awareness training in respect of the Code to these specific categories of worker. Additionally, dealing with alleged breaches of the Code by these categories of worker is likely to be complex and largely unsatisfactory. Guidance on how these matters would be resolved would be welcome.

## **Draft Local Government Employees and Councillors Protocol – Draft consultation response**

### **Title**

The title of the protocol may not strictly reflect its purpose. A more explicit title may more accurately set out the document's intentions.

### **Introduction**

It is noted that the protocol stipulates at Section 1.4 that the term 'employee', *'includes permanent employees, fixed term employees, secondees, temporary workers and volunteers'*. It is suggested that the term "employee" might therefore be replaced by 'worker'. It is unclear what the difference is between a temporary employee and fixed term employee. (Within Belfast City Council all employees engaged on short term contracts are referred to as temporary employees.) Consideration may also be given to whether agency workers should be included in this protocol.

### **Purpose**

It is suggested that for consistency, the Nolan Principles and the Northern Ireland Assembly Five Principles of Conduct in section 2.3 could be structured and referenced in the same way as in the Code of Conduct for Local Government Employees.

### **Conduct of Local Government Employees toward Councillors**

In section 3.1 the protocol states that *'employees should not seek to influence or lobby a Councillor with regards to personal issues.'*

It is suggested that the wording could be clarified to balance an employee's democratic right, as a ratepayer, to access their Councillor, while making explicit the need for both council officers and councillors to follow the relevant Council procedures, protocols and processes in relation to an employee's personal concerns or interests.

It may also be helpful to provide advice to Councillors on how they should respond when approached by an employee of the Council in this way, and to whom they should divert any staff query.

### **Procedure – Section 4.0**

At Section 4.6, the protocol stipulates that if a Councillor wishes to raise a formal complaint regarding the conduct or behaviour of an employee, the relevant Head of Service/Director/Chief Executive *'will ensure the matter is investigated according to the council disciplinary procedures, consulting with appropriate human resource section.'*

There may, however, be situations when it would not be appropriate to deal with a matter through a disciplinary procedure, e.g. if the matter relates to capability. It may be preferable, therefore, to include a more general statement that the matter will be investigated according to relevant council procedures, thereby permitting scope to



ensure the correct procedure is applied. Sections 4.7 and 4.9, regarding potential outcomes, would also have to be amended to reflect any amendment to Section 4.6.

At Section 4.8 the protocol stipulates that the Head of Service/Director/Chief Executive will *'write to the Councillor and Group Party Leader advising of the outcome.'* It is suggested that it would be appropriate for the Councillor to be informed that the matter has been referred for investigation and appropriate action will be taken, in order to ensure that councils are operating in line with their responsibility to maintain an appropriate level of confidentiality.

It is noted that councils' procedures may not be inclusive of volunteers, who are included in the definition of 'employee' at Section 1.4, and therefore the extent to which this definition is appropriate in this context is queried.

It is suggested that it may be helpful to articulate the formal process in a structure procedure document and/or diagram, which councils could then populate to reflect their internal management structures.

It is suggested that at both informal and formal stages of this procedure, employees should be permitted to be accompanied by a colleague or trade union representative at any meetings.

#### **Conduct of Councillors towards Employees – Section 5.0**

It is suggested that for consistency, the structure/layout of section 5.0 should reflect sections 3.0 and 4.0. It is suggested that, for consistency with the previous section, this section is entitled, 'Conduct of Councillors towards Local Government Employees.'

It is noted that the draft protocol states, at Section 5.6 that the matter would be investigated according to *'the council's investigatory process within its disciplinary procedures'*.

It does not appear that disciplinary procedures would be applicable in these circumstances as such procedures apply to council officers. In addition, councils may have different investigatory processes dependent upon the seriousness of a disciplinary allegation to be investigated (i.e. minor, serious or gross misconduct).

It may, therefore, be more feasible to use the investigation framework set out in the councils' respective grievance procedures to make this kind of complaint.

It is again noted that councils' procedures may not be inclusive of volunteers, who are included in the definition of 'employee' at Section 1.4, and therefore the extent to which this definition is appropriate in this context is queried.

It is suggested that it may be helpful to articulate the formal process in a structure procedure document and/or diagram, which councils could then populate to reflect their internal management structures.

It is suggested that at both informal and formal stages of this procedure, employees will be permitted to be accompanied by a colleague or trade union representative at any meetings. The reference to consultation with trade union representatives should, therefore be removed from Section 5.5, as it is considered that the approach to trade union representation will be same for both formal and informal stages of the process.

### **Asset Management**

#### **Potential Cemetery Site at Dundrod**

The Committee was advised that the Council, as part of its approach to cemetery and crematorium development, had been engaged in a process to identify a site for development as a new cemetery. Decisions around the process had been submitted to the Council's Parks and Leisure Committee for consideration.

The Director of Parks and Leisure reported that the Council had been undertaking a process to identify a potential cemetery site for a number of years and several sites had been considered and rejected for a variety of reasons, including ground conditions and location. Currently the only site that was under consideration was a site at Dundrod which had come to the Council through an expression of interest exercise which the Council had initiated.

The site had been put forward by an agent acting on behalf of a business man who held an option on the site. A company, Carson Undertakings Ltd., had now been established and had taken over the option. Officers from the Parks and Leisure Department, Legal Services and the Estates Management Unit had held a number of meetings with the party who held an option on the site along with their agent. The Council was aware of who the land owners were but at this point had no direct dealings with them.

The Director explained that Carson Undertakings Ltd. had commissioned a number of pieces of work around the development of the site and the Chairman of the Shadow Strategic Policy and Resources Committee had received a request from Strategic Planning, on their behalf, requesting the opportunity to make a presentation to the Committee on their proposals for the development of a cemetery on this site.

He pointed out that the Parks and Leisure Committee would be considering a report on the Dundrod site at its meeting in September and the Committee might wish to wait until that Committee had made any decision before receiving a deputation.

A Member pointed out that the issue in relation to the future provision of cemetery and crematorium would be a consideration of the new Council, hence the Shadow Council structures need to be considered in any decision making processes.

The Committee agreed to accede to the request at the appropriate time.

**Good Relations and Equality**

**BCC Planning for PEACE IV Interreg V**

The Committee considered the undernoted report:

**“1 Background**

**1.1 A public consultation on the draft Operational Programme for the PEACE IV and INTERREG V Programme opened on 3rd June with responses sought by 29th July 2014. Council submitted a response in the first stage consultation exercise conducted by SEUPB in November 2012. A response to the second consultation on the Draft Operational Programme has been prepared and submitted to SEUPB with the caveat that this is subject to ratification by the Shadow Policy & Resources Committee in August. A copy of the response as submitted has been circulated.**

**2 Key Issues**

**2.1 The PEACE IV Programme has been approved with a budget of €229 million ERDF plus 15% match funding. The key aims of the Programme are:**

- **Promoting social inclusion, combating poverty and any discrimination;**
- **Contribute to the promotion of social and economic stability in the regions concerned, in particular through actions to promote cohesion between communities.**

**2.2 The main focus will be on Children and Young people with a strong role for local authorities. Approximately 30% of funding has been ring-fenced for Local Authority led Action Plans (11 NI Councils and 6 Border Region Plans) building upon the experience of delivery under the PEACE III Programme. The programme has been designed to fit with Community Planning and LGR and the Together Building a United Community strategy.**

**2.3 The INTERREG V Programme has been approved with a budget of €240 million ERDF plus 15% match funding. The key aims of the Programme are:**

- **To increase cross-border cooperation to address common challenges and opportunities identified jointly in the border regions**

- To bring European citizens closer together to share ideas and assets that can help achieve common goals.

#### Timeframe

- 2.4 The Programmes will be presented to the Northern Ireland Executive, the Irish Government and Scottish Government for approval before being submitted by 22 September 2014 to the European Commission for negotiation and final approval.
- 2.5 It is estimated that the first call for applications is unlikely to happen before March / April 2015.

#### Themes – PEACE IV

- 2.6 Key themes and indicative funding allocation in the proposed Peace IV Programme are as follows:
- Shared Education – €45 million
  - Children & Young People – €50 million ( €20million through Local Action Plans)
  - Shared Spaces & Services – €90 million ( €20million through Local Action Plans)
  - Civil Society – €30 million through Local Action plans
- 2.7 The North Belfast Cultural Corridor has already been proposed to SEUPB as a key Council project for PEACE IV. This would fit as a capital project under the Shared Spaces theme. PEACE III Projects along similar lines to the PEACE IV themes identified above include the Migrant & Minority Ethnic Project (Good Relations Unit); Youth Engagement Project (Community Safety Unit); Interfaces Project (Good Relations Unit); Growing Respect (Parks & Leisure Department) and Creative Legacies project (Tourism, Culture & Arts Unit) plus various projects run by 3rd sector organisations under the PEACE III Plan.

#### Themes Interreg

- 2.8 Key Themes and indicative funding allocation in the INTERREG V Programme are as follows:
- Thematic Objective 1 – Research and Innovation - €60 million
  - Thematic Objective 6 – Environment - €72 million
  - Thematic Objective 7 – Sustainable Transport - €40 million
  - Thematic Objective 9 – Health - €53 million

**2.9 Results focus - all funded projects and all eligible groups or organisations that apply for funding under Peace IV and INTERREG V, will be required to identify how they will contribute towards the achievement of the results that the Programme sets out to achieve.**

**2.10 The tables in Appendix 1 outline the detail of the INTERREG V and Peace IV thematic objectives and the investment priorities that are included in the draft operational programmes.**

#### **2.11 Council's response**

**As previously outlined, the deadline for submission of a response to this consultation was 29th July 2014; consequently, officers submitted a response to SEUPB by the deadline with the caveat that it was subject to ratification by the Shadow Policy & Resources Committee in August. A copy of the response as submitted is attached as at Appendix 1 of this report:**

**The response sets out answers to specific questions relating to each of the themes in both draft operational programmes, as set out above. INTERREG V is addressed first in the response and then PEACE IV.**

**Some points highlighted are:**

#### **INTERREG V**

- We welcome Belfast City now being fully eligible within the INTERREG V Programme, however, the draft programme demonstrates little opportunity for local organisations to be able to apply for projects.**
- Projects should be developed with input from Local Authorities to ensure complementarity with local and regional initiatives.**
- The INTERREG V themes should clearly demonstrate how they are additional to the provision which already exists and more importantly how they contribute to cross border economic development. . We highlight lack of evidence that funds are currently being used to provide additionality over and above what government departments priorities are and where they should be investing, in particular around EU directives.**

- We would request that the entire Thematic Objective 9: Social Inclusion and Combating Poverty – support for economic regeneration of deprived urban and rural communities, resulting in improved economic, physical and cultural environment is included so that those most socially excluded can benefit through targeted local and regional actions.
- Match-funding - in a period of efficiency savings, if a contribution of 15% matched funding is required from Local Authorities this would put them under additional budgetary pressure. This will have to be factored in to the current Councils medium financial plans well in advance of striking the rate for the new Council in February 2015. This is very challenging due to calls not opening until at least spring of 2015.
- We welcome the proposal to reduce the administrative burden associated with the programme, however there is a lack of specific detail available at this time so it is not possible to determine whether these proposals are adequate or whether the burden will be shifted to lead partners (ie Councils).
- We suggest that the production of simple, clear Guidance at the outset of the programme, which remains unchanged for the duration of the programme and highlight that Letters of offer in Euros may cause difficulties due to exchange rate fluctuations.

#### PEACE IV

- The focus on children and young people is welcomed and SEUPB are asked to note that Council has developed a Children & Young People Framework within which any programmes will be developed;
- The potential to bid for long term pieces of work i.e. 6-7 years duration is to be welcomed and will allow for more focused and strategic interventions as well as allowing for the implementation of robust monitoring and evaluation processes capturing the real impact of changes and lasting outcomes of any intervention.
- SEUPB should commence engagement with Shadow Councils in consultation with the relevant accountable departments in advance of finalising the match funding requirements for the Programme.

- SEUPB guidance on developing Local Action Plans should be issued as soon as possible to Local Authorities.

**3 Resource Implications**

**3.1 Match funding of 15% will be required. This can come from a range of non EU sources including central or local government or other public or private sources. Match funding can be in cash or non cash contributions such as staff time.**

**3.2 There will be a requirement for significant additional officer time and resources in developing outline proposals for submission to SEUPB.**

**4. Equality & Good Relations Implications**

**4.1 Screening conducted by SEUPB in developing the Operational Programme concluded that there were major positive impacts across four of the nine S.75 grounds and neutral or minor impact upon other S.75 grounds. These were all considered as impacts that would help to promote equality of opportunity and good relations with the result that the Programme will not be subject to a further Equality Impact Assessment at present. The proposed Local Action Plan will also require equality screening.**

**4.2 Screening by SEUPB of the new INTERREG V Programme concluded that there were minor, positive impacts across four of the nine Section 75 grounds. It found that there were neutral impacts upon sexual orientation, marital status, men and women generally, political opinion and religious belief and hence the programme should not be subject to a further Equality Impact Assessment.**

**5. Recommendations**

**5.1 The Committee is requested to note the above report and ratify the draft consultation response submitted to the Special EU Programmes Body.”**

After discussion, during which a Member suggested that the Council should potentially be proposing more than one key Council Capital Project to the Special European Union Programmes Body for a project for PEACE IV and that the Council also needed to look at new initiatives under the key themes, the Committee approved the draft response and noted that a full copy would be available on the Council’s website.

### **Draft Equality Scheme and Disability Action Plan**

The Committee was advised that Section 75 of the Northern Ireland Act 1998 required public authorities, in carrying out their functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity and have regard to the desirability of promoting good relations across a range of categories outlined in the Act. Section 49a of the Disability Discrimination Act 1995, as amended by the Disability Discrimination (Northern Ireland) Order 2006, stated that public authorities, when carrying out their functions must have due regard to the need to promote positive attitudes towards disabled people and encourage participation by disabled people in public life.

Public authorities were also required to produce an Equality Scheme and Disability Plan which explained how they intended to fulfil those duties. In accordance with the Northern Ireland Act 1998, any designated authority, that is, Belfast District Council, would have six months from their establishment to prepare and submit an Equality Scheme to the Equality Commission.

The Equality Commission required that an Equality Scheme and Disability Action Plan for the Shadow Council should be submitted within six months of its establishment. In order to meet that deadline, a draft Equality Scheme Disability Action Plan had been prepared in accordance with the Commission's guidance. Those documents did not differ in substance from the existing Equality Scheme and Disability Action Plan for Belfast City Council.

The Commission had recommended in its guide that a commitment to develop action plans to support the active implementation of the Council's Section 75 and Section 49a duties be included in the Equality Scheme and Disability Action Plan. However, the Commission had acknowledged that action plans might be more usefully developed post-scheme. In accordance with that, the draft Equality Scheme and Disability Action Plan included a commitment to develop an Action Plan within six months of 1st April, 2015, that is, from the commencement of the new Council undertaking its full functions.

The Committee approved the draft Equality Scheme and the Draft Disability Action Plan for the Belfast District Council (Shadow) and noted that they would be issued for consultation prior to submission to the Equality Commission by 26th November, 2014.

### **Cross-Cutting Issues**

#### **Reports for Noting**

The Committee was reminded that, during the shadow period, Belfast was operating under two separate governance structures – the current Belfast City Council which would cease to operate on 1st April 2015 and the Belfast District Council (Shadow) which was responsible for preparing the new organisation and would take full responsibility for the Council on 1st April 2015. It was important that both structures



worked together and therefore the following reports which have been presented to the Strategic Policy and Resources Committee on Friday, 26th October, had been circulated for notation:

- Financial Reporting – Quarter 1
- Quarter 1 Capital Programme Update
- Social Investment Fund Update
- Interim Office Accommodation
- ERDF Capital Projects – Waterfront Hall Conference and Exhibition Centre and Forthriver Innovation Centre
- Minutes of the meetings of the Budget and Transformation Panel
- Council Chamber Seating Arrangements

The Chief Executive reported that all of the recommendations contained in the reports had been agreed by the Strategic Policy and Resources Committee. In respect of the Council Chamber Seating arrangements, the Committee had agreed to support Option C, which was to cancel proposed alterations to seating and agree to use the existing seating.

Noted.

Chairman