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| <b>Subject:</b>           | Governance Arrangements for the new Council 2019-23                             |
| <b>Date:</b>              | 15 April 2019   |
| <b>Reporting Officer:</b> | John Walsh, City Solicitor / Director of Legal & Civic Services                 |
| <b>Contact Officer:</b>   | Stephen McCrory, Democratic Services Manager; Sarah Williams, Programme Manager |

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| <b>Restricted Reports</b>                         |   |
| Is this report restricted?                        | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| If Yes, when will the report become unrestricted? |   |
| After Committee Decision                          | <input type="checkbox"/>  |
| After Council Decision                            | <input type="checkbox"/>  |
| Some time in the future                           | <input type="checkbox"/>  |
| Never   | <input type="checkbox"/>  |

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| <b>Call-in</b>                        |   |
| Is the decision eligible for Call-in? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |

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| <b>1.0</b> | <b>Purpose of Report or Summary of main Issues</b>   |
| 1.1        | To consider the governance arrangements to apply for the new Council term commencing in 2019.  |
| <b>2.0</b> | <b>Recommendations</b>   |
| 2.1        | The Committee is requested to; <ul style="list-style-type: none"><li>Consider the issues and to decide on the preferred governance arrangements for the new Council.</li></ul>     |
| <b>3.0</b> | <b>Main report</b>   |
|            | <u>Background</u>  |
| 3.1        | At the meeting of the new Council following the local government elections in May, it will be necessary to agree the new council's governance arrangements for the period 2019-23. |

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|            | <p>A report on this matter was submitted to the Committee at its meeting on 22<sup>nd</sup> March. The Committee agreed to defer consideration of the report until the April meeting. In order for the proper arrangements to be made, including meetings with the Nominating Officers of the Parties returned after the elections, in advance of the Annual Meeting of the new Council on 21<sup>st</sup> May, it is now necessary for decisions to be made.</p>  |
| <p>3.2</p> | <p><u>Key issues</u></p> <p><b>1. Council governance arrangements</b></p> <p>The Local Government Act (Northern Ireland) 2014 provides for a number of types of governance arrangements, namely:</p> <ul style="list-style-type: none"> <li>• Traditional committee arrangements (default position)</li> <li>• Executive model</li> </ul> <p>In 2014, the Council adopted a Constitution which, amongst other things, agreed the default governance arrangements prescribed in the 2014 Act namely:</p> <ul style="list-style-type: none"> <li>• Traditional Committee system</li> <li>• Positions of responsibility selected using the D’hondt model</li> <li>• Committee places allocated using the quota greatest remainder model</li> </ul> <p>It would have required a qualified majority vote (80%) in order to choose any of the alternatives.</p> <p>Looking forward to the new Council term, should the Council agree to continue with the existing arrangements as set out in the Council Constitution, then the decision making process requires a simple majority vote to do so.</p> <p><u>Decision required:</u></p> <ul style="list-style-type: none"> <li>• Do members wish to continue with existing governance arrangements ie traditional committee system?</li> </ul> |
| <p>3.3</p> | <p><b>2. Standing Committees</b></p> <p>The council currently has established seven Standing Committees which promote cross-departmental and thematic working across the organisation supporting the delivery of the Belfast Agenda and the developing process of Outcomes Based Accountability:</p>   |

| <b>Committee</b>                                    | <b>Number of Members</b> | <b>Responsibility</b>  |
|---|--------------------------|--|
| Strategic Policy & Resources                        | 20                       | Responsible for setting the strategic direction of the Council through the development of its corporate plan and other key corporate and cross cutting strategies and policies and for setting the budget overseeing the appropriate use of Council finances |
| City Growth & Regeneration                          | 20                       | Responsible for the development and implementation of strategies, policies, programmes and projects directed to the regeneration and inclusive growth of the city  |
| People & Communities                                | 20                       | Responsible for the development and implementation of strategies, policies, programmes, services and projects aimed at improving life at a local level   |
| Licensing   | 20                       | Responsible for the consideration of all matters pertaining to policy and legislation in relation to licensing issues  |
| Planning  | 14                       | Responsible for all the Council's planning functions   |
| Belfast Waterfront & Ulster Hall Ltd. Shareholders' | 14                       | Responsible for making the decisions required by the Shareholders' Agreement and ensure that the Company complies with the contract for the operation of the Belfast Waterfront and Ulster Halls   |
| Brexit  | 20                       | Responsible for researching, monitoring and reviewing the financial, resource or operational impact upon the Council and the district as a result of the UK's leaving the European Union   |

Decisions required:

- Do we wish to continue with these Committees?
- Do we wish to maintain the current remit of each Committee?
- Do we wish to continue with these Committees with the same numbers of members?
- Do we wish to retain the Brexit committee?

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| 3.4 | <p><b>3. Annual review of Committee membership</b></p> <p>In the current council term, members were appointed to the Committees for the full four-year term. It is considered that it would be better in the new term for the members to be appointed for one-year terms, and reappointed at each Annual Meeting. This would allow for any changes in political affiliation which can occur during a council term to be accounted for. The City Solicitor believes this to be in keeping both the spirit and intent of the 2014 Act.</p> <p>Decision required:</p> <ul style="list-style-type: none"> <li>• Would Members be supportive of a change to a one-year committee membership term?</li> </ul>   |
| 3.5 | <p><b>4. Method of appointing positions of responsibility including PCSP and DPCSPs</b></p> <p>The positions of responsibility include the Lord Mayor, Deputy Lord Mayor, Committee Chairpersons and Deputy Chairpersons, some prescribed outside bodies and the Policing and Community Safety Partnership (PCSP) and the four District Policing and Community Safety Partnerships (DPCSPs). In dealing with the appointments of members to the PCSP and DPCSPs, the Council needs to ensure that the appointments are made in accordance with not only the LGA 2014 but also the Justice Act (Northern Ireland) 2011 and are considered as part of the allocation of positions of responsibility.</p> <p>The solution, which was agreed by all parties in 2015, was that the appointments to the PCSP and DPCSPs were made by allocating those parties' D'hondt choices from the bottom up. Therefore, the parties' earlier choices for positions of responsibility were not adversely affected by the requirements of the Justice Act as to how the appointments to the PCSP and DPCSPs had to be made.</p> <p>A separate decision is also required in relation to the size of the main Policing and Community Safety Partnership. The Justice Act provides that the Council may appoint 8, 9 or 10 Political Members to the PCSP. The number of Independent Members is then set at one less than the number of Political Members. The Justice Act also provides that each DPCSP must have 6 Political and 5 Independent Members so no decision is required with regard to the DPCSP size. In 2015, the Council agreed to appoint 9 Political Members to the PCSP, resulting in a membership of 17 in total (9 political and 8 independent members).</p> <p>Decisions required:</p> |

- Are we happy to again employ the solution with regard to the Positions of Responsibility in 2019?
- Are we happy to again appoint 9 Political Members to the PCSP?

3.6

## **5. Standing Orders**

One of the first acts of business of the new Council at their meeting on 21 May will be to agree a new set of Standing Orders. It is recommended that an opportunity is taken to review some sections of the Standing Orders in:

### Standing Order 47: Call-in

Following recent legal advice, it is recommended that Members consider some amendments to the process of call-in in order to more accurately reflect the legislation as it currently stands. Specifically this would add provisions:

- i. That on a procedural call-in authority be delegated to the City Solicitor, in consultation with the Chief Executive, to obtain legal advice, to be tabled at the meeting of the ad hoc committee, if it is their view that this will assist in addressing the issues raised within the call-in
- ii. That in suspending the operation of call-in on the grounds that the unreasonable delay that would be caused could be prejudicial to the Council's or the public's interests, the proposer will be required to give reasons as to why this is the case
- iii. In relation to call-ins submitted under Section 41(1)(b) of the 2014 Act, the Chief Executive will wait until the expiry of the period for valid call-ins to be submitted before determining if the required 15% threshold is still in place. If that is the case then the opinion of a practising barrister or solicitor will be sought.

### Standing Order 37a: Duties of Committees

That to allow the timely implementation of decisions arising from the Contracts for Award report, delegated authority be given to SP&R for that purpose.

### Standing Order 13: Notices of Motion

That Notices of Motion which fall within the remit of a Committee are automatically referred to the relevant committee for consideration without appearing on the Council agenda.

### Standing Order 64: Amendments to the Standing Orders and repeals

That changes to the Standing Orders can be agreed at one Council meeting as opposed to two consecutive Council meetings as is the current requirement.

Decision required:

- Would Members be supportive of these proposed amendments to Standing Orders?

Other areas of political governance which Members are asked to consider relate to:

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### **6. Appointment of Working Groups**

The Council decided to appoint a number of Working Groups in 2015. These Working Groups are not specified in the 2014 Act and the Council is free to use whatever mechanism it sees fit to appoint members to them. It is suggested that some of the current Working Groups could be re-aligned to the most relevant thematic committee in order to make their decision-making process more efficient.

| <b>Current Working Group</b>                          | <b>Recommendation</b>   |
|---|---|
| Audit and Risk Panel                                  | Retain  |
| Budget and Transformation Panel / Party Group Leaders | Retain both and review individual Terms of Reference and the name of each group with the minutes being issued to any Independent members within two days of meeting |
| North Foreshore Members' Steering Group               | Matters could be considered by City, Growth and Regeneration  |
| Reference Group on Older People                       | Matters could be considered by People and Communities although some consultation may be required with sector  |
| Shared City Partnership                               | Retain  |
| Strategic Cemeteries and Crematorium Working Group    | Matters could be considered by People and Communities and/or Strategic Policy and Resources Committees  |

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|     | <p>Decision required:</p> <ul style="list-style-type: none"> <li>• Would Members be supportive of reviewing the current Working Groups as outlined above?</li> </ul>  |
| 3.8 | <p><b>7. Area Working Groups</b></p> <p>Some consideration needs to be given to the terms of reference for the Area-Based Working Groups. Members are already aware that the financial position of the Council has changed significantly and there will not in the near future be a LIF3/BIF2 etc. This will significantly impact the role of the AWGs during this period. It is therefore recommended that there is a move to a more strategic area-based framework approach based on local needs encompassing:</p> <ul style="list-style-type: none"> <li>• council service and facility provision</li> <li>• external or multi-agency service and facility provision</li> <li>• agreed local area plans to improve outcomes for local people</li> <li>• longer term local regeneration and investment plans (including capital, revenue or other projects with multiple funding sources)</li> </ul> <p>It is recommended that the AWGs are reviewed within this context and that, following holding a series of workshops with each Area Working Group, a revised Terms of Reference are drawn up (to be taken into Committee late summer / autumn).</p> <p>Decision required:</p> <ul style="list-style-type: none"> <li>• Would Members be supportive of this approach?</li> </ul> |
| 3.9 | <p><b>8. Process for nomination for High Sheriff</b></p> <p>The current Council agreed to use a separate D'hondt process to decide which Parties would be entitled to nominate a person for consideration for appointment as High Sheriff for each year of the Council term. This process sits outside the positions of responsibility process as the appointment is made by the Secretary of State.</p> <p>Decision required:</p> <ul style="list-style-type: none"> <li>• Do we wish to use this process again from 2019?</li> </ul>  |

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| 3.10 | <p><b>9. Appointment to Outside Bodies</b></p> <p>There are a number of appointments to Outside Bodies. In 2015, the Council decided to use the Sainte Lague method to make these appointments. A report on the appointments to be made would be presented to the first meeting of the new SP&amp;R Committee in June.</p> <p>Decision required:</p> <ul style="list-style-type: none"> <li>Do we wish to use this method again or the more common D'hondt method?</li> </ul> |
| 3.11 | <p><b>10. Rate of Members' Allowance</b></p> <p>The Council did not agree in 2017 and 2018 to increase the Members' Allowances by the rate of inflation as it was permitted to do. In the new Council, do we wish to increase the basic and special responsibility allowances to the maximum permissible (as all other of the 10 Councils do currently)?</p> <p>Decision required:</p> <ul style="list-style-type: none"> <li>Do we wish to do so for 2019?</li> </ul>        |
| 3.12 | <p><u>Financial &amp; Resource Implications</u></p> <p>None at this stage</p>   |
| 3.13 | <p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>None at this stage</p>  |
| 4.0  | <p><b><u>Appendices – Documents Attached</u></b></p>  |
|      | <p>None</p>   |