



## Belfast District Council (Shadow)

<b>Report to</b>	<b>Shadow Strategic Policy and Resources Committee</b>
<b>Subject:</b>	<b>Council response to the consultation on draft Guidance on Filling Positions of Responsibility and Appointing Councillors to Committees</b>
<b>Date:</b>	29 August 2014
<b>Reporting Officer:</b>	Suzanne Wylie, Chief Executive
<b>Contact Officer:</b>	Ronan Cregan, Director of Finance and Resources (ext. 6184) Stephen McCrory, Democratic Services Manager (ext 6314)

<b>1.0</b>	<b>Relevant Background Information</b>
1.1	The purpose of this report is to present Members with a draft Shadow Council response to the Department of the Environment's Consultation on their draft Guidance Papers on Filling Positions of Responsibility and Appointing Councillors to Committees.
1.2	The DoE have prepared two pieces of guidance to support the operation of the new procedures for filling positions of responsibility and for appointing councillors to committees.  The Local Government Act (Northern Ireland) 2014 makes the provisions in relation to the sharing of positions of responsibility across the political parties represented on a council and for ensuring that the membership of committees reflects the political balance on the council.
1.3	The draft guidance prepared by the Department has been provided to assist council officers and councillors to comply with the requirements of the Act by outlining a practical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).
1.4	Members should note that this consultation does not seek comments on the procedures for filling positions of responsibility or for appointing councillors to committees as these provisions are already in statute by way of the Local Government Act 2014. The purpose of the consultation is therefore to seek the views of Council as to the helpfulness of the guidance and to incorporate any suggestions for improvement.
1.5	Members should note that given the tight timescale for response set by the DOE, an interim officer response has been submitted as set out at <b>Appendix 2</b> with a clear proviso attached that this response remained subject to formal ratification by the Council's Shadow Strategic Policy and Resources Committee on 29 August 2014 and by the Shadow Council on 9 September 2014.

<b>2.0</b>	<b>Key Issues</b>
2.1	<b>Guidance on Filling Positions of Responsibility</b>
2.1.1	Schedule 1 to the Local Government Act (Northern Ireland) 2014 provides that a council may use either the d'Hondt or 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 specifies the procedure for the application of the formula methods to ensure a consistent approach across all the councils.
2.1.2	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. These comments were not however taken on board by the Minister and are now embedded within the legislation. There is therefore no scope to query these aspects of the provisions during this consultation.
2.1.3	Members should note that the Council did have access to the draft guidance on filling positions of responsibility in advance of the first Shadow Council meeting on the 11 June and that the guidance was applied at this meeting to fill the designated positions of responsibility for the shadow period (Presiding Councillor, Deputy Presiding Councillor and the Chair and Deputy Chair 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 this part of the guidance.
<b>2.2</b>	<b>Guidance on Appointing Councillors to Committees</b>
2.2.1	Schedule 2 to the Local Government Act (Northern Ireland) 2014 provides that a council may use either the Quota Greatest Remainder method or the Droop Quota method for the appointment of councillors to committees and specifies the procedure for the application of the relevant formula. Schedule 3 of the Local Government (Transitional, Supplementary, Incidental Provisions and Modifications) Regulations (Northern Ireland) 2014 provide for the appointment of councillors to committees where a council appoints more than one committee at a time.
2.2.2	Members should note that the Council had access to the draft guidance on appointing councillors to committees in advance of the first Shadow Council meeting on the 11 June, and that the guidance was 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 this part of the guidance.

<b>3.0</b>	<b>Resource Implications</b>
3.1	None

<b>4.0</b>	<b>Equality and Good Relations Implications</b>
4.1	None

<b>5.0</b>	<b>Call-in</b>
5.1	This decision is subject to call-in.

<b>6.0</b>	<b>Recommendations</b>
6.1	<p>It is recommended that Members:</p> <ul style="list-style-type: none"> <li>(i) note the contents of the report including the draft consultation document at Appendix 1; and</li> <li>(ii) consider whether the Shadow Council agrees with a NIL response along the lines of the officer letter attached at Appendix 2.</li> </ul>

<b>7.0</b>	<b>Documents attached</b>
	<p>Appendix 1 – Consultation on the Draft Guidance on Filling Positions of Responsibility and Appointing Councillors to Committees</p> <p>Appendix 2 – draft Belfast Shadow Council consultation response on guidance</p>