

# **Belfast City Council**

Report to:	Strategic Policy and Resources (Transition) Committee	
Subject: Review of Public Administration - Transition Committee		
Date:	ate: 20 <sup>th</sup> March, 2009	
Reporting Officer: Peter McNaney, Chief Executive		
Contact Officer:	Contact Officer: Kevin Heaney, Strategic Planning and Policy Officer (ext. 6202)	

1.0	Relevant Background Information
1.1	Members will recall that the Committee had agreed, at its meeting on 20 <sup>th</sup> February 2009, that with effect from March 2009, the Strategic Policy and Resources Committee (SP&R) would meet formally as the Council's RPA Transition Committee to discuss transitional related matters.
1.2	The purpose of this report is to set out the evolving role and responsibilities of the Council's Transition Committee and its legal status; governance and management arrangements; anticipated initial programme of work and associated timeline.
2.0	Key Issues
2.1	The primary role of the Transition Committee will be to provide overall political direction and to take the necessary decisions to ensure a coherent and co-ordinated approach is taken by the Council in moving forward in the RPA transition (implementation) process.
2.2	Guidance issued by the Environment Minister Sammy Wilson, MLA in regards to the establishment of Transition Committees and the associated Terms of Reference and governance arrangements is attached at <b>Appendix 1</b> .
2.3	It is clear that Belfast stands in a different position in relation to the RPA transition process from the other 25 councils, since all the other councils are to be abolished and replaced by 10 new councils. In contrast, Belfast is assimilating relatively small geographical areas of Castlereagh and Lisburn within its boundary. Because the other 25 Councils are merging, they will form into clusters to create Transition Committees, made up of elected members from constituent councils, for the purposes of managing the transition and convergence process. Belfast City Council will manage its own transition process through the SP&R Committee and engage with the adjacent Transition Committee for Lisburn and Castlereagh on relevant transitional issues.
2.4	Whilst in many respects the circumstances for Belfast City Council are somewhat different from those of the other Councils, the broad principles set out within the attached Guidance (refer to Appendix 1) will be applied by the Council as they complement existing good governance practices applied by it.
2.5	In terms of the overall programme of work to be taken forward by the Transition Committee this will evolve on an incremental basis and will grow in its intensity and scope as we move into the implementation phase of the RPA process.
2.6	Attached at <b>Appendix 2</b> for Members' information is a briefing paper on the local government reform implementation plan prepared for the consideration of the RPA Regional Transition Coordination Group. The paper provides a progress update and sets out the key activities and milestones in the process.
2.7	In order to ensure appropriate transparency in the Council's decision making process in regards to RPA transition, it will be important that a distinction is made between the business to be discussed by the RPA Transition Committee and the permal business of the SP&R Committee.

the RPA Transition Committee and the normal business of the SP&R Committee.

- Accordingly, with effect from April 2009, it is proposed that as necessary the first of the two SP&R monthly Committee meetings will, in effect, be divided into two separate parts. The first part of the meeting will be the SP&R Committee meeting as the Transition Committee and any items of business of a transitional nature will be captured and minuted under a transition committee heading. For the purposes of transparency and audit these minutes would be forwarded to the Strategic Leadership Board for information only.
- Once transition related business has been concluded, the SP&R Committee will continue its ordinary business on a separate agenda. In this way the Transition Committee business can be readily identified and kept separate from the ordinary business of the Committee. As the membership of the SP&R Committee and the Transition Committee is coterminous, this could be achieved with no disruption to business.
- As time goes on, it might be that the amount of business which the Transition Committee will be required to conduct will be such that it will be necessary for the whole of the first of the two meetings to be dedicated to that Committee with all of the rest of the business being dealt with at the SP&R meeting on the 3<sup>rd</sup> Friday of the month. Clearly there will be a need for some flexibility to be built into this process to ensure that important issues can be addressed in a timely matter as they emerge.
- If the Committee were minded to accept this proposal it would provide the greatest flexibility in ordering the business of the SP&R and Transition Committee over the next 12 months.

# **Legal Status of Transition Committees**

- Whilst the Transition Committee will operate on a voluntary basis initially, its role will evolve over the coming months as it starts to lay the foundations in preparation for the new Council post May 2011. The Department of the Environment intends to make enabling provisions for statutory Transition Committees in the Local Government (Finance) Bill, with a planned operative date of no later than April 2010.
- In the interim period the Transition Committees for the grouping councils (excluding Belfast) are to be formed on the basis of a Joint Committee using existing provisions of the Local Government Act (NI) 1972. These Transition Committees will have a statutory basis for accountable decisions within the context of guidance issued by the DoE.
- Given the fact that the Environment Minister has already confirmed that the SP&R would be the Council's Transition Committee and in anticipation of the guidance to be issued by the Department, it is recommended for Members' consideration that delegated authority be sought for the Council's Transition Committee (i.e. SP&R) to take decisions on transitional related matters within the context of the guidance to be provided by the DoE.

#### **Appointment of the Chair and Deputy Chair of Transition Committee**

It is recommended that, for the purposes of continuity, the Chair and Deputy Chair of the SP&R, who are appointed on the basis of proportionality using D'Hondt, are the respective Chair and Deputy Chair of the Council's Transition Committee.

### Members' Remuneration

- Members will be aware that an additional allowance of £2,700 per annum (pro rata for 2008/2009) is to be allocated to Members of the Council's Transition Committee. This will be grant funded by the Department of the Environment (DoE) and payments will be allocated within the Council on the same basis as the payment of Special Responsibility allowances.
- Given the fact that the SP&R Committee has met over the last number of months to discuss RPA matters under the auspices of its role as the Council's Transition Committee, a request has been submitted to the DoE seeking agreement that the commencement date of the Council's Transition Committee be January 2009 and that the payment of Members' allowances would be effective from that date. If approved, this would mean that each Member would be entitled to £675 outstanding allowance for the period 1st January 31st March 2009.

### 3.0 Resource Implications

Whilst Members of the Council's Transition Committee will be paid £2,700 annual allowance (pro–rata), this will be grant funded from the Department of Environment and will have no financial implications for the Council.

# 4.0 Recommendations

#### Members are asked to:

- a) agree that those items of Committee business of a transitional nature be minuted accordingly and forwarded to the Strategic Leadership Board for information;
- b) agree that, as required, SP&R would meet under the auspices of its role as Transition Committee at the first of the two SP&R monthly Committee meetings and that transitional business would be separated from normal SP&R business (refer to sections 2.8 to 2.10 above);
- c) agree that the Chair and Deputy Chair of SP&R be appointed as the Chair and Deputy Chair of the Council's Transition Committee; and
- d) agree that delegated authority be sought for the Council's Transition Committee (i.e. SP&R) to take decisions on transitional related matters within the context of the guidance to be issued by the DoE.

Documents Attached	
Appendix 1	Guidance on the establishment of Transition Committees
Appendix 2	RPA Implementation Framework



# **GUIDANCE ON THE FORMATION OF TRANSITION COMMITTEES**

### **1 ROLE OF TRANSITION COMMITTEE**

The primary role of the Transition Committee is to take the key decisions necessary to ensure that there are eleven effective Councils in place on the fourth day after polling day in May 2011, in accordance with Part III of the Electoral Law (Northern Ireland) Act 1962. Transition Committees will be comprised of elected members from the existing Councils supported by Transition Management Teams of officers from those Councils together with representatives of the transferor public bodies. Transition Committees will operate to the following Terms of Reference: -

#### 1.1 Terms of Reference

(1) General  ☐ To secure a coherent and co-ordinated approach to local decisions in line with the strategic direction and key policies developed by the Strategic Leadership Board and Policy Development Panels and the operational advice issued by the Regional Transition Co-ordinating Group.
□ To action and develop the implementation template provided by the Regional Transition Coordinating Group through the development of a local prioritised work plan (including activity map and timeline).
$\hfill \square$ To liaise with local stakeholders to ensure that the implementation process takes account of their views.
$\ \square$ To direct the work of Transition Management Teams and establish working groups, as appropriate, to support the work of the Transition Committee.
☐ To ensure that agreed local programmes and timescales are met.
(2) Governance
☐ To develop a shared corporate vision for the new Council.
☐ To develop local governance arrangements to meet the requirements as set out by the Strategic Leadership Board, through the work of Policy Development Panel A.
$\hfill \square$ To prepare financial arrangements and draft standing orders for the operation of the new Council.
☐ To advance the convergence of key plans and programmes, including the capital development programmes of existing councils.

To develop a local communication strategy, in line with and informed by the overarching Programme Communications Strategy, to inform members, staff and the public regarding the implementation process.

□ To develop a local capacity building programme as necessary, based on the recommendations on capacity building agreed by the Strategic Leadership Board, as developed by Policy Development Panel C, for members and officers.		
□To ensure that local winding-up arrangements are put in place for the affected public bodies.		
(2) Service Delivery  ☐ To ensure continuity of service delivery across the new Council area from the operative date.		
☐ To integrate transferred services and new functions into the new Council's operations.		
☐ To develop an Integrated Service Delivery Strategy and Performance Plan		
☐ To formulate a customer service strategy for the new Council.		
$\hfill\Box$ To examine the potential for service delivery efficiencies and economies through service rationalisation measures.		
$\hfill\Box$ To plan a cohesive IT strategy for the new Council building on the output of Policy Development Panel B.		
(3) Structural Reform		
☐ To appoint a Chief Executive designate for the new Council as soon as possible.		
☐ To design an appropriate staff structure for the new Council.		
$\hfill\Box$ To make early appointments of senior staff designate, especially in the finance and human resources fields.		
$\hfill\Box$ To address the local implications of the outworking of the staff transfer scheme and compliance with Public Service Commission Guiding Principles.		
$\hfill\square$ To formulate an estates strategy and address accommodation issues for the new Council.		
$\hfill \square$ To establish a corporate financial management system and prepare a budget for the new Council.		

☐ To manage the transfer of assets and liabilities to the new Council and the associated legal and administrative issues.

1.2 Membership

Nominating Body	Member
Amalgamating Councils	Councillors (Number of Councillors will vary from area to area according to size)

#### 1.3 Policy and Administrative Support

A Change Management Officer should be appointed by the Transition Committee to assist the transition process for both the Transition Committee and Transition Management Teams. The Change Management Officer should attend meetings, undertake associated activities and provide administrative support. Transition Committees will be assisted by the Strategic Leadership Board, Regional Transition Co-ordinating Group and Transition Management Teams in their planned programme of key policy activities. The new Chief Executive designate and senior management team designate, when appointed, will undertake the key advisory and management role until transfer to the new Councils.

#### 1.4 Term of Office and Vacancies

The amalgamating Councils will nominate members for an agreed period. The nominating body will fill any vacancies arising as soon as possible. Transition Committees will cease activities on the operative date of the new Council.

### 1.5 Legal Status

The DOE will provide a legislative framework for the Transition Committees as soon as possible. Until this happens, Transition Committees should be set up as joint committees constituted as bodies corporate and should commence work immediately on the basis of a joint committee because of the urgency required to meet implementation timescales.

#### 1.6 Flexibility

Transition Committees will operate in a flexible manner to successfully manage the change process in preparation for the effective operation of the new Council. Accordingly, the Terms of Reference may evolve to accommodate unanticipated policy development at Strategic Leadership Board and Policy Development Panel levels and any new issues that may emerge at the local level through existing Councils, Transition Management Teams and transferor bodies.

# 2 MANAGEMENT ARRANGEMENTS

# (1) General

☐ Membership of the Transition Committees will consist only of elected members from the existing Councils and should proportionately reflect the political composition of those existing Councils.
☐ The size of a Transition Committee should take account of the need for efficient and effective management and numbers should be in the range of 10–16 members. (A guidance note will be issued on this matter.)

#### (2) Secretariat

☐ The secretariat will be provided by the Change Management Officer.

# (3) Meetings ☐ Transition Committees will meet at times considered appropriate and venues for meetings should be rotated among the existing Councils. ☐ Transition Committees may invite any person or body to attend meetings and may invite such a person or body to make a presentation and/or submit evidence and produce documents. (4) Agenda ☐ The Chair of the Transition Committee will determine the agenda for meetings, with the assistance of the Secretariat. □ Documents relating to the business will normally be made available to members at least three working days before the meeting to which they relate. (5) Record of proceedings

☐ Minutes of meetings will be in action format listing key decisions and actions to be taken and will be prepared by the Secretariat. Copies of such minutes should be submitted to the Strategic Leadership Board.

# **GUIDANCE NOTES ON GOVERNANCE FOR TRANSITION COMMITTEES**

#### 1 Background

The Terms of Reference for Transition Committees set out that they will play a lead role in taking the key decisions necessary to ensure that there are eleven effective Councils in place on the operative date of the reorganisation of Local Government in 2011.

Transition Committees will be comprised of elected members from the amalgamating Councils supported by Transition Management Teams of officers from those Councils together with representatives of the transferor public bodies. The Regional Transition Co-ordinating Group will also give advice and support on the important operational issues. These bodies will operate in the context of the Strategic Leadership Board high-level policy direction and advisory arrangements.

#### 2 Framework

This Guidance Note provides a governance framework to Transition Committees for the effective, efficient and accountable management of their activities. Good governance is also considered to be an essential prerequisite for the allocation of funds by the Department of the Environment (DOE) to assist Transition Committees with their work. In creating the various governance components within the framework set out below, Transition Committees should utilise support services and best practice residing in the amalgamating Councils. To do so will accelerate formation and ensure that effective governance and administrative support systems are employed.

# 3 Legal Status

The 11 Transition Committees will be set up to reflect the groupings of councils specified in the Local Government (Boundaries) Act (NI) 2008. In the first instance, the Transition Committees will meet in a voluntary capacity and proceed as soon as possible to formation as a Joint Committee using the existing provisions of the Local Government legislation (See Annex 4 -Extract from the Local Government Act (Northern Ireland) 1972). As a body corporate, the Transition Committees will have a statutory basis for accountable decisions within the framework set out in the terms of reference.

The Department of the Environment intends to make enabling provisions for statutory Transition Committees in the Local Government (Finance) Bill, with a planned operative date of no later than April 2010. These new provisions will enable the Department, by regulations, to provide the Transition Committees with powers to enable them to make essential decisions in preparation for the new Councils.

Figure 1 below sets out the legal status, role progression and indicative timetable for Transition Committees.

Figure 1 - Progression of Transition Committees

Date	Key Role	Legal Status
Oct 2008 – Nov 2008	Preparing for Change – agree Governance arrangements and undertake key lead - in activities	Voluntary Transition Committees
Dec 2008 – April 2010 (or sooner, depending on the legislative timetable and vehicle)	Prepare Transition Plan and initiate transition programme to ensure effective Council on the operative date	Joint Committees under section 19 of the Local Government Act (NI) 1972. The Department will constitute the joint committees as bodies corporate
April 2010 – May 2011 local government elections	Continue detailed transition work to ensure an effective Council on the operative date	Statutory Transition Committees as per legislation in the Local Government (Finance) Bill
May 2011 Elections	Statutory Transition Committees will complete their required programme of work 4 days following polling day	Under section 19(7) of the Local Government Act (NI) 1972, members of a joint committee remain in office until the day after the first meeting of the succeeding council
Post Elections 2011	Transformation programme	New Councils legally operative

### 4 Accountability and Decision Making

Transition Committees will be accountable for their decisions and, accordingly, they must ensure that they have good governance arrangements, including: -

□ Operating in accordance with agreed standing orders (such standing orders may be adopted
from an amalgamating Council)
☐ Efficient and effective approach to work planning and decision making
□ Openness and inclusiveness
□ Compliance with all the legal obligations pertaining to a public body

# **5 Reporting and Transparency**

Transition Committees will be subject to the accepted norms of internal and external scrutiny. They will operate to best practice in management of meetings, reporting arrangements and general administration.

The terms of reference for Transition Committees provide advice on meetings, agenda, and reporting. In particular, the terms of reference state that 'minutes of meetings will be in action format listing key decisions and actions to be taken and will be prepared by the Secretariat. Copies of such minutes should be submitted to the Strategic Leadership Board.' The Strategic Leadership Board and Department of the Environment will require regular reports on transition progress for the effective coordination and strategic management of the reform process. To ensure transparency, Transition Committees will make arrangements for public access to the decision making process. A communication strategy should be developed to regularly

### **6 Chair and Representation**

inform the public and stakeholders.

In order to secure fairness and inclusiveness: -

☐ The Chair of the Transition Committee will rotate between amalgamating Councils;
□ Each Council within the Transition Committee should have the same number of members and this membership should reflect the existing political strength of the Council (subject to a
maximum of 16 Councillors per Transition Committee).

#### 7 Conduct and Standards

Members and officers working within the Transition Committees and associated projects will be expected to abide by the existing local government codes of conduct and ethical standards.

# 8 Responsibilities and Allowances

The Terms of Reference set out the responsibilities of a Transition Committee. As these responsibilities will constitute an important role for the Councillors appointed to Transition Committees they will be paid from the DOE allocated block grant an agreed supplementary allowance for the additional responsibility involved. The amount proposed is £2700 pa, in parity with the Strategic Leadership Board and Policy Development Panels. Members appointed to Transition Committees should have the time, capacity and commitment to contribute effectively to the development of new Councils.

#### 9 Finance

Each Transition Committee must ensure probity, accountability and efficiency in all its financial activities. This will include: -

Operating within approved financial arrangements (such arrangements may be adopted	
om an amalgamating Council)	
Preparation of a working budget	
Preparation of annual accounts	
Being subject to the Local Government Audit arrangements	
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In this context, the Department of the Environment will allocate a block grant to each Transition Committee to help fund its work including staff costs, members' allowances, research, etc. Expenditure from the block grant must be in pursuit of the activities of a Transition Committee and in accordance with the Transition Committee Terms of Reference and the legislative provisions.

#### 10 Staff and Support Services

Each Transition Committee will reach agreement with the amalgamating Councils to provide support services such as finance, audit, HR, legal, insurance, etc. The Transition Management Team will have a key supportive role.

Local Government Staff Commission advisory and oversight provisions will apply to Transition Committees with regard to staffing and relevant human resource matters. In accordance with Local Government Staff Commission advice, a Change Management Officer will be appointed to provide support to each Transition Committee. This post will be funded from the DOE-provided block grant. As stated in the Terms of Reference, 'Transition Committees will also be assisted by the Strategic Leadership Board, the Regional Transition Co-ordinating Group and Transition Management Teams in their planned programme of key policy activities. The new Chief Executive designate and senior management team designate, when appointed, will undertake the key advisory and management role until transfer to the new Councils.' Transition Committees will abide by the Public Service Commission (PSC) Guiding Principles and, in particular, ensure the fair treatment of staff in the change process for which they (the Transition Committees) are responsible.

#### 11 Location

A Transition Committee will not be based in any one Council and thus the meetings of the Transition Committee will rotate between the amalgamating Councils.

The good governance arrangements adopted will be the modus operandi for each Transition Committee during its tenure. However, governance arrangements may be subject to amendment as the legislative process proceeds.

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# **APPENDIX 2**

#### LOCAL GOVERNMENT REFORM IMPLEMENTATION FRAMEWORK

Summary: This paper summarises the key activities and milestones

of the programme plan. The programme plan was agreed by the Strategic Leadership Board at its 23

January meeting.

# 1. BACKGROUND

1. The attached plan presents the policy and strategic key dates and priorities for the local government reorganisation programme as they currently stand. While some of the dates are indicative others are absolute and cannot move, i.e. the operative date of the Local Government (Reorganisation) Act on 1 May 2011 and the local and Assembly elections date of 12 May 2011.

- 2. This strategic plan was agreed in principle by the last Strategic Leadership Board at its 23 January meeting. The next step in the process is the development of milestones or key steps that councils, Transition Committees and Transition Management Teams will need to follow in order to achieve a smooth transition to the 11 new councils. The SLB has now remitted this milestones plan to the Regional Transition Co-ordinating Group (RTCG), to address upcoming issues. The plan will then be circulated to the local government sector for consultation.
- **3.** This plan, accompanied by an appropriate programme management structure, is part of the key documents to monitor the progress of the local government reorganisation.

# **KEY SECTIONS OF THE PLAN**

#### 4. Boundaries Commissioner and District Electoral Area Commissioner work

The final report of the Local Government Boundaries Commissioner is on track and due to be issued on 30 June 2009, with the report of the District Electoral Area Commissioner to be issued one year later on 30 June 2010. Provisional recommendations for new local council boundaries was issued in September 2008, followed by public hearings, subsequent revised recommendations are expected at the end of February.

# 5. Legislation

The main piece of legislation for the local government restructuring is the Local Government (Reorganisation) Bill. The policy proposals that will be contained in the Bill will be subject to consultation from March to May 2009. The Bill is to be introduced to the Assembly in May 2010, and the Act will be operative on 1 May 2011. The other pieces of legislation to be taken forward by the Local Government Policy Division in DOE include the Local Government (Finance) Bill and the Local Government (Modernisation) Bill. Provisions relating to the creation of Statutory Transition Committees and a severance package for elected members are currently included in the Local Government (Finance) Bill, but if there is political consensus on the legislative proposals for these issues, the Department has indicated to the Assembly Environment Committee that it may, in the interests of ensuring that the necessary provisions are in place at the earliest possible date, transfer those provisions to the Local Government (Contracts and Compulsory Purchase) Bill.

#### POLICY DEVELOPMENT PANELS.

- 6. Policy proposals on Governance developed by Panel A will be subject to public consultation from March to May 2009 as part of the policy consultation for the Local Government (Reorganisation) Bill. A framework for community planning trials will be developed by the end of 2009, with the trials taking place from April 2010. There are also two key Panel A work strands relevant to Local/Central Government Relations: the development of the detailed arrangements for a statutory partnership panel if this approach is endorsed by the Executive, and within those arrangements, the development of a concordat.
- 7. Policy proposals for performance management from Panel B should be finalised by the beginning of March 2009, for inclusion in the Local Government (Reorganisation) Bill.
- 8. Panel C will continue to focus on HR, Finance and Estates, Capacity Building and on Organisational Design through the major Service Delivery Consultancy Assignment brief. In addition work to clarify the precise nature of functions transferring is being undertaken by a new Transferring Functions working group of Panel C.

9. Voluntary Transition Committees

Voluntary Transition Committees have been established, and resources to

support their work have been secured by the Department. The milestones plan

will set out the tasks of the Voluntary Transition Committees and Transition

Management Teams.

PROGRAMME MANAGEMENT AND COMMUNICATION

10. Programme Management

Monthly reporting by the Panels to the SLB, which now includes risks and the

policy programme plan, is now in place. The development of the milestones plan

and the benefits plan of the programme will feed into the programme

management arrangements and detailed quarterly development reports will be

issued to SLB.

11. Communications

A Communications Strategy for the programme is being finalised and will

be presented to the March SLB. From the strategy will flow a

Communications Plan.

CONCLUSION

12. This programme plan represents the situation as it currently stands, and will

continuously be refined as the programme progresses

**RTCG Joint Secretariat** 

February 2009

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# LOCAL GOVERNMENT REFORM IMPLEMENTATION MILESTONES

2009	
January	Phase 1 Local Government Service Delivery Options -consultancy commences
	Establish Transition Committee's & Transition Management Team's
March Consultation on Local Government (Reorganisation) Bill	
	Local Government (Contracts) Bill introduced to Assembly
April	Consultation on Local Government (Finance) Bill
<b>I</b>	Phase 1 Local Government Service Delivery Options final report produced
luna	Phase 2 Service Delivery Consultancy final report issues
June	Local Government Boundary Commissioner final report
July	Local Government (Contracts) Bill comes into force
September	Local Government (Boundaries) Order (NI) 2009 Made
October	Statutory Committees in place
November	Local Government (Finance) Bill introduced to Assembly
2010	
February	Local Government (Modernisation) Bill introduced to Assembly
A	Local Government (Finance) Bill comes into force
April	Community Planning pilots/trials start
May	Local Government (Reorganisation) Bill introduced to Assembly
June	District electoral Area Commissioners Report
September	Local Government (Modernisation) Bill comes into force
2011	
	Local Government (Reorganisation) Bill comes into force
May	Local and Assembly Elections
	New Councils formally take office

#### LOCAL GOVERNMENT REFORM IMPLEMENTATION FRAMEWORK



