

MEETING OF GOVERNANCE WORKING GROUP

Wednesday, 21st March, 2012

Members present: Councillor Mallon (Chairman); and
Councillor Hargey.

In attendance: Mr. C. Quigley, Town Solicitor and
Assistant Chief Executive;
Mr. S. McCrory, Democratic Services Manager;
Ms L. McGovern, Solicitor;
Mr. J. Hanna, Senior Democratic Services Officer;

Apologies

Apologies for inability to attend reported from Councillors Hendron and Reynolds

Minutes

The minutes of the meeting of 20th January were agreed.

Governance Working Group – Proposed Work Plan

The Committee was reminded that, at its meeting on 30th January, it had considered a work plan for the Working Group and had agreed that it be revised to indicate completion dates for the various issues.

Accordingly, the Democratic Services Manager submitted for the Groups' consideration a list of the dates of meetings until June 2012, which included the completion dates for several of the topics. He pointed out that the more detailed issues, that is, the second part of the Conflicts of Interest Policy for Members and the overall review of Standing Orders were not likely to be completed before the summer recess:

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PROPOSED WORKPLAN FOR GOVERNANCE WORKING GROUP

Issue	Comments	Timetable					Who
		30th January	21st March	18th April	16th May	20th June	
Overall Governance Arrangements/Council Constitution	A general overall review of the Council's decision-making structures and the development of the Council Constitution.			Initial report to Working Group		Final Report to Working Group - Completed	Democratic Services, Policy & Planning, CMT
Protocol on how issues appear on agendas	The protocol will set out the various ways in which items of business appear on Committee agendas	Report to Working Group	Revised Report to Working Group – Completed				Democratic Services Section
Protocol on Member and officer meetings	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.			Report to Working Group		Final Report to Working Group - Completed	Democratic Services Section

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Conflicts of Interest Policy	Part 1 already agreed by Council. Part 2 – dealing with Outside Bodies – to be considered by the Working Group				Initial Report to Working Group		Legal Services, Policy & Planning, Democratic Services
Standing Orders	Review of the Council's Standing Orders which govern the conduct of Council and Committee meetings.				Initial Report to agree the scope of the Review		Democratic Services, Legal Services
Codes of Conduct for Members and Officers	A summary of those parts of the two Codes which deal with Member/Officer relations.		Report to Working Group - Completed				Democratic Services Section

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In response to a number of questions, the Director of Legal Services indicated that the timetable showed a commitment to submit an initial report in relation to the Council's constitution to the Working Group's next meeting. He stated that the issues on the work plan were fundamental as to how the Council's structures worked and how it conducted its business. With regard to the Review of Public Administration, he explained that once the Council's voluntary Transition Committee had been established, the work of the Group would feed into any consideration that Committee had to give in relation to any proposed new Governance arrangements for Councils.

After further discussion, the Group approved the revised work plan.

Codes of Conduct for Members and Officers

The Democratic Services Manager submitted for the Group's consideration the undernoted report:

"1 Relevant Background Information

- 1.1 **One of the issues referred to the Working group for consideration is the "development of Member-Officer protocols to reflect the current Codes of Practice and provide for a clear understanding of the different roles and responsibilities of each and to establish clear guidelines".**
- 1.2 **In order to progress this matter, it is considered that it would be useful to start with what already exists by way of the current Codes of Conduct for both Officers and Members. Copies of the Codes are attached to the report at Appendices 1 and 2 for Members' information.**

2 Key Issues

- 2.1 **Each Member of Council, when signing the declaration of Acceptance of Office following the Local Government Election, agrees to be guided by the Northern Ireland Code of Local Government Conduct. Similarly, each Officer of the Council, when signing their contract of employment, agrees to abide by the Belfast City Council Code of Conduct.**
- 2.2 **Both of these Codes have something to say about relationships between Members and between Members and Officers. The Northern Ireland Code of Local Government Conduct for Members states:**
- 2.3 **" Working Relationships with other Councillors**

You are expected to work responsibly with fellow councillors for the benefit of your whole community. You should therefore abide by any council procedures or standing orders and you are expected to promote an effective working environment within your council. You should show respect and consideration for fellow councillors at all times.

Working Relationship with Council Employees

You should also show respect and consideration for council employees at all times and ensure that your actions do not compromise their impartiality. You should abide by the Department's "Protocol for Relations between Councillors and Employees in Northern Ireland District Councils" which is appended to this code."

2.4 The Belfast City Council Code of Conduct for officers states:

2.5 **"Political Neutrality**

Employees serve the Council as a whole. They must serve all councillors and not just those of a particular group and must ensure that the individual rights of all councillors are respected.

Some employees of the Council may be required to advise political groups. In the provision of such advice employees should not compromise their political neutrality. Any advice given should be available to all political groups, if requested.

Relationships with Councillors

Employees are responsible to the Council through its senior managers and in many cases in carrying out their duties they also give advice to councillors. Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employees and individual councillors can damage this relationship and prove embarrassing to other employees and councillors and should therefore be avoided.

Employees should deal with councillors in a polite and efficient manner. They should not approach nor attempt to influence councillors out of personal motives and should report to an appropriate manager if a councillor attempts to pressurise them to deal with a matter outside of Council procedure or policy.

Political Activity

Employees must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work. While the Council recognises and respects the rights of all employees to hold personal or political opinions; employees should ensure that the expression of those opinions does not constitute a conflict of interest for their role within the Council.

Employees who have concerns about whether there is a potential conflict of interest should raise the matter with their line manager.”

- 2.6 The “Protocol for Relations Between Councillors and Employees in District Councils in Northern Ireland”, a copy of which is included in both of the Codes of Conduct, is clear in its advice and both Members and Officers are required to abide by it. It aims to protect both Members and Officers and to ensure that each Member of Council is treated in an impartial and equitable manner by all employees. Such is the importance of this Protocol, it is considered to be worthwhile to include it in the main body of the report and is set out below:

2.7 *“Introduction*

1. *Councillors and employees should work together in an atmosphere of mutual trust. Neither party should seek to take unfair advantage of their position. Each should observe reasonable courtesy in their dealings with the other.*
2. *This Protocol is intended to guide councillors and council employees in their behaviour towards each other. It does so by focusing on the more common issues that may arise. It is hoped that the recommended approach will “read across” to any other issues.*
3. *The Protocol seeks to reflect the content of the respective Codes of Conduct for councillors and employees. Both Codes aim to maintain and further enhance the integrity of local government. They therefore demand high standards of personal conduct at all times.*

Relations between Officers and Committee Chairpersons

4. *It is important that there should be good working relationships between senior council employees and Chairs of Committees. However such relationships should not be allowed to become so close as to cast doubt either on an officer’s ability to deal impartially with other councillors, or the Chair’s ability to deal impartially with other employees.*
5. *Employees will regularly consult the Chair on the preparation of Committee Agendas and Reports. Ultimately, however, they will have responsibility for any material submitted in their name, and should never exceed the authority given to them by their senior management. Chairs should bear this in mind in their dealings with employees.*

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6. *Any issues of concern should be referred to the Chief Executive, who should discuss these with the Council Mayor or Chair.*

Officer Advice to Party Groups

7. *Employees should treat all political groups and individual members equally and fairly. Employees must observe any council rules about political groups' access to employees, and must remain politically neutral at all times.*
8. *Employees should only provide party groups with advice and information in relation to council business. They should not be expected to attend meetings where matters of party business are to be discussed. Moreover, they will still be expected to provide all necessary information to the relevant committee or sub-committee when the relevant matter is due for discussion.*
9. *Where employees attend a political group meeting, the Chair must ensure that members present are clear about the basis on which those employees attend. Similarly, employees must respect the confidentiality of any party group meetings that they attend, and must not relay details to another party group, or individual councillor.*
10. *Any issues of concern should be raised with the Chief Executive, who will discuss them with the relevant group leaders.*

Correspondence

11. *An officer should not normally copy any correspondence with an individual councillor to any other councillor. Where it is considered necessary to do so, this should be made clear to the original councillor at that time.*

Appointment of Employees

12. *Where councillors are involved in the appointment of employees they must act fairly and openly, judging applicants solely on merit. Appointment must be made in accordance with the Local Government Staff Commission's Code of Procedures on Recruitment and Selection.*

Social Relationships

13. Positive, friendly relationships between councillors and employees will help project a positive image of the Council to local people. However close personal relationships could damage the relationship of mutual respect and perhaps lead local people to doubt an employee's objectivity and professionalism. Councillor and employees should therefore be cautious in developing close personal friendships while they have an official relationship.

Public Comment

14. Councillors or employees should not publicly discuss the conduct of council members or officials. Employees and councillors must show respect and courtesy to each other at all times.

Support Services to Councillors and Party Groups

15. Employees can provide councillors with support services to help them discharge their role as members of the council. However, such services must not be provided for party political or campaigning activity, or for private purposes.

Members' Access to Council Documents and Information

16. Members can ask any Council Department to provide information that they need to discharge their role as council members. An approach should normally be made through the Chief Officer or senior official of the Department concerned. Members should only use such information for the purpose for which it was provided."

2.8 In developing the Council's own Member/Officer protocols, it will be necessary to ensure that they are consistent with both of the Codes of Conduct and with the Protocol.

3 Resource Implications

None

4 Equality and Good Relations Implications

None

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5 Recommendations

- 5.1 The Working Group is recommended to note the information provided in the appended Codes of Conduct and the Protocol and to agree that these will form the basis of any future protocols to be developed as part of the governance review.”**

After discussion the Group adopted the recommendation.

Protocol on issues appearing on Committee agendas

The Democratic Services Manager reminded the Group that a draft protocol on how issues appeared on Committee Agendas had been considered by the Working Group at its meeting on 30th January. At that meeting, it had been agreed that Members of the Group forward to the Democratic Services Manager any comments on the protocol and that a revised report be submitted to its next meeting.

The Democratic Services Manager reported that no comments had been received by any individual members of the Working Group. However, at the previous meeting the Members had felt that a Councillor should be able to request that an item be placed on a Committee agenda without the need to reduce that request to writing or an e-mail. Accordingly, the protocol had been revised to incorporate that change and a copy is set out hereunder:

“Appendix 1

Protocol setting out the means by which items appear on Committee agendas

There has been some confusion recently concerning the means by which items appear on the agendas of the several Committees of the Council. The Strategic Policy and Resources Committee has agreed that a protocol on this matter should be developed so that Members and officers alike can understand the agreed rules.

Before setting out the protocol, it is worth restating one of the key principles of the operation of a public body. That is, it is for the elected Members, acting through the established decision-making structures of the Council, to decide on policy and to make the decisions which allocate resources. Officers will only act on these issues when there is a political decision to do so which is approved by the Council

There are a number of ways in which matters can appear on agendas and these are summarised below:

1. Corporate Plan/Departmental Plans

The Council invests a considerable amount of Member and officer time into the development of the Corporate Plan and the several departmental Plans. Officers will present reports to Committees making suggestions as to how the priorities in these plans can be given effect.

2. New Legislation or Guidelines

From time to time new legislation or guidelines are introduced which impact upon the delivery of Council services. Officers will prepare reports for consideration by the appropriate Committee on such matters.

3. Requests by Outside Organisations

The Council receives numerous requests from organisations and individuals for assistance or requests for the Council to take action on a certain matter. Where appropriate, officers deal with these requests where the Council has an established policy on the matter. However, on occasions it is considered to be necessary to bring such requests to the attention of the appropriate Committee for a decision.

4. Requests from the Committee

It is quite normal for a Committee to request officers to prepare a report on a certain matter and to bring it back to the Committee for consideration.

5. Suggestions from Professional Officers

The Council employs its professional Chief Officers not only to carry out the specific instructions of the Council but also to make suggestions which they consider would be of benefit to the city. Each Chief Officer has an established management team at which suggestions for new programmes or initiatives are discussed. The Chief Officer, if he/she considers the issue to be of benefit to the city might raise the matter at the appropriate Committee meeting for political direction.

6. At the Request of an Individual Member

It has been accepted practice for a number of years that an individual Member can ask for an issue to be raised at a Committee meeting and this has normally been highlighted on the agenda for the meeting against the Member's name for him or her to raise. Such requests are normally made to the appropriate Chief Officer and the appropriate Chairman is informed of the issue when being briefed on the agenda for the meeting.

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It should be pointed out that, although the Chairman is responsible for the conduct of the Committee meeting, he or she does not have any authority acting outside the Committee and it is not appropriate for a Chairman to decide which items can or cannot be included on an agenda.

The following protocol is suggested for both Members and officers in dealing with requests from individual Members wishing to have an item placed on a Committee agenda:

- Any Member is 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 these discussions, the Member wishes 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."**

The Working Group approved the revised Protocol on issues appearing on Committee Agendas and commended it to the Strategic Policy and Resources Committee for approval.

Chairman