

**Democratic Services Section
Legal and Civic Services Department
Belfast City Council
City Hall
Belfast
BT1 5GS**



**Belfast
City Council**

24th January, 2022

MEETING OF STANDARDS AND BUSINESS COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet remotely via Teams on Thursday, 27th January, 2022 at 5.30 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

SUZANNE WYLIE

Chief Executive

AGENDA:

1. Routine Matters

- (a) Apologies
- (b) Minutes
- (c) Declarations of Interest

2. Motions

- (a) Notice of Motion – Unauthorised Clothing Banks (Pages 1 - 4)
- (b) Notice of Motion – Proposed Cuts in Higher Education (Pages 5 - 8)

3. Working Group – Review of Standing Orders (Pages 9 - 10)

4. Members Internal Dispute Resolution Protocol (Pages 11 - 18)



Subject:	Notice of Motion – Unauthorised Clothing Banks
Date:	27th January, 2022
Reporting Officer:	John Walsh, City Solicitor
Contact Officer:	Jim Hanna, Senior Democratic Services Officer

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

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

1.0	Purpose of Report/Summary of Main Issues
1.1	To consider the Notice of Motion received for the meeting of the Council on 1st February in relation to Unauthorised Clothing Banks.
2.0	Recommendation
2.1	The Committee is asked to note that the motion should be referred, in the first instance, to the Strategic Policy and Resources Committee.

3.0	Main Report
	<p data-bbox="276 264 427 297"><u>Key Issues</u></p> <p data-bbox="167 331 1465 398">3.1 The Committee will be aware Standing Orders 13 (m) to (r) as agreed by the Council at its meeting on 4th October is as follows:</p> <p data-bbox="167 465 1465 1373">3.2</p> <ul style="list-style-type: none"> <li data-bbox="327 465 1465 633">(m) <i>The Standards and Business Committee will have delegated authority to adopt or reject Notices of Motion. The Lord Mayor will indicate at the Council meeting those Notices of Motion that have been considered by the Standards and Business Committee and whether such Notices of Motion were rejected or adopted. In either case, the proposer only may speak on the issue at Council.</i> <li data-bbox="327 667 1465 835">(n) <i>The Standards and Business Committee will refer all Notices of Motion directly to a standing committee when the matter to which the Notice of Motion refers falls within the remit of that committee. At Council, the Lord Mayor will indicate that the Notice of Motion was received and referred. There will be no speakers on such Notices of Motion at Council.</i> <li data-bbox="327 869 1465 969">(o) <i>The Standards and Business Committee will refer Notices of Motion for consideration by full Council when the Notice of Motion relates to a strategic or constitutional matter.</i> <li data-bbox="327 1003 1465 1081">(p) <i>The Standards and Business Committee will not have the power to amend the wording of any Notice of Motion that is being referred to the full Council for debate.</i> <li data-bbox="327 1115 1465 1216">(q) <i>Any amendments to Notice of Motions to be proposed at the Council are to be furnished at least one day in advance of going to the full Council and will be circulated to Party Group Leaders in advance of the Council meeting.</i> <li data-bbox="327 1249 1465 1373">(r) <i>In referring any matter to the full Council, the Standards and Business Committee may determine to restrict contributions to the debate in relation to any Notice of Motion to one per political party. At the Council meeting, the Lord Mayor will clearly indicate if the restriction applies.</i> <p data-bbox="167 1429 802 1462">3.3 The following motion has been received:</p> <p data-bbox="276 1529 691 1563"><u>Unauthorised Clothing Banks</u></p> <p data-bbox="276 1608 1465 1709">“That this Council will introduce appropriate regulations to prohibit the siting of unauthorised ‘clothing banks’ on its land and works with other public landowners to present a united approach.</p> <p data-bbox="276 1753 1465 1888">Registered charities operate professional collection and retail operations, incurring significant costs. Their profits go on to support many worthy causes. In contrast many ‘clothing banks’ appear overnight, with no permission and with minimal signage. This is unfair and many worthy causes lose out as a result.</p> <p data-bbox="276 1933 1465 2000">If the operator is legitimate, they will have no difficulty in properly registering their collection banks in a managed site. Thus, a level playing field is created”.</p>

<p>3.4</p> <p>3.5</p> <p>3.6</p> <p>3.7</p> <p>3.7</p>	<p>Proposer: Alderman Dorrian</p> <p>Seconder: Councillor Brooks</p> <p>The Committee should note that, amongst other things, the remit of the Strategic Policy and Resources Committee, includes:</p> <ul style="list-style-type: none"> • 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 <p>In addition, there could be some resource requirements associated with the drafting of regulations.</p> <p>Therefore, the motion should, in the first instance, be referred to the Strategic Policy and Resources Committee.</p> <p><u>Financial and Resource Implications</u></p> <p>None associated with this report.</p> <p><u>Equality or Good Relations Implications</u></p> <p>None.</p>
<p>4.0</p>	<p>Documents Attached</p>
	<p>None.</p>

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Subject:	Notice of Motion – Proposed Cuts in Higher Education
Date:	27th January, 2022
Reporting Officer:	John Walsh, City Solicitor
Contact Officer:	Jim Hanna, Senior Democratic Services Officer

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

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

1.0	Purpose of Report/Summary of Main Issues
1.1	To consider the Notice of Motion received for the meeting of the Council on 1st February in relation to Proposed Cuts in Higher Education.
2.0	Recommendation
2.1	The Committee is asked to consider the motion and agree to either adopt the motion, refer it for debate at the Council meeting or reject the motion.

3.0	Main Report
	<u>Key Issues</u>
3.1	The Committee will be aware Standing Orders 13 (m) to (r) as agreed by the Council at its meeting on 4th October is as follows:
3.2	<p>(m) <i>The Standards and Business Committee will have delegated authority to adopt or reject Notices of Motion. The Lord Mayor will indicate at the Council meeting those Notices of Motion that have been considered by the Standards and Business Committee and whether such Notices of Motion were rejected or adopted. In either case, the proposer only may speak on the issue at Council.</i></p> <p>(n) <i>The Standards and Business Committee will refer all Notices of Motion directly to a standing committee when the matter to which the Notice of Motion refers falls within the remit of that committee. At Council, the Lord Mayor will indicate that the Notice of Motion was received and referred. There will be no speakers on such Notices of Motion at Council.</i></p> <p>(o) <i>The Standards and Business Committee will refer Notices of Motion for consideration by full Council when the Notice of Motion relates to a strategic or constitutional matter.</i></p> <p>(p) <i>The Standards and Business Committee will not have the power to amend the wording of any Notice of Motion that is being referred to the full Council for debate.</i></p> <p>(q) <i>Any amendments to Notice of Motions to be proposed at the Council are to be furnished at least one day in advance of going to the full Council and will be circulated to Party Group Leaders in advance of the Council meeting.</i></p> <p>(r) <i>In referring any matter to the full Council, the Standards and Business Committee may determine to restrict contributions to the debate in relation to any Notice of Motion to one per political party. At the Council meeting, the Lord Mayor will clearly indicate if the restriction applies.</i></p>
3.3	<p>The following motion has been received:</p> <p><u>Proposed Cuts in Higher Education</u></p> <p>“This Council notes with alarm the budget cut proposals put forward by the Department for the Economy to reduce university places, massively increase tuition fees, slash student financial support, cut the number of apprentices, and reduce or end the Educational Maintenance Allowance (EMA).</p> <p>The Council supports an end to tuition fees and an increase in EMA and student financial support. Therefore, the Council agrees that these proposed actions and cuts are completely unacceptable, especially at a time when students across the city are already struggling to make ends meet. As noted by the NUS-USI, these cuts ‘have the potential to decimate the hopes and opportunities of an entire generation’ and could take away ‘their ability to survive day to day, and many will simply drop out of education’.</p> <p>Therefore, the Council considers the proposals to constitute an unacceptable attack on students, young people, their futures and our education provision; and stands in solidarity with demands from the NUS-USI to oppose these cuts.</p>

	<p>The Council will write to the Economy Minister to express our anger and opposition to these proposals and to encourage the Minister to abandon them. In that letter, the Council will invite the Minister to a meeting with Councillors and representatives of the student population, in order to fully understand and appreciate the breadth of our concerns and the danger his proposals present.</p> <p>The Council calls on the wider Stormont Executive to refuse to give consent to these proposals and cuts and to take all necessary action to defend student places, student financial assistance, apprenticeships, the EMA and to oppose any increase in the cost of student tuition. Accordingly, the Council will write to each Executive Minister to this effect.</p> <p>The Council also calls on the Finance Minister to work with the Minister for the Economy to find a sustainable solution to funding issues within the higher and further education sectors. The Council considers it utterly unacceptable that young people in our city should be made to pay the price for budgetary pressures and include in our letter to the Minister for Finance a demand that funding is found to secure the future for young people.</p> <p>Finally, the Council recognises the role of Westminster budgets in creating difficulties for public spending locally and agrees to write to the treasury on behalf of local students to demand increased budgetary funding to stave off these proposals.”</p> <p>Proposer: Councillor Ferguson</p> <p>Seconder: Councillor Matt Collins</p>
3.4	<p>Calling on the Council to oppose proposals to reduce university places, massively increase tuition fees, slash student financial support, cut the number of apprentices, and reduce or end the Educational Maintenance Allowance (EMA) and to undertake several actions. - no cost implications to the Council – can be adopted by the Committee, referred to the Council for debate or rejected.</p>
3.5	<p><u>Financial and Resource Implications</u></p> <p>None associated with this report.</p>
3.6	<p><u>Equality or Good Relations Implications</u></p> <p>None.</p>
4.0	<p>Documents Attached</p>
	<p>None.</p>

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Subject:	Working Group – Review of Standing Orders
Date:	27th January, 2022
Reporting Officer:	John Walsh, City Solicitor
Contact Officer:	Jim Hanna, Senior Democratic Services Officer

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

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

1.0	Purpose of Report/Summary of Main Issues
1.1	To consider the establishment of Working Group to undertake a review of the Council's Standing Orders
2.0	Recommendation
2.1	The Committee is to agree to establish an All-Party Working Group to undertake a review of the Council's Standing Orders.

3.0	Main Report
	<p><u>Key Issues</u></p> <p>3.1 The Council's Standing Orders are for the purpose of regulating the conduct of business at Council and Committee meetings</p> <p>3.2 The Committee will be aware that on several occasions Members have expressed a need to undertake a review of the Standing Orders.</p> <p>3.3 Accordingly it is proposed that a task and finish Members' Working Group, comprising of 1 Member from each of the political parties represented on the Council, be established for this purpose.</p> <p><u>Financial and Resource Implications</u></p> <p>3.4 None associated with this report.</p> <p><u>Equality or Good Relations Implications</u></p> <p>3.5 None.</p>
4.0	Documents Attached
	None.



Subject:	Standards and Business Committee: Members Internal Dispute Resolution Protocol - amendments
Date:	
Reporting Officer:	John Walsh, City Solicitor / Director of Legal & Civic Services
Contact Officers:	Sarah Williams, Governance and Compliance Manager

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

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

1.0	Purpose of Report or Summary of main Issues
1.1	The purpose of this report is to provide Members with the latest version of the draft Members Internal Dispute Resolution Protocol which was updated following the workshop on 6 th January. As the process outlined in the protocol may be applicable (on a voluntary basis) to all Members of the council, it is proposed that the protocol be presented to full Council on 1 February for ratification.
2.0	Recommendations
2.1	It is recommended that the Standards and Business Committee: <ul style="list-style-type: none"> - agree the draft Members Internal Dispute Resolution Protocol attached at Appendix 1, and - agree that the protocol is presented to Council on 1 February for ratification.

3.0	Main report
3.1	<p>Members received a further presentation on a draft Members Internal Dispute Resolution Protocol at the workshop which followed the meeting of the Standards and Business Committee on 6 January 2022. Members noted that participation in the protocol is on a voluntary basis and that its purpose is to provide an internal mediation mechanism for the prompt resolution of low level disputes between individual members of Council in relation to their behaviour towards each other.</p> <p>Following discussion it was recommended that the protocol should be amended to ensure that a note of the meeting would be made and retained by the Monitoring Officer and a note of the outcome of any mediation meeting including any agreement reached should be recorded by the Monitoring Officer and provided to all participants on a private and confidential basis.</p> <p>It was also recommended that as the process outlined in the protocol may be applicable (on a voluntary basis) to all Members of the council, that it should be circulated to all Members and ratified at full council.</p> <p><u>Next Steps</u></p> <p>The draft Members Internal Dispute Resolution Protocol will be presented to Council on 1 February for ratification.</p> <p>If approved, awareness training on the protocol will be rolled out to all Members in February 2022.</p>
3.2	<p><u>Financial & Resource Implications</u></p> <p>No financial or resource implications attached to this report.</p>
3.3	<p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>Any equality, good relations and rural needs assessments implications will be subject to the usual screening processes.</p>
4.0	Appendices
4.1	Appendix 1 – Draft Internal Members Dispute Resolution Protocol

BELFAST CITY COUNCIL

MEMBERS' INTERNAL DISPUTE RESOLUTION PROTOCOL

CONTEXT

The Northern Ireland Local Government Code of Conduct for Councillors came into effect in 2014, providing ethical standards and rules for all councillors in Northern Ireland. The Code places personal responsibility on each elected member to manage their own conduct and behaviour and the Local Government Commissioner for Standards is legally empowered to investigate and adjudicate on any alleged breaches of the provisions of the Code.

Council fully endorses both the letter and spirit of the Code and the functions of Council's Standards and Business Committee include a 'commitment to uphold the high standards of values and behaviours in a relationship of mutual trust'.

As part of that commitment and in order to afford members to resolve basic issues of respect and consideration for others which may arise in the course of 'member to member' engagement, the Standards and Business Committee is providing a simple, informal, mediation mechanism to address such issues without necessarily having to seek the involvement of the Commissioner through the lodging of a formal complaint of a breach of the Code. In this way, the Committee hopes to ensure a speedy outcome for all the parties within the process, thus making it easier for relationships to be restored without continuing rancour.

Details of the purpose, scope and operation of the Protocol are set out below.

PURPOSE OF PROTOCOL

The purpose of the Protocol is to provide an internal mechanism for the prompt resolution of disputes between individual members of Council in relation to their behaviour towards each other.

SCOPE OF PROTOCOL

The Protocol will only apply to disputes between Members in respect of alleged misconduct under paragraph 4.13(a) of the Northern Ireland Local Government Code of Conduct for Councillors:

Code Paragraph 4.13(a) - You must show respect and consideration for others

The Protocol offers a mediation mechanism to seek a swift resolution of member to member disputes and since it is a voluntary arrangement, both parties must agree to participate in the process if it is to be utilised. The Protocol cannot consider complaints by any third parties, including members of staff.

Complaints in relation to conduct which is claimed to be in breach of any other provisions of the Code cannot be dealt with under the Protocol but can, if desired, be made directly to the Local Government Commissioner for Standards.

The operation of the Protocol is not intended to impinge upon the jurisdiction of the Local Government Commissioner for Standards but, rather, to deal informally with a limited category of complaints which may obviate the need for referral to the Commissioner.

The Protocol is not intended to interfere with, or take the place of, group or party discipline, nor self-regulation by members.

The involvement of the Party Group Leaders and Monitoring Officer is not to make any adjudication on the merits or otherwise of the complaint but rather to facilitate a simple mediation process to provide both parties to the complaint with an opportunity to reach an agreed settlement.

OPERATION OF PROTOCOL

The Monitoring Officer will facilitate the operation of the Protocol.

A member wishing to utilise the Protocol must put his/her complaint in writing (using the form provided or simply by email) to the Monitoring Officer explaining:

- when and where the alleged breach occurred;
- how he/she considers that paragraph 4.13(a) of the Members' Code of Conduct has been breached;

Such written complaint must be sent to the Monitoring Officer within fourteen days from the date of the event which is the subject of the complaint, or within fourteen days from the date when the event came to the knowledge of the complainant.

The Monitoring Officer will then share the complaint with the member who is the subject of the complaint.

The member who is the subject of the complaint will have fourteen days, from receipt, within which to send a written reply to the Monitoring Officer setting out a response and, in particular, indicating willingness or otherwise to participate in the dispute resolution process. Should the member fail to respond during this fourteen day period or indicate unwillingness to participate in the process, the Monitoring Officer will terminate the process at this point and inform the complainant accordingly.

In the event of receiving a reply from the member complained of indicating a willingness to proceed to the mediation process available, the Monitoring Officer will:-

- copy the full response to the complainant; and
- arrange a mutually convenient and private meeting between the complainant and the member who is the subject of the complaint, together with their respective Party Group leaders. This will take place as soon as reasonably practicable and will be held in private.
- If the complaint is between Members from the same political group – the Monitoring Officer and the relevant Group leader will meet with the complainant and Member who is the subject of the complaint to seek an agreed resolution.
- If the complaint is between Members of different political groups – the Monitoring Officer and the relevant Group Leaders will meet with the complainant and Member who is the subject of the complaint to seek an agreed resolution.

- If the complaint is between a Member of a political group and a non-aligned Member (i.e. a member who does not belong to any political group) – the Monitoring Officer and the relevant Group Leader together with the Chair of the Council (the Lord Mayor) will meet with the complainant and Member who is the subject of the complaint to seek an agreed resolution.
- If a Group Leader is involved either as complainant or as the subject of the complaint, the Monitoring Officer and the relevant Deputy Group Leaders will meet with the complainant and Member who is the subject of the complaint to seek an agreed resolution.
- The Monitoring Officer will make and retain a note of the meeting and a note of the outcome of the meeting. The Monitoring Officer will provide a copy of the note of the outcome of the meeting to all participants in the process on a private and confidential basis.
- The Monitoring Officer will also advise the Standards and Business Committee on the number of cases dealt with through the Protocol and the respective outcomes of such cases (i.e. whether the case was resolved successfully or otherwise).

All documentation in respect of this process will be treated in the strictest confidence and all participants in the process will be expected to respect the rights to confidentiality of all other participants.

MEMBERS' INTERNAL DISPUTE RESOLUTION PROTOCOL

COMPLAINT FORM

The Members' Internal Dispute Resolution Protocol only deals with disputes between Members in respect of alleged breaches of Code Paragraph 4.13(a) – "You must show respect and consideration for others."

Complaints in relation to conduct which you consider is in breach of other provisions of the Code cannot be dealt with under the Protocol. Such complaints may, if desired, be reported directly to the Local Government Commissioner for Standards

A: Your Details

Surname:	Forename(s):	Title:
Address and Postcode:		
Email Address:		
Contact telephone number (s) :		

Please state by which of the above methods you would prefer to be contacted.

B: About your complaint (please continue your answers to the following questions on a separate sheet(s) if necessary)

Name of the member you are complaining about:

In what way do you consider that a breach of Paragraph 4.13(a) of the Members' Code of Conduct has occurred?

(Code Paragraph 4.13(a) - You must show respect and consideration for others)

Describe how you have been affected by the conduct which is the subject of your complaint.

When did you first become aware of the matter which is the subject of your complaint?

Have you already tried to resolve your complaint with anyone else, e.g. directly with the member concerned, group leader, etc.? If so, please give brief details of how, when you did so and any outcome.

In what way do you consider this complaint might be remedied to your satisfaction?

Signature: _____ **Date:** _____

When you have completed this form, please forward it to:

The Monitoring Officer

Email: monitoringofficer@belfastcity.gov.uk

Please note that a copy of your complaint will be shared with the member who is the subject of your complaint. All documentation in respect of this process will be treated in the strictest confidence and all participants in the process are expected to respect the rights to confidentiality of all other participants.

DRAFT