

# Strategic Policy and Resources Committee

Friday, 4th April, 2014

## MEETING OF STRATEGIC POLICY AND RESOURCES COMMITTEE

Members present: Alderman Robinson (Chairman); and  
Aldermen Browne, Campbell and Patterson;  
Councillors Attwood, M. E. Campbell, Carson,  
Clarke, Corr, Haire, Hendron, Kennedy, McCarthy,  
Mac Giolla Mhín, McVeigh, Mullan, Newton and  
Reynolds.

In attendance: Mrs. S. Wylie, Chief Executive (Designate);  
Mr. R. Cregan, Director of Finance and Resources;  
Mr. G. Millar, Director of Property and Projects;  
Mrs. J. Minne, Assistant Chief Executive/  
Head of Human Resources;  
Mr. S. McCrory, Democratic Services Manager; and  
Mr. J. Hanna, Senior Democratic Services Officer.

### Apologies

Apologies for inability to attend were reported from Councillors Hargey and Jones.

### Minutes

The minutes of the meeting of 21st March were taken as read and signed correct. It was reported that those minutes had been adopted by the Council at its meeting on 1st April.

### Declarations of Interest

No declarations of interest were reported.

### Date of Next Meeting

The Chairman reminded the Members that the next meeting of the Committee was scheduled to be held on 18th April which was Good Friday and requested the Committee to consider moving the meeting to the following week.

The Committee agreed that the next scheduled meeting of the Committee be rearranged and held at 10.00am on Friday, 25th April.

## Reform of Local Government

### Future Governance Arrangements for the Shadow Council Period

The Committee considered the undernoted report:

#### **“1.0 Background**

- 1.1 At the Strategic Policy and Resources Committee on 13th December 2013, Members were updated on the three possible forms of governance available to new councils as provided for in Part 5 of the Local Government Bill: (a) executive arrangements (either cabinet or streamlined committee); (b) a traditional committee system; or (c) prescribed arrangements.
- 1.2 At the meeting, Members agreed on a process of engagement, to facilitate discussions on potential new political management arrangements for the operation of the new council during the Shadow period (May 2014 – March 2015).
- 1.3 Party Group briefings took place in January 2014, facilitated by Jonathan Huish from the Improvement and Efficiency Social Enterprise (IESE), at which Members explored the issues associated with each model. Jonathan Huish provided feedback to the Committee at its meeting on 7th February where it was agreed that officers should work with the Governance Steering Panel to develop options for possible committee structures for the Shadow period based on a more streamlined traditional committee system. These options would then be discussed with party groups before a final report was brought back to SP&R and STC in April.
- 1.4 This report therefore sets out recommendations on the proposed interim governance arrangements for the shadow period June 2014 – March 2015.

#### **2.0 Existing Council**

- 2.1 In considering arrangements for the Shadow Council, Members firstly discussed the governance structures for the existing council, as both structures will operate simultaneously from June 2014 to March 2015.
- 2.2 The Annual Meeting of the existing council has been scheduled for Monday 2nd June 2014, where the Council will appoint a Lord Mayor, Deputy Lord Mayor and committee membership for the period ending on 31st March 2015. The current council will

have to oversee the work of the departments as laid out in the departmental plans and revenue estimates and it is therefore recommended that the current committee structures remain in place during this period to fulfil this function. As the year progresses, depending on the volume of business, it may be possible to review the frequency of meetings of these committees to free up members time.

- 2.3 Members will be aware that the committees are supported by a large number of working groups (details of committee and working group meeting is attached at Appendix 1). Given the demands on Members' time in the shadow period it is recommended that a review of the working groups is undertaken with a view to reducing the number where possible.

### 3.0 The Role of The Shadow Council

- 3.1 While the current council will continue to oversee day to day delivery of service the Shadow council will work to prepare the organisation for the adoption of full functions, powers and responsibilities in April 2015. A consultation document on regulations for the shadow period has been released which sets out the requirements of the Shadow Council up to April 2015. A summary of key actions is set out below

<p><b>Governance</b></p>	<ul style="list-style-type: none"> <li>• Identify and design the preferred governance model - including the number, size and roles of committees for the adoption of full powers on 1st April 2015</li> <li>• Agree a method for filling positions of responsibility (by nomination or election) for the 4 year period between 2015 and 2019</li> <li>• Agree the allocation of Special Responsibility Allowance (SRA)</li> <li>• Agree the name of the new council</li> <li>• Develop Standing Orders for the new council post April 2015</li> <li>• Prepare a Scheme of Delegation for the new council post April 2015</li> <li>• Define and agree the constitution for the new council</li> <li>• Develop a Corporate and Business Plan for the new council</li> </ul>
<p><b>People</b></p>	<ul style="list-style-type: none"> <li>• Appoint staff – HR and Finance</li> <li>• Build capacity in preparation for new functions – particularly planning</li> </ul>
<p><b>Financial</b></p>	<ul style="list-style-type: none"> <li>• Striking the Rate for 2015 – 2016</li> <li>• Agree budget for new Council</li> <li>• Medium Term Financial Plan</li> <li>• Capital Programme</li> </ul>
<p><b>Operational</b></p>	<ul style="list-style-type: none"> <li>• Prepare service convergence plans to ensure continuity of service within new areas</li> <li>• Prepare for the transfer of functions from central to local government (planning, regeneration, community planning, local economic development, housing, off street parking)</li> <li>• Design and agree the organisational structure of the new council</li> </ul>
<p><b>Transformational</b></p>	<ul style="list-style-type: none"> <li>• Commence the development of the Community Plan and Local Development Plan</li> <li>• Develop the Councils approach to strategic regeneration</li> <li>• Develop the approach to area working</li> <li>• Agree outcomes framework</li> </ul>

#### **4.0 Proposed Governance Structures for the Shadow Council**

**4.1** In order to fulfil these functions, two options for possible committee structures were presented at the party group briefings. All parties agreed that an enhanced traditional committee system with the following four standing committees was the preferred option;

- a *strategic committee* which would take decisions or make recommendations in relation to budgets, governance arrangements, organisational development and design, corporate planning and performance processes etc. This is similar to the type of work currently undertaken by the current SP&R Committee.
- The inclusion of a *transition committee* with responsibility for ensuring the smooth transfer of services from central government including planning, regeneration, housing, off street car parking and the extension of current council functions to the new ratepayers from Lisburn and Castlereagh. This will include overseeing the transfer of staff and assets transfer, service standards, accommodation etc.
- a *transformation committee* with responsibility to commence the development of the community plan, local development plan and prepare the organisation for its future role as a regeneration authority. This will include the development of a city vision and priorities, an outcomes framework, establishing an external partnership reference group and formulating the Councils approach to area working.
- a *regulatory committee* which, during the Shadow period, would prepare for its own future regulatory role in respect of planning through capacity building, awareness raising and case studies/visits.

**4.2** These standing committees could be supported by working groups where needed and this requirement would be fed into the review of working groups for the current council to make the best use of Members' time.

**4.3** As with a traditional committee system, all committees will report into the full Council. A schematic of the preferred option has been circulated and details of the high level decisions and

activity required by each committee for the duration of the Shadow Council has been circulated.

4.4 If Members agree this option officers will work up the terms of reference for each committee to inform the Standing Orders for the shadow period.

5.0 Process for the implementation of the Shadow Governance Arrangements

5.1 Interim Governance arrangements will need to be in place to allow the Shadow Council to function and to carry out the actions outlined above. A number of key issues need to be addressed almost immediately after the May elections in order that later deadlines can be met.

5.2 The Annual Meeting of the Shadow Council must take place within 21 days of the Local Election – ie by 12th June 2013. Officers will work with party groups during this timeframe to ensure key decisions can be taken at this first meeting including;

- Agree the preferred interim governance model for the shadow period – including the number, size and responsibilities of committees
- Agree the allocation of special responsibility allowance for the shadow period
- Agree Standing Orders for the shadow period
- Agree a full work plan (Corporate Plan) for the shadow period

A draft Agenda for the first meeting of the Shadow Council has also been circulated.

5.3 There are a number of key considerations which must be taken into account regardless of the governance arrangements selected. The decision about the final structure and composition of the committees for the Shadow period will need to take account of the following:

- Call – in - decisions will be subject to ‘call-in’ whereby 15% of Members (9 out of 60) may call for any committee decision to be reconsidered on the basis that (a) a decision was not arrived at after proper consideration of the relevant facts and issues (due process) or (b) that the decision would disproportionately affect adversely any section of the inhabitants of the district (adverse impact).

- **Qualified Majority Voting (QMV) - all decisions are subject to 'simple majority' voting. However a number of decisions (to be specified by DOE and included in standing orders) will be subject to 'Qualified Majority Voting (QMV)' where the support of 80% of the Members of a council present and voting at a meeting will be required for a specified decision or resolution to be agreed.**
- **Number, size and composition of Committees - although no limit has been imposed on the size of Committees within the Traditional Committee system, any decision should be considered in the light of its impact on the degree of political representativeness, the speed of decision-making and how it might affect remuneration generally. The Council will need to determine how many Members should sit on each Committee and how often they should meet.**
- **Positions of Responsibility / Allocation of Special Responsibility Allowances (SRA) - The Chair and Deputy Chair of any committee are currently considered as positions of responsibility as are the positions of Party Leader and Deputy Party Leader and Party Secretary (depending upon party strength). As positions of responsibility will be entitled to Special Responsibility Allowance (SRA), the number of committees will also impact on the division of the SRA allocation amongst Members. Indications are that the SRA will be capped at £108,000 per annum for Belfast City Council.**
- **The role of working groups and panels - non-decision making bodies - this layer of governance may include a Governance working group, Audit and Budget Panels and Area Working Groups. These advisory groups will have no decision making powers but will provide advice and recommendations to the Committees into which they report and inform its decision-making process.**
- **Review of existing working groups – As outlined in 2.0 Members will also need to undertake a review of the number and constitution of existing working groups taking account of the dual governance arrangements which will exist during the shadow period, the revised geography of the council area**

and the additional pressure which will be placed upon Members' time as a result of the adoption of new powers, functions and responsibilities.

## **6.0 Recommendations**

### **6.1 It is recommended that Members:**

- 1. Agree to continue with the current committee structures for the current council from June 2014 – March 2015.**
- 2. Review the number and role of the existing working groups to take account of the dual governance systems which will exist during the shadow period.**
- 3. Agree to the traditional committee system with four standing committees as set out in the report as the governance structures for the Shadow Council to operate from June 2014 – March 2015.**
- 4. Agree that officers now work up terms of reference for each committee to inform the standing orders for the Shadow Council.**
- 5. Agree the draft Agenda for the first meeting of the Shadow Council.”**

The Committee adopted the recommendations.

## **Democratic Services and Governance**

### **Election Update**

The Democratic Services Manager submitted for the Committee's consideration the under noted report which provided an update in relation the arrangements for the Local Elections to the Shadow Belfast District Council:

#### **“1 Relevant Background Information**

**Members will be aware that the Local Elections to the Shadow Belfast District Council will be held on 22nd May, 2014. The poll will be a joint one with the European Parliamentary Election.**

#### **2 Key Issues**

**The timetable for the Local Elections has been circulated and sets out the various dates and deadlines which will be of interest to candidates standing for election.**

**Members are asked to note that the election will be to the new Belfast District Council and this is the wording that will be**

required to be used on ballot papers and on election banners etc around the City Hall on the days of the counts. This is because the names of the 11 new Councils were set out in the Local Government (Boundaries) Act (Northern Ireland) 2008 and in our case the name chosen was Belfast District Council. It will be a matter for the Shadow Council to determine if it wishes to change the name of the new Council back to a City.

### **Nomination Process**

The Notice of Election will be placed in the Belfast Telegraph, Irish News and News Letter newspapers on Monday 14th April. The delivery of nomination papers must be made between the hours of 10.00am and 4.00pm on 15th, 16th, 17th, 22nd, 23rd, 24th, 25th, 28th April and between the hours of 10.00am and 1.00pm on 29th April. As in previous elections, we will be using the Lavery Room for the receipt of nomination papers.

Parties are requested to reserve a date and time for the lodging of their papers as the process can take quite some time to complete and this will assist in ensuring that the Deputy Returning Officer (Peter McNaney) or one of the Assistant Returning Officers (Stephen McCrory and Jim Hanna) are available to receive the papers. It would be of significant assistance if Parties were to submit the papers in draft initially so that the details can be checked and any required amendments made in advance of the formal submission.

Nomination papers, consent to nomination papers etc are contained within the Guide to Candidates document which may be obtained from the Electoral Office website at [http://www.eoni.org.uk/getmedia/29aa50ee-c6fb-49e3-bb91-8161c1aebd3e/Local-Council-Election-22-May-2014-Guide-for-Candidates-\(final\)](http://www.eoni.org.uk/getmedia/29aa50ee-c6fb-49e3-bb91-8161c1aebd3e/Local-Council-Election-22-May-2014-Guide-for-Candidates-(final)). For convenience, copies of the forms are attached as Appendices to the report or may be obtained from the Democratic Services offices in the City Hall upon request.

Members are reminded that no cameras will be permitted within the Lavery Room during the nomination process.

### **Date of Poll**

The poll will be taken between the hours of 7.00am and 10.00pm on Thursday, 22nd May, 2014. Members are reminded that this will be a joint poll with the election to the European Parliament.

### **Overnight Verification of Unused Ballot Papers**

Following the close of poll on 22nd May, the ballot boxes for the 10 District Electoral Areas in the Belfast District, together with the European ballot boxes from the Polling Places within those 10 DEAs, will be delivered to the City Hall. The verification of unused ballot papers for both elections will take place within the 5 count venues in the City Hall.

This process does not involve the opening of any ballot boxes but merely records the number of unused papers returned in the election stationery against the figures recorded on the Ballot Paper Accounts. Candidates, Election Agents etc will be entitled to be present during this process if they so wish and details of how to register to attend will be circulated to those persons after the nomination period ends.

It is anticipated that this process should be concluded between 2.00am and 3.00am on Friday, 23rd May.

### **Verification of Used Ballot Papers**

The verification of the used ballot papers for both elections will commence at 8.00am on Friday, 23rd May. This process involves the 2 ballot boxes from each polling station (1 Local Council box and 1 European box) being opened and the contents sorted and counted in view of the Candidates, Election Agents and Counting Agents. Members are asked to note that the Local Council papers will be sorted and counted face up whilst the European papers will be face down.

The purpose of the process is to verify the numbers of ballot papers found in each box and to check this against the Ballot Paper Account and the verification statement of unused ballot papers. The verification of the DEAs of Botanic, Ormiston, Oldpark, Collin and Titanic will take place first and when completed the verification for the DEAs of Balmoral, Black Mountain, Castle, Court and Lisnasharragh will follow immediately afterwards. It is anticipated that this process will be completed between 2.00pm and 3.00pm that day.

Once the verification process has been completed, we will commence the actual Local Council counts for the DEAs of Balmoral, Black Mountain, Castle, Court and Lisnasharragh as follows:

Banqueting Hall – Black Mountain – Count Controller Gareth Quinn  
Reception Room – Balmoral – Count Controller Andrew Wilson

Great Hall (1) – Castle – Count Controller Ronan Cregan  
Great Hall (2) – Court – Count Controller Mark McBride  
Great hall (3) – Lisnasharragh – Count Controller Rose Crozier

The first stage of each count will be to carry out the initial sort of ballot papers according to first preference votes and to identify any invalid papers. This stage can take a couple of hours to complete and therefore we may not be in a position to announce the total valid vote and establish the electoral quota until near to tea time on Friday. Each count will continue stage by stage where either candidates' surpluses will be transferred or candidates will be excluded until the required number of Councillors have been elected. Local election rules indicate that a count should ideally not continue after 11.00pm. Should any count not be completed by then an assessment will be undertaken as to how long it might take to finish the process and, if that time is not excessive and if the candidates and agents agree, the count will continue until completion.

The counts for the 5 DEAs of Botanic, Ormiston, Oldpark, Collin and Titanic will commence at 9.00am on Saturday, 24th May as follows:

Banqueting Hall – Ormiston – Count Controller Gareth Quinn  
Reception Room – Botanic – Count Controller Andrew Wilson  
Great Hall (1) – Oldpark – Count Controller Ronan Cregan  
Great Hall (2) – Collin – Count Controller Mark McBride  
Great hall (3) – Titanic – Count Controller Rose Crozier

The same process as followed for the counts on Friday will be undertaken with the exception that there will not be a separate verification process as that will have been carried out on the Friday morning. Accordingly, it is anticipated that all counts should be completed by 5.00pm on the Saturday.

#### Facilities during the Verification and Counts

The City Hall will continue to operate a full working day for staff on Friday, 23rd May. However, access to the building by the public will be prohibited except for the Registration of Births, Deaths and Marriages service. All access to the City Hall will be by the rear entrance at Donegall Square South and all other doors will be locked.

Only persons who have been authorised will be permitted access to the relevant count area and candidates and agents will be asked to submit the names of those persons in due course.

There is extreme pressure on car parking in the City Hall but all existing Members of Council will be able to park in the City Hall courtyard on the days of the counts. No other requests for car parking spaces will be able to be granted.

The Bobbin Restaurant will be closed to the public but will remain open and serve a range of hot and cold food during the counts. There will also be a tea, coffee and sandwich facility in the East Entrance area.

#### **Contacts for Election Information**

The Principal Office for the purpose of the election is the Members' Support Office, Room G42. This office will be able to issue any papers that candidates might need.

If anyone has any questions about the election process they should contact:

- Stephen McCrory, Senior Assistant Returning Officer, Room G37, City Hall. Telephone 02890 270382. Email [mccrorys@belfastcity.gov.uk](mailto:mccrorys@belfastcity.gov.uk) or
- Jim Hanna, Assistant Returning Officer, Room G39, City Hall. Telephone 02890 270549. Email [hannajim@belfastcity.gov.uk](mailto:hannajim@belfastcity.gov.uk).

#### **3 Resource Implications**

The costs of running the Local Elections have been budgeted for over the last 4 years and costs will be met from within existing budgets.

#### **4 Equality and Good Relations Implications**

There are not any equality or good relations considerations connected to this report.

#### **5 Recommendations**

**The Committee is requested to note the information.”**

The Committee noted the information which had been provided.

**Finance/Value-for-Money**

**Authority to seeking tenders and award contracts**

The Director of Property and Projects sought the Committees authority to seek tenders and award contracts for the following:

<b>Category of Spend</b>	<b>Indicative costs per annum</b>
Annual property asset revaluations	£40,000
Financial appraisals	£50,000

The Committee granted approval to seek tenders for the above categories using pre-determined evaluation criteria which would include both quality and cost. The Committee noted that the Director of Property and Projects, in accordance with the authority delegated to him, would be awarding the contracts to the most advantageous tenders received.

**Super-connected Belfast: Public Wi-Fi Hotspots**

The Committee was reminded that the public building hotspots strand of the super-connected Belfast programme had been allocated £2.35million to fund the installation of wireless/Wi-Fi equipment into buildings regularly visited by members of the public. The funding covered broadband connections to the building, equipment, wiring and the cost of installation. The Director of Finance and Resources reported that, in order to facilitate an EU procurement for the hotspot strand, the results of the site surveys were required to form part of the Council's specification requirements which were due to be submitted to the Department for Culture, Media and Sport based on an agreed project plan for the week commencing 12th May, 2014. The site surveys would document physical building layouts, unique building features and electric and network cabling requirements. Market research based on feedback from several supplies had indicated that the value of the survey work would be less than the £30,000 tender threshold and a quotation exercise had been undertaken. However, only two of the six parties invited to quote had responded, with the cost of both submissions coming in over the threshold.

He explained that, following advice from the Council's procurement service, the Committee now had two options:

- (i) As the value of the contract was over the tender threshold of £30,000, authority could be sought to undertake a new tender exercise (that would take a minimum of 4 weeks, which was the time currently allocated for the site surveys to be completed); or
- (ii) The Committee could approve an exception to standing orders and choose a successful supplier from the original quotation.

The Committee agreed to adopt option 2 and authorised the completion of the original site survey procurement without the requirement to re-tender.

## Human Resources

### Arrangements for Chief Executive

(With the exception of the Assistant Chief Executive/Head of Human Resources and the Senior Democratic Services Officer, all other officers left the meeting whilst this item was under discussion.)

The Assistant Chief Executive/Head of Human Resources submitted for the Committees' consideration a report in relation to the appointment of the new Chief Executive for the new Council and the hand-over period and release date for the current Chief Executive. That portion of the report as far as it related to the early release date is set out hereunder:

**"2.2 Hand-over Period and early release date for current Chief Executive**

**2.2.1 The current Chief Executive has indicated that he is happy to be flexible on his early release date to suit the needs of the organisation.**

**2.2.3 Members have already agreed at SP&R on 22 November 2013 that Belfast City Council is in a significantly different position to all the other councils who are merging with at least one other council while Belfast is merely extending its boundaries to take in parts of the current Lisburn and Castlereagh Council areas.**

**2.2.4 Members agreed that the appointment of another Chief Executive, running alongside the existing Chief Executive up until March 2015, has real potential to cause confusion and disrupt the management of the organisation at a time of significant change and considered options on this matter at its meeting in September 2013.**

**2.2.5 Given the 'one off' circumstances in Belfast City Council where we will have two Chief Executives in post in one organisation a flexible approach is required to reduce the overlap period of two Chief Executives being in post at the same time and thus alleviating confusion or organisational disruption in the run up to the new Council coming into place. It was therefore agreed by Committee in November 2013 that this should operate as follows:**

- **Members agree with the current Chief Executive a release date before 31 March 2015 (the release date would be dependent on the start date of the newly appointed Chief Executive and an effective hand-over period) and make early payment of his pension**

along with redundancy entitlements as set out in The RPA Scheme, which has been recommended for adoption in councils by the LGRJF.

- Given the Chief Executive has the right to stay in post until 31 March 2015 this date would be used for the calculation of payments under that scheme and remuneration purposes.
- The Council is essentially required to remunerate the existing Chief Executive to 31 March 2015 (and then make pension and redundancy entitlements payments as set out in The RPA Scheme)
- The Chief Executive should be compensated for the personal financial detriment that he would incur every month if he were to retire early in advance of his statutory right to remain until 31 March 2015 i.e. £5,370 gross per month (the difference between his current salary and his future pension; the early release arrangement for the current Chief Executive which would reduce the overlap period of two Chief Executives being in post at the same time would achieve savings for the Council of approximately £9,129 per month.

2.2.6 The current Chief Executive and the Chief Executive of the new Belfast District Council have formally discussed the priority factors around an effective hand-over period and following consideration of all relevant issues it is proposed that the current Chief Executive's last day in the role will be 30 June 2014, with his contractual end date being 1 September given his accrued annual leave entitlement.

### 3.0 Resource Implications

#### 3.1 Human Resources

The suggested flexible approach is required to reduce the overlap period of two Chief Executives being in post at the same time and thus alleviating confusion or organisational disruption in the run up to the new Council coming into place.

#### 3.2 Financial

The financial implications in this report were previously agreed by the SP&R Committee on 22 November 2013 and are reiterated in the body of this report.

**4.0 Equality and Good Relations Implications**

**4.1 None**

**5.0 Recommendations**

**Members are asked to:**

**5.1 Review the recruitment and selection process which appointed Suzanne Wylie to the post of Chief Executive of the new Belfast Council (and Ronan Cregan as a reserve candidate for one year) with effect from 1 April 2014; and**

**5.2 Agree the early release of the current Chief Executive, Peter McNaney, from the Council with effect from 1 September 2014 (given accrued annual leave entitlement) with his last working day in the role being 30 June 2014.”**

The Committee adopted the recommendations and agreed to the early release of the current Chief Executive to reduce the overlap period of two Chief Executives being in post at the same time and thus alleviating confusion or organisational disruption in the run up to the new Council coming into place. Members agreed the Chief Executive's contractual end date would be 1st September, 2014 (given his accrued annual leave entitlement) and that the Council would make up the difference between his current salary and his future pension from 1st September, 2014 to 31st March, 2015 (this being the date to which he has a statutory right to remain in post) which would achieve savings for the Council of just over £9,000 per month giving approximate total savings of £63,000.

**Industrial Relations Review**

The Committee considered the undernoted report:

**“1 Relevant Background Information**

**1.1 Members will be aware that the council recognises four trade unions for negotiating and bargaining purposes - GMB, NIPSA, SIPTU and UNITE.**

**1.2 The council has an agreed industrial relations structure to enable trade unions and management to work together on a range of issues affecting employees through negotiations and consultations within recognised industrial relations forums.**

**1.3 Following recommendations as a result of an independent report in 2008, a review of the council's industrial relations framework was undertaken. This work was facilitated by the Labour Relations Agency (LRA). As an outcome of this**

detailed review, in 2012, the existing JCC was replaced with the Joint Negotiating and Consultative Committee (JNCC). In addition, a full review of the council's Trade Union Facilities Agreement (TUFA) started in October 2012. The TUFA sets out how and when trade union representatives can request time off to undertake trade union activities and clarifies the nature of the trade union representative's role. Clarification on these issues is essential to ensure that industrial relations within the council are effective.

## **2 Key Issues**

**2.1** A revised TUFA has now been confirmed with three out of the four Trade Unions, (attached at Appendix One) NIPSA raised objections to two elements to the revised Agreement, addressing:

- (a) the process to be followed when requesting paid time off for TU duties, and
- (b) provisions outlining when and how it would be appropriate for a shop steward in one department to represent an employee working in a different department.

**2.2** In reference to point 2.1a), management responded to NIPSA requesting clarification of why it would be unreasonable to ask trade union representatives to follow a defined process, including filling in a form, when requesting paid time off to complete TU duties. NIPSA did not provide this clarification, but continued to object to the requirement to follow a process. Management does not consider this objection to be reasonable. Management also notes that the process for requesting time off was contained within the existing TUFA which was agreed with the trade unions in 2006.

**2.3** In reference to point 2.1b), management asked NIPSA to clarify the nature of the objections raised regarding provisions outlining when and how it would be appropriate for a shop steward in one department to represent an employee working in a different department (cross sectional representation). This was contained within the existing TUFA which was agreed with the trade unions in 2006. NIPSA objects to this provision on the basis that employees should have unfettered choice of representation, which management does not dispute.

**2.4** Notwithstanding the right of employees within disciplinary and grievance hearings to choose a representative, the legislative framework requires employers to permit trade union representatives to be granted 'reasonable' time off for

the completion of trade union duties. Management has outlined to NIPSA that, in this context, the existing council provisions are reasonable. The TUFA stipulates that *'trade union representatives will normally only undertake representational duties within the service in which they are employed'* but allows that *'there may be occasions where it will become necessary to seek the services of a representative from outside the Service / Department owing to their experience, specialist knowledge or expertise of a particular subject or issue or where there is no experience representative in place.'* Management contends that these provisions are reasonable in assessing whether or not a request for time off for completion of TU duties should be granted. NIPSA, however, continues to reiterate objections, regardless of the responses provided by management.

- 2.5 Management has attempted to reach agreement with NIPSA through meetings and correspondence over a period of 13 months. Given that agreement has been reached with three out of the four trade unions within the trade union group and given that NIPSA has continued to reiterate objections without acknowledging the assurances given to them by management addressing these concerns, management notified trade unions that where agreement could not be reached on the proposed amendments, management would revert to the provisions as set out within the existing TUFA which had been agreed with the trade union group in 2006. Whereas these provisions have been in force previously, there has been an acknowledged inconsistency of approach across the council. Following implementation of the revised TUFA, these provisions would, however, be rigorously applied and regularly audited to ensure consistency across the council, in accordance with the proposed implementation plan, (attached at Appendix Two.)
- 2.6 Corporate HR now seeks member approval for the implementation of this revised agreement. A full communication exercise and a detailed training programme will be required for implementation of the amendments. Training would be run jointly with management and trade unions. It is intended that this training will assist managers and trade union representatives by equipping them with a detailed knowledge of the mechanisms available to them to facilitate industrial relations.

**3 Resource Implications**

**3.1 Financial**

- 3.2 Any costs associated with the provision of training would be covered by the corporate OD budget and normal procurement processes for commissioning external expertise would apply.**

**Human Resources**

All actions will be undertaken in accordance with agreed HR policies and procedures and normal procurement processes will apply.

**4 Equality Implications**

- 4.1 There are no equality issues.**

**5 Recommendations**

- 5.1 Members are asked to:**

- (i) Consider the contents of this report, including the appendices attached.**
- (ii) Approve the revised Trade Union Facilities Agreement.**

**Appendix 1**

**TRADE UNION FACILITIES AGREEMENT**  
**AND**  
**GUIDELINES ON TIME OFF FOR TRADE**  
**UNION DUTIES AND ACTIVITIES**

**1. Introduction:**

- 1.1. The Council and trade unions have a joint responsibility to ensure that agreed arrangements work to mutual advantage by specifying how reasonable time off for union duties and activities and for training will work. This can be particularly important in the case of union learning representatives where the lack of such an understanding may result in duplication of functions concerning employees' training needs.**

**2. General purpose of these guidelines**

- 2.1. The general purpose of the statutory provisions, the LRA Code of Practice and these guidelines is to aid and improve**

the effectiveness of relationships between employers and trade unions.

**3. Background**

**3.1. This agreement and guidelines are based on the Labour Relations Agency's Code of Practice on Time Off for Trade Union Duties and Activities, as amended.**

**4. Relevant Legislation**

**4.1. Trade union officials have a statutory right to reasonable paid time off from employment to carry out trade union duties and to undertake trade union training. Union officials and members also have a statutory right to reasonable unpaid time off when taking part in trade union activities.**

**4.2. Trade union members have a statutory right to reasonable unpaid time off for the purpose of having access to the services of a Union Learning Representative.**

**4.3. The relevant law relating to this agreement is set out in:**

- The Employment Rights (Northern Ireland) Order 1996**
- The Collective Redundancies and Transfer of Undertakings (Protection of Employment) Amendment Regulations (Northern Ireland) 1999**
- The Employment (Northern Ireland) Order 2003**
- The Industrial Relations (Northern Ireland) Order 1992**
- The Trade Union and Labour Relations (Northern Ireland) Order 1995**

**5. The Right:**

**5.1. To operate effectively and democratically, trade unions need the active participation of members. The council recognises that it is in the organisation's interests that such participation is assured. An employee who is a member of a trade union recognised by the council in respect of that description of employee is permitted reasonable time off during working hours to take part in any trade union activity.**

**5.2. An employee who is a member of recognised trade union is also permitted to take reasonable time off during working hours for the purposes of accessing the services of a Union Learning Representative.**

**6. Reasons for requesting Time Off:**

**6.1. Examples of Trade Union Activities for which time off can be requested will include:**

- **Attending workplace meetings, e.g. JNCC / Departmental TU forums, to discuss and vote on the outcome of negotiations with the council.**
- **Meeting full-time officials to discuss issues relevant to the workplace.**
- **Voting in union elections.**

**6.2. In addition, where the member is acting as a representative of a recognised union, activities can be, for example, taking part in:**

- **Preparatory time for organising members' meetings and the dissemination of information to members.**
- **Co-ordination of and attendance at workplace meetings with members.**
- **Branch, area or regional meetings of the union where the business of the union is under discussion.**
- **Meetings of official policy-making bodies such as the executive committee or annual conference.**
- **Meetings with full-time officials to discuss issues relevant to the workplace.**

**6.3. Details relating to Trade Union Representatives rights to attend training and learning activities are set out in section 2.**

**7. Union Learning Representatives**

**7.1. Employees who are members of trade union recognised by the council can take reasonable time off to undertake the duties of a Union Learning Representative, provided that the union has given the council notice in writing that the employee is a learning representative of the trade union and the training condition is met. (See paragraph 2 for further information on the training condition.)**

**7.2. The functions for which time off as a Union Learning Representative is allowed are:**

- **analysing learning or training needs**
- **providing information and advice about learning or training matters**
- **arranging learning or training**

- promoting the value of learning or training
  - consulting the council about carrying on any such activities
  - preparation to carry out any of the above activities
  - undergoing relevant training
- 7.3. Belfast City Council has in place well-established training and development programmes for its employees. Union Learning Representatives should liaise with the council to ensure that their respective training activities complement one another and that the scope for duplication is minimised.**
- 8. Confidentiality**
- 8.1. The Council respects the confidential and sensitive nature of communications between trade union representatives and their members and trade union. The Council will not carry out regular or random monitoring which is specifically targeted at union emails. Any monitoring which may be necessary will be carried out in line with agreed Council policies and procedures.**
- 9. Payment**
- 9.1. Trade union / learning representatives will be paid either the amount that they would have earned had they worked during the time taken off, or where earnings vary with the work done, an amount calculated by reference to the average hourly earnings for the work they are employed to do.**
- 9.2. There is no statutory requirement to pay for time off where the duty is carried out at a time when the representative would not otherwise have been at work, but employees who work part time will be paid if employees who work full time would be entitled to be paid. In all cases the amount of time off must be reasonable.**
- 10. Non Standard Working:**
- 10.1. The council will, have in mind the difficulties for trade unions and members in ensuring effective representation and communications with, for example:**
- shift workers
  - part-time workers
  - home workers
  - those employed at dispersed locations
  - workers with particular domestic commitments.

- 10.2. **Belfast City Council recognises that representatives who work non standard working patterns may be at a disadvantage in relation to other trade union representatives attending meetings during normal office hours. Accordingly, Belfast City Council will grant time off in lieu to representatives who are required to attend on their days off at Service Consultative meetings; Departmental consultative forum meetings; Joint Consultative Committee and Trade Union Facilities Group meetings.**
- 10.3. **In circumstances where ad hoc meetings are called at management request and cannot be arranged at a time to suit all participants then time off in lieu will be granted to representatives who attend on their day off.**
- 10.4. **Employees will not be required to attend work prior to or following the conclusion of a TU activity in the event that the hours worked on that day would then be excessive. (Normally, an employee would not be expected to work more than 7.4 hours per day, unless their contractual working hours are longer than this.)**
11. **General Considerations**
- 11.1. **The amount and frequency of time off should be reasonable in all the circumstances. Trade unions should be aware of the wide variety of difficulties and operational requirements to be taken into account when seeking or agreeing arrangements for time off, for example:**
- **the size of the department/section/location and the number of workers.**
  - **the need to maintain a service to the public.**
  - **the need for safety and security at all times.**
- 11.2. **For time off arrangements to work satisfactorily, trade unions should:**
- **ensure that reps are aware of their role, responsibilities and functions**
  - **inform management, in writing, as soon as possible of appointments or resignations of officials**
  - **ensure that reps receive any appropriate written credentials promptly**
  - **ensure that the council receives details of the functions of union reps where they carry out special duties or functions.**

- 11.3. Managers and unions should however seek to agree a mutually convenient time which minimises the effect on service provision. For example, where trade union meetings are requested trade union representatives should consider holding them:**
- towards the end of a shift**
  - before or after a meal break.**
- 11.4. All council employees are bound to meet the standards of conduct set out for them within the relevant policies and procedures. Council employees acting as Trade Union representatives, while engaged on trade union activities, remain bound to meet these standards and failure to do so could result in appropriate action being taken. (This could include action through the industrial relations mechanisms or through disciplinary action.)**
- 12. Cross Sectional Representation**
- 12.1. Trade Union representatives will normally only undertake representational duties within the service in which they are employed.**
- 12.2. There may be occasions where it will become necessary to seek the services of a representative from outside the Service / Department owing to their experience, specialist knowledge or expertise of a particular subject or issue or where there is no experience representative in place.**
- 12.3. In the event of the above circumstances arising, the representative will clearly state the reason for cross Service / Department representation on the application for time off form and management may liaise with human resources if necessary to confirm the substance of the request.**
- 13. Trade Union Access to Facilities:**
- 13.1. The council will make available to representatives the facilities necessary for them to perform their duties efficiently and communicate effectively with their members, colleagues and full-time officers. Where resources permit, the facilities will include:**
- accommodation for meetings, which could include provision for Union Learning Representatives and a union member(s) to meet to discuss relevant training matters**

- access to a p.c., telephone and other office equipment
  - the use of notice boards, which could include other forms of electronic communications such as e-mail and intranet/internet
  - the use of dedicated office space for the two trade union co-ordinators.
  - Trade unions will jointly clarify the facilities they require for trade union recruitment activities in relation to new employees and will formally request these from the council.
- 13.2. It would not, usually, be considered reasonable for TU representatives to meet with members in their own home, or outside the boundary of Belfast city.
- 13.3. Consideration may also be given to allowing Union Learning Representatives access to a room in which they can discuss training in a confidential manner with an employee.
14. Procedure for Requesting Time Off
- 14.1. Trade union reps and members requesting time off to pursue their duties or activities or to access the services of a Union Learning Representative must provide management with as much notice as possible (usually not less than five working days) and give details of:
- the purpose of such time off
  - the intended location
  - the timing and duration of time off required.
- 14.2. The pro-forma attached as appendix 1 must be used to request and grant time off for trade union duties/activities.
- 14.3. The pro-forma must be completed by all trade union representatives / members and given to the Head of Service or nominee.
- 14.4. The use of the pro-forma will ensure that:
- trade union representatives make any application in writing
  - trade union representatives provide details of reasons for time off
  - details of training courses/conferences/seminars are provided by trade union representatives and assessed by Corporate HR.

- a database of requests for time off is maintained departmentally and centrally (in particular to ensure consistency).
- 14.5.** After having received the completed application form and documentation, the Head of Service or nominee should ensure all details have been completed and that he/she is in possession of all information. The Head of Service or his / her Service / Departmental nominee should then assess whether or not time off should be granted in accordance with the provisions of section 12 below.
- 14.6.** Once the pro-forma has been completed it should be forwarded to the Departmental Business Manager for filing purposes and to the Head of Human Resources for central record keeping and monitoring purposes.
- 14.7.** In the event of an emergency situation arising release may be granted by the manager verbally and the form filled in subsequently as a matter of record.
- 14.8.** Where permission to attend trade union training/conferences/seminars is being requested, the trade union representative should follow the procedure set out in section 2.
- 15. Granting / Declining Requests for time off:**
- 15.1.** The council will consider each application for time off on its merits and will consider the reasonableness of the request in relation to agreed time off already taken or in prospect. However, union representatives should not be unreasonably impeded in performing and carrying out legitimate trade union duties / activities including the representation of their members.
- 15.2.** When deciding whether requests for paid time off should be granted, consideration will be given to their reasonableness. When deciding whether or not a request is reasonable management will consider issues such as the need for adequate cover for safety, operational and business requirements and financial impact.
- 15.3.** Management will monitor the number of requests for time off made and will scrutinise the reasons for these requests. Where it is considered that excessive time off has been requested, or the reasons for requesting time off are inappropriate, this will be raised with the Trade Union

Representative and may lead to the request, and subsequent requests, being declined.

- 15.4. Each application will be considered on its merits and consideration will be given to:
- adequate cover for safety or operational requirements
  - financial impact
  - agreed time off already taken or in prospect
  - consistency in relation to time off given
  - the relevance of the meeting/training course etc.
- 15.5. Other than in the most exceptional circumstances time off will be given for attendance at JNCC meetings, Health and Safety Committees and planned joint management / trade union departmental meetings, disciplinary / grievance hearings and meetings under the Council's Attendance Policy.
- 15.6. Where the representative is a member of a committee/regular management/trade union meeting which have a pre-planned schedule of dates of attendance a list of these dates should be provided by trade union representatives to management as soon as this is available.
- 15.7. Should the Head of Service or nominee refuse time off for trade union duties/activities details of the reasons for refusal should be detailed on the pro-forma. To ensure consistency of approach, a copy of this form, detailing the reasons for rejection, will be forwarded to Corporate HR.
16. **Unauthorised Absence**
- 16.1. For the avoidance of doubt, the process for applying for time off for TU activities must be adhered to for all absences. Failure to comply with the process without a reasonable reason will result in the absence being considered to be unauthorised and may result in action being taken under the council's disciplinary procedure.
17. **Industrial Action**
- 17.1. Employers and unions have a responsibility to use agreed procedures to settle problems and avoid industrial action. Time off may therefore be permitted for this purpose, particularly where there is a dispute. There is no right to time off for trade union activities which themselves consist of industrial action. However, normal time off arrangements

apply for TU activities relating to potential industrial action, such as conducting ballots or meeting with management regarding the exemptions list etc.

**18. Resolving Disputes**

- 18.1. The council will seek to make every effort to resolve any dispute or grievance in relation to time off work for union duties or activities. In an effort to resolve an issue related to trade union duties or activities the council will afford a formal right of appeal to an independent director supported by the head of human resources who should consult with the TU Co-ordinator to ensure Trade Union input before the matter is considered at the appeal. Should any grievance in this regard remain unresolved, trade union reps, Union Learning Representatives or members have a right to complain to an industrial tribunal.

**19. Review of Agreement**

- 19.1. The agreement will be subject to review by the Belfast City Council Trade Union Facilities Group after two years of operation.

**Section 2: Attendance and travel provisions for Trade Union Representatives attending learning and development activities**

**1. Introduction**

- 1.1 Trade Union (TU) Representatives will be required to attend reasonable trade union learning and development activities to develop knowledge, skills and expertise to assist in their representation of staff and this may incur travel and other costs. Activities may include training courses, conferences, seminars, study visits amongst others. These activities will be funded by the Representatives respective Trade Union. Internal training activities such as Effective Employee Relations Course, Job Evaluation and Categorisation training will be funded by Belfast City Council.
- 1.2 In determining whether to grant time off to attend a trade union learning and development activity, management will give consideration to the learning objectives of the activity and the impact the absence will have on the Section. In addition, the number of trade union training activities already completed in the previous 12 months will be taken into account.

1.3 The Council recognises that TU reps are more likely to carry out their duties effectively if they possess the skills and knowledge relevant to their duties. In particular, the Council will seek to accommodate requests to release TU Reps for initial training i.e. basic representational skills as soon as possible after their election or appointment. Reasonable time off will also be considered, for example:

- For further training, particularly where the rep has special responsibilities, e.g. Health and Safety, Environmental, Equality, Learning and Pensions.
- For training courses to develop the rep's skills in representation and negotiation
- Where legislative change may affect the conduct of employee relations, employment law and policy at the place of work and may require the reconsideration of existing agreements.
- Consideration will be given to increased facility time for Branch Officials, in recognition of their additional responsibilities, in representational areas including collective bargaining, Terms and Conditions of Employment and Consultation and Negotiation Machinery.

2. Process:

2.1 Representatives who request paid time off to undergo relevant TU training should provide management with as much notice as possible. Where TU Representatives wish to attend a TU training event, they are required to make a written application for facility time to attend such events, completing the pro forma as contained within the TU Facilities Agreement. This application should normally be made at least five working days' in advance and be directed to the TU representative's Head of Service / Head of Section. The pro forma should include:

- The purpose of such time off
- The intended location
- The timing and duration of time off required
- Where possible, prior to the course, the syllabus or prospectus indicating the contents of the training course.

2.2 Failure to provide adequate notice of attendance at a TU training event, as referred to in 2.1 above, will usually result in facility time being refused.

- 2.3** When deciding whether requests for paid time off for TU training should be granted, consideration will be given to their reasonableness, for example to ensure adequate cover for safety or to safeguard the provision of services.
- 2.4** In considering such requests, the council will endeavour to minimise the disruption to service delivery in all instances and therefore will look at a range of options including shift swaps, adjustment to working hours and time off in lieu to facilitate attendance. Any mechanisms proposed to minimise service disruption will recognise the employee's work-life balance.
- 2.5** Management will respond to all requests for facility time and, where applicable, will provide the TU Representative with reasons why facility time has been refused. Where sufficient notice of an application has been provided, responses to such requests will be given not more than five days from receipt of the application for the request.
- 3.** Time allowance for attending learning and development activities for TU Duties

  - 3.1** TU Representatives may be required to attend a TU learning and development activity prior to or immediately following a period of work. There is no statutory requirement to pay for time off where TU training is undertaken at a time when the rep would not otherwise have been at work, but employees who work part time, shifts or other non-standard hours will be entitled to be paid if employees who work full time would be entitled to be paid.
  - 3.2** The duration of the TU learning and development activity may at times be less than the TU Representative's daily contracted hours. A TU Representative who is undertaking a TU learning and development activity will be required to attend work prior to or return to work subsequent to the training course to make up their daily contracted hours unless otherwise agreed with their line manager e.g. circumstances where it is not feasible to return to work due to location of where the learning and development activity is being held or where the TU Representative has requested to use leave or time off in lieu. The time spent travelling back to the workplace hours will be included as part of the TU Representative's daily contracted hours for that day.
  - 3.3** Employees will not be required to attend work prior to or following the conclusion of a TU training course in the event that the hours worked on that day would then be excessive.

(Normally, an employee would not be expected to work more than 7.4 hours per day, unless their contractual working hours are longer than this.)

3.4 In all cases, the amount of time off granted for TU learning activities must be reasonable. Overtime must not routinely be granted for attendance at a TU learning and development activity and will only be granted in exceptional circumstances where time off in lieu or credit of flexi cannot be facilitated.

3.5 When the duration of the learning and development activity is held during normal working hours, but the hours of the activity are more than or held outside of the Trade Union Representative's daily contracted hours the TU Representative will receive adequate rest breaks to comply with the requirements of the Working Time Regulations (Northern Ireland) 1998, as amended. In such cases, an appropriate adjustment to the TU Representative's working hours to facilitate this may be made.

#### 4. Unauthorised Attendance at TU Learning and Development Activities

For the avoidance of doubt, the process for applying for TU learning and development activities must be adhered to for all TU learning and development activities. Failure to comply with the process will result in the absence being considered to be unauthorised.

#### 5. Additional Training

5.1. For the avoidance of doubt, the provisions in this paper relate solely to TU training activities. Any additional training activities would be considered in respect of the Council's Attendance and travel provisions for employees attending learning & development activities.

#### 6. Training for Union Learning Representatives

6.1. Employees who are members of a trade union recognised by the council are entitled to reasonable paid time off to undertake the functions of a Union Learning Representative. To qualify for paid time off the member must be sufficiently trained to carry out duties as a learning representative:

- either at the time when their trade union gives notice to the council in writing that they are a learning representative of the trade union

- or within six months of that date.
- 6.2. Where training is required within six months of becoming a learning representative, the trade union is required to give the council notice in writing that the employee will be undergoing such training. Once the employee has completed the training, the trade union is required to give the council notice of that fact. It should be confirmed by the union in a letter that the training undertaken is sufficient to allow the Union Learning Representative to undertake their role and the union should give details of the training which has been completed and any previous training that has been taken into account.
- 6.3. In the interests of good practice, the six month qualifying period during which an untrained Union Learning Representative must receive sufficient training to continue operating as a learning representative may be extended, with agreement between management and unions.
- 6.4. To satisfy the training requirement an employee will need to be able to demonstrate to their trade union that they have received sufficient training to enable them to operate competently in one or more of the following areas of activity relevant to their duties as a Union Learning Representative:
- *analysing learning or training needs* this could for example include understanding the different methods for identifying learning interests or needs, being able to identify effectively and record individual learning needs or being able to draw up a plan to meet identified learning requirements.
  - *providing information and advice about learning or training matters* including, for example, the development of communication and interviewing skills, knowledge of available opportunities, in order to be able to provide accurate information to members about learning opportunities within and outside the workplace and the ability to “signpost” members to other sources of advice and guidance where additional support is needed – for example, basic skills tutors or fuller in-depth professional career guidance.
  - *arranging and supporting learning and training.* For example, obtaining and providing information on learning opportunities, supporting and encouraging

members to access learning opportunities and helping to develop and improve local learning opportunities.

- *promoting the value of learning and training.* Some examples of this activity could be: understanding current initiatives for the development of learning and skills in the workplace, promoting the value of learning to members and within trade union networks and structures, and working with employers to meet the learning and skill needs of both individuals and the organisation.

6.5. An employee could demonstrate to their trade union that they have received sufficient training to enable them to operate competently in one or more of these areas of activity by:

- completing a training course approved by the Northern Ireland Committee of the Irish Congress of Trade Unions or by the independent trade union of which the employee is a Union Learning Representative, or
- showing that they have previously gained the relevant expertise and experience to operate effectively as a Union Learning Representative. In the latter case, previous experience and expertise gained in areas such as teaching, training, counselling, providing careers advice and guidance or human resource development may well be relevant, as may periods of extensive on-the-job training and experience gained in shadowing an experienced Union Learning Representative.

6.6. Reasonable time off will also be considered for further training to help Union Learning Representatives develop their skills and competencies. Although not required by law it is recognised by the council that there would be clear advantages both to the individual and the organisation if training undertaken leads to a recognised qualification standard.

7. Payment for learning representatives:

7.1. There is no statutory requirement that union members or representatives be paid for time off taken on trade union activities or that union members be paid for time off taken for accessing the services of learning representatives.

- 7.2. Nevertheless, the council may consider payment in certain circumstances – for example to ensure that workplace meetings are fully representative or to ensure that employees can make use of the services of a Union Learning Representative.”

The Committee approved the revised Trade Union Facilities agreement.

### **Public Health Agency 'Breastfeeding Welcome Here' Scheme**

The Committee considered the undernoted report:

“1 **Relevant Background Information**

- 1.1 The '*Breastfeeding welcome here*' scheme aims to make it easier for breastfeeding mothers to recognise places where they can breastfeed their baby when they are out and about. Creating supportive environments for breastfeeding is one of 4 key strategic outcomes of 'Breastfeeding – A Great Start' a Strategy for Northern Ireland (DHSSPS 2013). The scheme is supported and facilitated by the Public Health Agency (PHA).
- 1.2 Businesses which are open to the general public, for example coffee shops, restaurants, shops, supermarkets, leisure centres and hairdressers, are eligible to join the scheme, provided the business meets the following membership criteria:
- Breastfeeding is acceptable in all areas of the business premises that are open to the general public.
  - A mother who is breastfeeding in an area of the business premises open to the general public will not be asked to move to another area or stop breastfeeding.
  - All staff members are made aware that the business is a member of the scheme and are therefore supportive of the needs of breastfeeding mothers.
  - The public are made aware that the business is a member of the scheme and supports breastfeeding through the display of the scheme's window sticker and certificate on the business premises.
- 1.3 All businesses that are part of the scheme are given recognition through ongoing promotion and awareness-raising. Businesses in the scheme are listed on [www.breastfedbabies.org](http://www.breastfedbabies.org).

1.4 An Act of the Scottish Parliament was made in 2003 which protects breastfeeding in public. Similar legislation is likely to be proposed in Northern Ireland by 2016.

## 2 Key Issues

2.1 The Council's Women's Steering Group has proposed that the Council considers membership of the '*Breastfeeding welcome here*' scheme.

2.2 Joining the scheme would contribute to the council's strategic theme of providing leadership of the City and, specifically to the corporate objective of tackling health inequality.

2.3 In order to join the scheme, the following process must be followed:

- A senior member of the Council would be asked to sign a written agreement which states that the Council will adhere to the membership criteria.
- The signed agreement is then returned to the Public Health Agency (PHA).
- The PHA will issue the 'Breastfeeding welcome here' certificate and window sticker once the signed agreement is received.
- After an initial monitoring assessment, post three to four weeks of signing up to the scheme, the Council buildings would be added to a list of businesses participating in the scheme and published online on the [www.breastfedbabies.org](http://www.breastfedbabies.org) website
- Ongoing monitoring will then be undertaken by the PHA and mothers from local breastfeeding support groups to ensure that businesses which have signed up to the scheme are adhering to the criteria.

2.4 The Women's Steering Group proposes that membership to the scheme could be introduced on a phased basis, initially at City Hall, The Waterfront and Ulster Halls, leisure centres, community centres and the zoo. The introduction of this scheme would be with a view to reviewing the initial implementation of the policy and phasing in the introduction of the scheme to other council locations to which the general public has access. The PHA is supportive of this approach.

2.5 The way forward will be for the Health Equity Project Manager to:

- Work with PHA to implement and monitor the scheme.
- Liaise with Democratic Services to identify the senior member of Council to sign the agreement.
- Liaise with Corporate Communications to ensure that all staff members are made aware that the council is a member of the scheme and are therefore supportive of the needs of breastfeeding mums.
- Prepare more specific presentations for the staff of the council premises listed above to engender positive participation in the scheme.
- It is envisaged that the scheme will be implemented in the first phase council premises by September 2014.
- Roll out the scheme to other council locations as appropriate, and look for opportunities to promote the scheme for example when carrying out advice to small businesses, and when the food safety team are engaged with the businesses in the city.

### **3 Resource Implications**

#### **3.1 Financial** None.

#### **3.2 Human Resource** The Health Equity Project Manager will coordinate the council involvement with the PHA scheme.

Staff will need to be informed of appropriate responses to challenges made to breast feeding mothers. A full communication plan will be developed and implemented to ensure staff are fully informed about the initiative.

### **4 Equality Implications**

#### **4.1** There are no equality issues.

### **5 Recommendations**

#### **5.1** Strategic Policy and Resources Committee are asked to approve the council's membership of the PHA 'Breastfeeding welcome here' Scheme."

The Committee adopted the recommendations.

## Asset Management

### Disposal of former Maysfield Leisure Centre

The Committee was reminded that, as part of the Council's Corporate Land Bank, the former Maysfield Leisure Centre had previously been identified as a potential disposal within the context of the City Investment Framework. The Members had stressed the need for the use of Development Briefs to control the delivery of a development which would be acceptable to both Members and local residents in any such surplus asset disposals. At its meeting on 23rd August, 2013 the Committee had approved the preparation and marketing on the open market of a Development Brief for a portion of the Maysfield site. Use of a Development Brief as opposed to a conventional sale would enable the Council to retain control over the nature, use, timing and other factors considered relevant in any given disposal. In terms of the Maysfield site, the Committee had been advised of an interest in returning the site to immediate economic use with the creation of a significant number of jobs in the IT sector which resonated with the Council's Investment Programme.

The Direction of Property and Projects reported that a Development Brief had been issued in December, 2013 by agents appointed by the Council, which offered the site as a mixed use development/refurbishment opportunity seeking submissions on that basis with an option to either purchase or lease. The submissions were, along with other relevant information, required to include details of the development proposals, programme of delivery, financial offer, outline of the economic benefits secured by the proposal and an estimate of the number and type of jobs promoted. Following selection of a preferred proposal, an Agreement for Lease would detail the contractual agreement with the Council whilst an interim Building Licence would enable a scheme to proceed until satisfactory completion of the development, when title to the property would transfer.

He reported that, by the closing date for the receipt of submissions, a total of 6 had been received. Evaluation of the submissions had been undertaken by a panel from the Council's Estate Management Unit/Legal Services and had included the appointed disposal agent from GVA. The submissions had been equally split between 3 redevelopment and 3 refurbishment proposals and had varied from speculative office to owner occupation office; social/affordable housing, private housing; mixed use – residential/offices/retail; film/TV studios and had reflected both capital and rental financial bids. The prime objective in providing the development opportunity had been to secure a quality urban regeneration project which returned the vacant premises to a viable and sustainable economic use with an appropriate redevelopment scheme that supported job creation within a satisfactory timescale. In order that the Council's requirements and objectives in offering that development opportunity were understood, the selection criteria had been detailed in the Development Brief.

The Director indicated that the Council was obligated to achieve the Best Price in any property asset disposal under Section 96(5) of the Local Government Act 1972 –and that all but except one of the submissions financial bids had passed that criteria. Of the remaining submissions, those that had envisaged owner occupation of either redeveloped or refurbished premises had scored the highest, with one company having the highest overall total mark.

The Director reviewed the details of the highest scoring bid, including the financial and overall benefits that would be achieved.

Accordingly, he recommended that the Committee grant approval for negotiations to be entered into with the company receiving the highest overall mark to complete an Agreement for Lease for the disposal of the identified site of the former Maysfield Leisure Centre, on the basis of their submission and subject to detailed terms to be agreed by the Estates Manager and Legal Services.

The Committee adopted the recommendation.

### **Corporate Accommodation Strategy**

The Committee noted the contents of a report which provided an update in relation the Council's Corporate Accommodation Strategy and, in light of the failure to secure the preferred site for a new build, agreed that a further city centre site search be now implemented to review all alternative options available and that the existing Economic Appraisal be updated accordingly, with a further report to be submitted to the Committee to advise of any revised options.

Chairman