

## **ITEM 12**

### **Governance Arrangements – Updated Standing Orders**

#### **Purpose of Report**

To present the Joint Committee with updated Standing Orders for consideration prior to the document being presented to Participant Councils to be agreed and adopted in accordance with the Terms of Agreement.

#### **Executive Summary**

The Joint Committee, at its meeting held on 30 April 2015, was presented with Draft Standing Orders under which the proceedings of the Joint Committee would be regulated.

The Joint Committee recommended one change to the Draft Standing Orders that is in respect of Clause 9 (Quorum) where it wished to reduce the number of Participant Councils to be represented from 4 down to 3.

The Terms of Agreement refer to 4 Participant Councils being represented at a quorate meeting of the Joint Committee and Members are asked, in the light of experience to date, to consider reverting back to this number, thus keeping it in line with the Terms of Agreement.

In addition, following legal clarity around the voting arrangements as set out in the Local Government (Northern Ireland) Act 2014, the Joint Committee is asked to consider updating the Standing Orders, as they need to be brought more formally into line with the Act in this regard.

Following consideration of the updated Standing Orders, in accordance with Clause 6.4 of the Terms of Agreement, the Standing Orders require to be presented to Participant Councils to be agreed and adopted.

The Joint Committee is asked to approve the recommendations in order that the Standing Orders can be presented to Participant Councils to be agreed and adopted.

#### **Background**

In line with the constitution, the Terms of Agreement, the proceedings of the Joint Committee shall be regulated by Standing Orders to be agreed and adopted by the Participant Councils.

The Standing Orders primarily set out the formal arrangements within which the meetings of the Joint Committee are conducted.

Draft Standing Orders were presented to the Joint Committee at the meeting held on 30 April 2015 and, at that meeting, Members suggested one change to the document.

Clause 6.3 of the **Terms of Agreement** state that *“the quorum of the Joint Committee shall be six Members present, provided that at least four of the Participant Councils are represented”*.

## Appendix 1

The relevant Clause in the Draft Standing Orders in relation to the quorum is Clause 9 and the Joint Committee suggested that the quorum be amended so that at least **three** of the Participant Councils, instead of four, are represented together with at least six Members present in order for meetings to be quorate.

The Standing Orders are being prepared for presentation to Participant Councils and the Joint Committee is asked to take the opportunity to consider updating the document, prior to it being presented to Participant Councils, in relation to two areas:

- 1 The Quorum – specifically bringing it back into line with the Terms of Agreement; and
- 2 The Voting Arrangements – following the receipt of legal advice.

### **Report**

#### **The Quorum**

Following reconstitution in April 2015, the Joint Committee has met on 10 occasions and, in terms of representation by Participant Councils, on six of those occasions 6 Councils were represented. On the other four occasions, 5 Councils were represented.

The Standing Orders should reflect the position agreed by Participant Councils as set out in the Terms of Agreement and therefore the Joint Committee is asked to consider the current position in regards to the number of Councils required to be represented.

In light of the attendance record to date there does not appear to be a problem regarding the Council representation element of the quorum and therefore the Joint Committee is asked to consider bringing the Standing Orders back into line with the Terms of Agreement i.e. four Councils represented.

The Standing Orders regulate the conduct of the Joint Committee meetings and is therefore an internal document whilst the Terms of Agreement require to be submitted to the Department. Therefore, the suggested approach is much more straight forward from an administrative point of view as it does not involve the further steps of both individual Councils and the Department having to reconsider the Terms of Agreement.

#### **Voting Arrangements**

Following a review by the legal advisor to the Joint Committee, the Town Solicitor from Belfast City Council, clarity has been received regarding the voting arrangements as set out in the Local Government (Northern Ireland) Act 2014.

Clause 9 of the Standing Orders has been updated to bring it more formally into line with the Act, and to more clearly demonstrate how the voting arrangements, specifically Simple Majority and Qualified Majority, apply.

A copy of the updated Standing Orders is attached.

## Appendix 1

### **Recommendations**

It is recommended that the Standing Orders of the Joint Committee reflect the requirements of the Terms of Agreement in relation to the quorum and shall be six Members present provided that at least four of the Participant Councils are represented.

It is recommended that the Joint Committee accept the amendments to Clause 9 of the Standing Orders to more clearly reflect the application of the voting arrangements as set out in legislation.

### **Action to be Taken**

The Joint Committee is asked to approve the recommendations in order that the Standing Orders can be presented to Participant Councils to be agreed and adopted.

### **Officer to Contact**

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# Standing Orders

**These Standing Orders are made for the regulation of the business of arc21.**

**1. Meetings**

The Joint Committee shall meet as often as it is deemed necessary. The time and place of the first meeting shall be as decided by arc21 and thereafter at such places as shall be decided by the Joint Committee.

**2. Time and Hosting of Meetings**

Meetings of the Joint Committee shall be held monthly and shall commence at 10.30 a.m. usually on the last Thursday of the month, unless otherwise decided by the Joint Committee. Meetings shall be hosted by each Council in alphabetical order. Special meetings may be held in order to deal with specific matters should they arise and arrangements for such meetings will be decided as and when the circumstances arise.

**3. Chair**

Each meeting shall be chaired by the Chair or, in the absence of the Chair, by the Deputy Chair.

In the absence of the Chair and Deputy Chair at a Joint Committee meeting, the Members present must elect a Chair to conduct the business of the meeting.

In the event of the resignation of the Chair or Deputy Chair the Joint Committee must conduct an election for their replacement.

**4. Election of Chair and Deputy Chair**

The Chair and Deputy Chair will normally be elected on an annual basis at the Annual General Meeting, which will be held in April. The current Chair shall take the Chair for the purposes of announcing that the first item on the agenda will be the election of the Chair and Deputy Chair to serve for the next twelve months.

The Chair may address the meeting before stepping down to allow the election to take place.

The procedures for the election of the Chair and Deputy Chair are shown in Appendix 1.

## **5. Proceedings of the Joint Committee**

The Joint Committee is established to receive and consider reports in accordance with the provisions of the Terms of Agreement.

## **6. Attendances**

The Chief Executive shall record the names of all Members present at meetings of the Joint Committee.

## **7. Order of Business**

At each meeting of the Joint Committee, the order of business shall be as follows:

- a) Confirmation of the main minutes of the last meeting and matters arising therefrom
- b) Consideration of reports presented
- c) Confirmation of the in-committee minutes of the last meeting and matters arising therefrom
- d) Any special resolutions submitted by Elected Members
- e) Any other Business

## **8. Declarations of Interest**

The Chair will remind Members of their obligation to declare any interest they may have in respect of matters under consideration at the meeting. Such declarations will be recorded by the Chief Executive.

## **9. Quorum**

The quorum for meetings shall be **six** elected Members nominated to the Joint Committee provided that at least **four** Participant Councils are represented.

## **10. Decision Making - Delegated Authority, Membership and Voting Rights and Voting Procedure**

### **Delegated Authority**

The Principle of Consensus in the Terms of Agreement state that all policy decisions and decisions with significant financial implications for the Joint Committee shall be taken on the basis of the consensus of all the Participant Councils.

For the avoidance of doubt, significant financial implications shall relate to the amount shown in Clause 4.2 of the Terms of Agreement, £250,000.

## Appendix 1

Again for the avoidance of doubt, in terms of the awarding of a contract by Participant Councils, as recommended by the Joint Committee, only the consensus of those Participant Councils actually participating in such contracts is required.

### **Membership and Voting Rights**

The Joint Committee shall comprise of three elected Members nominated from each of the Participant Councils with each Member being eligible to one vote.

### **Voting Procedure**

Voting in the Joint Committee is governed by Section 39 (simple majority) and Section 40 (qualified majority) of the Local Government (Northern Ireland) Act 2014.

Section 39 states that every decision must be taken by a simple majority.

Section 40 states that Standing Orders must specify decisions which are to be taken by a qualified majority – 80% of the Members present and voting on the issue.

In relation to Section 40, Standing Orders are required to specify decisions which are to be taken by a qualified majority and, in this regard, the Joint Committee has decided that :

*Any decision in relation to the suspension or amendment of Standing Orders shall be taken by a qualified majority where not less than 80% of the Members present and voting shall be required for the decision to be carried.*

Members may vote in favour or against decisions presented at the Joint Committee meeting. Members may also abstain from voting and, in that event, the Chair of the Joint Committee will decide on the basis of the Members who voted whether or not a specific issue is approved.

In the case of an equality of votes, the Chair shall have a second and casting vote.

For the avoidance of doubt, the Principle of Consensus does not apply to decisions of the Joint Committee as this would be contrary to Sections 39 and 40 of the Local Government (Northern Ireland) Act 2014.

## **11. Order of Address**

The Chair shall determine the order of speaking by the Members.

## **12. Admission Rights**

All meetings of the Joint Committee shall be closed to the public, unless otherwise decided for any particular occasion by the Joint Committee. Should members of the public be allowed to attend a meeting, they shall be excluded during an item of business which is deemed to be of a commercially sensitive nature or confidential.

## **13. Conduct of Meetings**

While it is intended that free and open discussion will be permitted, nevertheless the ruling of the Chair at each meeting of the Joint Committee in relation to all questions of order, and all matters arising in debate, shall be final and shall be not be open to discussion.

In the event of any dispute in relation to the conduct of debate, the Chair shall have the right to refer to the legal advisor to the Joint Committee, the Town Solicitor, Belfast City Council.

## **14. Code of Conduct**

Members must have due regard to the provisions of the Northern Ireland Local Government Code of Conduct for Councillors in relation to their conduct during the whole of the proceedings of a meeting of the Joint Committee.

## **15. Ruling of the Chair**

The ruling of the Chair upon all questions of order, and matters arising in debate, shall be final, and shall not be open to discussion.

## **16. Suspension of Standing Orders**

For the purpose of affording greater freedom of debate any of the Standing Orders may be suspended at any meeting of the Joint Committee so far as regards any business at such meeting, upon a motion duly made, seconded, and carried. Previous notice of any such motion shall not be necessary.



## **ARC21 JOINT COMMITTEE**

### **PROCEDURES FOR THE ELECTION OF CHAIR AND DEPUTY CHAIR**

The positions of Chair and Deputy Chair of the Joint Committee will be elected on an annual basis at the Annual General Meeting, which will be held in September. In the absence of the Chair, the Deputy Chair will conduct the business at the Joint Committee meetings.

In the event of the resignation of the Chair or Deputy Chair the Joint Committee must conduct an election for their replacement.

The following procedures for conducting the election of the positions of Chair and Deputy Chair will apply.

- 1. The outgoing Chair takes the Chair and announces that the first item on the agenda will be the election of the Chair and Deputy Chair to serve for the next twelve months.**
- 2. Before stepping down the Chair may address the meeting.**
- 3. The Deputy Chair will take the Chair for the purposes of conducting the election of Chair. (In the absence of a Deputy Chair, a Member, who is not seeking election, will be elected as Temporary Chair, from the Members present (proposed and seconded), for the purposes of conducting the election.)**
- 4. The Deputy Chair or Temporary Chair will ask for nominations for the position of Chair.**
- 5. Nominations for the positions of Chair and Deputy Chair must be proposed and seconded by Members present.**
- 6. A Member seeking election can be nominated in absentia.**
- 7. The names of the Member(s) nominated, together with the proposer and seconder will be formally recorded.**
- 8. All Members will have one vote.**
- 9. Only the Members present are entitled to vote.**

## Appendix 1

10. **A Member may abstain from voting.**
11. **A Member cannot vote in absentia.**
12. **The Chair will also have one vote.**
13. **In accordance with normal practice the Chair will have a casting vote.**
14. **Members nominated can also vote for themselves.**
15. **Voting will be by way of a show of hands.**
16. **Voting will be formally recorded.**
17. **If there are two candidates nominated the candidate with the highest vote will be elected.**
18. **If there are more than two candidates nominated, the candidate who receives an overall majority of the votes from Members, present and voting, will be elected.**
19. **If there are more than two candidates nominated and no-one receives an overall majority of the votes, the candidate with the least votes will be eliminated and a further vote will take place.**
20. **This process will continue until two candidates remain and, at that stage, the candidate with the most votes will be elected.**
21. **Once elected, the Chair will take up the position and may address the meeting before announcing that the next item of business will be the election of the Deputy Chair.**
22. **The election procedures applicable to the position of Deputy Chair will be the same as those which apply to the position of Chair.**