

~~2015~~2017



Belfast City Council Constitution

~~APRIL 2015~~MAY 2017

CONTENTS

<u>Section</u>	<u>Page</u>
1. <u>The Council</u>	4
(a) Summary, purpose and content of the Constitution	5
(b) Composition of the council, the scheme of ordinary elections for members of the Council and their terms of office	5
(c) Rights and responsibilities of residents of the Council's district	7
(d) Roles and Functions of chairperson of the Council (Lord Mayor)	9
(e) Scheme of Allowances for Members of the Council	10
(f) Rules and procedures for management of the Councils financial, contractual and legal affairs	10
(g) Rules and procedures for review and revision of council constitution	11
2. <u>Functions</u>	12
(a) Roles, membership and functions of committees	13
(b) Functions of the council which are discharged by an officer of the council	14
(c) Joint Arrangements	14
3. <u>Officers</u>	15
(a) Role of officers in supporting council	16
(b) Roles and functions of the Clerk to the Council and the Chief Financial Officer	16
(c) Management Structure	17
(d) Rules governing recruitment, appointment, dismissal and disciplinary action for officers	17
(e) Code of Conduct for Officers and protocol in respect of relationships between members and officers of the Council	17
4. <u>Meetings and Information</u>	18
(a) Meetings of the Council	19
(b) Decision making	19

Appendices

Appendix 1 - Scheme of Allowances

Appendix 2 – Financial Regulations

Appendix 3 - Standing Orders

Appendix 4 - Roles and Functions of Committees

Appendix 5 - Scheme of Delegation

Appendix 6 - Management Structure

Appendix 7 - Rules governing recruitment, appointment, dismissal and
disciplinary action for officers

Appendix 8 – Code of Conduct for Officers

Appendix 9 - Protocol for relationship between Officers and Members

BCC CONSTITUTION

SECTION 1: THE COUNCIL

1. The Council

(a) Summary, purpose and content of the Constitution

Summary

A Council is required, under Section 2 of the Local Government Act (Northern Ireland) 2014, to prepare and keep up to date a Constitution.

The Constitution sets out how the Council conducts its business, how decisions are made and the procedures that are followed to ensure that these decisions are effective, efficient and transparent to local people.

Purpose

The purpose of the Constitution is to:

- (a) enable the Council to provide clear leadership to the community, in partnership with citizens, businesses and other organisations;
- (b) support the active involvement of citizens in the process of Council decision-making;
- (c) help councillors represent their constituents more effectively;
- (d) enable decisions to be taken efficiently and effectively;
- (e) create a powerful and effective means of holding decision-makers to public account;
- (f) ensure that no one will review or scrutinise a decision in which they were directly involved;
- (g) ensure that those responsible for decision-making are clearly identifiable to local people and that the decision-makers explain the reasons for decisions; and
- (h) provide a means of improving the delivery of services to the community.

(b) Composition of the Council, the scheme of ordinary elections for members of the Council and their terms of office

Composition

The Council comprises 60 members, called Councillors. Councillors are elected by the voters of each District Electoral Area (DEA) in accordance with a scheme drawn up by the Electoral Office of Northern Ireland. Where an individual ceases to be a Councillor, whether by resignation or through other circumstances, the vacancy on the Council will be filled by the co-option of an individual nominated by the political party in whose name the previous individual stood at the last local general election.

Only registered voters of the district or those living or working there will be eligible to hold the office of Councillor.

The Council is comprised of 60 elected representatives across the following 10 DEAs. Full details of current Councillors is available [online](#)

Councillors provide leadership and oversee the day-to-day running of Belfast City Council. They play a key role in representing the interests of their constituents and electoral areas. They are responsible for ensuring that the views of the people of Belfast are reflected in the decisions that the Council takes and in the way by which services are delivered.

District Electoral Area	Electoral wards	Number of Elected Representatives
Balmoral	Belvoir, Finaghy, Malone, Musgrave and Upper Malone	5
Black Mountain	Andersonstown, Ballymurphy, Beechmount, Colin Glen, Falls Park, Shaw's Road and Turf Lodge	7
Botanic	Blackstaff, Central, Ormeau, Stranmillis and Windsor	5
Castle	Bellevue, Cavehill, Chichester Park, Duncairn, Fortwilliam and Innisfayle	6
Collin	Dunmurry, Ladybrook, Lagmore, Poleglass, Stewartstown and Twinbrook	6
Court	Ballygomartin, Clonard, Falls, Forth River, Shankill and Woodvale	6
Lisnasharragh	Cregagh, Hillfoot, Merok, Orangefield, Ravenhill and Rosetta	6
Oldpark	Ardoyne, Ballysillan, Cliftonville, Legoniel, New Lodge, and Water Works	6
Ormiston	Belmont, Garnerville, Gilnahirk, Knock, Sandown, Shandon and Stormont	7
Titanic	Ballymacarrett, Beersbridge, Bloomfield, Connswater, Sydenham and Woodstock	6

Election and terms of Councillors

The regular election of Councillors will be held on the first Thursday in May every four years. The next local government election is scheduled to be held in 2019. The term of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

(c) Rights and responsibilities of residents of the Council's district

Residents' rights

Residents and others who avail of the Council's services have the following rights in relation to the operation of the Council.

Information

- (a) Citizens have the right to:
- (i) attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
 - (ii) view Council meetings online – see link to webcasting site <http://www.belfastcity.public-i.tv/core/>;
 - (iii) see and request copies of reports, background papers and minutes of any decisions made by the Council, except where these have been restricted under the Council's publication scheme; <http://www.belfastcity.gov.uk/government/index.asp> (the Council's equality scheme ensures that we consider requests for other languages when providing information and delivering services).

Complaints.

- (b) Citizens have the right to complain to:
- (i) the Council itself under its complaints scheme; or
 - (ii) the Northern Ireland Commissioner for Complaints in respect of an allegation that a Councillor (or former Councillor) has failed, or may have failed, to comply with the Northern Ireland Local Government Code of Conduct for Councillors. Guidance on making a complaint to the Northern Ireland [Local Government Commissioner for Complaints-Standards](https://nipso.org.uk/nilgcs/making-a-complaint/make-a-complaint/) is available on their [website for the Office of the Northern Ireland Commissioner for Complaints](https://nipso.org.uk/nilgcs/making-a-complaint/make-a-complaint/) <https://nipso.org.uk/nilgcs/making-a-complaint/make-a-complaint/>

The contact point for complaints at the Council, and the contact details for the [Northern Ireland Public Services Ombudsman](#) are as follows.

Online

Fill in our online complaint form ([Online Complaint Form](#))

Download a complaint form ([Download Complaint Form](#))

By email

Email us at complaints@belfastcity.gov.uk

By telephone

Call **028 9032 0202** and ask to be put through to the relevant department or service. Or call our central complaints helpline on **028 9027 0270** if you aren't sure who to speak to.

By text phone

Contact us on **028 9027 0405**.

By letter

Fill in a standard complaint form (available from all our venues) and send it to:

Corporate Complaints

Belfast City Council

FREEPOST

BT1 5BR

[If you are not happy with our final response, you can contact the Northern Ireland Public Services Ombudsman. If required you may email the Ombudsman at \[ombudsman@ni-ombudsman.org.uk\]\(mailto:ombudsman@ni-ombudsman.org.uk\) or](#)

[Guidance on making a complaint to the Northern Ireland Public Services Ombudsman is available on their website: https://nipso.org.uk/nipso/making-a-complaint/how-do-i-make-a-complaint-to-nipso/](https://nipso.org.uk/nipso/making-a-complaint/how-do-i-make-a-complaint-to-nipso/)

By email

nipso@nipso.org.uk

By letter

~~The Northern Ireland Public Services~~ Ombudsman

~~Freepost BEL 1478~~ [Progressive House](#)

[33 Wellington Place](#)

Belfast

BT1 6 ~~HNBR~~

Residents' responsibilities

Residents must not be violent, abusive or threatening to Councillors or Officers and must not willfully harm things owned by the Council, Councillors or Officers.

(d) Roles and Functions of chairperson of the Council (Lord Mayor)

Role and function of the Lord Mayor

The Lord Mayor is a Councillor who is elected by the Council at its annual meeting in June. The term of office for the Lord Mayor is one year. The office of Lord Mayor cannot be held by a Councillor for more than two consecutive years.

The Lord Mayor usually does not continue to sit on any committees during the period of the Mayorship.

The Lord Mayor of the Council and, in their absence, the Deputy Lord Mayor will have the following roles and functions:

- presiding over Council meetings and, in the case of equality of votes, have a second or casting vote
- promoting and raising awareness of the Council's main objectives and priority issues
- encouraging and supporting all aspects of life in Belfast by attending civic and public events
- receiving distinguished visitors to the city
- acting as host on behalf of the council and the citizens of Belfast at civic functions
- acting as a spokesperson to the local, national and international media
- providing an appropriate response on behalf of Belfast at times of local, national and international catastrophe
- supporting and encouraging charitable and other appeals as appropriate
- promoting Belfast's business, commercial, cultural and social life
- promoting Belfast as a place of excellence in which to do business and as a tourist destination.

Role of the Deputy Lord Mayor

The Deputy Lord Mayor is a Councillor who is also elected by the Council at its annual meeting in June. The term of office for the Deputy Lord Mayor is one year.

The Deputy Lord Mayor will assist and deputise for the Lord Mayor in carrying out the governance and civic responsibilities of that office.

In contrast to the Lord Mayor, the Deputy Lord Mayor usually continues to serve on Council committees during their year in office, combining this work with civic engagements.

Role of the High Sheriff

The High Sheriff is appointed by the Secretary of State for Northern Ireland, usually upon the recommendation of the Council. The High Sheriff's term in office is from January until December.

The High Sheriff will:

- attend civic functions hosted by the Lord Mayor;
- undertake specific functions on behalf of the Council;
- attend functions in place of the Lord Mayor; and
- provide general support to the Lord Mayor.

The High Sheriff is also invited to greet a member of the Royal Family or Head of State visiting the County Borough, unless the visit is a private or purely working one. The High Sheriff and his or her spouse are introduced after the Lord Mayor.

Working together

The three civic dignitaries, Lord Mayor, Deputy Lord Mayor and High Sheriff, work closely together on projects and initiatives that enhance the profile of the City.

(e) Scheme of Allowances for Members of the Council

The scheme of allowances for Members of the Council is set out in **Appendix 1** to this Constitution.

(f) Rules and procedures for management of the Council's financial, contractual and legal affairs

Financial and Contract management

The management of the Council's financial affairs will be conducted in accordance with the Financial Regulations set out in **Appendix 2** of this Constitution.

Legal proceedings by and against the Council

The Council has a dedicated Legal Services team which provides comprehensive legal advice to the Council and is authorised to institute, defend or participate in legal proceedings on behalf of the Council.

(g) Rules and procedures for review and revision of council constitution

Review of the Constitution

Review of the Constitution will take place on a regular basis as the component elements may be revised at any time. Any subsequent amendments will be brought to the relevant Committee for approval.

Amendments to the Constitution will also be necessary should the Council changes from one form of governance to another.

Changes to the Constitution

All proposed changes to the Constitution will be debated and agreed by a majority of the Council.

BCC CONSTITUTION

SECTION 2: FUNCTIONS

2. Functions

(a) Roles, membership and functions of committees

The Council has decided to operate a traditional committee form of governance with five standing committees.

A standing committee is a group of Councillors appointed by the Council who meet to review, scrutinise or make decisions on a range of functions within its particular remit. Decisions made by committees are ratified at the next full Council meeting.

There are three Principal Committees (Strategic Policy and Resources; City Growth and Regeneration; and People and Communities) and two Regulatory Committees (Planning and Licensing). There will also be an Ad-Hoc Committee established as and when required to deal with any decisions which have been called in on procedural grounds. [Another committee has been established \(Belfast Waterfront and Ulster Hall Shareholders' Committee\)](#).

Committee Name	Number of Councillors	Quorum
Strategic Policy and Resources Committee	20	5
City Growth and Regeneration Committee	20	5
People and Communities Committee	20	5
Licensing Committee	20	5
Planning Committee	14	4
<i>Ad-Hoc Committee (call-in)</i>	10	3
<u>Belfast Waterfront and Ulster Hall Shareholders' Committee</u>	<u>14</u>	<u>4</u>

The party make-up of the committees and the allocation of Chairs and Vice Chairs of the committees reflect the overall weighting of each party in the Council. Officers advise Councillors on issues addressed by Committees.

Committees sit at least monthly with the exception of July. The rules which set out, and govern, Committee responsibilities are contained in the Standing Orders set out in **Appendix 3** of this Constitution.

The roles, membership and functions of the council committees are set out at **Appendix 4** of this Constitution.

(b) Functions of the Council which are discharged by an officer of the Council

The functions of the council which are discharged by an officer of the Council are set out in the Scheme of Delegation which is attached at **Appendix 5** of this Constitution.

(c) Joint arrangements

Joint arrangements

Under Section 9 of the Local Government Act (Northern Ireland) 2014, two or more councils may establish arrangements for the discharge of any of their functions jointly or by a joint committee of councils.

Belfast City Council are members of Arc 21, the umbrella waste management group for 6 councils in the east of Northern Ireland. Belfast City Council have three elected members serving on the Joint Committee of Arc21.

[link to Arc21 website and Joint Committee details](#)

BCC CONSTITUTION

SECTION 3: OFFICERS

3. Officers

(a) Role of officers in supporting council

The officers of the Council are directly employed by the Council in a variety of administrative, professional technical and operational roles. Depending on these roles, they advise the Council on all aspects of its functions, put into effect decisions that are taken by councillors, and provide day to day management of the Council's services.

Officers are politically neutral; they advise committees and Full Council, and implement Council decisions.

(b) Roles and functions of the Clerk to the Council and the Chief Financial Officer

Clerk to the Council

The Clerk to the Council (Chief Executive) is the Chief Officer within the Council – with overall responsibility for the management and implementation of Council services.

The Clerk is responsible to the Council for the corporate and overall strategic management of the authority and will also advise the Council about any actual or potential breaches of the law or any maladministration, and ensure that procedures for recording and reporting key decisions are operating effectively.

The Chief Executive also acts as the Council's principal advisor on policy matters and has responsibility for ensuring that all delegations are consistent with Council policy. Anything delegated to a Chief Officer is also delegated to the Chief Executive who has authority to act on their behalf and to exercise any relevant function accordingly.

Chief Financial Officer

The Chief Financial Officer within the Council is a key member of the Leadership Team, helping it to develop and implement strategy and to resource and deliver the authority's strategic objectives sustainably and in the public interest.

The Chief Financial Officer must be actively involved in, and able to bring influence to bear on, all material business decisions to ensure immediate and longer term implications, opportunities and risks are fully considered, and alignment with the authority's financial strategy; and must lead the promotion and delivery by the whole authority of good financial management so that public money is safeguarded at all times and used appropriately, economically, efficiently and effectively.

(c) Management Structure

The Management Structure of the Council is attached at **Appendix 6** of this Constitution.

(d) Rules governing recruitment, appointment, dismissal and disciplinary action for officers

The rules governing recruitment, appointment, dismissal and disciplinary action for officers are attached at **Appendix 7** of this Constitution.

(e) Code of Conduct for Officers and protocol in respect of relationships between members and officers of the Council

The Code of Conduct for Officers and the protocol in respect of relationships between members and officers of the Council are attached at **Appendix 8** of this Constitution.

BCC CONSTITUTION

SECTION 4: MEETINGS AND INFORMATION

4. Meetings and Information

(a) Meetings of the Council

There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings; and
- (c) extraordinary meetings

and they will be conducted in accordance with the Council Standing Orders as set out in Appendix 3 of this Constitution.

(b) Decision making

The Full Council is the overarching decision-making body.

Each of the committees submits draft budget proposals to the Strategic Policy and Resources Committee as part of the annual budget-setting process. The decision of the Strategic Policy and Resources Committee is in turn subject to approval by the full Council.

The full Council considers the decisions of the Standing Committees at each of its monthly meetings. The Council can adopt the decisions or amend them. In practice, most decisions by committees are approved by full Council but it would be usual each month for a small number of decisions to be either rejected or amended or referred back to the relevant committee for further consideration.

The rules governing how Council meetings should be conducted and how decisions are approved and can be amended are contained in the Standing Orders as set out in Appendix 3 of this Constitution.

Decisions are contained in the Council minutes. These can be accessed on the Council's website <http://www.belfastcity.gov.uk/government/index.asp> or can be obtained in hardcopy by request.

Delegated decisions

The Licensing Committee and the Planning Committee can each make certain decisions without the approval of full Council. These decisions are called delegated decisions.

The purpose of delegating decisions is to speed up the decision-making process for these specific day-to-day issues.

The Council's Standing Orders set out the various areas of delegated decision-making business which are

allocated to the various Committees.

Some decision-making powers have also been delegated to Chief Officers (the directors of the Council departments). Delegated decisions are set out in the Scheme of Delegation at Appendix 5 of this Constitution.

Decisions to be taken by a qualified majority

The decisions of a Council that must be taken by a qualified majority, i.e. where not less than 80 per cent of the Councillors present and voting shall be required for the decision to be carried, are set out in the Council Standing Order Number 25 as set out in Appendix 3 of this Constitution.

Decision-making by the Council

The Council meeting will follow the Council Standing Orders set out in Appendix 3 of this Constitution when considering any matter.

Decision-making by other committees established by the Council

Council committees will follow those parts of the Council Standing Orders set out in Appendix 3 of this Constitution as apply to them.

Reconsideration of decisions

Decisions of the Council or a committee of the Council will be subject to reconsideration if 15 per cent of the members of the Council present to the clerk of the Council a requisition on either or both of the grounds specified in section 41(1) of the Local Government Act (Northern Ireland) 2014. These are:

- that the decision was not arrived at after a proper consideration of the relevant facts and issues;
- that the decision would disproportionately affect adversely any section of the inhabitants of the district.

The procedures to be followed in relation to a requisition for the reconsideration of a decision are set out in the Council Standing Orders number 47 as set out in Appendix 3 of this Constitution.