



## Belfast City Council

<b>Report to:</b>	Strategic Policy & Resources Committee
<b>Subject:</b>	<b>Council Constitution</b>
<b>Date:</b>	19 October 2012
<b>Reporting Officer:</b>	Ciaran Quigley, Town Solicitor and Assistant Chief Executive
<b>Contact Officer:</b>	Stephen McCrory, Democratic Services Manager

<b>1.0</b>	<b><u>Relevant Background Information</u></b>
1.1	As Members are aware, over the last few years the Council has been putting in place the frameworks and structures needed to make it a ' <i>fit for purpose</i> ' local authority which can deliver the effective, value for money services that our citizens deserve. An important element of this has been the review of those key governance documents which underpin how the Council operates and makes its decisions.
1.2	As agreed previously by Members, work has been ongoing over recent months to develop a draft Council Constitution which would bring together into one document the key governance instruments which explain and govern how the Council operates; how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable.
1.3	The Strategic Policy and Resources Committee have received a number of updates on the development of the Council Constitution over the past 18 months, most recently on 4 November 2011.
1.4	<b>Governance Working Group</b> At its meeting on the 18 November 2012, the Strategic Policy and Resources Committee approved the Terms of Reference for an all party Governance Working Group to take forward discussions on the Constitution. The Working Group has developed the draft Constitution over the past few months and has recommended that the Constitution be submitted to the Strategic Policy and Resources Committee for formal approval.
1.5	The purpose of this report is therefore to seek formal approval from the Strategic Policy and Resources Committee on the attached Council Constitution (Appendix 1)

<b>2.0</b>	<b><u>Key Issues</u></b>
2.1	<p><b>Council Constitution</b></p> <p>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.</p> <p>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 Northern Ireland produce and publish a Constitution which sets out details of how it operates in terms of:</p> <ul style="list-style-type: none"> <li>- decision making arrangements;</li> <li>- standing orders;</li> <li>- scheme of delegation in operation for decision making by officers;</li> <li>- links to the Corporate and Business Plan</li> </ul> <p>The requirement to prepare a Constitution will therefore be included within the forthcoming</p>

	Local Government Reform Bill (the Reorganisation Bill) which is due to be presented to the Assembly in the near future. In the interim, Council officers will liaise with the Department of the Environment to discuss governance and transitional arrangements to ensure the Council's approach is aligned to the Department's.														
2.2	<p>The draft Constitution is comprised of the following 5 sections –</p> <ul style="list-style-type: none"> <li>▪ Section 1 - <b>Who we are</b></li> <li>▪ Section 2 - <b>What we do</b></li> <li>▪ Section 3 - <b>How we do it</b></li> </ul> <p style="margin-left: 40px;"><i>Part 1 - Structures and Decision Making</i></p> <p style="margin-left: 40px;"><i>Part 2 - Frameworks (Our Governance, Our People, Our Finances)</i></p> <ul style="list-style-type: none"> <li>▪ Section 4 - <b>Our values</b></li> <li>▪ Section 5 - <b>Supporting documents and policies</b></li> </ul>														
2.3	<p>There is a number of supporting governance documents which form an integral part of the Council's Constitution, and which are currently under review to ensure that they remain fit for purpose. These include:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"><b>1. Corporate Plan</b></td> <td>The Council's key strategic planning document setting out the vision and strategic objectives of the Council.</td> </tr> <tr> <td><b>2. Standing Orders</b></td> <td>The rules which regulate the transaction of the business of the Council and its Committees and should be read in conjunction with the Council's Financial Regulations and Scheme of Delegation.</td> </tr> <tr> <td><b>3. Financial Regulations</b></td> <td>Provides the framework and processes for managing the council's financial affairs. Currently being updated to take account of the requirements emerging from recent legislative changes including the '<i>Local Government (Capital Finance and Accounting) Regulations (NI) 2011</i>' - need for capital financing and treasury management strategies and a medium term financial plan.</td> </tr> <tr> <td><b>4. Scheme of Delegation</b></td> <td>Sets out the types of decisions, with a key focus on operational / routine matters, which designated officers can take on behalf of the Council.</td> </tr> <tr> <td><b>5. Conflicts of Interest Policy</b></td> <td>Establishes a register of Members interests and provides clarity in respects to declarations of interests and provides advice on the declaration of private pecuniary and non-pecuniary interests at Council and Committee meetings.</td> </tr> <tr> <td><b>6. Equality Scheme</b></td> <td>Equality Scheme and associated Action Plan.</td> </tr> <tr> <td><b>7. Code of Governance</b></td> <td>Under the '<i>Local Government (Accounts and Audit) (Amendment) Regulations (NI) 2006</i>' the Council is required to conduct a review each year of the effectiveness of its systems of internal control and prepare an annual governance statement.</td> </tr> </table>	<b>1. Corporate Plan</b>	The Council's key strategic planning document setting out the vision and strategic objectives of the Council.	<b>2. Standing Orders</b>	The rules which regulate the transaction of the business of the Council and its Committees and should be read in conjunction with the Council's Financial Regulations and Scheme of Delegation.	<b>3. Financial Regulations</b>	Provides the framework and processes for managing the council's financial affairs. Currently being updated to take account of the requirements emerging from recent legislative changes including the ' <i>Local Government (Capital Finance and Accounting) Regulations (NI) 2011</i> ' - need for capital financing and treasury management strategies and a medium term financial plan.	<b>4. Scheme of Delegation</b>	Sets out the types of decisions, with a key focus on operational / routine matters, which designated officers can take on behalf of the Council.	<b>5. Conflicts of Interest Policy</b>	Establishes a register of Members interests and provides clarity in respects to declarations of interests and provides advice on the declaration of private pecuniary and non-pecuniary interests at Council and Committee meetings.	<b>6. Equality Scheme</b>	Equality Scheme and associated Action Plan.	<b>7. Code of Governance</b>	Under the ' <i>Local Government (Accounts and Audit) (Amendment) Regulations (NI) 2006</i> ' the Council is required to conduct a review each year of the effectiveness of its systems of internal control and prepare an annual governance statement.
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2.4	<p><b>Scheme of Delegation</b></p> <p>As the Council's scheme of delegation will be an important part of the Constitution, it is proposed that an updated version of the scheme is brought to Strategic Policy and Resources Committee for approval before the New Year.</p>														
2.5	<p><b>Impact of Local Government Reform</b></p> <p>At the last meeting of the Belfast Voluntary Transition Committee on the 5 October, Members received a briefing on local government reform. Members indicated that due to the fluidity behind</p>														

	the RPA process, it was vital that there was a sufficiently flexible mechanism in place to allow changes to be made to the Constitution on a regular basis and often at short notice.
<b>3.0</b>	<b><u>Next Steps</u></b>
3.1	<p>It is intended that the Council's Constitution will be a 'living' document and once approved, it is recommended that a review of it, and its supporting documents and policies, takes place on a regular basis to ensure they remain up to date. The Constitution will be available in a central location on the Council's website – this will allow for easy access to the documents. Hard copies of the updated Constitution will also be made available to all Members.</p> <p>Because the Constitution will need to be updated, it is proposed that this be done by regular reports, from the Chief Executive or the Town Solicitor and Assistant Chief Executive, to Strategic Policy and Resources Committee as the occasion requires in order to agree amendments to the Constitution.</p>
<b>4.0</b>	<b><u>Resource Implications</u></b>
4.1	The updating of the relevant supporting governance documents will require resourcing from Departments. Lead officers from the relevant departments have been identified to update these. A central resource from within the Chief Executive's Department will co-ordinate this work and the overall collation and presentation of the Constitution.
<b>5.0</b>	<b><u>Recommendations</u></b>
5.1	Members are asked to note the content of this report and to formally approve the Council Constitution attached at Appendix 1
<b>6.0</b>	<b><u>Documents attached</u></b>
6.1	Appendix 1 – Council Constitution