

## **MEETING OF GOVERNANCE WORKING GROUP**

Monday, 30th January, 2012

Members present: Aldermen Browne and Smyth; and  
Councillors Hargey, Hendron, Mallon  
and Reynolds.

In attendance: Mr. C. Quigley, Town Solicitor and  
Assistant Chief Executive;  
Mr. S. McCrory, Democratic Services Manager;  
Mr. J. Hanna, Senior Democratic Services Officer;  
Mr. K. Heaney, Strategic Planning and Policy Officer; and  
Mr. H. Downey, Democratic Services Officer.

### **Appointment of Chairman**

The Members agreed that Councillor Mallon be appointed to act as Chairman of the Governance Working Group.

(Councillor Mallon in the Chair.)

### **Work Plan for the Governance Working Group**

The Democratic Services Manager reminded the Members that the Strategic Policy and Resources Committee, at its meeting on 4th November, had agreed to the establishment of an All-Party Working Group, comprising Members of that Committee, where appropriate, to consider issues surrounding the development of a Council Constitution. It had agreed also that the Working Group should, in the first instance, consider the revision of the Council's Standing Orders and the development of associated protocols. The Committee, at its meeting on 18th November, had established the following terms of reference for the Governance Working Group:

- (i) the revision of the Council's Standing Orders to make them relevant to the current modern governance arrangements;
- (ii) the development of Member-officer protocols to reflect the current Codes of Practice and to provide for a clear understanding of the different roles and responsibilities of each and to establish clear guidelines in relation to, for example, how issues were included on Committee agendas, how Member and Officer meetings outside of the formal decision-making structures should be facilitated etc;
- (iii) the development of the second part of the Conflicts of Interest policy relating to the roles and responsibilities of Members on outside bodies;

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- (iv) initial consideration of the overall governance arrangements for the Council, including the current Committee system and the issue of the scrutiny function; and
- (v) any other part of the overall Council Constitution which was referred to it specifically by the Committee.

The Democratic Services Manager submitted for the Working Group's consideration the undernoted plan which set out the proposed work for the Group for the coming months:

**PROPOSED WORKPLAN FOR GOVERNANCE WORKING GROUP**

Issue	Comments	Timetable					Who
		30th January	February	March	April	May	
<b>Overall Governance Arrangements/Council Constitution</b>	A general overall review of the Council's decision-making structures and the development of the Council Constitution.		<b>Initial report to Working Group</b>				Democratic Services, Policy & Planning, CMT
<b>Protocol on how issues appear on agendas</b>	The protocol will set out the various ways in which items of business appear on Committee agendas	<b>Report to Working Group</b>					Democratic Services Section
<b>Protocol on Member and officer meetings</b>	The protocol will set guidelines for Members and officers on how meetings, outside of the normal decision-making structures, should be conducted and the nature of the Member/officer relationship.			<b>Report to Working Group</b>			Democratic Services Section
<b>Conflicts of Interest Policy</b>	Part 1 already agreed by Council. Part 2 – dealing with Outside Bodies – to be considered by the Working Group			<b>Initial Report to Working Group</b>			Legal Services, Policy & Planning, Democratic Services
<b>Standing Orders</b>	Review of the Council's Standing Orders which govern the conduct of Council and Committee meetings.			<b>Initial Report to agree the scope of the Review</b>			Democratic Services, Legal Services

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The Democratic Services Manager reviewed the main elements of the work plan and stated that it would be difficult to be certain as to how long it might take for discussions around the various issues to be completed. He pointed out that it could well be the case that consideration of the Member-officer protocols and the review of Standing Orders could take several months and could involve the need for Party Briefings to be held as part of the process. However, it was considered beneficial to place some timescale against each issue.

During discussion, Members made the following points:

- it was important to ensure that a completion date was identified for each issue set out within the work plan;
- it would be beneficial as part of the review of the Council's Standing Orders to examine those governing the Northern Ireland Assembly and other councils; and
- there was a need to examine the current governance arrangements relating to the Town Planning Committee, in view of the potential for additional powers being transferred to the Council in relation to the planning function.

In response, the Democratic Services Manager confirmed that the future role of the Planning Committee was under consideration currently. He stated that a revised work plan, setting out suggested completion dates for each issue would be submitted to the next meeting of the Governance Working Group and that it would build in sufficient time for Political Parties to consult on any changes prior to the Strategic Policy and Resources Committee being requested to approve the various documents. He undertook also to submit to the next meeting of the Working Group an update on the current status of the Review of Public Administration.

Noted.

**Protocol on Issues Appearing on Committee Agendas**

The Working Group was advised that there had been some confusion recently surrounding the process by which issues had been included on Committee agendas. He reported the matter had arisen due to the fact that there was not an agreed system in place and, as a result, the Governance Working Group had been tasked by the Strategic Policy and Resources Committee to give consideration to the development of a protocol to enhance the process. He reported that a draft protocol had now been formulated which sought to set out clearly the means by which business would, in future, be included on Committee agendas. The protocol had been based upon the principle that officers took actions only where they had the appropriate authority to do so and that that was provided primarily through a Committee decision, which had been ratified subsequently by the Council.

He reviewed the main elements of the protocol, which stipulated that matters could appear on agendas arising from Corporate and Departmental Plans, as a result of the implementation new legislation or guidelines and as requests from the Council's several Committees and outside organisations. Items could be placed on agendas also as a result of suggestions from professional officers in terms of issues which would be of benefit to the City and also at the request of individual Members. In relation to individual Members, he explained that the protocol stated that it had been accepted practice for a number of years that an individual Member could request an issue to be raised at a Committee meeting and that these requests were made normally through the relevant Chief Officer, with the appropriate Chairman being informed of the issue when being briefed on the agenda for the meeting. Although the Chairman was responsible for the conduct of the Committee meeting, he or she did not have any authority to act outside the Committee and it was not appropriate for a Chairman to decide which items could or could not be included on the agenda. He explained that the protocol had set out specifically the following suggestions for use by both Members and officers in dealing with requests from individual Members wishing to have an item placed on a Committee agenda:

- any Member would be free to discuss matters with Chief or Senior officers of the Council and to seek their opinion on any suggestions which they might have for new policies or for a specific action to be taken;
- if, after those discussions, the Member wished the issue to be raised on a Committee agenda, then a specific request should be made to the appropriate Chief Officer;
- if the issue falls within the remit of the Committee and if it is considered that the action proposed to be taken is lawful, then the Chief Officer, after informing the appropriate Chairman, will arrange for the item to be included on the agenda for the next meeting indicating the name of the Member who will be speaking to the issue at the Committee.
- the issue will either simply appear on the agenda against the individual Member's name or, if the Chief Officer considers that it would be helpful to the Committee in considering the matter, a short covering report may be prepared which highlights that a named Member has asked that the issue is raised and give some important factual information. No significant resources, including officer time, will be committed to such preparatory work. Resources can only be committed once the Council has decided to take action.

Accordingly, he requested that the Working Group consider the draft protocol, following which it would, including any amendments, be submitted for approval to the Strategic Policy and Resources Committee.

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After discussion, during which Members raised a number of issues in relation to the draft protocol, the Democratic Services Manager undertook to submit a revised protocol to the next meeting of the Working Group and to incorporate any comments received from the Members of the Group.

**Dates of Future Meetings**

The Working Group noted that the Democratic Services Manager would, in conjunction with the Chairman, identify a number of dates over the next six months on which to hold meetings of the Group, details of which would then be circulated to Members.

Chairman