

## **MEETING OF GOVERNANCE WORKING GROUP**

Wednesday, 18th April, 2012

Members present: Councillor Mallon (Chairman) and  
Councillors Hargey and Reynolds.

In attendance: Mr. C. Quigley, Town Solicitor and  
Assistant Chief Executive;  
Mr. S. McCrory, Democratic Services Manager;  
Mr. J. Hanna, Senior Democratic Services Officer;  
Mr. R. Connelly, Strategic Planning and Policy Officer;  
Mr. K. Heaney, Strategic Planning and Policy Officer; and  
Mr. B. Flynn, Democratic Services Officer.

### **Apology**

An apology was reported from Alderman Smyth.

### **Minutes**

The minutes of the meeting of 21st March were taken as read and signed as correct.

### **Declarations of Interest**

There were no declarations of interest.

### **Update on Council Constitution**

The Working Group considered the undernoted report together with the contents of a draft Council Constitution, the principal aspects of which were outlined by the Town Solicitor and Assistant Chief Executive:

#### **“1.0 Purpose**

**1.1 The purpose of this report is to update the Governance Working Group on the current status of the Council’s Constitution.**

#### **2.0 Relevant Background Information**

**2.1 The Council’s overarching Constitution is a key governance document which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these decisions are efficient, transparent and accountable.**

Councils in England and Wales are statutorily obliged to have a Constitution. Whilst there is no statutory obligation here, the DOE issued a consultation document on Local Government Reform Proposals in November 2010 which, in the interests of transparency, recommended that each local authority in NI produce and publish a Constitution.

- 2.2 At its meeting on 21st March 2012, a proposed work plan was submitted to the Governance Working Group which indicated completion dates for the various issues requiring consideration. The Working Group regarded the Constitution as an important governance document and specifically requested that the Constitution be progressed as a matter of urgency. Officers agreed to provide an initial report to the Working Group on 18th April 2012 along with a draft copy of Sections 1 – 3 (Part 1) (attached). It was further proposed that a final report to the Working Group will be presented on 20th June 2012.

### 3.0 Key Issues

#### 3.1 Status to Date

Work has progressed over the past number of months to update the Council Constitution.

The draft constitution is comprised of the following 5 sections –

Section 1 -	Who we are
Section 2 -	What we do
Section 3 -	How we do it <i>Part 1 - Structures and Decision Making</i> <i>Part 2 - Frameworks (Our Governance, Our People, Our Finances)</i>
Section 4 -	Our values
Section 5 -	Supporting documents and policies

- 3.2 The Council's Constitution will be a 'living' document and once updated will be kept under regular review. It is intended that the Constitution will be primarily a web-based document, which will be available on the Council's website, to enable easy access for the public, Members and officers and to facilitate any updates which will be made as and when changes to the Council functions, structures or procedures occur. A hard copy of the Constitution will also be made available.

An initial draft of Sections 1, 2 and 3 (Part 1) has now been completed and is attached at Appendix 1 for review by the Governance Working Group.

- 3.3 Members are asked to note that the draft Constitution has been prepared in the absence of any clear direction from the Department of the Environment in relation to the need for the councils to develop a constitution.**

**The requirement to prepare a Constitution may be included within the forthcoming Local Government Reform Bill (Reorganisation Bill) which is due to be presented to the Assembly this Autumn. In the interim, Council officers will meet with the Department of the Environment to discuss governance and transitional arrangements to ensure the Council's approach is aligned to the Department's.**

**3.4 Timetable for Moving Forward**

**It is proposed that a first draft of the complete Constitution will be presented to the Working Group at its meeting on 20th June 2012.**

**4.0 Recommendations**

- 4.1 The Governance Working Group is asked to note the content of the report and sections 1 to 3 (Part 1) of the initial draft constitution document and to provide feedback as appropriate to Russell Connelly (ext 6197)."**

The Town Solicitor and Assistant Chief Executive informed the Members that he would be meeting with the Department of the Environment's Process Manager for the Review of Public Administration to clarify a range of issues pertinent to the emerging legislation in respect of the Review of Public Administration, particularly the requirement of the Council to draft its own constitution. He stressed that the document, as presented, was a 'work in progress' and that, given, for example, the impact of the Council's Investment Programme, the Constitution would need to be amended to reflect the Council's evolving strategic and civic priorities, future role and remit.

During discussion, Members made the following comments in respect of the draft Council Constitution:

- That the draft Council Constitution should acknowledge and reflect the overarching role which political party affiliation plays in determining the Council's decision-making process; and
- That the role of the Party Group Leaders should be clearly defined in respect of determining Council policy and particularly with regard to the overall decision-making process.

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The Town Solicitor and Assistant Chief Executive clarified a range of queries in relation to the proposed provision within the Constitution of the Council's obligations in respect of equality, legal and financial matters. He indicated that he would be facilitating a workshop to discuss in detail the contents of the draft Constitution, following which an updated version would be presented to the Working Group for reconsideration at its meeting on 20th June.

After further discussion, the Group noted the information provided.

Chairman