

Strategic Policy and Resources Committee

Friday, 8th February, 2013

Meeting of Strategic Policy and Resources Committee

Members present: Councillor Hargey (Chairman); and
Councillors Reynolds, Campbell, Newton, Attwood,
Convery, Corr, Haire, Hanna, Hendron, Jones, Lavery,
Maskey, McCarthy, McVeigh, Mac Giolla Mhín,
Ó Muilleoir and Newton

In attendance: Mr. P. McNaney, Chief Executive;
Mr. C. Quigley, Assistant Chief Executive/ Town Solicitor;
Mr. R. Cregan, Director of Finance and Resources;
Mr. S. McCrory, Democratic Services Manager; and
Mr. J. Hanna, Senior Democratic Services Officer.

Minutes

The minutes of the meetings of 11th and 25th January were taken as read and signed correct. It was reported that those minutes have been adopted by the Council at its meeting on 4th February.

Democratic Services and Governance

Timing of meetings involving Elected Members

The Democratic Services Manager submitted for the information of the Committee a report providing details in relation to the timing of meetings involving Elected Members. The report outlined the rules on the timing of meetings of Committees and Working Groups, the results of a Members' questionnaire on the timing of meetings and the available research in relation to the matter.

After discussion, the Committee agreed that the Council affirm its current policy and that it be a matter for each Committee or Working Group to decide when it wished its meetings be held.

Application of d'Hondt Principles to the Allocation of Committee Places and Choices for Civic Dignitaries in June, 2013

The Committee considered the undernoted report:

"1 Relevant Background Information

1.1 Members will be aware that, with effect from 14th November, 2012, Alderman Frank McCoubrey joined the Democratic Unionist Party which had the effect of increasing that Party's representation on the Council to 16 Members.

1.2 Members will also be aware that, for the purpose of the allocation of Committee places and Chairmanships and Deputy Chairmanships of the Standing Committees, under the Council's system of proportionality, the party strengths on the

Council are taken to be those as at 1st May each year (Standing Order 37 (c) (iii) refers).

2 Key Issues

2.1 Allocation of Committee Places

2.1.1 The 6 Standing Committees of the Council are required to be appointed at the Annual Council Meeting each year. In 2013, this meeting will be held on Monday, 3rd June.

2.1.2 Each Committee comprises 20 places giving 120 seats overall. The allocation of blocks of seats is carried out using the formula

$$\frac{\text{Number of members of a Party}}{51} \times 120$$

2.1.3 When this is applied to the current party strengths on the Council, the following result is arrived at:

SF	37.65
DUP	37.65
SDLP	18.82
ALL	14.12
UUP	7.06
PUP	4.71

2.1.4 If we take the whole numbers, this allocates 117 of the 120 available places. The 3 remaining places are allocated by rounding up those parties with the greatest remainder figure. The first additional seat goes to SDLP with .82, the second to PUP with .71 and the third remaining place is to be allocated between SF and DUP who both have .65. Standing Orders do not contain any provision as to how this additional place should be allocated between two parties who have the same remainder figure and the Committee needs to decide how best to proceed. One possible solution, which would be consistent with how the Council allocates Chairmanships and Deputy Chairmanships of Committees, would be for the party which achieved the highest 1st preference votes in the 2011 elections to have the additional place for the 2013/14 Council year (in this instance that would be SF) with the other party having the additional place for the 2014/15 year. I have circulated the members' information tables showing how this would work across the parties for both of those years but it will be a matter for the Committee to decide upon.

2.2 Allocation of Chairmanships and Deputy Chairmanships

- 2.2.1** These positions are allocated using the d'Hondt table of choices with the 6 positions of Chairman and the 6 positions of Deputy Chairman forming one pool of 12 places.
- 2.2.2** Standing Order 42 makes it clear that, in relation to the appointment of Chairmen and Deputy Chairmen, where political parties have an equal number of Members the first or earlier choice will be given to the political party which polled the higher number of 1st preference votes at the most recent Local Elections, with the first or earlier choices being passed to the other political party for the remaining year. In our current circumstances, that would mean that the first or earlier choices for the 2013/14 year would lie with SF with that position falling to DUP in 2014/15.
- 2.2.3** Each party can choose whichever position they wish, subject to the restrictions that:
- No political party shall hold the same post for more than two years in a four year term and parties must make their selections on this basis provided that a party will not be required to select a post of Deputy chairman if a post of Chairman is available and provided that a party may select the same post if no other post is available to it;
 - The Chairman and Deputy Chairman of any Standing Committee shall not come from the same political party unless in the circumstances that a party has no other choice available to it.
- 2.2.4** In the first two years of the Council term the positions of Chairmen and Deputy Chairmen have been allocated as follows:

Committee	Chairman	Deputy Chairman
Strategic Policy & Resources	SF	DUP
Parks & Leisure	SF	SDLP
Development	DUP	SF
Health & Env Services	SDLP	SF
Town Planning	DUP	SF
Licensing	ALL	DUP

It should be noted that parties will not be able to again choose these positions in June 2013 unless no other choice is available to them.

2.3 Allocation of the Positions of Lord Mayor and Deputy Lord Mayor

2.3.1 The Strategic Policy and Resources Committee, at its meeting on 22nd October 2010, considered a report on the introduction of proportionality to the appointment of Lord Mayors and Deputy Lord Mayors. The Committee agreed to the extension of the proportionality arrangements to include the identification of those parties which would be entitled to nominate Members to fill the offices of Lord Mayor and Deputy Lord Mayor on an annual basis for the full 4-year term and that those appointments be considered as a separate “pool” which would be allocated at the meeting of the party leaders immediately following the Local Government Elections every four years

2.3.2 At the meeting of the party leaders following the Local Elections in 2011 the following parties were identified as being entitled to nominate for the civic posts over the 4-year term:

Year	Lord Mayor	Deputy Lord Mayor
2011/12	SF	DUP
2012/13	DUP	SF
2013/14	SF	DUP
2014/15	SDLP	ALL

2.3.3 A question has been raised as to whether the change in party strengths on the Council will impact on these positions for the remaining two years of the Council term. It could be argued that the clear intent of the Committee when it established the policy was that these positions were to be allocated, at a meeting of the party leaders immediately after the Local Elections, for the full 4 year term. However, when the

Committee agreed to apply proportionality to these positions in October 2010 there was not any specific consideration given as to what should happen if there was a change in party strengths during a 4-year term and therefore it is a matter for the Committee to give direction on.

2.3.4 It must be again pointed out that the election of the Lord Mayor and the Deputy Lord Mayor is subject to statutory regulation. Section 11 (1) of the Local Government Act (Northern Ireland) 1972 makes it a requirement for these positions to be “elected” annually by the Council and, in order to fulfil this requirement, it is necessary for the election of the Lord Mayor and the Deputy Lord Mayor to appear as separate items on the summons for the Annual Council Meeting. The introduction of the system of proportionality to the process cannot override this legal obligation.

3 Resource Implications

3.1 None.

4 Equality and Good Relations Implications

4.1 None.

5 Recommendations

5.1 The Committee is requested to note the information set out in the report and to decide:

1. If it wishes to agree to the allocation of the additional Committee place between Sinn Fein and the Democratic Unionist Party for the 2013/14 and 2014/15 Council years using the method outlined in paragraph 2.1.4 or if it wishes to allocate the additional place using a different methodology.
2. If it wishes to continue with the procedure established in 2010 for the identification of the political parties entitled to nominate for the positions of Lord Mayor and Deputy Lord Mayor for the full 4-year term, as set out in paragraph 2.3.2, or if it wishes to use a different approach following the change in party strengths on the Council.”

After discussion, the Committee agreed to adopt recommendation one.

With regards to recommendation two, it was

Moved by Councillor Reynolds
Seconded by Alderman Campbell

That the procedure established in 2010 for the identification of the political parties entitled to nominate for the positions of Lord Mayor and Deputy Lord Mayor be run twice during a Council term, that is, at the commencement of a Council term and again during the term if the party political strengths on the Council change.

On a vote by show of hands 5 members for the proposal and 11 against and it was accordingly declared lost.

The Committee accordingly agreed to continue with the current policy and that the positions of the Lord Mayor and Deputy Lord Mayor be nominated for the full 4 year term at a meeting of the political party leaders immediately following the local elections.

2013 Somme Pilgrimage

The Committee was advised that correspondence had been received from the Somme Association enquiring if the Council wished to be represented on the 2013 Pilgrimage to the Somme, France from 28th June – 2nd July, 2013. The Somme Pilgrimage, to mark the 97th Anniversary of the battle, would follow the route taken by both the 36th (Ulster) and 16th (Irish) Divisions during their service in the First World War. Services of Commemoration would be held in both Thiepval and Guillemont, in addition to attendance at the Last Post Ceremony at the Menin Gate, Ypres.

In previous years, the Committee had authorised attendance at the Somme Tour of a representative of each of the Political Parties on the Council. Members who had attended had found the event to be informative and worthwhile in that several of the ceremonial occasions were attended by many other dignitaries and officials, which afforded an opportunity for contacts to be made and relations to be developed on a range of topics and for the profile and image of Belfast to be promoted. The cost per person for attendance was approximately £600 plus the appropriate subsistence allowance, provision for which has been made within the Revenue Estimates.

The Committee approved the attendance on the tour of a representative of each of the Political Parties on the Council and the Chief Executive (or his nominee).

Members' Generic Development Programme

The Committee was advised that the Member Development Steering Group had been responsible for the developing a framework to ensure that all Members were supported and equipped to carry out their roles effectively, especially when considering the implications of local government reform. A significant amount of progress had been achieved to date, with the Steering Group and the Strategic Policy and Resources Committee having agreed to the design and delivery of a number of key elements of the framework, such as, a revised induction programme following the local government inductions in 2011, a range of specific development activities, the revised Personal Development Plan (PDP) process and the Belfast Members' Academy.

In March, 2012, the Council had approved the revised PDP process for Members. The revised process, which had been conducted between May and September, 2012 with 40 out of 51 Members, had identified a number of both individual and generic development needs of Members. Furthermore, the Committee at its meeting on 21st September, had approved the generic development needs which had been highlighted by Members during the PDP process. The Members had agreed that those development needs should be addressed through the delivery of an overall generic development programme which would begin to be delivered in the early part of 2013. In addition, it had been agreed that the Belfast Members' Academy should be included in that programme.

The Democratic Services Manager reported that a draft development programme had been designed in the form of the Members' Generic Development Programme, and had been considered and approved by the Members Development Steering Group at its meeting Wednesday, 4th February. In addition to the development programme, an Action Plan had also been considered and approved by the Steering Group. The Action Plan sought to take account of those areas for Elected Member development which would be necessary but must yet be worked through, such as Community Planning, the planning function and scrutiny requirements. It was intended that the development programme would run until the local government elections to the Shadow Council in 2014 in order to not add unduly to Councillors already busy schedules. In addition, as work progressed with Local Government Reform, the programme would be able to be tailored so that Members had the opportunity to build their capacity to effectively deliver on the new functions transferring to local government.

He explained that an important element of the Member Development Framework was the Belfast Members' Academy, which was a bespoke programme specifically designed for elected Members of the Council to build the capacity of the City's current and future leaders and to equip them with the skills required to effectively deliver for the city and its communities. It provided space for individual and group learning through a range of approaches and styles within the context of Belfast City Council. One such approach was "Action Learning Sets" which was an effective learning process whereby Members worked and learned together by tackling real issues and reflecting on their actions. Participants would acquire knowledge through actions and practice rather than traditional instruction. The Belfast Members' Academy would complement the Members Generic development programme and would commence in March, 2013. It might be possible for the programme to be formally accredited and that would be explored over the coming months. In order to receive a accreditation, it might be necessary to amend the programme and the Steering Group would be asked to consider any refinements.

The Committee noted the information which had been provided and noted also that that Member Development Steering Group had approved the delivery of the Members' Generic Development Programme.

Minutes of Meeting of Members' Development Steering Group

The Committee approved and adopted the minutes of the meeting of the Member Development Steering Group of 6th February.

Northern Ireland Local Government Association Conference and Local Government Awards Ceremony

The Committee was reminded that, at its meeting on 23rd November, 2012, it had authorised attendance at the Northern Ireland Local Government Association Conference on 28th February of the Chairman and the Deputy Chairman, of the Committee, the

elected Members who represented on the Council on the Association and appropriate Chief Officers (or their nominees).

The Committee was reminded that, similar to previous years, the event this year would incorporate also the Local Government Awards on the evening of 28th February. The Awards sought to recognise and showcase the best examples of service provision, new initiatives and outstanding commitment from Councils, Councillors and officers and covered seven categories. Correspondence had been received recently from the Association confirming that Belfast City Council-led initiatives had been nominated as a finalist in three categories. In the event that the Council was successful in winning one or more of the categories shortlisted as finals, it would be important that there was representation from the Committee to receive the associated Local Government Award.

Accordingly, the Committee approved the attendance of the Chairman, the Deputy Chairman and representatives of each of the other political parties at the Local Government Awards Ceremony.

Good Relations and Equality

Proposed responses to equality complaints received re. Flag EQIA

The Committee considered the undernoted report:

“ **RELEVANT BACKGROUND INFORMATION**

- 1 The Members will be aware that the Council received complaints from three individuals relating to the recent Flag Equality Impact Assessment (EQIA), alleging that they considered the Council to be in breach of its own approved Equality Scheme.
- 2 The complaints received, in date order, were from:

4 January	Mr William Gilliland
10 January	Councillor Lee Reynolds, on behalf of the DUP Group
11 January	Mr Raymond Laverty, on behalf of the PUP.
- 3 Copies of all three letters of complaint have been circulated with this report for information; Members may be aware that these are already in the public domain.
- 4 The text of the PUP complaint is identical to that submitted previously by Mr Gilliland. The PUP website features their letter and encourages the public to download it, print and sign it and send it to the Council; to date we have received over 500 such letters.

- 5 The DUP issued a press release on 10 January to which their full complaint was attached.**
- 6 Acknowledgement letters have been sent to all three individual complainants, informing them that their complaints would be investigated under the standard equality complaints procedure as set out in Chapter 8 of the Council's Equality Scheme.**
- 7 Our Equality Scheme requires us to respond to equality complaints within 30 working days – i.e. by 15 February for the first complaint received.**

KEY ISSUES

- 8 The equality complaints were reported on 18 January 2013 to the Joint Diversity Group of Party Group Leaders and Centenaries Working Group, which agreed that a report on the investigation of the complaints would be submitted to the Strategic Policy & Resources Committee in due course.**
- 9 The first stage of the Equality Scheme complaints procedure is an internal investigation by the Equality & Diversity Officer and this has now been completed. Proposed draft Council responses to each of the three complaints are attached for the Committee's approval. The issues raised in the complaints have been examined in detail and in each case the investigations have found that the complaints cannot be upheld.**
- 10 Members should be aware that if the complainants do not accept the decision of the Council in this matter they may raise their complaint with the Equality Commission. The Council will of course co-operate fully with the Equality Commission if any subsequent investigation is found necessary.**

- 11 **Multiple complaints**
Normally we would acknowledge receipt of all equality complaints received and respond to them individually. However, since we have received multiple versions of the PUP complaint – all identical – we have discussed with the Equality Commission the best way to respond to these, ensuring that we comply with our Equality Scheme, but taking into account the impact of this on Council business because of the disproportionate amount of staff time involved and the associated cost to the Council and its ratepayers.
- 12 The Equality Commission has considered this issue and has replied in writing, stating that although an acknowledgement would be required for each complainant (under paragraphs 8.4, 8.5 and 8.6) the Equality Scheme does not indicate the method to be used for this. The Equality Commission has stated that “In individual circumstances, where there is an individual complaint, it is reasonable to expect that this would be done in writing by letter to the person. In the case of a large number of identified complaints, such as you describe, the proposal that the acknowledgement letter would refer the bulk complainants to the Council’s website and/or press release and/or public adverts for example, would appear to be a proportionate approach in these circumstances”.

Equality and Good Relations Implications

- 13 These complaints have all been dealt with under our existing Equality Scheme procedures.

Resource Implications

- 14 All complaints are being dealt with within existing resources.

Recommendations

- 15
- 1) To approve the draft responses attached and agree that the individual complainants be notified that, following an internal investigation by the Equality & Diversity Officer in accordance with the Equality Scheme, their complaints cannot be upheld
 - 2) To approve the approach outlined above for acknowledgement and response to multiple complainants.”

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After discussion, the Committee adopted recommendation (1) as set out and agreed, since an acknowledgement letter would be forwarded to each of the complainants included in the multiple complaint submission that an individual response be sent to each of those persons also.

Chairman