



Subject:	Appointment of Members to the Board of the Belfast Harbour Commissioners
Date:	19th April, 2024
Reporting Officer:	Nora Largey, Interim City Solicitor/Director of Civic and Legal Services
Contact Officer:	Jim Hanna, Democratic Services and Governance Manager

Restricted Reports

Is this report restricted? Yes No

Please indicate the description, as listed in Schedule 6, of the exempt information by virtue of which the council has deemed this report restricted.

Insert number

1. Information relating to any individual
2. Information likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the council holding that information)
4. Information in connection with any labour relations matter
5. Information in relation to which a claim to legal professional privilege could be maintained
6. Information showing that the council proposes to (a) to give a notice imposing restrictions on a person; or (b) to make an order or direction
7. Information on any action in relation to the prevention, investigation or prosecution of crime

If Yes, when will the report become unrestricted?

After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in

Is the decision eligible for Call-in? Yes No

1.0	Purpose of Report/Summary of Main Issues
1.1	To consider the process to be used to identify between 10 and 12 elected Members to be considered under a public appointment's process to fill 4 places on the Board of the Belfast Harbour Commissioners.

2.0	Recommendation
2.1	The Committee is recommended to employ a one-off proportionality exercise, using the Sainte Lague method, for the purpose of identifying the political nomination of between 10 and 12 members for consideration for appointment to the Board of the Belfast Harbour Commissioners.
3.0	Main Report
3.1	The Committee will recall that, at its meeting on 23 February, it had considered correspondence dated 30 January from the Public Appointments Unit regarding the submission of Council nominees to be considered by the Permanent Secretary for the Department for appointment to the Board of the Belfast Harbor Commissioners.
3.2	The letter had indicated that there were currently three Councillors in post with one vacancy. One Councillor had served two terms of appointment and cannot be reappointed after 31 March 2024. The remaining two Councillors were due to complete their first term on 31 March 2024 and the DfI Permanent Secretary had decided that he was minded reappointing them for a further term to ensure continuity on the Board. If both eligible Councillors accepted the reappointments, then the DfI would be recruiting for two vacancies with the terms due to commence from 1 April 2024.
3.3	Accordingly, the Council has been asked to nominate at least six Councillors for appointment for the remaining two places.
3.4	In discussing the matter, the Committee was of the view that this was a step change from previous years when Councillors currently serving on the Board had to submit an application and be subject to an open and transparent recruitment process.
3.5	Accordingly, the Committee agreed to defer consideration of the matter on the appointment of Members to the Board of the Belfast Harbour Commissioners and requested that a letter be forwarded to the Minister stating that it was the Council's view that all 4 positions on the Board should be subject to an open recruitment/selection process as in previous years.
3.6	Further correspondence has now been received from the Public Appointments Unit which states the following: <i>"When I first wrote to the Council on 30 January 2024, it was on the basis that, in the absence of Ministers, the Department had taken decisions under powers provided by the Northern Ireland (Executive Formation etc) Act 2022 to temporarily set aside the previous Ministerial decision that required all public appointments made by DfI to be via open competition (as opposed to renewing appointments for second terms without a competition).</i>

This was in the context of the Department facing an unprecedented resource budget position with difficult decisions required on how best to prioritise available funding.

3.7 *However, since then, we have seen the return of Ministers and John O’Dowd MLA, Minister for Infrastructure, has recently reviewed this decision and decided that all public appointments made by the Department should revert to open competition to attract a wider pool of candidates and improve diversity. In light of this, and in recognition of the Council’s concerns, the Minister has confirmed that he is content that all four Councillor positions be appointed via open competition. The two Councillors that were scheduled to be reappointed have been informed of this decision. I would therefore be grateful if you could provide me with 10-12 nominees to be considered for the four Councillor positions. This will help ensure a choice of nominees, as required by the Commissioner for Public Appointments for Northern Ireland. Please note that the process remains as set out in my letter of 30 January 2024, with the only exception being that the Minister will decide who to appoint, not the Permanent Secretary. Can you please provide the Council nominees by 12 noon on Friday 3 May 2024”*

3.8 In November 2019 in considering the appointment of Members to the Board, the Council agreed to a one-off selection process using the Sainte Lague system.

3.9 In keeping with that principle, the Sainte Lague system would provide the following result:

1	SF
2	DUP
3	ALL
4	SF
5	SDLP
6	DUP
7	SF
8	ALL
9	SF
10	Green
11	DUP
12	SF

Financial and Resource Implications

3.10 There are not any financial implications for the Council associated with this report.

	<u>Equality or Good Relations Implications/Rural Needs Assessment</u>
3.11	The suggested approach to be employed to select Members for consideration for appointment to the Board of the Belfast Harbour Commissioners is in keeping with the principles of proportionality established in the Local Government Act (Northern Ireland) 2014. Therefore, there are not any equality or good relations considerations associated with this report.
4.0	Appendices - Documents Attached
	None