



ANNEX D

Clerk and Chief Executive of Councils

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Your reference:

Circular LG

Dear Chief Executive

Council Constitution Direction

The Department of the Environment in exercise of the powers conferred by section 2(1)(c) of the Local Government Act (Northern Ireland) 2014 has prepared a Direction in relation to a district council's constitution.

Section 2(1) of the Act places a duty on a council to prepare and keep up to date a constitution which contains:

- (a) a copy of the council's standing orders;
- (b) a copy of the Northern Ireland Local Government Code of Conduct for Councillors;
- (c) such information as the Department may direct; and
- (d) such other information (if any) as the council considers appropriate.

In addition to the documents specified in section 2(1)(a) and (b) of the Act, a district council's constitution must include the information specified in the attached Direction.

Yours sincerely

Julie Broadway

COUNCIL CONSTITUTION DIRECTION

Direction given by the Department of the Environment in accordance with section 2(1)(c) of the Local Government Act (Northern Ireland) 2014

The constitution of a district council must, pursuant to section 2(1)(c) of the Local Government Act (Northern Ireland) 2014, include the information set out below.

The Council

1. The constitution must include the following information in relation to the council and its constitution:
 - a) a summary and explanation of the purpose and content of the constitution;
 - b) a description of the composition of the council, the scheme of ordinary elections for members of the council and their terms of office;
 - c) a description of the rights and responsibilities of residents of the council's district;
 - d) a description of the roles and functions of the chairperson of the council (including a chairperson who holds the title of mayor or lord mayor);
 - e) the scheme of allowances for members of the council drawn up in accordance with regulations made under section 31 (allowances, etc. for councillors) of the Local Government Finance Act (Northern Ireland) 2011 ;
 - f) a description of the rules and procedures for the management of the council's financial, contractual and legal affairs; and
 - g) a description of the rules and procedures for review and revision of the council's constitution.

Functions

2. The constitution must include the following information in relation to the discharge of the council's functions (excluding those functions which are discharged by an executive):
 - a) a description of the roles, membership and functions of any committees or sub-committees appointed by the council in accordance with section 11

(appointment of committees etc. for the purposes of discharging functions) of the Local Government Act (Northern Ireland) 2014 and any rules governing the conduct and proceedings of meetings of those committees and sub-committees;

- b) a description of those functions of the council which are discharged by an officer of the council, stating the title of the officer by whom each of the identified functions is discharged (except if the officer is discharging the function for a period of six months or less); and
- c) a description of joint arrangements made with any other council under section 9 (arrangements for the discharge of functions by councils jointly) of the Local Government Act (Northern Ireland) 2014 , including:
 - (i) the terms of those arrangements;
 - (ii) the membership, terms of reference and functions of any joint committees established under those arrangements; and
 - (iii) any rules governing the conduct and proceedings of meetings of those joint committees, whether specified in the council's standing orders or otherwise.

Officers

- 3. The constitution must include the following information in relation to officers of the council:
 - a) the role of officers in supporting the council;
 - b) the roles and functions of the clerk to the council and the chief financial officer;
 - c) the management structure;
 - d) any rules governing the recruitment, appointment, dismissal and disciplinary action for officers; and
 - e) the code of conduct for officers and the protocol in respect of relationships between members and officers of the council.

Meetings and Information

- 4. The constitution must include a description of the arrangements that are in place in relation to access by the public, members of the council and officers of the council to:

- a) meetings of the council, its committees and sub-committees, joint committees and the executive and sub-committees of the executive; and
- b) information about the decisions made, or to be made, in respect of the council's functions.

Executive

- 5. The constitution must include the following information in relation to the operation of executive arrangements:
 - a) a description of the principal roles and functions of members of the council under executive arrangements, including the rights and duties of those members;
 - b) a description of the roles of the full council under executive arrangements, including the functions which may be exercised only by the full council or which may, to the extent specified in Regulations 5 and 6 of the Local Government (Executive Arrangements) Regulations (Northern Ireland) 2014, be exercised only by the council;
 - c) a description of the functions of the council executive which, for the time being, are exercisable by the executive or a sub-committee of the executive, stating as respects each function, the membership of the body by whom it is exercisable;
 - d) a description of the roles of the executive and sub-committees of the executive including:
 - (i) the roles, functions, rights, responsibilities and duties of members of the executive;
 - (ii) any rules governing the appointment of members;
 - (iii) any provisions in the council's executive arrangements with respect to the quorum, proceedings and location of meetings of the executive or its sub-committees;
 - (iv) any provisions in the council's executive arrangements with respect to the appointment of sub-committees;
 - e) a description of those functions of the executive which are discharged by an officer of the council, stating the title of the officer by whom each of the

functions identified is discharged (except if the officer is discharging the function for a period of six months or less);

- f) a description of the arrangements for the operation of overview and scrutiny committees, including:
 - (i) the terms of reference and membership of those committees and any rules governing the exercise of their functions; and
 - (ii) any rules governing the conduct and proceedings of meetings of those committees whether specified in the council's standing orders or otherwise; and

- g) a description of any arrangements made with another council for the discharge of functions by that other council or the executive of that other council in accordance with section 7(1)(b) (arrangements for discharge of functions of council) of the Local Government Act (Northern Ireland) 2014 or, as the case may be, Regulation 9 of the Local Government (Executive Arrangements) Regulations (Northern Ireland) 2014.