



Belfast City Council

Report to:	Strategic Policy and Resources Committee
Subject:	INTERIM COUNCIL CONSTITUTION
Date:	22 May 2009
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1.0	Purpose of the Report
1.1	This is an initial report on the Interim Belfast City Council Constitution. It is an introduction to its purpose and key themes. Although this report contains some detail on the issues that will be addressed in the Interim Constitution, it is not meant to be exhaustive.
1.2	The report is set out in six sections: <ul style="list-style-type: none">• Background to the Belfast City Council Interim Constitution• Purpose of the Interim Constitution• Relevant themes that will be addressed in drafting the Interim Constitution• Layout of the Interim Constitution: what we intend to achieve• Proposed timetable• Summary of decisions required
2.0	Relevant Background Information
	<p>Belfast City Council continues to review its processes in order to modernise and improve its service delivery and democratic accountability. Part of this agenda has involved discussion of drafting a constitution for Belfast City Council.</p> <p>Full political engagement is fundamental to this process.</p> <p>This report aims to introduce the Strategic Policy and Resources Committee to the preliminary research and proposals that will provide a platform for drafting a constitution for Belfast City Council.</p>

3.0	Background to the Belfast City Council Interim Constitution
3.1	The concept of the Constitution was conceived to bring together into one document the guidelines and regulations which explain and govern how the Council operates; and to do so in a presentable and accessible way. It is considered that this will enable the Council to be more transparent and democratic, and will encourage and foster more efficient working practices.
3.2	The Constitution will be an Interim Constitution pending the recommendations of the Review of Public Administration and the new local government legislation in 2011. Following this, the Interim Constitution will become the Constitution of the new Belfast City Council.
3.3	<p>The motivation for the Belfast City Council Interim Constitution is also informed by a wider context. A brief outline of this context is as follows:</p> <p>1. Review of Public Administration</p> <p>The Policy Development Panel A (Governance, Community Planning and Central/Local Relations) of the RPA has raised the issue of a requirement for the new councils in 2011 to have a written constitution.</p> <p>In light of this Belfast City Council has the opportunity to:</p> <ul style="list-style-type: none"> (i) Take a policy lead ahead of other councils in Northern Ireland in adopting the concept and practice of using a constitution. The BCC Interim Constitution example will provide a template for other councils across Northern Ireland to follow, as they look to accommodate the complexities of the new local unitary structures; and (ii) Play an important role in informing the RPA process and the development of legislation in this area through the Council's experience of constructing and using a constitution. <p>The progress of the RPA, and how it will affect councils and residents, can be unclear. The Interim Constitution will provide a space for Council Members, officers and residents to find out about – in plain English - the progress of the RPA. The Interim Constitution would be updated immediately on any developments in this area.</p> <p>The transition aspects of the reforms can be addressed in the Interim Constitution. The dual role of the Strategic Policy and Resources Committee acting also as the Transition Committee can be explained along with their legal foundations. The same applies to transition groups such as the Budget and Transformation Panel.</p> <p>Local government is experiencing significant change with devolution of services occurring concurrently with the unification of councils. A constitution for BCC which includes all the relevant information in an accessible format will, it is hoped, provide an opportunity to help ease the transition for all.</p>
	<p>2. Beyond Northern Ireland</p> <ul style="list-style-type: none"> • Europe: From a European perspective local government is of increasing importance. The European Charter of Local Self-Government has been a strong background force in motivating a renewed approach to developing

	<p>local government across Europe. The Charter considers that: <i>“local authorities are one of the main foundations of any democratic regime; ... [and] that the right of citizens to participate in the conduct of public affairs is one of the democratic principles that are shared by all Member States of the Council of Europe”</i>. These principles of enhancing democracy and empowering citizens would be reflected in the introduction of a constitution for Belfast City Council.</p> <p>Under Article 4(2) of the Charter, local governments have <i>“full discretion to exercise their initiative with regard to any matter which is not excluded from their competence”</i>. Belfast City Council, leading with a policy of implementing a constitution, would be employing this initiative in accordance with the aims of the Charter.</p> <p><i>It is of note that the United Kingdom and the Republic of Ireland are signatories to the Charter, but that the United Kingdom government has to date only formally adopted the Charter in respect of England, Scotland, and Wales. NILGA have urged the RPA to consider Northern Ireland’s signing of the Charter as being of “paramount” importance. It is possible that this will occur hand in hand with the broadening of local government powers in 2011.</i></p> <ul style="list-style-type: none"> • England and Wales: Councils have been statutorily obliged to create, in England and Wales, council constitutions, following the Local Government Act 2000. The purpose of this legislation is to make councils <i>“more efficient, transparent, and accountable to local people”</i>. A constitution for Belfast City Council will help to achieve these aims for its citizens.
	<p>3. Best Value Act Under the Local Government (Best Value) Act (Northern Ireland) 2002, district councils have a legal obligation to <i>“make arrangements”</i> for <i>“continuous improvement”</i> in the way in which their functions are exercised. In seeking to achieve this, councils must engage with <i>“persons who use or are likely to use services provided by the council”</i>. A Constitution, in providing a clear and accessible outline of the Council’s services to all interested parties, is a practical step towards improvement.</p>
4.0	<p>Purpose of the Interim Constitution</p>
4.1	<p>The proposed, but not final, purpose of the Interim Constitution is:</p> <ol style="list-style-type: none"> 1. To outline the work of Belfast City Council and give a brief overview of its internal processes; and 2. To establish a clear framework for the Council’s Members and officers to operate within.
5.0	<p>Relevant themes that will be addressed in drafting the Interim Constitution</p>
	<p>1. Review of Public Administration The Interim Constitution will provide a space for informing all interested parties of what the RPA is and how it will effect local government. The Interim Constitution will be updated with the recommendations of the RPA.</p> <p>Also included in the Interim Constitution will be information on the Transition</p>

	<p>Committee and the Budget and Transformation Panel, including an explanation of the relevant legislative framework within which local government in Northern Ireland operates, with reference in particular to the Local Government Act (Northern Ireland) 1972 and subsequent relevant legislation.</p>
	<p>2. Updating Documents</p> <p>Whilst the central purpose of the Interim Constitution is to create a single document which <i>describes</i> how the Council operates, drafting the Interim Constitution will present an opportunity to <i>update</i> a number of practices / documents which govern Council operations. The following are examples of issues that are likely to be addressed:</p> <p><i>Note: extensive consultation is taking place with key officers over the following areas.</i></p> <ul style="list-style-type: none"> • Scheme of Delegation <p>Potential areas for updating / clarification:</p> <ul style="list-style-type: none"> - Staff Management; - Virement of Budget; - Departmental Plan; - Procurement of Goods and Services; - Grants; - Any other issues that arise <ul style="list-style-type: none"> • Standing Orders <p>Potential areas for updating / clarification:</p> <ul style="list-style-type: none"> - Whether the Orders should only include rules governing meetings; - Any other issues that arise. <ul style="list-style-type: none"> • Modern.gov <p>Potential areas for updating / clarification:</p> <ul style="list-style-type: none"> - The extent of usage of Modern.gov; - To extent to which Modern.gov will track decisions and recommendations made under the Scheme of Delegation; - The specific roles and responsibilities of the Audit Panel in monitoring the usage and effectiveness of Modern.gov; and - Any other issues that arise
	<p>3. Corporate Plan / Value Creation Map</p> <p>The Corporate Plan's importance will be reflected in the Interim Constitution.</p> <p>The role of the Plan and its central provisions will be included and explained in the Interim Constitution. The full Plan will be appended in the 'key documents' section or contained online and clearly referenced from the Interim Constitution.</p> <p>The Value Creation Map will be included in the Corporate Plan section. Due to its purpose as a cross-cutting strategy document, its vision and themes will also be built-in to the overall structure and style of the Interim Constitution.</p>

	<p>4. E-Government</p> <p>The Interim Constitution will be available online. Useful documents that are not of immediate relevance to the Interim Constitution will be available online and signposted from the Interim Constitution (or hyperlinked from the online Interim Constitution).</p>
	<p>5. Guidance Manual or Formal Protocol</p> <p>An important issue is the extent to which the Constitution will be a formal protocol document or a guidance / signposting manual.</p> <p>It is likely that the whole Interim Constitution will be a formal protocol defining and governing how the Council operates. It will also, however, act as an information booklet for informing the public of the Council's structure and services.</p> <p>Careful drafting will be required to serve these two aims in the same text. Locating fuller versions of complex regulations / documents outside of the main document can help. (Signposting to these documents can be clearly indicated in the Interim Constitution.) This will enable the Interim Constitution to contain outlines of important regulatory documents for the benefit of the Council staff and Members whilst being less likely to put off or perplex the lay reader.</p>
	<p>6. Size of Interim Constitution</p> <p>The Interim Constitution will aim to include only what is helpful and useful to its expected readership of Officers / Members and residents. A balance must be struck between practicality / accessibility – the smaller the better – and creating a thorough document.</p> <p>If large documents are not contained in the hard-copy Interim Constitution then they will be clearly signposted and available online or hard-copy on request.</p>
	<p>7. Serving the Present / Looking Forward</p> <p>The Interim Constitution will be tailored to the Council's current situation. It is also likely, however, that the Council will be subject to significant change in the next few years. The Interim Constitution will need to be drafted as a 'living document' so as to be able to accommodate these changes.</p> <p>In terms of the legal drafting, the Interim Constitution will be compliant with current legislation whilst also being drafted so as to be able to incorporate new legislation in the near and medium term.</p>
	<p>8. Plain English</p> <p>The Interim Constitution will be written in a coherent and easy-to-read plain English format. It aims to be clear throughout whilst also being legally compliant. The document will be available in Braille, large-print, and audio formats.</p> <p>The document will be scrutinised by Corporate Communications to ensure that the Council's Plain English requirements are met.</p>
6.0	Layout of the Interim Constitution: what it is intended to achieve
6.1	<p><u>Introduction</u></p> <ul style="list-style-type: none"> - Explains the background to, and purpose of, the Interim Constitution - Explains the structure of the Interim Constitution

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Part 1: Who We Are

- Describes the composition of Belfast City Council including Members, full Council, Committees, Working Groups, and Officers
- States when the Council meets and provides information on meeting dates
- Outlines the relationship between Council Members and Officers
- Includes information on the RPA (this affects 'who' BCC is)

Part 2: What We Do

- Describes the areas the Council is responsible for, grouped by Committee area (i.e. 'Development'). It is expected that committee responsibilities will be inserted here and removed from the Standing Orders. Standing Orders will still be included in Part 5 of the Interim Constitution. This part will also include text in relation to the Council's strategic objectives as set out in the Corporate Plan and will include information on the themes that the Council applies in pursuing those objectives.

Part 3: How We Do It

- Brief policy documents from each of the key areas will be included here. These will be summary guides to the specialist area that also outline the important regulations affecting Council staff. If an area has a corresponding full document the document will be clearly signposted and included in Part 5 of the Interim Constitution
- Each document will be drafted by a key officer in the grouping
- Headings are likely to be as follows:
 - Our Finance
 - Our People
 - Our Assets
 - Our Information Management
 - Our Communication and Engagement
 - Our Policy, Planning and Performance
 - Our Governance
- A number of documents that are listed in Part 5 may be referenced in this section (e.g. Health and Safety Policy). Particularly relevant sections of these key documents will be paraphrased here
- References to Strategic Frameworks that have been approved by the Strategic Policy and Resources Committee will be probably be included here, if they contain the necessary procedural information

Part 4: Our Values

A brief summary of Belfast City Council's agreed Corporate Values.

Documents may also be referenced / paraphrased, such as:

- Equality Scheme
- DoE Code of Conduct for Members / Officers
- Freedom of Information and access to Information measures
- Sustainable Development policy

	<p><u>Part 5: Documents to be included</u></p> <p>A collection of key documents which will be referenced from the earlier parts of the Constitution and / or which are important in explaining how the Council works.</p> <p>Some documents may, if included in the Interim Constitution, render the constitution extremely large (i.e. 300 – 400 pages). As a result, only key documents will be included in Part 5 with clear signposts for accessing the larger documents online.</p> <p>The following are potential documents to be included (this is not an exhaustive list):</p> <ul style="list-style-type: none"> - Code of Governance - Scheme of Delegation - Standing Orders - Financial Regulations and / or Accounting Manual - BCC Staff Code of Conduct - DoE Member Code of Conduct - Thematic Planning - Health and Safety Policy - Joint Declaration with Trade Unions - Freedom of Information and access to Information - Sustainable Development
7.0	Proposed Timetable
7.1	<p><i>May/June</i></p> <ul style="list-style-type: none"> • Legal Services write first draft of Parts 1 and 2 • Commencement of redrafting of the Scheme of Delegation / Standing Orders / other issues by Legal Services <p><i>June/July</i></p> <ul style="list-style-type: none"> • First drafts of Part 3 completed by key Officers • Relevant material collated for Part 5 • First Draft of Part 4 <p>These drafts can then be developed and refined by relevant key Officers / Legal Services.</p> <p>It is anticipated that a final draft of the Belfast City Council Interim Constitution will be provided to the Strategy and Policy Resources Committee for scrutiny by September / October 2009.</p>
8.0	Summary of Decisions Required
	The Committee is asked to note the foregoing report and approve the direction which is proposed for the development of an Interim Constitution for BCC.
9.0	Officers to contact for further information
	Ciaran Quigley, Director of Legal Services ext 6038

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