

# **BELFAST CITY COUNCIL 2019**



## **Standing Orders**

**21st May, 2019**

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**Introduction**

These Standing Orders are for the purpose of regulating the conduct of business at the Council and Committee meetings of the Belfast City Council.

In order to make the Standing Orders more easily understood and applied, they have been divided into Sections 1, 2 and 3. Section 1 is for the purpose of regulating the business conducted at meetings of the full Council. Section 2 is for the regulation of business at meetings of Standing Committees. Section 3 contains other miscellaneous Standing Orders.

The Standing Orders contain elements which are mandatory as a result of the Local Government Act (Northern Ireland) 2014 – “the 2014 Act” - and the Local Government (Standing Orders) Regulations (Northern Ireland) 2015. These mandatory elements are marked as such.

The Standing Orders should be read in conjunction with the Council’s Constitution, Financial Regulations and Scheme of Delegation. In the case of any conflict, the Standing Orders will prevail, subject to legal advice to the contrary.

As the Licensing and Planning Committees operate with delegated authority and in a quasi-judicial environment, specific protocols regulating meetings of those Committees appear at **Appendices 1 and 2** to these Standing Orders.





## SECTION 1 - THE COUNCIL

### ***Explanatory note***

In Section 1 of these Standing Orders the phrase “notice of motion” refers to such a motion submitted under the provisions of Standing Order 13. The phrase “motion” refers either to a notice of motion or to a motion moved by the Chairperson of a Standing Committee to approve and adopt the proceedings of a Committee, as appropriate.

### ***1. Annual and monthly meetings***

The Annual Meeting of the Council will be held each year in June unless that year is a local election year. In a local election year, the Annual Meeting will be held within 21 days of the election day.

Monthly meetings of the Council will be held on the first working day of each month except in August. Monthly Meetings shall not, however, take place on a Bank or Public Holiday, Friday, Saturday or Sunday, but shall be held on the next following weekday instead.

### ***2. Time of meeting***

The Annual Meeting and other monthly meetings of the Council shall be held in the Council Chamber at 6.00 o'clock p.m. except where otherwise fixed by statute or by special summons.

### ***3. Allocation of seats***

Seating of Members in the Council Chamber shall be through mutual arrangement between the various political parties and any independent Members. Any points of dispute shall be decided by the Council.

### ***4. Quorum***

The quorum is one-quarter of the membership of the Council, i.e. 15 Members.

### ***5. Attendances***

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

### ***6. Declarations of interest***

The Lord Mayor 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.

## **7. Count out**

If the attention of the Lord Mayor is called by a Member of Council or the Chief Executive to the fact that there is not a quorum present, the division bell shall be rung and the Chief Executive shall call the roll of Members, and if there is not a quorum present, the Lord Mayor shall declare the meeting of Council at an end, and the names of those who are present and those who are absent shall be recorded on the minutes of the Council.

## **8. Deputations to the Council**

Deputations will normally only be admitted to the Council if the Chief Executive shall have received seven days previous written notice of the intended deputation and its purpose. Deputations shall not comprise of more than 3 persons and shall be restricted to making not more than two short speeches of not more than 10 minutes in total duration. If the matter upon which the Deputation wishes to address the Council falls within the remit of a Committee, the Lord Mayor may direct that the Deputation shall be heard at that Committee rather than at the Council meeting.

## **9. Admission of the public to the Council meeting**

The public may attend only in the public gallery of the Council, unless specially excluded by a resolution of the Council under the provisions of Standing Order 10, during the whole or part of the proceedings at the meeting, subject to the following conditions -

- (a) They must remain seated and no expression of opinion or noise of any kind shall be permitted;
- (b) Admission of the public will be subject to compliance with safety requirements.
- (c) The use of mobile phones or recording devices of any kind will be strictly prohibited.

The Lord Mayor may exclude any member of the public in breach of these conditions.

## **10. Exclusion of the public from the Council meeting**

- (a) The public shall be excluded from a meeting of the Council whenever it is likely that, during the transaction of an item of business, confidential information would be disclosed to them in breach of an obligation of confidence.
- (b) The Council may by resolution exclude the public from a meeting of the Council (whether during the whole or part of the proceedings at the meeting) for such special reasons as may be specified in the resolution, being reasons arising from the nature of the business to be transacted or of the proceedings at the meeting.
- (c) The Lord Mayor may at any time during the meeting, if he/she thinks it necessary to secure order, direct the removal of any individual or group of individuals from the Council Chamber, or order the Council Chamber to be wholly cleared of members of the public.
- (d) The Council, having excluded the public, shall only consider the matter referred to it by the resolution. If it should be deemed necessary to consider any matter not included in the resolution, the public shall be re-admitted and the Lord Mayor may

ask leave of the Council to take up the consideration of such additional matters as may be deemed desirable.

- (e) The Council, having excluded the public, shall not have the power to adjourn its own sittings or to adjourn a debate to a future sitting. If the business referred to in the resolution is not transacted, the Council may be resumed and a Member of the Council may propose that the Council again exclude the public on a future day to deal with the business specified in the resolution which was not transacted.
- (f) If the Council, with the public excluded, has transacted part of the business referred to it, without being able to reach a decision on all the business so referred, a Member of the Council may, with leave of the Council, report on the progress to that point and ask the Council's permission to sit again.
- (g) When the Council transacts business with the public excluded, a motion for adoption relating to that item of business may be proposed but without further questions or discussion.
- (h) In the event the public are excluded the reason for doing so will be recorded by the Chief Executive.

### **11. Order of business**

At the commencement of each Meeting of the Council the Lord Mayor may read a short passage from the scriptures. Thereafter, subject to any Statutory requirements to the contrary, the order of business at every Monthly Meeting of the Council shall be as follows:-

- (a) Confirmation of the minutes of the Council meeting(s);
- (b) Official announcements or memorials;
- (c) Deputations;
- (d) Minutes of the proceedings of the several Committees and their recommendations, excluding any matters successfully called-in under the provisions of Standing Order 47;
- (e) Matters previously called-in under the provisions of Standing Order 47 and which have either been considered by the Ad-Hoc Committee established for that purpose or which have been referred to a practising Barrister or Solicitor and for which a legal opinion has been received;
- (f) Notices of Motion.

### **12. Council minutes to be confirmed**

The minutes of the Council to be confirmed shall be taken as read, provided that a copy of the minutes shall have been sent to each Member of the Council at least five days previously, and no discussion shall be allowed upon the minutes except as to their accuracy, and any objection upon that ground must take the form of a proposal which shall require to be seconded before it may be discussed.

### **13. Notices of motion**

- (a) All notices of motion shall be given in writing to the Chief Executive not later than seven days at least before the Council meeting. Such notices shall clearly state the nature of the motion intended to be submitted to the Council and shall bear the names of the proposer and seconder.

- (b) Every notice of motion shall be relevant to some matter in relation to which the Council has powers or duties or which directly affects the City and its citizens. Such notices shall be dated and numbered as received.
- (c) Notices of motion shall be entered in their proper place by the Chief Executive on the Summons Paper in the order in which they were received.
- (d) The Lord Mayor may exclude from the Council Summons any notice of motion which may be out of order or may make such clerical corrections as will bring it into a proper form.
- (e) A Member shall have not more than one notice of motion on the Summons Paper at the same time.
- (f) If the subject matter of any motion of which notice has been given falls within the remit of any Committee it shall, stand referred to that Committee for consideration without appearing on the Council agenda.
- (g) If a notice of motion fails to be considered at a meeting of the Council such notice of motion will only be included on the Summons Paper for the following meeting if submitted in writing to the Chief Executive by the Member concerned not later than seven clear days, at least, before the date of that Council meeting.
- (h) Any notice of motion which fails to be considered at two consecutive meetings will not be accepted for inclusion on the Summons Paper for a period of six months from the date of the second meeting at which the matter has failed to be considered.
- (i) A notice of motion may be withdrawn or altered by the proposer and seconder with the consent of the Council and it shall not be permissible for any Member to speak upon such motion after the proposer and seconder have asked permission to withdraw or alter it, unless such permission shall have been refused
- (j) Any Member who has spoken to an original notice of motion shall also have the right to speak on any amendment to the motion; and the proposer of every original notice of motion, but not of any amendment, shall have the right to reply at the end of the debate on the motion. In this reply the proposer shall not introduce any new matter, but shall confine himself/herself strictly to answering previous observations. The right of reply shall not extend to the proposer of an amendment which, having been carried, has become a substantive motion.
- (k) The decision of the Council on any notice of motion not referred to a Committee of the Council under Standing Order 13(f) shall be subject to call-in under the provisions of Standing Order 47.
- (l) No notice of motion seeking to commit the Council to expenditure not previously agreed through the Committee process will be considered but shall instead stand referred to the appropriate Committee for consideration and report. This standing order will not apply when the Lord Mayor, in consultation with the Chief Executive, rules that the matter is one of emergency or is otherwise of such urgency that it would be impracticable or prejudicial to the Council's interests to require compliance. In this case, a report outlining specific details of the purpose of such expenditure and the budget from which the expenditure would be drawn from shall be put before Members.

#### **14. Committee minutes to be submitted**

In order to give sufficient time for the production of the minutes and for their perusal by the Members of the Council, minutes of meetings of a Committee held later than seven clear days before the meeting of the Council shall not be submitted to that meeting for approval except in case of extreme urgency to be decided by the Committee in question and recorded in its minutes.

It shall be the duty of a Committee, through the Chairperson or his/her representative, when its minutes are submitted for approval, to call the attention of the Council to any matter of an unusual or special character contained therein.

#### **15. Discussion on committee minutes**

The Chairpersons of each of the Standing Committees shall propose that the minutes of the proceedings of the Committee for which they are the Chairperson are “approved and adopted” and the Lord Mayor shall immediately thereafter seek a seconder for that motion.

Any amendment to be moved by any Member in relation to that motion shall be about a matter which is included in the minutes submitted to the meeting. Where possible, amendments to be moved should be sent to the Chief Executive in advance of the meeting of the Council.

Any Member who wishes to receive further information regarding any matters appearing in the minutes submitted to the Council for approval shall where possible put requests in writing to the Chairperson of the Committee concerned before the commencement of the Council meeting and he/she shall be entitled to a reply when the proceedings of the particular Committee are submitted for approval.

Once the Council has concluded any debate on a particular matter contained within the minutes of a Committee and has dealt with any amendments properly proposed and seconded and has moved on to another item, the Lord Mayor shall not permit any further discussion on that matter.

#### **16. Amendments**

When a notice of motion or a motion to approve and adopt the proceedings of a Committee is under debate at any meeting of the Council an amendment or further motion shall not be received, except the following:-

- (a) To amend the motion; or
- (b) That the Council meeting is adjourned; or
- (c) That the debate is adjourned; or
- (d) That the question under debate is immediately put to a vote; or
- (e) That the Council proceeds to the next business.

##### **(a) to amend the motion**

An amendment must be legitimate. It must not be a mere negative; must be relevant to the motion which it seeks to amend, and not inconsistent with anything already agreed upon at the same meeting. An amendment must relate solely to the motion which it seeks to amend, and not be in effect a new proposition on a different matter.

An amendment to a motion moved by the Chairperson of a Committee that the minutes of the proceedings of the Committee are “approved and adopted” must not lay any greater financial burden on the meeting than the decision in the Committee minutes.

When an amendment upon an original motion has been proposed and seconded, a second or subsequent amendment shall not be accepted until the first amendment is dealt with. If an amendment is carried, the motion as amended shall take the place of the original motion, and shall become the question upon which any further amendment may be moved.

A Member shall not be entitled to move an amendment if he/she has previously spoken to the motion, or to move more than one amendment to any motion, nor shall more than one amendment be moved with the same or similar intention.

**(b) that the Council meeting is adjourned**

Any Member of the Council who has not already spoken on any motion or amendment then under debate may propose “that the Council meeting is adjourned”. Such a proposal must be seconded, but it need not be submitted in writing. The proposer and seconder shall not speak beyond formally proposing and seconding the motion, which shall be put to the vote without debate.

If the proposal for the adjournment is carried, the Lord Mayor shall (unless stated in the proposal) fix the date for the adjourned meeting for the continuation of the debate on the motion or amendment under discussion at the time of the adjournment, and for the transaction of the remaining business (if any) on the agenda for the meeting so adjourned.

If the proposal fails, a second proposal “that the Council meeting is adjourned” shall not be made within half-an-hour, unless in the opinion of the Lord Mayor the circumstances are materially altered.

**(c) that the debate is adjourned**

Any Member of the Council who has not already spoken to any motion or amendment then under debate may propose “that the debate is adjourned”. Such a proposal must be seconded, but it need not be submitted in writing. The proposer and seconder shall not speak beyond formally proposing and seconding it.

Before putting to the meeting a proposal “that the debate is adjourned”, the Lord Mayor shall invite the proposer of the motion or amendment under discussion to reply on the question of adjournment and, after such reply, which will not prejudice the right of the proposer of a motion to reply on the original question, shall put the proposal for adjournment of the debate to the vote without further debate.

If the proposal is carried, the Council shall proceed to the next business on the agenda, and the discussion of the adjourned debate shall be resumed at the next monthly meeting of the Council unless a special meeting of the Council shall be called for that purpose. On resuming an adjourned debate, the Member who proposed its adjournment shall be entitled to speak first.

If the proposal fails, a second proposal “that the debate is adjourned” shall not be made within half-an-hour. A Member shall not move or second more than one proposal for the adjournment of the same debate.

**(d) that the question under debate is immediately put to the vote**

Any Member who has not already spoken to any motion or amendment then under debate may propose “that the question under debate is immediately put to the vote”. Such a proposal must be seconded, but it need not be submitted writing. The proposer and seconder shall not speak beyond formally proposing and seconding it.

If the Lord Mayor is of the opinion that the matter under debate has been sufficiently discussed, he/she shall put the proposal “that the question under debate is immediately put to the vote” to the vote without debate and if this is carried the motion or amendment under discussion shall be put to the Council. If the Lord Mayor is of the opinion that the matter under debate has not been sufficiently discussed then the debate shall continue and the Lord Mayor’s ruling on such matters shall not be open to discussion.

If the proposal fails, a second proposal “that the question under debate is immediately put to the vote” shall not be made on the same matter within half-an-hour. A Member shall not move or second more than one proposal “that the question under debate is immediately put to the vote” on the discussion of the same matter.

**(e) that the Council proceeds to the next business**

Any Member of the Council who has not already spoken to any motion or amendment then under debate may propose, “that the Council proceeds to the next business”. Such a proposal must be seconded, but it need not be submitted in writing. The proposer and seconder shall not speak beyond formally proposing and seconding the motion which shall be put to the vote without debate.

If the proposal is carried the matter under discussion shall be considered as dropped.

If the proposal fails, a second proposal “that the Council proceeds to the next business” shall not be made on the same matter within half-an-hour. A Member shall not move or second more than one proposal “that the Council proceeds to the next business” on the discussion of the same matter.

**17. Amendments to be submitted in writing and seconded**

All notices of motion shall appear on the agenda for the Council meeting. All amendments to amend a notice of motion and all amendments to amend a motion that the proceedings of a Committee are approved and adopted shall, where practicable, be submitted to the Lord Mayor in writing by the proposer, and read to the meeting, and such amendment shall not be discussed by anyone other than the proposer until it has been seconded.

**18. Reserving speech**

A Member of the Council may formally second an original motion or amendment and reserve the right to make his/her speech on the matter later in the debate rather than at the time of seconding.

**19. Duration of speeches**

In submitting a notice of motion, the proposer shall not speak for more than ten minutes, except with the permission of the Council, and in replying for not more than five minutes. Other speakers shall each be allowed five minutes.

In moving an amendment to a motion that a set of Committee minutes are approved and adopted, the proposer and any other Member addressing the amendment shall not speak for more than five minutes.

**20. Points of order**

A Member, whether or not he/she has previously spoken to the motion or amendment under debate, may call the attention of the Lord Mayor to a point of order which shall be immediately ruled upon by him/her. Such points of order must be strictly related to an alleged breach of the Standing Orders.

**21. Explanations**

A Member who has been referred to by another Member during a speech and has had ascribed to him/her an opinion which they feel to be inaccurate may, with the consent of the Lord Mayor, give a short explanation of the matter at the conclusion of the speech in which they are referred to, regardless of whether or not they have already spoken on the matter under discussion. This explanation must deal solely with the issue at hand, must not introduce new arguments and not in effect be a new speech on the matter. A Member giving such an explanation must resume their seat if the Lord Mayor shall so direct. The Lord Mayor should permit an explanation to be provided if improper conduct or an improper motive has been alleged against the member wishing to give the explanation.

**22. Members to speak once only**

Subject to the previous Standing Orders, a Member shall not address the Council more than once on the same motion or amendment.

**23. Adjournment of meeting after five hours' continuous sitting**

Any meeting of the Council which has lasted continuously for five hours shall stand adjourned unless the Council shall by resolution decide to continue sitting.

In the event of such adjournment, the Lord Mayor shall fix the date for the adjourned meeting for the continuation of the debate on the motion or amendment under discussion at the time of the adjournment and for the transaction of the remaining business (if any) on the agenda for the meeting so adjourned.



## **24. Voting and divisions**

Subject to any statutory provisions to the contrary, any matter to be decided by the Council will be by simple majority, conducted by show of hands.

If, before a vote is called, any Member present at the meeting requests it, the names for and against the proposal or amendment and those abstaining from voting will be taken down in writing and recorded in the minutes of the meeting. Upon such a request being received, the division bell shall be rung, and a period of one minute shall be allowed to elapse, when the doors of the Council Chamber shall be closed and no one admitted until the vote has been taken.

During the taking of the votes Members shall remain seated.

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

## **25. Qualified majority voting (mandatory)**

Any decisions in relation to:

- (a) the adoption of executive arrangements or prescribed arrangements as the Council's form of governance (Section 19 of the 2014 Act);
- (b) the adoption of the Sainte Lague method for filling positions of responsibility (Paragraph 3(2) of Schedule 1 of the 2014 Act);
- (c) the adoption of a Single Transferable Vote election as the method for filling positions of responsibility (Part 2 of Schedule 1 of the 2014 Act);
- (d) the adoption of the Droop Quota method for appointing councillors to Committees (Paragraph 3(3) of Schedule 2 of the 2014 Act);
- (e) a call-in made in accordance with Section 41(1)(b) of the 2014 Act, i.e. on the grounds of adverse community impact; and
- (f) the suspension of Standing Orders, other than Standing Orders 25, 34, 35 and 47 which cannot be suspended;

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

Any vote on a decision where a qualified majority is required shall be by way of a recorded vote where the names of the Members voting for and against the question shall be taken down in writing and recorded in the minutes of the meeting.

## **26. Rescinding of decisions within six months**

A motion to alter or rescind a decision of the Council shall not be competent within six months from the date of such decision unless:-

- (a) the motion shall be brought forward as a recommendation of the Committee concerned: or
- (b) the notice shall bear, in addition to the name of the Member who submits the motion, the signatures of at least one-quarter of the total number of Members of the Council.

### **27. Questions decided twice in same financial year**

A matter which within any financial year has twice been decided by the Council in the same way shall not in the same financial year again be submitted for the Council's consideration, and this Order shall not be evaded by the substitution of any motion which is differently worded, but in principle the same.

### **28. 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 Council and particularly so in relation to the provisions as set out in Standing Orders 29 to 32.

### **29. Mode of address**

Members of Council shall be seated, except when addressing the Lord Mayor, and shall address other Members by their respective title of "Lord Mayor", "Chairperson", "Alderman" or "Councillor". When a Member is called to speak he/she shall rise and address the Lord Mayor and he/she shall not be interrupted except as provided for in these Standing Orders.

The Lord Mayor shall determine the order of speaking by the Members. When the Lord Mayor rises, a Member shall not continue standing or speaking, nor shall any other Member rise until the Chair be resumed.

### **30. Offensive expression**

A Member shall not impute motives or use grossly offensive expression in reference to any person or section of society, including any such expression that shows contempt in relation to their race, ethnicity, nationality, gender, gender identity, sexual orientation, religious belief, age or disability."

### **31. Disorderly conduct**

- (a) If at a meeting any Member of the Council, in the opinion of the Lord Mayor, misconducts himself/herself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Council, the Lord Mayor or any other Member may move "That the Member named be not further heard", and the motion if seconded shall be immediately put to a vote without discussion.
- (b) If the Member named continues his/her misconduct after a motion under paragraph (a) has been carried:-
  - (i) the Lord Mayor or any other Member may move "That the Member named immediately leave the meeting" (in which case the motion shall be put and determined without seconding or discussion);
  - (ii) the Lord Mayor may adjourn the meeting of the Council for such period as he/she in his/her discretion shall consider expedient.

- (c) When the Lord Mayor is of the opinion that the due and orderly dispatch of business is impossible, he/she in addition to any other power vested in him/her may, without discussion, adjourn the meeting of the Council for such period as he/she considers necessary.

### **32. Ruling of the Lord Mayor**

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

### **33. 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 Council. Upon a motion duly proposed, seconded, and carried by a weighted majority vote such standing orders shall be suspended for that item of business. Previous notice of any such motion shall not be necessary. This standing order shall not apply in respect of those standing orders that are mandatory under the provisions of the Local Government (Standing Orders) Regulations (Northern Ireland) 2015.

## **MANDATORY STANDING ORDERS IN RELATION TO THE PROCEEDINGS OF THE FIRST ANNUAL MEETING OF THE COUNCIL FOLLOWING THE LOCAL ELECTIONS**

### **34. Positions of responsibility, etc. – time limits (mandatory)**

- (1) Subject to sub-paragraph (2) of this standing order, in relation to positions of responsibility selected in accordance with paragraphs 2(1) and 2(2) or paragraph 4(1) or paragraphs 6(1) and 6(2) of Schedule 1 to the 2014 Act, the period specified for –
  - (a) the nominating officer to select a position of responsibility and the term for which it must be held; and
  - (b) the person nominated to accept the selected positionis 15 minutes.
- (2) An extension to the period specified in sub-paragraph (1) of this standing order may be granted subject to the approval of the Council. Such an extension may be requested by –
  - (a) the nominating officer;
  - (b) the person nominated to hold the selected position; or
  - (c) another member.

### **35. Appointment of more than one committee (mandatory)**

- (1) Where the Council appoints more than one committee at the same meeting in accordance with paragraph 5 of Schedule 2 to the 2014 Act, for the purposes of determining the number of places that must be allocated across the parties and independent members of the Council, it must agree –

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- (a) the number of committees to be appointed; and
  - (b) the number of councillors that shall constitute the membership of each committee.
- (2) The total number of places to which a nominating officer of a party may nominate members who stood in the name of that party when elected must be calculated in accordance with paragraphs 2 to 4 of Schedule 2 to the 2014 Act and any resolution of the Council made thereunder.
- (3) A nominating officer's function under paragraph 2(1)(b) of Schedule 2 to the 2014 Act shall be exercised in such manner as to ensure that –
  - (a) all the members of a committee are not nominated by the same nominating officer;
  - (b) a nominating officer of a party may nominate members who stood in the name of that party to fill the majority of places on a committee, if the majority of members stood in the name of that party; and
  - (c) subject to (a) and (b), the number of members nominated by each nominating officer of a party, in so far as is reasonably practicable, bears the same proportion to the number of places on that committee as is borne by the number of members who stood in the name of that party.
- (4) Nominations made in accordance with sub-paragraph (3) of this standing order shall take into account any positions of responsibility on a committee held by a member who stood in the name of the party.

## SECTION 2 - STANDING COMMITTEES

### 36. Standing Committees

The following shall be the Standing Committees of the Council:

- (a) Strategic Policy and Resources
- (b) City Growth and Regeneration
- (c) People and Communities
- (d) Licensing
- (e) Planning
- (f) Belfast Waterfront and Ulster Hall Ltd Shareholders' Committee
- (g) Brexit

### 37. Duties of Committees

The Standing Committees shall be responsible to the Council for the matters described hereunder and shall control the various Departments which carry out the functions of the Council, that is to say

#### (a) Strategic Policy and Resources Committee

The Strategic Policy and Resources Committee will be 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. It will also ensure effective use of resources and value for money for ratepayers, and oversee the Council's relationship with a number of key agencies and partners.

This includes:-

- working with partners to lead the development of the community plan
- Supporting the development, implementation and monitoring of the Physical Investment Strategy
- Developing and implementing the organisation's Good Relations and Equality Strategies
- Allocating resources based on the corporate and city priorities
- Managing and monitoring performance against the achievement of the council objectives and those agreed in the community plan
- Developing the council's finance strategy and all matters relating to its implementation including; all revenue and capital financing and borrowing, the annual revenue and capital budgets and the rate to be levied, monitoring of financial performance
- Developing the council's organisational development strategy and all matters relating to its implementation including; governance and organisation structures, organisational improvement initiatives, member and officer capacity building and monitoring of organisational performance
- Developing the internal strategies to ensure the smooth running of the council including; asset management, procurement, grants, human resources, diversity, communications and accommodation
- Managing and maintaining the corporate land bank and city assets, including the City Hall

- Agreeing the Local Development Plan with the Planning Committee
- Delegated authority for decisions in relation to the Bonfire Management Programme where the Chief Executive, or in her/his absence the Deputy Chief Executive, determine that a decision which would otherwise be taken under an officer's delegated authority requires political direction.
- Delegated authority in relation to the Award of Contracts
- Overseeing the delivery of the internal council services listed below;  
Human Resources; Corporate Communications; Legal Services; Democratic Services; Corporate Policy and Strategic Planning; Finance and Performance; Digital Services and Audit Governance and Risk Services. Property and Projects will also report on Procurement; Contract Management; Programme Management; Estates Unit and Facilities Management. Equality and Good Relations will also be the responsibility of this committee.

### **(b) City Growth and Regeneration Committee**

The City Growth and Regeneration Committee will be responsible for the development and implementation of strategies, policies, programmes and projects directed to the regeneration and growth of the city in the context of the outcomes agreed in the community and corporate plans and other corporate strategy.

This includes:-

- Influencing and contributing to regional regeneration and growth strategies and activities
- Developing and implementing city-wide economic strategies and policies
- Managing and maximising the impact of major physical developments in the city
- Coordinating and promoting major city wide events
- Sourcing and providing support to attract and utilise European and other grants which contribute to the growth of the city
- Providing support for economic development initiatives
- Supporting the development of culture, heritage and the arts
- Working with other agencies to promote Belfast as a key investment and tourism opportunity
- Developing programmes and actions to support local businesses and attract inward investment
- Managing the Council's markets and maximising their benefit to the city
- Influencing and contributing to strategies and policies affecting skills, employability, transportation and energy in the City
- Overseeing the delivery of the following services  
Economic Development; Tourism, Culture and Arts; European and International Relations; City Markets; City Events; Belfast Castle, Malone House, Belfast Zoo; and the transferring car parks; City Centre Development

### **(c) People and Communities Committee**

The People and Communities Committee will be responsible for the development and implementation of strategies, policies, programmes and projects aimed at improving life at a local level in the context of the outcomes agreed in the community and corporate plans and other corporate strategy. This includes

- Developing and delivering programmes, events and activities to promote health, safety and wellbeing at a local level
- Administering and enforcing the Council's powers and duties under the Public Health Acts and all environmental health and building related legislation and regulations
- Securing and providing adequate provision for the recycling, treatment and disposal of commercial and domestic waste including bulky waste and the collection and disposal of abandoned motor vehicles.
- Exercising the Council's powers for improving local environmental quality in relation to housing legislation, managing controlled waste, emergency planning and community safety and anti-social behaviour, clean neighbourhoods and other environmental or regulatory issues not falling within the remit of any other Committee.
- Managing, maintaining and maximising the benefit of the Council's parks, pitches, playgrounds and other public spaces as well as community centres and other indoor facilities
- Developing and implementing activities to ensure the delivery of corporate strategies and initiatives in respect of the promotion of health and physical activity, environmental protection, community safety and other such areas under the domain of this Committee.
- Overseeing the delivery of the Council's frontline services and associated community assets including;
- Overseeing the delivery of the Council's frontline services and associated community assets including;  
Environmental Health Services; Cleansing; Waste Management; Parks and Leisure service (excluding Belfast Zoo, Malone House and Belfast Castle); Neighbourhood and Development Services; Community Services; Community Safety and Emergency Planning; Building Control.

### **(d) Licensing Committee**

The Licensing Committee shall be responsible for the consideration of all matters pertaining to policy and legislation in relation to licensing issues. The Licensing Committee shall have delegated authority for determining the following matters:

- (i) The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985

#### Entertainment Licences

- Applications for the grant of outdoor licences
- Applications for the grant, renewal, transfer or variation of licences where objections are received
- Suspension and revocation of licences
- Applications for a waiver to permit entertainment involving striptease or nudity.

#### Sex Establishments

Applications for the grant of licences  
Applications for the renewal, transfer or variation of licences  
Revocation of licences

- (ii) The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (as amended by the Betting and Gaming (Northern Ireland) Order 2004).

Applications for the grant of amusement and pleasure permits  
Applications for the renewal of amusement permits where adverse representations have been made  
Registration of Societies in relation to the running of lotteries.

- (iii) Street Trading Act (Northern Ireland) 2001

Designation of streets or part thereof  
Applications for the grant of licences  
Applications for the renewal, transfer or variation of licences where objections are received  
Revocation of licences  
Setting of licence fees

- (iv) administration of the provisions of the Licensing (Northern Ireland) Order 1996 and the Registration of Clubs (Northern Ireland) Order 1996 relating to entertainments and liquor licensing in licensed premises and registered clubs.

- (v) Licensing of Pavement Cafes Act (Northern Ireland) 2014

Applications for the grant, renewal or variation of licences where adverse representations are received.

Compulsory variation of licences.

Revocation of licences.

Setting of licence fees.

Suspension of licences except where in the public interest the Director of Planning and Place, in consultation with the City Solicitor, considers that there are particular circumstances which make it necessary to suspend a licence immediately.

- (vi) such other licensing matters as the Director of Planning and Place considers appropriate to be addressed by the Licensing Committee.

- (vii) The Houses in Multiple Occupation (HMO) Act NI 2016

The Licensing Committee assumes responsibility for determining those applications for a house in multiple occupation and should only consider objections to an application in instances where the objector would be materially affected by the existence of a House in Multiple Occupation; where variation of a licence is required, in the determination of a fit and proper person check, and in the revocation of licences, except where in the public interest the Director, in consultation with the City Solicitor, considers that there are particular circumstances which make it necessary to suspend a licence immediately.



Whilst the Committee has full delegated authority in relation to licensing decisions it may reconsider any decision referred to it by the Director of Planning and Place in consultation with the City Solicitor.

### **(e) Planning Committee**

The Planning Committee shall be responsible for all the Council's planning functions, excepting those matters which are expressly delegated to officers or reserved to full Council.

Specific responsibilities include:

- Exercising the Council's powers and duties in relation to local planning policies, plan strategies, the statement of community involvement and any other development plan documents in conjunction with the Strategic Policy and Resources Committee who will consider all of the said policies and plans to ensure that they are consistent with the broader strategic objectives of the Council;
- Reconsideration of local planning policies, plan strategies, the statement of community involvement and any other development plan documents in respect of which the Strategic Policy and Resources Committee considers to be inconsistent with the broader strategic objectives of the Council;
- Deciding applications for planning permission and whether to impose any condition, limitation or other restriction on an approval, consent, licence or permission;
- Revoking, amending, modifying or varying any approval, consent, licence or permission;
- Determining any matters related to the exercise of permitted development rights as set out in the Planning (General Development) Order (NI) 1993 or any other legislation relating to such rights;
- Exercising the Council's powers and duties in relation to development control;
- Determining applications for the display of advertisements and whether to impose any condition, limitation or other restriction on such advertisements;
- Determining applications for planning permission or consents for listed buildings and exercising any related powers and duties; including the revocation or modification of such a consent;
- Exercising the Council's powers in relation to the preservation of trees;
- Dealing with any other planning related matter that a meeting of Council or any other Committee considers appropriate to be referred to the Planning Committee;
- Responding to consultations on local planning policies, plan strategies the statement of community involvement and any other development plan documents in adjoining authorities;
- Responding to consultations issued by the Department for Communities, or any other Department, in relation to planning matters;
- Responding to consultations in relation to regionally significant or major applications to be determined by the Department for Infrastructure

#### **(f) Belfast Waterfront and Ulster Hall Ltd Shareholders' Committee**

The Belfast Waterfront and Ulster Hall Ltd Shareholders' Committee will make 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. This includes

- Holding the Belfast Waterfront and Ulster Hall Ltd Chairperson and Managing Director to account on contract and business performance issues;
- Scrutinising the quarterly finance and performance reports, ensuring a social and financial return on the Council's and other funders' investments;
- Controlling and make decisions on reserved matters on behalf of the shareholders, as set out in the Shareholders' Agreement (*e.g. authorising the company to take out a loan*);
- Authorising the annual business plan, ensuring alignment with Council's economic, social and environmental objectives;
- Agreeing and monitoring performance framework targets, including decreasing dependency on Council subsidy;
- Agreeing distributions of available profits in relation to its shareholdings;
- Recommending the appointment of the Chairperson and non-executive Directors to the Board of the BWUH Ltd and agreeing remuneration;
- Acting in the interests of the shareholders in the removal of non-executive Director/s, where there is evidence of under-performance or failure to comply with legal duties; and
- Considering business improvement requests for investment in the Council's assets, for recommendation to Strategic Policy and Resources Committee or agreement under delegated authority.

In practice, the Committee will be responsible for:

- Agreeing the annual business plan;
- Agreeing the annual financial plan, in line with the budget allocation from the Strategic Policy and Resources Committee;
- Setting performance targets and monitoring quarterly reports;
- Agreeing any amendments to the Council's specification at review periods;
- Authorising any capital investment proposals which enhance the asset portfolio of the Council;
- Agreeing in-year service improvement plans (*in the scenario where there is under-performance*) ; and

- Agreeing distribution of surpluses/reduced deficits

### **(g) Brexit Committee**

The Brexit Committee will be 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 and for making recommendations to Council on such issues (or to the relevant Standing Committee where appropriate).

Its specific functions include:

- Articulating the Belfast specific issues to be considered as part of the negotiation and transition arrangements;
- The continuous monitoring of progress and announcements around Brexit;
- Influencing and contributing to regional considerations of the implications of Brexit on both the work of the Council and on the district;
- Identifying any actions the Council may take to mitigate any adverse impacts arising and capitalising on any opportunities as a result of Brexit;
- Reviewing changes to legislation arising out of Brexit and analysing the likely impact which they may have upon the delivery of council services;
- Fostering and maintaining positive relations and cultural links with the EU;
- Maintaining and promoting social cohesion within the district, post Brexit;
- Monitoring the impact on migrant workers, skills gaps and issues arising with regard to various sectors in the labour market;
- Financial and budget assumptions and implications for the district arising out of Brexit;
- Identifying the implications for EU grant funding and alternative funding opportunities;
- Seeking to influence decisions with regard to continuing access to and distribution of EU funds (including Peace, Culture and Interreg programmes);
- Ensuring the ability of Belfast to achieve the objectives, as set out within the Belfast Agenda;
- Ensuring the ability of Belfast to continue to attract and retain investment and grow the rate base;
- Ensuring the ability of Belfast to increase trade with existing and potential trade partners (access to supply chains / import and export issues); and
- Hearing evidence from other parties.

### **38. Membership of Standing Committees**

The membership of the Standing Committees shall be made in accordance with the provisions of Schedule 2 to the 2014 Act.

### **39. Quorum**

The quorum of every Committee shall be five, with the exception of the Planning Committee and the Belfast Waterfront and Ulster Hall Ltd Shareholders' Committee where the quorum shall be four.

### **40. Meetings of Standing Committees**

Committees shall normally meet on a monthly basis or as often as determined by the Committee.

Unless in cases of emergency, the Committees of the Council shall not meet during the month of July in any year. During that month the business of the Council managed by the Committees shall, where circumstances render it necessary, be discharged by the Chief Executive or, in her absence, her Deputy acting upon recommendations made by the Directors of Departments. If, however, any matter arises which in the opinion of the Chief Executive or her Deputy ought properly to be placed before a Committee for consideration, the Chief Executive or her Deputy, in consultation with the Chair or in his or her absence the Deputy Chair of the Committee concerned, shall call a meeting of the Committee for that purpose.

### **41. Other Members may attend committees**

Members of the Council who wish to attend Committees other than those of which they are Members shall be at liberty to do so. They may be permitted by the Chairperson to speak on any question before the Committee, but not to vote or take any other part in the proceedings.

### **42. Admission of the public to committee meetings**

The public may attend only in the part of the Committee Room set aside for that purpose, unless specially excluded by a resolution of the Committee under the provisions of Standing Order 43, during the whole or part of the proceedings at the meeting, subject to the following conditions -

- (a) They must remain seated and no expression of opinion or noise of any kind shall be permitted;
- (b) Admission of the public will be subject to compliance with safety requirements
- (c) The use of mobile phones or recording devices of any kind will be strictly prohibited.

The Chairperson may exclude any member of the public in breach of these conditions.

#### **43. Exclusion of the public from committee meetings**

- (a) The public shall be excluded from a meeting of a Committee whenever it is likely that, during the transaction of an item of business, confidential information would be disclosed to them in breach of an obligation of confidence.
- (b) The Committee may by resolution exclude the public from a meeting of the Committee (whether during the whole or part of the proceedings at the meeting) for such special reasons as may be specified in the resolution, being reasons arising from the nature of the business to be transacted or of the proceedings at the meeting.
- (c) The Chairperson may at any time during the meeting, if he/she thinks it necessary to secure order, direct the removal of any individual or group of individuals from the Committee Room, or order the Room to be wholly cleared of members of the public.
- (d) The Committee, having excluded the public, shall only consider the matter referred to it by the resolution. If it should be deemed necessary to consider any matter not included in the resolution, the public shall be re-admitted and the Chairperson may ask leave of the Committee to take up the consideration of such additional matters as may be deemed desirable.
- (e) The Committee, having excluded the public, shall not have the power to adjourn its own sittings or to adjourn a debate to a future sitting. If the business referred to in the resolution is not transacted, the Committee may be resumed and a Member of the Committee may propose that the Committee again exclude the public on a future day to deal with the business specified in the resolution which was not transacted.
- (f) If the Committee, with the public excluded, has transacted part of the business referred to it, without being able to reach a decision on all the business so referred, a Member of the Committee may, with leave of the Committee, report on the progress to that point and ask the Committee's permission to sit again.
  - (i) When the Committee transacts business with the public excluded, a motion for adoption relating to that item of business may be proposed but without further questions or discussion.
  - (ii) In the event that the public are excluded for any item of business the reason for doing so will be recorded.

#### **44. Order of business**

Subject to any Statutory requirements to the contrary, the order of business at every Committee Meeting shall be as follows:-

- (a) Routine Matters
- (b) Apologies
- (c) Declarations of Interest
- (d) Deputations
- (e) Any matter successfully called-in and referred back to the Committee for reconsideration under the provision of Standing Order 47(C)(7)
- (f) Officers' Reports
- (g) Matters specifically requested to be included on the agenda by an elected Member under the provision of Standing Order 45.

#### **45. Request for a matter to be included on an agenda**

Any Member who wishes to have a particular matter included on the agenda for a meeting of a Committee shall make such request in writing to the appropriate Chief Officer. If the subject matter of the request falls within the remit of the Committee and the action proposed to be taken is lawful, the Chief Officer shall, after informing the appropriate Chairperson, arrange for that matter to be included on the agenda for the next available monthly meeting of the Committee, indicating the name of the Member who will be speaking to the issue at the meeting.

The issue in question will either simply appear on the agenda against an individual Member's name or, if the appropriate Chief Officer considers that it would be helpful to the Committee in considering the matter, a short covering report may be prepared which highlights that a named Member has asked that the issue is raised and give some important factual information. No significant resources, including officer time, will be committed to such preparatory work. Resources will only be committed once the Council has decided to take action.

#### **46. Voting**

All questions at a Committee shall be decided by a majority of the Members present and voting by show of hands, unless otherwise resolved by the Committee before a vote is taken. The Chairperson may vote and shall, in addition, have a casting vote in the case of equality of votes.

#### **47. Call-in process (mandatory)**

##### (a) Decisions subject to call-in

- (1) The following decisions may be subject to call-in in such manner as is specified in these standing orders—
  - (a) a decision of the executive;
  - (b) an executive decision taken under joint arrangements in accordance with section 26 of the 2014 Act;
  - (c) a key decision taken by an officer or officers of the council;
  - (d) a decision taken by a committee under delegated authority in accordance with section 7 of the 2014 Act; and
  - (e) a decision taken by a committee to make a recommendation for ratification by the council.
  
- (2) The following decisions shall not be subject to call-in:
  - (a) a decision on a regulatory or quasi-judicial function which is subject to a separate appeal mechanism;
  - (b) a decision which is deemed to be a case of special urgency in accordance with regulation 26 of the 2014 Executive Arrangements Regulations;
  - (c) a decision where an unreasonable delay could be prejudicial to the council's or the public's interests. When the decision arises from a proposal by an elected member to set aside call-in, that member must give reasons as to why that is the case;
  - (d) a decision taken by an officer or officers which is not a key decision;
  - (e) a decision by the executive which serves only to note a report from or the actions of an officer or officers.

- (3) No decision shall be subject to call-in more than once for each of the reasons specified in section 41(1) of the 2014 Act.

(b) Call-in admissibility

- (1) A call-in shall be submitted in writing to the clerk by 10am on the fifth working day following publication of the decision to which the call-in relates. If a call-in is received after the specified deadline, it shall be deemed inadmissible.
- (2) A call-in shall—
  - (a) specify the reasons why a decision should be reconsidered; and
  - (b) subject to sub-paragraph (5) of this standing order, be deemed to be inadmissible if the reasons are not specified.
- (3) In the case of a call-in submitted under section 41(1)(b) of the 2014 Act, that is, “*the decision would disproportionately affect adversely any section of the inhabitants of the district*” members shall state in the reasons specified under sub-paragraph (2) of this standing order—
  - (a) the community that would be affected by the decision; and
  - (b) the nature and extent of the disproportionate adverse impact.
- (4) Within one working day of receipt of a call-in, the clerk shall confirm that—
  - (a) it has the support of 15 per cent of the members of the council; and
  - (b) the reasons for the call-in have been specified.
- (5) Where the reasons have not been specified on the requisition the clerk shall notify the members making the requisition that it shall be considered inadmissible if reasons are not specified in writing within the specified deadline.
- (6) On receipt of an admissible call-in submitted under section 41(1)(b) of the 2014 Act, the Chief Executive will wait for the expiry of the period for valid call-in to be submitted before determining if the required 15% threshold is still in place. If that is the case the opinion of a practicing solicitor or barrister in accordance with section 41(2) of the 2014 Act will be sought.
- (7) Where the legal opinion obtained in accordance with section 41(2) of the 2014 Act confirms that the call-in has merit, the clerk shall—
  - (a) furnish the opinion to members; and
  - (b) include the decision on the agenda for the next available meeting of the council, at which it will be taken by a qualified majority.
- (8) Where the legal opinion obtained in accordance with section 41(2) of the 2014 Act indicates that the call-in does not have merit, the clerk shall—
  - (a) furnish the opinion to members; and
  - (b) make arrangements for the decision to be implemented or tabled for ratification by the council, as appropriate.

(c) The call-in process: committee arrangements

- (1) For the purposes of reconsideration of a decision pursuant to a call-in the minutes of a committee which record a decision—
  - (a) taken under delegated authority; or
  - (b) for ratification by the councilshall be published within two working days of the conclusion of the meetings. This date shall be regarded as the date of publication for the purposes of a call-in.

- (2) If a call-in is not received by the deadline specified in paragraph (b)(1) of this standing order, the decision specified in—
  - (a) paragraph (c)(1)(a) of this standing order shall be implemented; or
  - (b) paragraph (c)(1)(b) of this standing order shall be tabled for ratification by the council.
- (3) The tabling for ratification of a decision specified in paragraph (c)(1)(b) of this standing order, or the implementation of a decision specified in paragraph (c)(1)(a) of this standing order, shall be postponed (unless the total level of support for the call-in falls below 15 per cent of the members) until the call-in has been resolved. The decision maker may rescind the decision at any time prior to the call-in being resolved.
- (4) If an admissible call-in is made in accordance with paragraph (b)(2) of this standing order and section 41(1)(a) of the 2014 Act, that is, “*the decision was not arrived at after a proper consideration of the relevant facts and issues*” the council shall appoint an ad hoc committee of the council, the membership of which will be—
  - (a) the chairpersons of all committees of the council; and
  - (b) the deputy chairpersons of all committees of the councilto consider the process adopted by the decision-making committee.
- (5) 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,
- (6) The chairperson and deputy chairperson of the committee which was responsible for the decision which is the subject of the call-in shall not have voting rights at a meeting of the committee appointed in accordance with sub-paragraph (4) of this standing order.
- (7) The members who submitted the call-in, or a member on their behalf, shall be invited to attend the meeting at which the decision subject to the call-in is considered and may, upon the request of the chairperson, address the meeting, but shall not have voting rights.
- (8) A committee appointed in accordance with sub-paragraph (4) of this standing order may—
  - (a) refer the decision back to the decision maker;
  - (b) in the case of a decision taken under delegated authority, support the decision; or
  - (c) in the case of a decision for ratification by the council, refer the decision to the council.
- (9) Where a decision has been supported in accordance with sub-paragraph (7) of this standing order, that decision shall—
  - (a) be approved;
  - (b) be inserted in the Register of Decisions; and
  - (c) become operative from the date of the meeting at which the committee appointed in accordance with sub-paragraph (4) of this standing order confirmed support for the decision.



**48. 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 a Committee.

**49. Mode of address, offensive expression and disorderly conduct**

The provisions of Standing Orders 29 to 32 shall apply in relation to the meetings of Committees, subject to the provision that a Member may remain seated when speaking and that the word “Committee” be substituted for the word “Council” and the word “Chairperson” for the words “Lord Mayor” as appropriate.

**50. Ruling of the Chairperson**

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

### SECTION 3 - MISCELLANEOUS STANDING ORDERS

#### **51. Corporate Seal**

The Corporate Seal of the Council shall be kept in a safe place at all times when not in use.

- (a) Every document sealed shall be attested and a record kept in a book containing particulars of the documents sealed.
- (b) The Corporate Seal shall not be set to any document unless a resolution of the Council shall be passed in that behalf or unless the Council shall have passed a resolution authorising any particular Committee to affix the Common Seal to any particular documents; but a resolution of the Council (or of a Committee approved by the Council) authorising the acceptance of any tender, the purchase, sale, letting, or taking of any property, the issue of any stock, the presentation of any petition, memorial or address, the making of any contract, or any other matter or thing, shall be sufficient authority for the Lord Mayor or his/her Deputy or Chief Executive and Town Clerk to affix the Corporate Seal to any document necessary to give effect to such resolution.

### PROPERTY, PURCHASES, LEASING

#### **52. Notification of acquisition or disposal of property**

Consent for the acquisition, disposal or development of land must be obtained from the Strategic Policy and Resources Committee.

Consent to re-appropriate land held or obtained for a particular purpose will require the consent of that Committee also. Such re-appropriation to include the holding of land for the development or future development of the district.

#### **53. Notification of surplus land**

Declarations that land has become surplus must be reported and approved by the Strategic Policy and Resources Committee.

### CONTRACTS

#### **INTRODUCTION**

In these Standing Orders:-

- (a) the expression 'the Council' shall include where appropriate a Committee or person acting in accordance with delegated authority on behalf of the Council.
- (b) 'Chief Officer' shall mean the Director of any Department concerned with any particular contract or the City Solicitor
- (c) 'the statutory amount' shall mean £30,000 (exclusive of VAT) or such other amount as shall be determined from time to time by the Department for Communities for Northern Ireland under Section 100 (1) of the Local Government Act (Northern Ireland) 1972.

#### **54. Compliance**

Every contract governed by these Standing Orders shall comply with the relevant requirements of national and European Community legislation.

#### **55. Exceptions**

Exceptions from Standing Orders relating to contracts can only be allowed:-

- (a) by direction of the Council acting on a recommendation of a Chief Officer that the exception is justified in special circumstances; or
- (b) by a Chief Officer certifying that there is an extreme urgency, and provided that he/she has first consulted the Chairman of the appropriate Committee and the Director of Finance and Resources, and that the action is subsequently reported to the next meeting of that Committee;

In either case exceptions will only be permissible if the Chief Officer has consulted the City Solicitor and the proposed exception has been agreed.

#### **56. Estimates**

Before entering into a contract for the execution of work which is likely to cost more than the statutory amount, the Chief Officer shall obtain a written estimate of the probable expense and also, where practicable, an estimate of annual maintenance expenses.

#### **57. Tendering**

Every contract for the supply of services, goods or materials, or the execution of work, and which is likely to exceed the statutory amount in value shall, subject to permitted exceptions, be made subject to tender in accordance with one of the following procedures:-

##### **(i) Open tenders**

At least ten days' public notice must be given in more than one local newspaper circulating in the Council's district and in any other newspapers or trade journals as the Chief Officer considers appropriate. The advertisement must state the nature and purpose of the contract, and indicate a date by which tenders must be received. Where appropriate, the advertisement of contracts must comply with the requirements of European Community procurement legislation in regard to advertising in the Official Journal.

##### **(ii) Special select list**

Public notice must be given in respect of a particular contract in the manner set out in paragraph (i) inviting applications from interested persons to be placed on an approved list.

##### **(iii) Standing select list**

Tenders must be invited from amongst a list of persons who have been invited by public notice given in similar manner as in paragraph (i) to have their names placed on a list of persons able and willing to tender for contracts for the supply of goods

or materials of specified categories, values or amounts, or for the execution of specified categories of works. This select list shall:-

- (a) be compiled and maintained by the Chief Officer;
- (b) contain the names of all persons who wish to be included in it and who are approved by the Council;
- (c) indicate whether a person whose name is included in it is approved for contracts for all, or only some, of the specified categories, values or amounts; and
- (d) be amended as required from time to time and reviewed following public notice in the manner set out in paragraph (i) at intervals not exceeding five years. Where practicable, each person whose name appears on an existing list shall be asked if he/she wishes his/her name to remain in the reviewed list.

Where a Select List is formed, invitations to tender for the contract shall be sent to not less than four of the persons included in the list, to be selected by the Chief Officer and approved by the Council, or if fewer than four persons have applied and are considered suitable to all those persons. It shall be a condition of tendering, and of inclusion or retention on a Select List, that a contractor shall not be an unqualified person for the purposes of Sections 41 to 43 of the Fair Employment (Northern Ireland) Act 1989.

A Register of Tenderers and Contractors shall be kept recording the names of tenderers and contractors who have withdrawn their tenders after acceptance or who have committed a serious breach of their contracts, together with details of the facts. The Register shall be consulted when tenders are being considered in order that any record therein of a tenderer shall be taken into account when considering his tender. .

In appropriate cases the selection of a contractor may be made on the basis of a call off contract or framework agreement subject to the Chief Officer obtaining legal advice confirming that such action is lawful and reporting the matter to Strategic Policy and Resources Committee.

#### **58. Engagement of consultants**

- (a) It shall be a condition of the engagement of any architect, engineer, surveyor or other consultant (who is not an officer of the Council) who is retained to supervise a contract on behalf of the Council that he/she will -
  - (i) comply with these Standing Orders;
  - (ii) produce for inspection to the Chief Officer on request all records kept by him/her in relation to the contract.
- (b) An architect, engineer or other consultant on contracts shall not receive any payment in commission or fees on any extra work over the approved contract price unless the Council approves the extra work beforehand.

#### **59. Advertising and receipt of tenders**

- (a) All Council advertisements inviting tenders or inviting applications to be included on a Select List shall be signed by the Chief Officer to whom all tenders shall be addressed.
- (b) Advertisements shall state -

- (i) that a tender will only be considered if it is received in a plain sealed envelope marked 'Tender for (subject)', with no marking on the envelope to indicate the identity of the sender;
  - (ii) that tenders sent by post should be registered or sent by recorded delivery;
  - (iii) that tenders must reach the office of the Chief Officer by a certain time.
- (c) Any tender received after the specified time shall be returned promptly to the tenderer. The tender may be opened to ascertain the name of the tenderer but no details of the tender shall be disclosed. However, a tender may be considered where the Chief Officer is satisfied that there is evidence of posting in time for delivery by the specified time in the normal course of postal delivery.
- (d) As soon as a tender is received, a numbered receipt shall be given and recorded by the Chief Officer and the receipt number shall be marked on the tender. Pending their opening, all tenders shall be kept securely in the custody of the Chief Officer.
- (e) Tenders for any contract shall be opened by the Chief Officer in sufficient time to enable them to be considered by the Committee concerned. Every tender shall be checked against the register of receipts to ensure that all tenders received have been accounted for and shall be initialled by the person opening same. The tenders shall then be submitted for consideration by the Committee.
- (f) Where examination of tenders reveals errors or discrepancies which would affect the tender figure(s) in an otherwise successful tender, the tenderer must be given details of such errors and discrepancies and afforded an opportunity of confirming or withdrawing his/her offer. If the tenderer withdraws, the next tenderer in competitive order is to be examined and dealt with in the same way. Any exception to this procedure may only be authorised by the Council after consideration of a report by the Chief Officer.
- (g) A tender other than the lowest tender, if payment is to be made by the Council, or the highest tender, if payment is to be received by the Council, shall not be accepted until the Council shall have considered a report from the Chief Officer as to the reasons for his/her recommendation.

#### **60. Sealing, damages and bonds**

- (a) Every contract which exceeds the statutory amount in value shall be made under the Corporate Seal.
- (b) Every written contract shall specify -
  - (i) the work to be done, or the services to be provided, or the goods or materials to be supplied;
  - (ii) the price to be paid, with a statement of discounts or other deductions; and
  - (iii) the time or times within which the contract is to be carried out.
- (c) Every contract which exceeds the statutory amount in value and which is for the execution of works (or for the supply of goods or materials by a particular date or series of dates) shall provide for liquidated damages or the making good by the contractor of any loss incurred by the Council in case the contract is not duly performed.
- (d) Where a contract is estimated to exceed a statutory amount in value and is for the execution of works (or for the supply of goods and materials by a particular date or

series of dates), a Performance Bond or other adequate security shall not be required unless there are sound commercial reasons for their use.

**61. Specifications and standards**

- (a) All tenders for the execution of works or the supply of goods or materials shall be based so far as possible, except to the extent that the Council in a particular case otherwise decides, on a definite specification.
- (b) All written contracts shall require, as a minimum, that goods and materials shall be in accordance with the relevant British Standards Institution and European Community standards and specifications.

**62. Other contract conditions**

Every written contract for the execution of works or for the supply of goods and services and having a value exceeding the statutory amount shall provide that the Council can cancel the contract and recover any resulting losses if the contractor or his/her employees or agents with or without his/her knowledge:-

- (a) does anything improper to influence the Council to award him/her the contract; or
- (b) commits an offence under the Prevention of Corruption Acts 1889 to 1916, the Bribery Act 2010 or Sections 46 or 47 of the Local Government Act (Northern Ireland) 1972 or any other criminal offence relating to the procurement and execution of the contract.

**63. Contracts with Members or officers of council**

The Chief Executive shall report to the Council any case where it comes to his/her notice that a Member or officer of the Council has any interest in any transaction with the Council.

**GENERAL**

**64. Amendment to Standing Orders and repeals**

These Standing Orders may be altered or rescinded by resolution of the Council.

**ADOPTION, REVISIONS AND AMENDMENTS**

- Version 1      Adopted by the Shadow Council 24th March, 2015  
Effective from 1st April 2015
- Version 2      Adopted by the Council 5th January, 2016
- Amendments to Standing Orders 36, 37 and 39 to take account of the Establishment of the Belfast Waterfront and Ulster Hall Ltd Shareholders' Committee  
Effective from 1st March 2016
- Version 3      Adopted by the Council 1st June, 2017
- Amendment to Standing Order 37 to add Licensing of Pavement Café Act (Northern Ireland) 2014  
Minor amendments to reflect organisational changes in the Council and in the NI Executive.  
Effective from 1st June 2017
- Version 4      Adopted by the Council 1st June, 2017
- Amendment to clauses relating to qualified majority voting  
Effective from 3rd July 2017
- Version 5      Adopted by the Council 3rd January, 2018
- Amendment to Standing Order 30 – Offensive Expression  
Effective from 1st February, 2018
- Version 6      Adopted by the Council 1st May, 2018
- Amendment to Standing Order 37(a) Duties of Committees –Strategic Policy and Resources – delegated Authority re: Bonfire Management Programme  
Effective from 18th May 2018
- Version 7      Adopted by the Council 4th June, 2018
- Amendment to Standing Order 36 to include Brexit Committee and Standing Order 37(e) Duties of Committees – Brexit Committee  
Effective from 2nd July 2018
- Version 8      Adopted by the Council 3rd December, 2018
- Amendment to Standing Order 37(d) Duties of Committees – Licensing Committee to give effect to the Committee having delegated authority to determine applications under the Houses in Multiple Occupation Act (Northern Ireland) 2016  
Effective from 7th January, 2019

Amendment to:

Standing Order 13(f) – Notices of Motion which fall within the remit of a Committee shall be referred to that committee without appearing on the Council agenda.

Standing Order 37(a) Duties of Committee – Strategic Policy and Resources Committee – to give effect to the Committee having delegated authority for the Award of Contracts

Standing Order 47 Call-in

(a) 2(a) reasons to be given by the proposer for suspension of the operation of call-in

(b) (6) expiry of the period of call-in before legal opinion sought

(c) (5) authority delegated to the City Solicitor to seek legal advice to assist in addressing issues



## Appendix 1

### Protocol for decision-making by the Licensing Committee

#### Introduction

1. The following protocol has been developed for use by the Licensing Committee ('the Committee'). It should be read alongside relevant provisions of the Council's Standing Orders and the Code of Conduct for Councillors and is not intended to replace either document. The key aims of the protocol are to ensure that:
  - i. Those who apply for, or object to, licences or permits before the Committee are able to make informed representations and know the case which they have to meet; and
  - ii. The Committee makes decisions in a soundly based, lawful, fair and transparent way.

#### Representations to Committee

2. Applicants, statutory consultees, and objectors ('the parties') to an application will be present whilst representations are being made in relation to that application. That is subject to the following conditions:
  - i. Deputations shall be heard in the following order:
    - a. Statutory consultees or other notice parties;
    - b. Objectors and/or their representatives;
    - c. Applicant and/or their representatives and/or those supporting the application.
  - ii. Where more than one application is received in relation to a street trading site, deputations will be heard in alphabetical order according to the surnames of the applicants. Every applicant will be admitted to the meeting for the time during which deputations are made in respect of the site;
  - iii. Such deputations, unless otherwise agreed in advance by the Committee, shall consist of no more than 3 persons. Where there are more than 3 objectors or groups of objectors they will be required to arrange a single deputation to express their representations;
  - iv. The privilege of such deputation shall be confined to the presentation of a statement and the making of a short address either by each member of the deputation or, should they so wish, by their nominated spokesperson or legal adviser;
  - v. Each deputation shall be permitted. So far as is reasonably practicable, a maximum of 5 minutes to address the Committee. Where more than one person wishes to make representation the 5 minutes should be shared between the members of the deputation;
  - vi. All members of a deputation must continue to be seated and remain silent whilst other deputations are being made to the Committee;

- vii. Cross-examination between persons making representations to Committee shall not be permitted;
- viii. Once all deputations have been made, the parties shall be permitted an opportunity to clarify any issues which may have arisen from the oral representations of another deputation. This will be strictly limited to responding to any such issue and will not be another opportunity to rehearse their representations;
- ix. The Committee may, upon advice from officers, exclude any deputation from being present during the whole or part of the time when any other deputations are being made due to:-
  - the confidential nature of information relevant to the application to be discussed; or
  - For such other reasons as may be appropriate;
- x. The Committee may seek clarification from those who have spoken on any issues raised by them but should not enter into a debate with them;
- xi. Officers can address any issues raised during the course of representations from any deputation and the Committee can question officers; and
- xii. The Chairman may agree to accept representations outside these procedures under exceptional circumstances upon advice from officers.

### **Submission of representations to Council**

3. Each deputation shall submit a prepared statement in advance of the meeting in a format as required by the Committee.
4. The statement, along with any other supporting information, must be provided in sufficient time which, unless circumstances dictate otherwise, shall be 3 weeks prior to the date of the Committee at which the matter is to be considered and the statement shall be included in the report to Committee.
5. Save for exceptional circumstances, all material supplied to the Committee will be shared with the parties. In particular;
  - i. Objectors will receive the material supplied on behalf of the applicant or representatives in support of an application;
  - ii. Applicants will receive the material supplied on behalf of objectors in opposition to an application; and
  - iii. All parties to an application shall be supplied with the report and all appendices thereto which is to be presented to Committee apart from any information which is restricted by virtue of the confidentiality provisions in the Council's publication policy.
6. Any relevant information which was not made available for inclusion in the report to Committee in advance of the meeting must be received by the Building Control Service (in writing or by email) no later than 12.00 noon two working days prior to the meeting. Any such information may then be verified or investigated and must also be supplied to all the parties to an application in advance of the meeting. Failure to do so may result in either the documentation being disregarded or the hearing being deferred.

7. Any documentation which is provided directly to any members of the Council must also be copied to the Building Control Service so as to ensure that the issues raised can be fully investigated by officers prior to the Committee hearing. Failure to do so may result in either the documentation being disregarded or the hearing being deferred.

### **Role of Committee Chairman**

8. It is the role of the Committee Chairman to chair the proceedings in such a way as to facilitate decisions which are consistent with the Committee's aims and to ensure that licensing decisions are properly debated.
9. The Chairman will ensure that those making representations to the Committee adhere, as far as is practicable, to any time limits fixed for such presentations. These time limits will have been communicated to those making representations in advance of the meeting.
10. The Chairman may at any time during the hearing of deputations, if s/he thinks it necessary to secure order, direct the removal of any individual from the meeting, or order that the meeting be cleared of all deputations.
11. When hearing deputations, the Chairman will only permit questions to be put to persons appearing before the Committee and will require members engaging in debate to desist, until such time as all relevant information has been received.
12. The Chairman may bring the questioning of any person appearing before the Committee to a close provided s/he is satisfied that all relevant issues have been addressed. The Chairman may also prevent duplication of questions being put.
13. In any circumstances in which relevant information has been omitted from the information presented to the Committee, or the information appears to be deficient or appears to require further clarification or investigation, the Committee should consider deferring consideration of the matter to the subsequent monthly meeting of the Committee to allow the relevant information to be brought before it.
14. The Chairman may permit any member of Council who is not a member of the Committee to appear before the Committee and make representations but the member cannot vote or take any other part in the proceedings.
15. If a member of the Committee moves that the question be put to a vote and the Chairman is of the opinion that the application before the Committee has been sufficiently discussed, s/he shall put the motion to the vote.
16. The Chairman shall, if necessary, seek clarification on any proposal put by any member before a motion is put to a vote.

### **Role of Committee Members**

17. The Committee's aim will be to make decisions which are sound, lawful, fair and transparent. In particular, members of the Committee should ensure that they take into account all relevant considerations and leave out of account irrelevant considerations.

18. Members must act fairly and be seen to act fairly. This means that they must have an open mind when considering an application and not pre-determine, or appear to pre-determine, an application before all of the evidence has been heard.
19. In considering any application only those members of Committee that have been present to consider representations from all deputations and any other information presented in relation to that application shall be permitted to vote on the matter.
20. Members of the Committee who have any pecuniary interest or other personal interest in a particular decision of the Committee should declare same and withdraw from the meeting.
21. Any member of the Committee who feels they cannot remain impartial and wishes to support an applicant or objector at a Committee meeting can do so in their capacity as a local Councillor. If they do so, they can appear before the Committee and make representations but the member cannot vote or take any other part in the proceedings.
22. Only those members sitting on the Committee will be permitted to engage in the questioning of those giving presentations or making representations to the Committee.
23. If legal advice is provided by Legal Services, the Committee must have regard to any such advice before reaching a decision.

## Appendix 2

### Operating protocol Belfast City Council Planning Committee

#### INTRODUCTION

1. The following protocol has been developed for use by the Planning Committee ('the Committee'). It should be read alongside relevant provisions of the Council's Standing Orders and the Code of Conduct for Councillors and is not intended to replace either document. The key aims of the protocol are to ensure that:
  - a) Those who apply for, or object to, applications before the Committee are able to make informed representations and know the case which they have to meet; and
  - b) The Committee makes decisions in a sound, lawful, and transparent way and in a timely and efficient manner.

#### REMIT OF THE COMMITTEE

2. The primary roles of the Committee will include:
  - a) Exercising the Council's powers and duties in relation to local planning policies, plan strategies, the statement of community involvement and any other development plan documents;
  - b) Exercising the Council's powers in relation to listed buildings;
  - c) Consideration of applications for planning permission and development management in accordance with the Council's Scheme of Delegation;
  - d) Responding to consultations issued by the Department of Environment, or any other Department, in relation to planning matters;
  - e) Responding to consultations in relation to regionally significant or major applications to be determined by the Department of Environment;
  - f) Scrutiny of the Council's delivery of planning functions, to include development management, enforcement, etc .
3. More detailed terms of reference can be found on the Council's [website](#).

#### FREQUENCY AND TIME OF MEETINGS

4. It is recommended that the Committee should meet every month; though there should be flexibility for additional meetings if required.
5. Dates and times will be advertised at least 5 days in advance on the Council website.

#### SCHEME OF DELEGATION

6. As per the requirements of Section 31 of the Planning Act (NI) 2011 the Council will operate a scheme of delegation for planning outlining delegation both to the Committee

and officers (this can be found on the Council's [website](#)). The overall objective is to ensure that arrangements for decision-making on applications for local developments are efficient whilst ensuring that proposals that raise strong local views or sensitive issues for the local environment can be dealt with by elected members. Delegating determination of some planning applications to officers is also seen as a critical factor affecting the overall performance of the development management process as it helps ensure that decisions are taken at the most appropriate level, procedures are clear and transparent, costs are minimised and members have more time to concentrate on complex applications.

7. In respect of development management, authority is delegated to appointed officers for local, generally non-contentious, applications.
8. Enforcement activities are also delegated to appointed officers. However the Committee will receive periodical reports on enforcement activities.
9. Arrangements are also in place within the scheme that allow members to request that an application, which would normally fall within the scheme of delegation, be referred to the Committee for determination.
10. Major applications, applications made by the Council or an elected member of the Council, and applications relating to land in which the Council has an interest in, cannot be delegated.

## FORMAT OF MEETINGS

11. Committee meetings (dates, times and papers) will be published on the Council's website at least 5 calendar days in advance.
12. Papers will include the following:
  - a) **Minutes of the previous meeting for approval as a complete record;**
  - b) **Details of delegated applications for noting only by the Committee;**
  - c) **Details of proposed pre-determination hearings;**
  - d) **Details of non-delegated applications (including those brought back following deferral) for consideration by the Committee;**
  - e) **Details of applications of regional significance with an impact upon the Council area in respect of which the Council is a statutory consultee or where it may wish to make representations;**
  - f) **Papers relating to the development of policy.**
13. All members of the Council will receive a weekly list of all applications which are delegated to officers in accordance with the Council's Scheme of Delegation.
14. If a member wishes to request that a delegated application is brought before the Committee this must be done, in writing or by email, within 14 days of the application being publically advertised. Members should notify Democratic Services of this request stating clearly their reasons, which must be material considerations. Democratic Services will then liaise with the City Solicitor's office and the authorised senior planning officer to determine whether the reasons which have been set out are material considerations and are of significant weight to allow the application to be referred to Committee. The City Solicitor or authorised senior planning officer will advise the relevant member of their decision.
15. The City Solicitor, in consultation with the authorised senior planning officer, may refer a decision back to Committee for the purposes of reconsideration.

16. A quorum, as outlined in the Council's standing orders, is required for the Committee to convene.
17. Councillors will be required to declare an interest in any item on the agenda at the beginning of the meeting and must then leave the meeting for that item. Members will then be invited to return to the meeting room and notified of the Committee's decision before the meeting recommences.
18. The Committee will discuss those applications that have not been delegated before taking a vote on one of the following options:
  - a) Approve the application with conditions as recommended;
  - b) Approve the application with amendments to the recommended conditions;
  - c) Refuse the application for the reasons recommended;
  - d) Refuse the application with additional or different reasons;
  - e) Refuse the application contrary to officers recommendations;
  - f) Return the application to officers with a direction for additional information or clarification.
19. The Committee can defer consideration of an application to a subsequent meeting for further information, further negotiations or a site visit. As deferrals have an adverse effect on processing times, and the applicant can lodge an appeal when the Council has not made a decision, the Committee will generally only defer an application once. The member proposing deferral must provide clear reasons as to why a deferral is necessary.
20. The Chair has a casting vote.
21. Members must be present for the entire item, including the officer's introduction and update; otherwise they cannot take part in the debate or vote on that item.

## **PUBLIC REPRESENTATIONS**

22. Meetings of the Committee will be open to the public; however, numbers will be limited according to the meeting venue capacity and associated fire and safety regulations.
23. Seating for the applicant, objectors and statutory consultees will be reserved but only for the time in which their application is being considered.
24. Only those who have made written submissions in respect of the application shall be permitted to make oral representations before the Committee.
25. Each deputation who wishes to appear before the Committee shall submit a prepared statement in advance of the meeting in a format as required by the Council.
26. The statement, along with any other supporting information, must be provided in sufficient time which, unless circumstances dictate otherwise, shall be 2 weeks prior to the date of the Committee at which the matter is to be considered and the statement shall be included in the report to Committee. Speakers will not be permitted to circulate papers to members at the Committee meeting.
27. The Committee may agree to accept representations outside these procedures but will only do so in exceptional circumstances.
28. All Committee papers will be available online. However, access to some documentation may be restricted by virtue of the Council's publication policy. Information which is determined to be exempt by virtue of Schedule 6 of the Local Government (Northern

Ireland) Act 2014 may be published where the Council considers that the public interest in disclosing same outweighs the public interest in maintaining the exemption.

29. Any documentation which is provided directly to any members of the Council in relation to a particular application must also be copied to the Committee clerk/planning section so as to ensure that the issues raised can be fully investigated by officers prior to the Committee hearing. Failure to do so may result in either the documentation being disregarded or the hearing being deferred.
30. Deputations shall be heard in the following order:
  - a. Statutory consultees<sup>1</sup>;
  - b. Objectors and/or their representatives;
  - c. Applicant and/or their representatives and/or those supporting the application.
31. Statutory consultees shall only be invited to attend Committee where they have objected to an application. If a member requires the attendance of a statutory consultee in other circumstances, this must be done at least one week in advance of the Committee meeting.
32. Deputations, unless otherwise agreed in advance by the Committee, shall consist of no more than 3 persons. Where there are more than 3 objectors or groups of objectors they will be required to arrange a single deputation to express their representations.
33. Deputation shall be confined to the presentation of a statement and the making of a short address either by each member of the deputation or, should they so wish, by their nominated spokesperson or legal adviser.
34. Each deputation shall be permitted a maximum of 5 minutes to address the Committee. Where more than one person wishes to make representation the 5 minutes should be shared between the members of the deputation.
35. All members of a deputation must continue to be seated and remain silent whilst other deputations are being made to the Committee.
36. Cross-examination, discussion or any type of debate between persons making representations to Committee shall not be permitted.
37. Once all deputations have been made, the parties shall be permitted an opportunity to rebut any factual inaccuracies which may have arisen from the oral representations of another deputation and in respect of which they have not had an opportunity to comment. This will be strictly limited to responding to any such issue and the party will not be permitted to rehearse any representations which have already been made.
38. The Committee may, upon advice from officers, exclude any deputation from being present during the whole or part of the time when any other deputations are being made due to the confidential nature of information relevant to the application to be discussed; or for such other reasons as may be deemed appropriate.
39. The Committee may seek clarification from those who have spoken on any issues raised by them but should not enter into a debate.
40. Officers can address any issues raised during the course of representations from any deputation and the Committee may seek clarification from officers.

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<sup>1</sup> As per Articles 13 &14 and Schedule 3 of the Planning (General Development Procedure) Order (Northern Ireland) 2015



41. The Chair will ensure that those making representations to the Committee adhere to the time limits set out in this Protocol. These time limits will have been communicated to those making representations in advance of the meeting.
42. The Chair may at any time during the hearing of depositions, if they think it necessary to secure order, suspend the meeting and direct the removal of any individual from the meeting, or order that the meeting be cleared of all depositions.
43. When hearing depositions, the Chair will require members engaging in debate to desist, until such time as all relevant information has been received.
44. The Chair may bring the questioning of any person appearing before the Committee to a close provided s/he is satisfied that all relevant issues have been addressed. The Chairman may also prevent duplication of questions being put.
45. If a member of the Committee moves that the question be put to a vote and the Chair is of the opinion that the application before the Committee has been sufficiently discussed, he shall put the motion to the vote.

#### **DECISIONS CONTRARY TO OFFICER RECOMMENDATION**

46. The decision as to whether to grant an application lies with the Committee and it is entitled to come to a decision contrary to officer recommendations.
47. Any such decision may be subject to legal challenge and members must therefore ensure that the rationale for the decision are fully explained and based on proper planning considerations.
48. The senior authorised planning officer and/or the Council's solicitor should always be given the opportunity to explain the implications of the Committee's decision prior to a vote being taken on any such proposal.
49. The reasons for the decision contrary to the officer's recommendation must be formally recorded in the minutes and a copy placed on the planning application file / electronic record.

#### **DECISIONS CONTRARY TO PLANNING POLICY**

50. *In general, planning decisions should be taken in accordance with the local development plan and any other associated planning policy documents. If a Committee member proposes, seconds or supports a decision contrary to the local development plan they will need to clearly identify and understand the planning reasons for doing so, and clearly demonstrate how these reasons justify departure from the local development plan. The reasons for any decisions which are made contrary to the development plan must be formally recorded in the minutes and a copy placed on the planning application file / electronic record.*

#### **MANDATORY PRE-DETERMINATION HEARINGS**

51. The Committee must hold pre-determination hearings for those major developments which have been subject to notification (i.e. referred to the Department but returned to the Council for determination)<sup>2</sup> prior to the application being determined.
52. Paragraph 22-43 of this Protocol shall also apply to pre-determination hearings.

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<sup>2</sup> Regulation 7 of the Planning (Development Management) Regulations (NI) 2015

53. In deciding whether to hold a pre-determination hearing, members should take into account the following factors (please note this list is not exclusive):
  - a) the relevance of the objections in planning terms;
  - b) the extent to which relevant objections are considered to be representative of the community, particularly in the context of pre-application community consultation;
  - c) the potential of causing undue delay in the decision making process; and
  - d) the numbers of representations against the proposal in relation to where the proposal is and the number of people likely to be affected by the proposal.
54. The Committee may also hold a pre-determination hearing, at their own discretion, where they consider it necessary, to take on board local community views as well as those in support of the development.
55. The applicant and any other person who makes representations to the Council in respect of the application will be afforded an opportunity to appear before the Committee.
56. Any hearing will take place after the expiry of the period for making representations on the application but before the Committee hears the application. The Council will endeavour to hold pre-determination hearings on a separate date from the Committee meeting at which it will be considered; however this may not always be possible.
57. For these hearings the case officer will produce a report detailing the processing of the application to date and the planning issues to be considered. If the Committee decides to hold the hearing on the same day as it wishes to determine the application the report to councillors will also contain a recommendation.

## **PREPARATION OF PLANNING POLICY DOCUMENTS**

58. Planning policy documents include the local development plan, local planning policies, plan strategies, the statement of community involvement and any other development plan documents or guidance.
59. The Committee should have a high level of involvement in the preparation and approval of planning policy documents.
60. Once approved by the Committee, planning policy documents will be referred to the Council's Strategic Policy and Resource Committee who will assess the document to determine whether it is consistent with the broader strategic objectives of the Council.
61. If Strategic Policy and Resource Committee considers any of the said planning policy documents to be inconsistent with those objectives, the Committee will reconsider the relevant document in light of the issues raised by the Strategic Policy and Resource Committee.
62. Once the Committee has reconsidered the relevant document it shall be reported to the Strategic Policy and Resource Committee and will be subject to ratification by full Council.

## **SITE VISITS**

63. Site visits may be arranged subject to Committee agreement. They should normally only be requested where the impact of the proposed development is difficult to visualise from the plans and other available material and the expected benefit outweighs the delay and additional costs that will be incurred.

64. Only members of the Committee and officers should attend organised site visits.
65. Members will not carry out their own unaccompanied site visits as there may be issues around permission to access the land, they will not have all of the relevant information from the relevant planning officer and, if a councillor is seen with an applicant or objector, it might lead to allegations of bias.
66. A nominated officer will record the date of the visit, attendees and any other relevant information.
67. The Chair, or Vice Chair in the Chair's absence, will ensure that the site visit is conducted in accordance with this protocol and the Code of Conduct for Councillors.
68. A statement will be read out by the Chair before the commencement of the site visit to remind members of the purpose of the visit and the terms of this protocol. The planning officer will then remind members of the proposal and the main issues.

A nominated officer will prepare a written report of the members' site visit which should then be presented to the Committee meeting at which the application is to be determined.

## Appendix 3

### Guide to Council Standing Orders

The following notes are aimed at explaining the more commonly used Standing Orders in a user friendly way. The notes do not amend or replace any of the Standing Orders themselves.

#### At Meetings of the Monthly Council

##### Order of Business – Standing Order 11

At the Council meeting the order of business will be as follows:

1. The Lord Mayor may read a passage from the scriptures – at the discretion of the Lord Mayor.
2. The Chief Executive will read out the summons for the meeting.
3. The Lord Mayor will propose that the minutes of the last meeting(s) of the Council are approved as a correct record.
4. The Lord Mayor and/or the Chief Executive will make the Council meeting aware of any official announcements – such as news of any marriages, births or deaths affecting Members of Council or other persons associated with the Council or the City.
5. If requests have been received in accordance with Standing Order 8 for any deputations to be heard then the Council will be requested to agree to receive them.
6. The minutes of the meetings of the Standing Committees will be approved and adopted.
7. Any matters previously called-in under the provisions of Standing Order 47 or 13(k) will be dealt with. A separate section within the Minute Book will be set aside for such matters.
8. Notices of Motion submitted in accordance with Standing Order 13 will then be considered.

##### Council Minutes to be Confirmed – Standing Order 12

The minutes of the previous meeting of the full Council need to be approved as a correct record. The minutes do not need to be adopted so no amendments can be made to them.

##### Committee Minutes to be Submitted and Discussed – Standing Orders 14 and 15

The minutes of the Committee meetings which have taken place since the last Council meeting will have been circulated to Members in advance of the meeting as part of the minute book.

- The Chairperson of each Committee will propose that “the minutes of the proceedings of the .....Committee are approved and adopted. What they are really doing is asking that all of the decisions recorded in the minutes of that Committee meeting are rubber-stamped and that officers are authorised to act on those decisions.
- Any Member who wishes to change or reject any one of the decisions recorded in those minutes can move an **amendment** and they must state what decision they are trying to change and what the effect of the change is.
- This must be relevant to the original decision but must not try to lay a greater financial burden than the original decision contained in the minute of the Committee.
- Only one amendment on that Committee decision can be considered at a time in order to avoid confusion.

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- After the amendment has been seconded and discussed, the Council will vote on the amendment.
- If the majority of Members vote for the amendment then this has the effect of changing the Committee's decision on the matter.
- When all of the discussion on a set of minutes has been completed and any amendments have been voted on, then the minutes (together with and amendments made to them at the Council meeting) are approved and adopted.

This process is applied for each of the Committees of the Council in turn as listed on the agenda. Please note that any decisions of the Planning and Licensing Committees which are taken under authority delegated to them by the Council (basically any decision in relation to a Planning Application or a Licence Application) cannot be amended at the full Council.

### Notices of Motion – Standing Order 13

All Notices of Motion will be recorded in full on the Summons for the Council meeting in the order in which they were received. To be valid a Motion must state the name of the proposer and the seconder.

The Motion must be about something that the Council has power to do or be about something which directly affects the City and its citizens.

If the Motion is about a matter which falls under the remit of one of the Council Committees (see Standing Order 37) then the Lord Mayor will have been advised of this and it will be referred to that Committee for discussion after it has been formally proposed and seconded at the Council meeting and no-one else will be able to speak about that Motion.

It will not be acceptable for a Notice of Motion to be submitted which asks the Council to spend money if that has not been previously agreed by a Committee of the Council (Standing Order 13(l)). The reason for this is to prevent the Council being committed to spend money without full consideration having been given at the appropriate Committee. The Lord Mayor can overrule this restriction having consulted with the Chief Executive if the matter is one of such urgency that there would not be time for the issue to first be discussed at Committee.

### Amendments – Standing Order 16 and 17

The types of amendments that can be proposed during a debate on a Committee minute or on a Notice of Motion are set out in Standing Order 16.

The general rule is that an amendment must relate directly to the decision which it is seeking to change. An amendment which tries to add a greater financial burden on the Council than that contained in the minutes of a Committee meeting will not be acceptable.

Normally all amendments should be written down and handed to the Lord Mayor. This is to ensure that the Lord Mayor is clear about the exact wording of the amendment and so that the Chief Executive can read the amendment to the meeting before a vote is taken. This is not always necessary if an amendment is straightforward, for example to do something that was defeated at a vote at a Committee meeting and where the wording is contained in the Committee minute. However, it is usually better to write out amendments that you wish to propose before the meeting starts so that you have them to hand if required.

### Points of Order – Standing Order 20

Points of Order may be raised by any Member at any stage during a Council meeting if a Member feels that the rules of debate have been breached. Points of Order should not be used to merely interrupt another Member's speech or to seek to make an observation about the general debate or what a specific Member has said during their speech. The Lord Mayor

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will ask a Member raising a point of order to explain how they feel the rules of debate have been breached. When the Lord Mayor rules on a point of order, the ruling is final and the Member must take their seat.

#### Explanations – Standing Order 21

If a Member is referred to during another Member's speech and they feel that their position has been misrepresented by that Member, then at the conclusion of that Member's speech they may seek permission to give a short explanation of their position and how they feel it has been misrepresented. This should not be a new speech on the matter but merely deal with the perceived misrepresentation.

#### Members to speak once only- Standing Order 22

This standing order applies in respect of any single item on the agenda or contained in the minutes. There is no requirement to reserve the right to speak on other matters if they are contained in the same set of minutes. Members often reserve the right to speak on other matters contained within the same set of minutes in the belief that they are required to do so when this is not in fact the case.

#### Voting – Standing Order 24

Most votes at a Council meeting are taken by a show of hands. When the Lord Mayor calls for a show of hands Members must be in their seats and should clearly raise their hands until the staff counting the votes have concluded the count.

If a Member asks for a vote to be recorded, then the division bell will be rung for 1 minute. The doors to the Council Chamber will then be locked and a Member will not be able to gain access to the Chamber until the vote is concluded. The Staff will call each Member's name and they should respond "For", "Against" or "No Vote". The manner in which each Member voted will be recorded in the minutes of the meeting. Members are reminded to speak clearly when voting so that staff can accurately record the vote.

Any vote that is required to be taken by Qualified Majority, where 80% of the Members present and voting will be required in favour of a decision, will be taken by way of a recorded vote.

#### Rulings of the Lord Mayor – Standing Order 32

The Lord Mayor is responsible for the conduct of business at a Council meeting. The rulings of the Lord Mayor on any points of order or any other matter are final and are not open to question at the Council meeting.

### **Frequently asked Questions**

Here are a few frequently asked questions about the conduct of business at monthly Council meetings.

#### When will the papers for the Council meeting be available?

The summons and the Council minute book will be published electronically 5 days before the date of the Council meeting.

#### How do I submit a Notice of Motion?

An individual Member of Council can submit a notice of motion – so long as it bears the name of the proposer and the seconder and is received by the Chief Executive or the Democratic Services Manager at least 7 days before the date of the meeting. That means that if the

Council meeting is at 6.00pm on a Monday evening, then any notices of motion must be received by 6.00pm the previous Monday.

Members of political parties on the Council may wish to discuss the subject of any notice of motion with their party colleagues before submitting it to officers. The Democratic Services Manager will be happy to assist any Member in the submission of a notice of motion to ensure that it is competent and that it is in proper order.

#### How do I get a Committee Decision amended at the Council meeting?

Again, a Member will probably wish to discuss any amendment that they wish to propose with their party colleagues in advance of the Council meeting.

If you wish to propose an amendment, then you should try to set it out in writing so that the wording is clear and so that it can be handed to the officials at the meeting. The Democratic Services Manager is available to assist any Member in preparing amendments.

The amendment must be about a matter which appears in the minutes of a Committee before the Council for consideration. It must not seek to commit the Council to additional expenditure over and above that agreed in the original Committee decision.

#### Are there any things I need to remember when speaking at a Council meeting?

Members should address their comments through the Lord Mayor and should refrain from addressing any other Member directly.

The correct form of address when speaking to the Lord Mayor is “Lord Mayor” and when referring to another Member they should be referred to as “Alderman” or “Councillor”.

A Member will usually have a time limit of 5 minutes when addressing the meeting (the only exception is when proposing a Notice of Motion when the limit is 10 minutes). The green light on the Lord Mayor’s desk and on the walls of the Council Chamber will illuminate when the Member has 1 minute of their allotted time remaining. The lights will switch to red when the time is up and the Member should immediately resume their seat.

Members should at all times abide by the Code of Conduct and should refrain from using offensive expressions in reference to any Member of the Council.

If the Lord Mayor should stand during a Member’s speech, the Member should immediately be seated until the Lord Mayor resumes his/her seat. The rulings of the Lord Mayor on any matters of order at a meeting are final and should not be questioned by any other Member.