



Shadow Strategic Policy and Resources Committee

Report to:	Shadow Strategic Policy and Resources Committee
Subject:	Development of a new Constitution for BCC
Date:	Friday 20th March 2015
Reporting Officer:	John Walsh, Town Solicitor
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1.0	Background
1.1	<p>Section 2(1) of the Local Government Act (NI) 2014 places a duty on Councils to prepare and keep up to date a Constitution. The Act places a statutory duty on councils to include within the constitution:</p> <ul style="list-style-type: none">(a) a copy of the Council's Standing Orders(b) a copy of the NI Local Government Code of Conduct for Councillors(c) such information as the Department may direct(d) such other information (if any) as the Council considers appropriate <p>With regards to paragraph (c) above, the Department (DoE) has now also issued a Direction with a list of additional content that Councils will be required to include within their Constitutions. A final copy of the Constitution must be available on the Council's website by 30th April 2015.</p> <p>In order to help inform the overall content of the Constitution Members are today asked to consider each of the key documents that will underpin it namely:</p> <ul style="list-style-type: none">- Standing Orders (Appendix A);- Committee Roles and Responsibilities and (Appendix B);- Scheme of Delegation to Officers (Appendix C);- Financial Regulations (Appendix D).

2.0	Content of the Constitution – Key Documents
2.1	<p>Standing Orders</p> <p>A draft set of standing orders was presented to the Shadow Strategic Policy and Resources Committee at its meeting on 20th February where it was agreed to defer the report until the 20th March meeting to allow them to be considered by party groups. Feedback has now been received and incorporated into the amended version attached at Appendix A.</p>
2.2	<p>The draft Standing Orders have been split into Sections. Section 1 deals with the transaction of business at a full Council meeting, Section 2 provides for the transaction of business at Standing Committees and Section 3 includes some miscellaneous Standing Orders. We have also appended the current operating protocols for the Licensing and Planning Committees, although these may also be amended by the controlling Committees over the next couple of months.</p>
2.3	<p>Members will be aware that the Assembly did not pass the Standing Order Regulations earlier this month. The main point of dispute was the Standing Order regarding the call in process. Accordingly, the copy attached is based on the Model Standing Orders which were approved by the Shadow Council in June 2014. When the Assembly revisits the Standing Order Regulations any amendments to this draft will be made and brought back to committee for final approval.</p>
2.4	<p>Terms of Reference and Roles of Committees</p> <p>The Council has already agreed its political management arrangements including the number, size, name and terms of reference for each committee.</p>
2.5	<p>The Planning and Licensing Committees will be exercising regulatory functions and will be quasi-judicial in nature and will therefore have delegated authority from the Council to exercise a number of their functions. This will mean that the decisions of both Committees will not be subject to Council approval or call-in.</p>
2.6	<p>The three remaining Standing Committees: Strategic Policy and Resources; City Growth and Regeneration and; People and Communities will be responsible for the development and implementation of key outcomes for the city and its neighbourhoods as well as exercising the council's functions in relation to the delivery of key services. This will include setting budgets, developing strategy and policy and reviewing regular finance and performance reports.</p>
2.7	<p>This document (attached at Appendix B) reflects these roles and sets out the main functions, activities and decisions for which the new Committees will be responsible.</p>

2.8	<p>Scheme of Delegation to Officers</p> <p>In order to run an efficient organisation it is important that routine and operational decisions are delegated to Chief Officers. The recent LGA Peer Review re-enforced the need for this, in light of both members' ambition for the city and the council's increased responsibilities due to the transfer of functions under local government reform. The Scheme (attached at Appendix C) outlines the decisions and authorisations which Members agree Chief Officers can make or grant without any further reference to Council or Committees, with an understanding that this authorisation will be conditional upon Committees receiving regular assurance on the application of the Scheme. The document should be considered alongside the Roles of Members and the Terms of Reference for Committees. Members should be aware that they shall retain authority to request a report on any delegated issue at any stage where they have interest in, or concerns about a particular decision or matter. In addition any decision which would otherwise be delegated under the scheme should be reported to the relevant committee if it is politically contentious, significant or if it is otherwise in the public interest to do so.</p>
2.9	<p>Members should note that delegated matters are governed by robust policies covering financial regulations, procurement, human resources, IT etc. The Council's assurance framework covers these areas and policy owners are responsible for ensuring that there is a framework in place for compliance monitoring, with any instances of non compliance being reported to the both the Director of Finance and Resources and to Members. Key policy areas are subject to periodic internal audit and external audit review. In addition the governance framework is reviewed and reported annually in the Annual Governance Statement which forms part of the published financial statements.</p>
2.10	<p>In line with the new scheme Chief Officers will be required to provide assurance on its implementation within their departments . A more detailed assurance process will be developed requiring Chief Officers to sign quarterly assurance statements with a review against compliance recommended after year 1</p>
2.11	<p>Once the new committees are established officers will work with the members to establish committee plans which will include the specific areas of delegation to chief officers relating to each committee.</p>
2.12	<p>Financial Regulations</p> <p>In order to operate effectively it is considered essential that the Constitution should also contain, as a minimum, an agreed set of Financial Regulations (Appendix D). The Financial Regulations set out the overarching financial responsibilities of the council and its staff and provide the framework within which the Council's financial affairs are to be managed. They reflect best practice and provide a practical source of advice to assist all officers in the discharge of their duties. They provide clarity about the accountability of key individuals and groups including the Chief Executive, the Director of Finance & Resources, Chief</p>

	Officers and Committees. Our Financial Regulations must comply with the Local Government Finance Act (Northern Ireland) 2011.
3.0	Next Steps
3.1	Officers will continue to collate the necessary information to inform the remaining components of the council's Constitution and this will be presented to committee before its publication on the website. Processes and procedures will also be developed to ensure all elements of the Constitution are continually reviewed and updated to take account of any changes in legislation or policies of the Council.
4.0	Resource Implications
4.1	Additional resource requirements are associated with the new legislative requirement to monitor and keep under continued review the component parts of the Council's constitution. There is a significant range of documentation required within the Constitution and many of them, particularly in the first year, are likely to evolve continuing and impact upon one another.
5.0	Equality and Good Relations Implications
5.1	There are no equality or good relations implications associated with the response to this consultation.
6.0	Call in
6.1	This report is subject to call in.
7.0	Recommendations
7.1	It is recommended that Members approve the component parts of the Constitution as follows: <ul style="list-style-type: none"> - the Standing Orders as attached at Appendix A; the Financial Regulations, Appendix B; the Committee Roles and Responsibilities, Appendix C and; the Scheme of Delegation to Officers, Appendix D.
8.0	Documents attached
8.1	Appendix A - BCC Standing Orders Appendix B – Standing Committees Roles and Terms of Reference Appendix C – Scheme of Delegation to Chief Officers Appendix D – BCC Financial Regulations