



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Constitution

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Date	Amendments	Requirement
28 May 2015	Include approved Standing Orders and Committee Terms of Reference in Part 3	Approved by Council
11 November 2015	Replaced DoE Circular 05/2015 with Circular 29/2015 on Consolidated Councillor Allowances in Part 5	DoE change notification
16 February 2016	Inclusion of Publication Scheme at Part 3	Approved by Council
26 May 2016	Standing Orders Revised by Council, Part 3	Approved by Council
	Terms of Reference & Delegation to Committees Part 2, Annex 2	Approved by Council
23 March 2017	Scheme of Allowances updated. Replaced DoE Circular 04/2015 with Circular 23/2016 on Consolidated Guidance on Councillors' Allowances	DfC change notification
22 June 2017	Mid Ulster DC Conflicts of Interest Policy	Approved by Council
26 April 2018	Amendment to Planning Committee Protocol which is incorporated within Standing Orders	Approved by Council
22 June 2018	Amendment to Scheme of Allowances - Broadband	Approved by Council
31 July 2018	Inclusion of Updated Circular on Consolidated Councillor Allowances – Circular 12/2018	DfC change notification
28 June 2019	<ul style="list-style-type: none"> Replaced DfC Circular 12/2018 with 07/2019 on Consolidated Councillor Allowances Inserted Addendum No 2 to Circular LG23/2016 	DfC change notification
30 August 2019	Amendment to Part 1, Article 10 on Joint Arrangements on Contracting Out (10.4)	Decision of Council
28 May 2020	Update of Standing Orders for transacting business during COVID-19 period in response to Regulation from NI Assembly (DfC)	Approved by Council
24 June 2021	Revision & Update of Scheme of Allowance for Councillors	Approved by Council
22 July 2021	New Senior Management Structure approved	Approved by Council
23 September 2021	Local Government (Meetings and Performance) Act (NI) 2021 – update of Standing Orders in response	Approved by Council

16 December 2021	<p>Scheme of Delegation for Senior Officers (to reflect to new Council Structure)</p> <p>Terms of Reference & Delegation to Committees (previously revised)</p>	Approved by Council
16 December 2021	Standing Orders (to reflect the extent of committee call-in arrangements)	Approved by Council
26 May 2022	<ul style="list-style-type: none"> • Standing Orders (extension of remote meeting provisions) • Revision & Update of Scheme of Allowance for Councillors 	Approved by Council

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Part 1

Summary, Explanation and Articles of the Constitution

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Summary and Explanation

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

This constitution sets out how Mid Ulster District Council (MUDC) operates in the delivery of its full suite of functions, sets out how decisions are made and the procedures in place to ensure everything the Council does is efficient, transparent and accountable to all those who reside and avail of services within the district. Some of the information and processes as contained within this constitution are required as a matter of law, while others are a matter for Council to determine in line with its operational practices.

The constitution contains 15 Articles within which information is provided on how the council approaches and does its business within defined boundaries. Part 2 of the constitution sets out more detailed procedures and codes of practice within distinct Codes and Protocols.

In the event of a conflict in any respect between the Articles and the Annexes to the Constitution, the Council will have regard to the provisions set out in the Articles.

Article 1 - The Constitution

This Article sets out the fundamental provisions of the Constitution. It confirms that the Council will act within the law and the provisions of this Constitution. It defines those documents which comprise the Constitution including the Council's Standing Orders and the Northern Ireland Local Government Code of Conduct for Councillors.

1.1 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

1.2 The Constitution

This Constitution (including all its appendices) is the Constitution of Mid Ulster District Council.

1.3 Purpose of the Constitution

The purpose of this 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.

1.4 Interpretation and Review of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the statements of purpose in paragraph 1.3 above.

The Council will monitor and evaluate the operation of the Constitution. The Council considers its constitution as being an integral document on informing and shaping how it does business within and across the district. For this reason it is important that the constitution is kept up to date and relevant. This will be by:

- Regular monitoring to maintain accuracy of information contained;
- Annual review following each financial year, but not later than 30 April; and
- A formal review at the start of a new Council term following a Local Election.

Article 2 - Members of the Council

2.1 Composition and eligibility

Composition: The Council comprises 40 elected members, called councillors. Councillors are elected by the voters of each district electoral area 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.

Eligibility: Only registered voters of the district or those living or working there will be eligible to hold the office of councillor with Mid Ulster District Council

2.2 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 local election.

2.3 Roles and duties of all councillors

Key roles

- (a) All councillors will have the following key roles.
 - (i) Councillors will collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions.
 - (ii) Councillors will represent their communities and bring their views into the Council's decision-making process.
 - (iii) Councillors will deal with individual issues and act as an advocate for constituents in resolving particular concerns or grievances.
 - (iv) Councillors will balance different interests identified within the district electoral area and represent that area as a whole.
 - (v) Councillors will be involved in decision-making.
 - (vi) Councillors will be available to represent the Council on other bodies.
 - (vii) Councillors will maintain the highest standards of conduct and ethics.

Rights and duties

- (b) All councillors will have the following rights and duties.
 - (i) Councillors will have such rights of access to such documents,

information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.

- (ii) Councillors will not make public, information which is confidential or exempt (as defined in the Access to Information Rules in Part 3 of this Constitution), without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it.

2.4 Conduct

A copy of the Northern Ireland Local Government Code of Conduct for Councillors is set out in Part 4 of this Constitution.

2.5 Allowances

Councillors will be entitled to receive allowances in accordance with the Members Allowances Scheme set out in Part 5 of this Constitution.

Article 3 - Citizens and the Council

3.1 Citizens rights

Residents and others who avail of the Council's services have the following rights in relation to the operation of the Council. Their rights to information and to attend meetings of the Council or its committees are explained in more detail in the Access to Information Rules in Part 4 of this Constitution.

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) attend meetings of the executive when key decisions are being considered (please note that Mid Ulster Council does not currently operate within executive arrangements);
 - (iii) find out from the forward plan what key decisions will be taken by the executive and when; (please note that Mid Ulster Council does not currently operate within executive arrangements); and
 - (iv) see reports and background papers, and any records of decisions made by the Council and the executive, except where release is prevented by law, exempt for release under the terms of the Freedom of Information Act 2000, or is otherwise properly considered to be protected from disclosure. Disclosure will also be subject to regulations made under Sections 34-35 of the Local Government (NI) Act 2014 on *Meetings and Access to Information*.

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 Commissioner for Complaints is available on the website for the Office of the Northern Ireland Commissioner for Complaints

3.2 Citizens responsibilities

Citizens must not be violent, abusive or threatening to councillors or officers and must not wilfully harm things owned by the Council, councillors or officers. When attending meetings of the council or committees citizens must not behave improperly, offensively or interrupt the business of the meeting as such action will result in exclusion from the meeting.

Article 4 - The Council

4.1 Meanings

Policy Framework

- (a) The policy framework means the following plans and strategies of the Council to aid the delivery of its functions and services in the district, the list will be continually reviewed as the council develops its business:

	Plan/ Strategy
1	Mid Ulster Council Corporate Plan
2	Community Plan
3	Local Development Plan
4	Performance Improvement Plan

Budget

- (b) The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council rate base, setting the district rate and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits. The Council will be responsible for the adoption of its annual budget and associated policy framework.

4.2 Functions of the Council

Council operates a traditional committee system, where business is initially considered by one of its five committees and recommendations of such decisions are subsequently taken to full Council for approval. There are limited circumstances in which the Council has delegated its authority to exercise decisions to an officer of Council, referenced in the *Council's Scheme of Delegation for Officers* contained in this constitution as Annex 5 within Part 2.

Detail on authority delegated to committees is contained in the council's, *Terms of Reference & Delegation to Committees* document. Council has not elected to operate Executive Arrangements.

There are however some matters which cannot be delegated to any committee and must be considered by Council. Section 7 of the Local Government (NI) Act 2014 states that the following must be discharged by the Council itself:

- (i) Making a district rate under the Rates (Northern Ireland) Order 1977
- (ii) Making a determination under section 13(1) of Local Government Finance Act (Northern Ireland) 2011 (affordable borrowing limit) and monitoring an amount determined
- (iii) Borrowing money, and
- (iv) Acquiring and disposing of land

4.3 Council meetings

There are three types of Council meeting:

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

and they will be conducted in accordance with the Council Standing Orders in Part 3 of this Constitution.

4.4 Responsibility for functions

Responsibility for council functions is set out in Part 2 of this constitution.

Article 5 - Chairing the Council

5.1 Title of the person chairing Council meetings

Meetings of council will be chaired by the Chair of Mid Ulster District Council.

5.2 Role and function of the Chair

The Chair of Mid Ulster District Council and, in their absence, the Deputy Chair will have the following roles and functions:

Ceremonial role

(a) The Chair will normally carry out the ceremonial duties of the Council.

Chairing the Council meeting

(b) The Chair will be the person presiding over Council meetings in line with Council Standing Orders. In reference to Standing Orders, the ruling of the Chair as to the interpretation, construction or application of any Standing Order or as to any proceedings of the Council, shall not be challenged at any meeting of the Council.

Article 6 – Decision-making structures

6.1 Role

Mid Ulster Council operates a Traditional Committee System as provisioned for within Section 19 of the Local Government (NI) Act 2014. The Council does not operate 'executive arrangements'. A Terms of Reference & Delegation to Committees is set out as Annex 2 in Part 2 of this Constitution. This document sets out provisions applicable to all committees, their constitution, positions of responsibility, quorum, size, functions, reporting to council and delegated authority, where provided by Council. Annex 5 in Part 2 of this constitution is the Scheme of Delegation for Officers. Council committees are:

- Audit Committee
- Development Committee
- Environment Committee
- Planning Committee
- Policy & Resources Committee

6.2 Form

Council's five committees consider business in line with its area of focus/ functions brought forward to it by officers of council. Recommendations made following the consideration of business are then brought forward for adoption at the next available monthly meeting of full Council, unless authority has been delegated on such matters.

6.3 Proceedings of the Committees

Proceedings of the committees shall take place in accordance with the Council's Standing Orders set out in Part 3 of this Constitution.

6.4 Responsibility for Functions

Responsibility for council functions is set out in Part 2 of this constitution.

Article 7 – The Executive

Mid Ulster District Council has not resolved to operate a system of Executive Arrangements. This Article will be updated should it elect to do so.

Article 8 – Overview and Scrutiny Arrangements

Mid Ulster District Council has not resolved to operate a system of Executive Arrangements and hence formal *Overview and Scrutiny Arrangements* are not required. This Article will be updated should Council resolve to do so.

Article 9 - Policy and Other committees in traditional arrangements

9.1 Policy and other committees

Annex 2 within Part 2 of this Constitutions sets out the Council's scheme of administration/ terms of reference and delegation for committees. This document confirms that the Council operates a traditional committee system involving 5 committees which all report to Council.

The Policy and Resources Committee has been reserved the functions of finance, personnel and other governance matters, relating to the administration and management of Council.

The Policy and Resources Committee also has authority to consider business not coming within the remit of any other committee of council. This forms part of its Terms of Reference.

Article 10 - Joint Arrangements

10.1 Joint arrangements

Sections 9 and 11 of the Local Government (NI) Act 2014 provides for two or more councils discharging any of their functions jointly which can be undertaken by a joint committee or by an officer of one of the Councils. Mid Ulster District Council has the following Joint Committees in place (the list will be updated as the Council develops its business):

Committee	Description
Tullyvar Joint Committee	Joint committee with Fermanagh & Omagh District Council to provide management of Tullyvar Landfill Site, Aughnacloy. The committee comprises 5 elected members from each council.

10.2 Access to information

The Access to Information Rules in Part 3 of this Constitution apply.

10.3 Delegation to and from other Councils

Mid Ulster District Council can at any time arrange for the discharge of one or a number of its functions under the auspices of Section 8 of the Local Government (NI) Act 2014. The Council's Scheme of Delegation confirms authority delegated to other Councils.

10.4 Contracting out

No contracts, deemed to be of significance, are currently in place for the delivery of services and/or functions on behalf Mid Ulster District Council for which it is responsible. :

Article 11 - Officers

Terminology

11.1 Management structure

The management structure of the Council is set out in Part 6 of this Constitution.

11.2 Functions of the clerk to the Council

The Clerk/ Chief Executive is the Head of Paid Service and is responsible for the overall administration and management of all services delivered by Mid Ulster District Council with the support of those holding senior management positions as shown in Part 6.

11.3 Functions of the chief financial officer

To make arrangements as necessary for the proper administration of council's financial affairs under sections 1-3 of the local Government Finance Act (NI) 2011.

The Chief Financial Officer is also required to:

- keep proper accounting records that are up-to-date; and
- take reasonable steps for the prevention and detection of fraud and other irregularities.

Mid Ulster District Council has appointed the Chief Executive as the Chief Financial Officer.

11.4 Duty to provide sufficient resources to the chief financial officer

The Council will provide the chief financial officer with such officers, accommodation and other resources as are, in its opinion, sufficient to allow their duties to be performed.

11.5 Conduct

Officers will comply with the Officers' Code of Conduct and the Local Government Employee and Councillor Working Relationship Protocol set out in Part 4 of this Constitution.

Article 12 – Decision-making

12.1 Responsibility for decision-making

The council will keep up to date a record of what part of the council or individual has responsibility for particular types of decisions relating to particular services, areas and functions of the council. This information is contained within Part 2, Annex 5 of this overall document.

12.2 Principles of decision-making

In considering recommendations and proposals being brought before Council all decisions of Council and recommendations of committees will be made in accordance with the following principles:

1. proportionally (i.e. the action must be proportionate to the desired outcome);
2. due consultation and the taking of appropriate advice from Officers;
3. respect for human rights;
4. a presumption in favour of openness;
5. clarity of aims and desired outcomes;
6. Wednesbury reasonableness, i.e. taking account of all relevant considerations and discounting all irrelevant considerations; and
7. explaining what options were considered and giving reasons for the decision.

12.3 Decisions to be taken by a qualified majority

The decisions of a council that must be taken by a qualified majority, i.e. by 80 per cent of the votes of the members present and voting, are set out in the Council Standing Orders` in Part 3 of this Constitution.

12.4 Types of decision

This Article applies only where executive arrangements operate.

Decisions reserved to full Council

- (a) Decisions relating to the functions listed in Article 4.2 will be made by the full Council and not delegated.

Key decisions

- (b) A key decision means a decision under executive arrangements, which is likely—
 - (i) to result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council's budget for the service or function to which the decision relates; or
 - (ii) to be significant in terms of its effects on communities living or working in an area comprising two or more electoral areas in the local government district of the relevant council.
- (c) A decision-maker may only make a key decision in accordance with the requirements of the Executive Procedure Rules set out in Part 3 of this Constitution.

12.5 Decision-making by the Council

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

12.6 Decision-making under executive arrangements

Mid Ulster District Council has not resolved to operate a system of Executive Arrangements. This section will be updated should it elect to do so.

12.7 Decision-making by overview and scrutiny committees

Mid Ulster District Council has not resolved to operate a system of Executive Arrangements. This section will be updated should it elect to do so.

12.8 Decision-making by other committees and sub-committees established by the Council

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

12.9 Reconsideration of decisions

Decisions of the council or a committee may be subjected to reconsideration under Standing Orders 21 and 24 as contained within Part 3 of this Constitution. In the case of Standing Order 24 recommendations of a committee may not be reconsidered or a Call-in.

With specific reference to the Call-in Process, 15 per cent of the members of Council are required to present to the Clerk/ Chief Executive a requisition on either or both of the following grounds as specified in section 41(1) of the Local Government Act (Northern Ireland) 2014:

- 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.

Article 13 - Finance, Contracts and Legal Matters

13.1 Financial management

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedures Rules set out in Part 3 of this Constitution.

13.2 Contracts

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Part 3 of this Constitution.

13.3 Legal proceedings by and against the Council

The Councils Scheme of Delegation contained within this constitution as Annex 5, confirms those officers of council authorised to institute, defend or participate in legal proceedings on behalf council.

13.4 Common Seal of the Council

In compliance with Section 120 (1) to (4) of Local Government (NI) Act 1972 the council shall provide for the safe custody of its common seal which shall be used under authority of a resolution of the council; and in accordance with standing orders of the council.

Every instrument to which the council is affixed shall be signed by the Chair and Chief Executive of council.

Article 14 - Review and Revision of the Constitution

14.1 Duty to keep the Constitution up to date

The Council will monitor and evaluate the operation of the Constitution. The Council considers its constitution as being an integral document on informing and shaping how it does business within and across the district. For this reason it is important that the constitution is kept up to date and relevant. This will be by:

- Regular monitoring to maintain accuracy of information contained;
- Annual review following each financial year, but not later than 30 April; and
- A formal review at the start of a new Council term following a Local Election.

14.2 Changes to the Constitution

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

Article 15 - Publication of the Constitution

15.1 Suspension of the Constitution

Limit to suspension

- (a) The Articles of this Constitution may not be suspended. The Procedure Rules specified below may be suspended by the full Council to the extent permitted within those Procedure Rules and the law.

Procedure to suspend

- (b) A motion to suspend any Procedure Rules will not be moved without notice unless at least one-half of the total number of councillors is present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the statements of purpose of the Constitution set out in Article 1.

Procedure Rules capable of suspension.

- (b) The following Procedure Rules may be suspended in accordance with Article 15.1 and in line with the conditions pertaining to Council Standing Order No. 28: *Suspension and Amendment to Standing Orders*.

15.2 Interpretation

The ruling of the Chair in relation to the interpretation or application of this Constitution, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purpose of this Constitution contained in Article 1.

15.3 Publication

This constitution is published on the Council's website (www.midulstercouncil.org) and is available for inspection at the Council Offices.

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Part 2

Responsibility for Functions

Annex 1 – Principles of Delegation

Annex 2 – Responsibilities for Council Functions

Annex 3 – Responsibility for Executive Functions

Annex 4 – Joint Arrangements

Annex 5 – Scheme of Delegation for Senior Officers

Annex 1: Principles of Delegation

Where decisions are taken by officers under delegated powers and authority, as set out with Council's Scheme of Delegation the following principles and conditions shall be taken considered and applied at all times:

- Powers shall be exercised in accordance with the constitution and Standing Orders of Mid Ulster Council
- The officer exercising such powers shall give effect to any resolution of the Council or committee, upon any matter of principle or policy in relation to the functions concerned
- Where an officer is authorised to take decisions, action to implement such decisions shall be taken in the name of (but not necessarily personally by) that officer.
- The officer dealing with a matter shall arrange any inter-departmental or member level consultation that shall be required. If inter-departmental agreement is not reached at senior officer level, the matter shall be referred to the Chief Executive for consideration.
- In a case of where the officer exercising the power considers that a new departure in policy is likely to be involved, or if the implications are such that the officer considers that such course is necessary, the matter shall be referred to the Chief executive for consideration.
- The exercise of delegated authority shall be subject to there being adequate and appropriate budgetary provision, in the year of exercise and future years.
- Any decision which may attract to the Council legal liability shall be taken in consultation with the Council Solicitor
- Any decision which has financial implications shall be taken in consultation with the Director of Finance or Head of Finance within council
- The exercise of functions under the scheme shall have regard to all relevant considerations

Annex 2 – Responsibilities for Council Functions

The Terms of Reference for Committees provides information on the constitution and functions referred to committees. Mid Ulster District Council committees are:

- Audit Committee – 8 elected members
- Development Committee – 16 elected members
- Environment Committee – 16 elected members
- Planning Committee – 16 elected members
- Policy & Resources Committee – 16 elected members

Mid Ulster District Council

Terms of Reference & Delegation to Committees

First Published	March 2015
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1.0 GENERAL

1.1 Introduction

1.1 Mid Ulster District Council transacts its business through a traditional committee system, where business is initially considered by one of its committees forming part of its governance decision-making framework. This document:

- Regulates the constitution and membership of each committee of Council
- Allocates and confirms referred functions to each committee, forming their Terms of Reference
- Delegates authority to committees to exercise the functions of the Council, where applicable

1.2 This document confirms the remit of each committee, their terms of reference, specifying the functions referred to each and defines authority limits.

1.2 Amendment

1.2.1 This document may be amended at any time by the Council by decision of a simple majority.

1.3 Interpretation

1.3.1 In this document the expressions, as detailed below, will have the following meaning assigned:

- “Act” in relation to the functions of the Council means an the Local Government (NI) Act 2014 or other Act of Parliament or any amendment or variation thereof including Regulations made in the name of a relevant Act
- “Co-opted Member” means any Member of a Committee who is not an elected member of Mid Ulster District Council
- “Council” means Mid Ulster District Council
- “Chief Executive” means the Clerk/ Chief Executive appointed by Mid Ulster District Council
- “Senior Officer” means any Senior Officer appointed by the Council forming part of its senior management team
- “Member” means a Councillor elected to serve of Mid Ulster District Council

1.4 Committees

1.4.1 Subject to the provisions of the Local Government (NI) Act 2014, Schedules 1 and 2 and other relevant statutes the Council will establish, nominate members to and maintain the following committees:

- Audit Committee
- Development Committee
- Environment Committee
- Planning Committee
- Policy & Resources Committee

1.4.2 Committees of Council as outlined will have the constitution, quorum, terms of reference and authority delegated, where appropriate, under the appropriate part of section 3 of this document.

1.5 Working Groups

1.5.1 The Council and either of its committees may consider it necessary to establish Working Groups of members and council officers to consider and make recommendations on a series of non-policy matters and/ or to help in the formulation of policy. Working Groups will be characterised as dealing with issues on a task and finish basis, established to further consider any matter forming part of the remit of the Committee convening it, or Council. Once the matter under consideration has been completed by the Working Group to the satisfaction of the relevant committee or Council it will be stood down.

1.5.2 Working Groups shall officially report to the committee, or council, from which it was formed and shall not have power to exercise on behalf of council any authority nor to incur expenditure without prior authority. A Working Group shall not have the scope to issue instructions to any officer without prior authority of the relevant committee.

1.5.3 All working groups shall be provided with a terms of reference by the committee establishing it, or Council, defining its objectives and reporting arrangements.

2.0 Committee Provisions

2.1 Introduction

2.1.1 There will be excluded from reference to any committee of council:

- Any matter which has been specifically referred to another committee
- Any matter which the Council may decide is specifically excluded from reference to the committee or committees in general

2.1.2 Notwithstanding the reference to one Committee of any single function, the Council shall have the power to refer a function specifically to another committee, where by reason of the nature of the matter and in the opinion of the Council it should be so referred.

2.2 Delegated Functions

2.2.1 Subject to the provisions of the Local Government (NI) Act 2014, other relevant statutes and Council Standing Orders relating to the transaction of council proceedings where any function of the Council is delegated to a Committee it will have the power to exercise the function in like manner as the Council could have exercised it, had there been no delegation in the first instance. This is provided, however, that it will be competent for the committee in relation to any delegated matter, instead of taking a decision thereon to make a recommendation to the Council thereon, in which event the matter will be decided by the Council after consideration of that recommendation.

2.2.2 The Council will exclude from delegation to any of its committees the following, as detailed within the Local Government (NI) Act 2014 (a) to (e), and other relevant statutes, which must be wholly discharged by Council:

- (a) Making a district rate under the Rates (Northern Ireland) Order 1977
- (b) Making a determination under section 13(1) of the Local Government Finance Act (Northern Ireland) 2011 (affordable borrowing limit) and monitoring an amount determined under that subsection
- (c) Borrowing money
- (d) Acquiring or disposing of land itself
- (e) Except as provided for in the council's Financial Regulations, the Scheme of Delegation or Standing Orders in respect of matters referred to the committee, any of the following:
 - i. The incurring of any net new expenditure not provided for in the estimate of capital or revenue expenditure unless such expenditure is reported to and approved by the Council

- ii. The preparation, review and amendment this document regulating the constitution, membership, functions and powers of Committees of the Council
 - iii. The preparation, review and amendment of the Standing Orders regulating proceedings and business of the Council and Committees
 - iv. The preparation, review and amendment of the Scheme of Delegation detailing those functions delegated by the Council to its Officers
- (f) The appointment of representatives of the Council on outside bodies
- (g) The decision to co-operate or combine with other councils to provide services other than by way of collaborative agreement
- (h) Functions referred to or delegated to any other Committee

2.3 General

- 2.3.1 The Council will appoint all Members of Committees unless otherwise provided for in this document. Only the council itself has the power of appointment to and removal of Members from a committee. This power cannot be delegated and appointments to each committee shall take place at council's annual meeting as provisioned for within Standing Orders.
- 2.3.2 The appointment of Chair and Deputy Chair of any Committee, as positions of responsibility, as defined by the Local Government (NI) Act 2014 shall not be undertaken by a committee.
- 2.3.3 The proceedings of any committee will not be invalidated through any vacancy in membership or defect in appointment.
- 2.3.4 The Committees of the Council will have their terms of reference specified in this document in relation to each committee and each will conduct their business within their terms of reference only and act in accordance with the policies of the Council.
- 2.3.5 Committees will conduct their business always in accordance with the Standing Orders relating to meetings and proceedings of the Council and committees.
- 2.3.6 Committees will always conduct their business in accordance with Standing Orders and with Council Rules and Procedures as set out within the Council Constitution on contracts, financial arrangements and the budget and policy framework.
- 2.3.7 A Member may take part in the proceeding of, speak and vote, at any Committee of which he or she is a Member. A Member may attend meetings of a Committee of which they are not a Member but may only speak following prior request to the Chair and invited to address the Committee on the matter under consideration. They shall not be entitled to a vote on that or any other matter being considered at that meeting.
- 2.3.8 An Elected member who is not a member of committee may attend as a participant to the extent as referred at 2.3.7 above. Members may only be entitled to claim for travel, subsistence and necessary expenses, which they have been invited to attend and participate in the meeting or particular section of the meeting thereof.

3.0 COMMITTEES

3.1 Audit Committee

The Audit Committee will comprise 8 Members of Council appointed using the Quota of Greatest Remainder (QGR) as provisioned for within Sc. 2 of the Local Government (NI) Act 2014. The committee shall also have a co-opted member who will be independent of and not be a member of Mid Ulster District Council. The committee will comprise a membership of 9.

Purpose

To provide to those charged with governance independent assurance on the adequacy of the risk management framework, the internal control environment and the integrity of the financial reporting and annual governance processes in line with CIPFA's 2013 Position Statement.

Authority

The audit committee has authority to conduct or authorise investigations into any matters within its scope of responsibility.

Membership and Effectiveness

The audit committee membership is characterised by:

- a) being balanced, objective, independent of mind, knowledgeable and properly trained to fulfil their role;
- b) being supportive of good governance principles and their practical application towards the achievement of organisational objectives;
- c) having a strong independently minded chair – displaying a depth of knowledge, skills and interest;
- d) unbiased attitudes- treating auditors, the executive and management fairly;
- e) having the ability to challenge the executive and senior managers when required.

The effectiveness of the audit committee will be considered annually along with a review of the terms of reference.

3.1.2 Chair

The committee will have a Chair and Deputy Chair and be appointed by the Council at its Annual Meeting as positions of responsibility under Part 3 of the Local Government (NI) Act 2014.

3.1.3 Quorum

Business shall not be transacted unless at least one third of the whole number of the committee is present. Three members shall be present.

Meetings

The committee will meet every two months, with authority to convene additional meetings, as circumstances require. All committee members are expected to attend each meeting, in person or via tele- or video-conference. The committee will invite members of management, auditors or others to attend meetings and provide information, as necessary. It will hold private meetings as required with auditor and executive sessions. Meeting agendas will be prepared and provided in advance to members, along with appropriate materials.

3.1.4 Responsibilities

The core functions of an audit committee are to:

- 1) Be satisfied that the Council's assurance statements, including the Annual Governance Statement, properly reflect the risk environment and any actions required to improve it, and demonstrate how governance supports the achievements of the authority's objectives.
- 2) In relation to the Council's internal audit functions:
 - a) oversee its independence, objectivity, performance and professionalism
 - b) support the effectiveness of the internal audit process
 - c) promote the effective use of internal audit within the assurance framework
- 3) Consider the effectiveness of the Council's risk management arrangements and the control environment. Review the risk profile of the organisation and assurances that action is being taken on risk-related issues, including partnerships with other organisations.
- 4) Monitor the effectiveness of the control environment, including arrangements for ensuring value for money and for managing the Council's exposure to the risks of fraud and corruption.
- 5) Consider the reports and recommendations of external audit and *inspection agencies* and their implications for governance, risk management or control.
- 6) Support effective relationships between external audit and internal audit, inspection agencies and other relevant bodies and encourage the active promotion of the value of the audit process.
- 7) Review the financial statements, external auditor's opinion and reports to members, and monitor management action in response to the issues raised by external audit.

Possible wider functions of the Audit Committee:

- 1) Considering governance, risk or control matters at the request of other committees or statutory officers.
- 2) Working with local standards committees to support ethical values and reviewing the arrangements to achieve those values.
- 3) Reviewing and monitoring treasury management arrangements in accordance with the CIPFA Treasury Management Code of Practice.
- 4) Providing oversight of other public reports, such as the annual report.

3.2 Development Committee

3.2.1 Constitution

The Development Committee will comprise 16 Members of Council appointed using the Quota of Greatest Remainder (QGR) as provisioned for within Sc. 2 of the Local Government (NI) Act 2014.

3.2.2 Chair

The committee will have a Chair and Deputy Chair and be appointed by the Council at its Annual Meeting as positions of responsibility under Part 3 of the Local Government (NI) Act 2014.

3.2.3 Quorum

Business shall not be transacted unless at least one third of the whole number of the committee is present. Six members shall be present.

3.2.4 Functions Referred

(i) The committee is delegated the power to exercise the council's licensing functions in connection with its Environmental Health functions.

(ii) The following functions stand referred to the committee:-

To consider business and make recommendations to Council on:

- Administration and management of cultural venues
- Arts Development service delivery matters
- Regional and Minority Languages requirements
- Management of Leisure Services
- Sports Development service delivery matters
- Management and development of Water Recreation Sites transferred from central government
- Management and development of Parks & Open Spaces
- Management and development of Play Areas
- Administration of matters pertaining to countryside access and related matters
- Management of Community Services
- Policing and Community Safety Partnership
- Management of Rural Development Programme
- Administration and management of Local Economic Development
- Delivery of Physical Regeneration initiatives
- Administration and management of functions and powers transferred from central government departments for Social Development and Enterprise, Trade & Investment
- Tourism service delivery matters
- Council and Community Events
- Environmental Health service delivery matters to

3.3 Environment Committee

3.3.1 Constitution

The Environment Committee will comprise 16 Members of Council appointed using the Quota of Greatest Remainder (QGR) as provisioned for within Sc. 2 of the Local Government (NI) Act 2014.

3.3.2 Chair

The committee will have a Chair and Deputy Chair and be appointed by the Council at its Annual Meeting as positions of responsibility under Part 3 of the Local Government (NI) Act 2014.

3.3.3 Quorum

Business shall not be transacted unless at least one third of the whole number of the committee is present. Six members shall be present.

3.3.4 Functions Referred

(i) The committee is delegated the power to exercise the council's licensing functions in connection with its Building Control functions.

(ii) The following functions are referred to the committee:-

To consider business and make recommendations to council on:

- Building Control service delivery matters
- Capital projects of the council
- Waste management service delivery matters
- Street cleansing service delivery matters
- Council estate management and property portfolio
- Maintenance and cleansing of public spaces
- Management of Off-Street Car Parks, transferred from central government
- Cemeteries and Burial Grants within the control of the Council

3.4 Planning Committee

3.4.1 Constitution

The Planning Committee will comprise 16 Members of Council appointed using the Quota of Greatest Remainder (QGR) as provisioned for within Sc. 2 of the Local Government (NI) Act 2014.

3.4.2 Chair

The committee will have a Chair and Deputy Chair and be appointed by the Council at its Annual Meeting as positions of responsibility under Part 3 of the Local Government (NI) Act 2014.

3.4.3 Quorum

Business shall not be transacted unless at least one third of the whole number of the committee is present. Six members shall be present.

3.4.4 Functions Referred

The following functions are referred to the committee:

1. The Planning Committee is responsible for the exercise all of the Council's planning functions, excepting those matters which are expressly delegated to officers under the Council's Scheme of Delegation on Planning Matters, or reserved to full Council.
2. In relation to those functions that are reserved to full Council, the Planning Committee is responsible for considering business and making recommendations to council on those matters, which is:-
 - The approval of the Council's Local Development Plan.
3. The Planning Committee is responsible for the monitoring of the Council's Local Development Plan on an annual basis in terms of the availability of housing and economic development land, and that it is reviewed every five years, giving consideration to whether there is a need to change the plan strategy or the zonings, designations and policies as contained in the local policies plan.
4. The Planning Committee is responsible for responding to consultations in relation to planning issues, including; (i) any development plan documents, policies, strategies, etc. in adjoining authorities; (ii) on regionally significant or major applications to be determined by the Department; (iii) on any planning guidance, policy, or legislation; and (iv) any other matters which have significant implications for land use and physical development.

3.8 Policy and Resources Committee

3.8.1 Constitution

The Policy and Resources Committee will comprise 16 Members of Council appointed using the Quota of Greatest Remainder (QGR) as provisioned for within Sc. 2 of the Local Government (Northern Ireland) Act 2014.

3.8.2 Chair

The committee will have a Chair and Deputy Chair and be appointed by the Council at its Annual Meeting as positions of responsibility under Part 2 of the Local Government (NI) Act 2014.

3.8.3 Quorum

Business shall not be transacted unless at least one third of the whole number of the committee is present. Six members shall be present.

3.8.4 Functions Referred

1. To consider business and make recommendations to Council on:
 - Administration and management of Democratic Services, to include Member Services
 - Administration and management of council Finance function
 - Governance arrangements and all such matters of Council
 - Administration and management of council Human Resources
 - Administration and management of Registration Services (Births, Deaths and Marriages)
 - Administration and management of ICT Services and related matters
 - Marketing & Communications service delivery matters
 - Council Policy Development Framework
 - Council Performance Improvement and Management Framework
2. Consider any matter not delegated, referred to or coming under the remit of any other committee

4.0 Monitoring and Review

This document will be reviewed and consulted throughout each term of the council. A formal review will be undertaken at the commencement of the term of each new council, following a Local Election to Mid Ulster District Council.

Document Control Summary		
Last Revised	Revised By	Nature of Revision
26 May 2016	Head of Democratic Services	Audit Committee Terms of Reference, section 3.1
26 March 2020	Council Solicitor Head of Democratic Services	Changes to matters referred to align with senior staff structure change effective 6 April 2020
22 Nov 2021	Assistant Director: Organisational Development, Strategy & Performance	Reviewed and no changes deemed necessary as was previously revised to align to a structure agreed for 2020. Changes made then are applicable to 2021 organisational restructure

Annex 3 – Responsibility for executive functions

Mid Ulster District Council does not operate executive arrangements.

Annex 4 – Joint Arrangements

4.1 Tullyvar Joint Committee

Tullyvar Joint Committee is a formal Committee initially set up by Omagh and Dungannon Councils in line with the Local Government (NI) Act 1972 with autonomy to oversee and manage the Tullyvar Landfill Site, Aughnacloy. This committee now operates with representation from Mid Ulster District Council and Fermanagh & Omagh District Council under the auspices of the Local Government (NI) Act 2014. It is comprised of 5 elected members from each council and Mid Ulster District Council acts as the secretariat for the Committee.

Mid Ulster District Council

Scheme of Delegation for Senior Officers

First Published	March 2015
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1.0 INTRODUCTION

- 1.1 This Scheme of Delegation ('the Scheme') is made by Mid Ulster District Council pursuant to Sections 2 and 7 of the Local Government (Northern Ireland) Act 2014. The Local Government (Northern Ireland) Act 2014 ('the Act') states that 'a council may arrange for the discharge of any of its functions by a committee, a sub-committee, an officer of the council or by any other council. This scheme has been developed with specific reference to matters delegated to senior officers. Senior officers for the purpose of this scheme are identified in Appendix A.
- 1.2 The purpose of the Scheme is to set out the decisions and authorisations which Senior Officers can make or grant without any further reference to Council or Committees subject to, where highlighted, the relevant Committee being kept advised by means of regular reports in relation to the exercise of these delegated powers. The Scheme is designed to aid the integrated management of the organisation, the effective deployment of resources and the efficient delivery of services.
- 1.3 In line with the Act this Scheme does not delegate to Senior Officers any matter which may only be discharged by the council itself:
 - (i) Making a district rate under the Rates (Northern Ireland) Order 1977
 - (ii) Making a determination under section 13(1) of Local Government Finance Act (Northern Ireland) 2011 (affordable borrowing limit) and monitoring an amount determined
 - (iii) Borrowing money, and
 - (iv) Acquiring and disposing of land
- 1.4 A Senior Officer may only exercise a delegated function under this Scheme subject to, and in accordance with:
 - (i) The agreed plans (including but not limited to Corporate and Departmental Plans), policies, programmes and objectives approved by the Council
 - (ii) The Standing Orders, Financial Regulations, Equality Scheme, Codes of Conduct and any other relevant governance policies contained within the Council's Constitution
 - (iii) The agreed estimates for their Department
- 1.5 Delegation to deal with any matter shall not derogate from the power of the Council or the relevant Committee to call for a report on any decision or action taken under the Scheme.
- 1.6 A Senior Officer may, notwithstanding their power of delegation, refer a matter to the relevant Committee in any case requiring discussion or in unusual circumstances.
- 1.7 Authority to take decisions and other actions pursuant to the Scheme shall be exercised in the name of the delegated officer but not necessarily personally by them. In the absence of the officer to whom a function is delegated, the function may be

exercised by the officer(s) responsible for the performance of their duties during such absence.

- 1.8 Where the authority is given, but without naming an officer, such authority shall be deemed as authorising the Chief Executive or the appropriate Senior Officer to take such steps.
- 1.9 In any case where the exercise of a delegated power involves considerations within the remit of another Senior Officer, the Senior Officer exercising the power shall consult with that other Senior Officer prior to taking any final decision.
- 1.10 The Chief Executive may exercise the powers delegated to any Senior Officer and to any proper officer except in the relation to those functions allocated to the Chief Financial Officer, within the meaning of the Local Government Finance Act (Northern Ireland) 2011, unless he or she is appointed as the Chief Financial Officer for the purposes of the Act.
- 1.11 In the event that a senior officer's post ceases to exist or his or her responsibilities are transferred to another senior officer, temporarily or permanently, then the powers given by this scheme shall be exercisable by the officer in whose area of responsibility the power falls to be exercised.
- 1.12 Any reference in the Scheme to a statutory enactment shall be deemed to include any modification thereof.
- 1.13 Authority to exercise any delegated power shall include authority to take all reasonable necessary actions of an incidental or consequential nature.
- 1.14 Where the Council or a committee gives authority for the doing of anything, the officer designated shall be entitled to take all necessary steps for doing such a thing.

2.0 GENERAL PRINCIPLES ON DELEGATION

- 2.1 Where decisions are taken by officers under delegated powers and authority the following principles and conditions shall be taken considered and applied at all times:
 - Powers shall be exercised in accordance with the Constitution and Standing Orders of Mid Ulster Council
 - The officer exercising such powers shall give effect to any resolution of the Council or committee, upon any matter of principle or policy in relation to the functions concerned
 - Where an officer is authorised to take decisions, action to implement such decisions shall be taken in the name of (but not necessarily personally by) that officer.
 - The officer dealing with a matter shall arrange any inter-departmental or member level consultation that shall be required. If inter-departmental agreement is not reached at senior officer level, the matter shall be referred to the Chief Executive for consideration.

- In a case of where the officer exercising the power considers that a new departure in policy is likely to be involved, or if the implications are such that the officer considers that such course is necessary, the matter shall be referred to the Chief executive for consideration
- The exercise of delegated authority shall be subject to there being adequate and appropriate budgetary provision, in the year of exercise and future years.
- Any decision which may attract to the Council legal liability shall be taken in consultation with the Strategic Director of Corporate Services and Finance
- Any decision which has significant financial implications shall be taken in consultation with the Strategic Director of Corporate Services and Finance or, in their absence, the Assistant Director of Finance, Legal, Governance and Transformation
- The exercise of functions under the scheme shall have regard to all relevant considerations

3.0 DELEGATED FUNCTIONS: GENERAL

The exercise of the following general functions is delegated to all Senior Officers:

3.1 General administration

- 3.1.1 Taking all necessary action for the effective day-to-day management, administration and supervision of the department, services and land and property assets for which the Senior Officer is responsible.
- 3.1.2 Implementing those actions, programmes and initiatives which the Senior Officer is responsible for, as set out in agreed Council plans subject to regular reporting to the relevant Committee and to the expenditure being within agreed estimates.
- 3.1.3 Engaging consultancy assistance, where required, subject to relevant Council policies and regular reporting to the relevant Committee on the use of this delegated authority.
- 3.1.4 Carrying out surveys and other research in connection with the functions of the department, subject to Council policies on procurement.
- 3.1.5 Responding to consultation documents on matters which are routine or which do not have significant policy or financial implications for the Council.
- 3.1.6 Making initial applications for grant funding from external bodies where there is not sufficient time for Council approval to be obtained provided that there is no Commitment for Council funding and that any subsequent decision to proceed remains subject to Committee approval.
- 3.1.7 Developing and implementing specific promotions, schemes and events (including the provision of prizes) in line with any relevant Council policies.

- 3.1.8 Instructing the Strategic Director of Corporate Services and Finance to take legal proceedings in regard to the recovery of debt(s), the enforcement of contractual rights, the service of notices, the prosecution of statutory offences and the instituting and defending of claims and proceedings affecting the Senior Officer's department.

3.2 Finance

- 3.2.1 Paying the cost of an employee's professional fees where it is legally necessary for the employee to perform their duties in line with the Local Government Finance (Northern Ireland) Act 2011
- 3.2.2 Writing off any loss of money (including bad debts) and loss of stores and obsolete equipment and materials in accordance with the limits outlined in the Financial Regulations.
- 3.2.3 Approving payments to employees for damage to personal apparel or other items up to a limit of £500 where the damage has occurred in the course of the duties of that employee.
- 3.2.4 Authorising any employees to attend training and development events, technical visits and courses within their jurisdiction, subject to any relevant Council policies.
- 3.2.5 Authorising appropriate payments to employees in their department in respect of telephone, travel and subsistence allowances, standby and call out allowances, overtime, additional duties, in accordance with Council policies.
- 3.2.6 Granting of small scale hospitality pursuant to sec. 37 and 38 of the Local Government Finance (Northern Ireland) Act 2011 subject to the financial limits set.

3.3 Emergencies and cases of urgency

- 3.3.1 Taking such measures, including incurring expenditure, as may be required in emergency situations or cases of urgency, subject to advising the appropriate Chair and reporting to the appropriate Committee as soon as possible.

3.4 Management of Land & Property Assets

The exercise of the following delegated powers is in relation to the management of the land and property assets, for example, cultural centres, leisure centres, parks and open spaces but excluding the 3 Civic Council Offices which are the responsibility of the Strategic Director of Organisational Development, Strategy and Performance. The use of these delegated powers is subject to paragraph 1.3 above that there is no disposal, holding or acquisition of land involved.

- 3.4.1 Permitting the use of such assets by Council departments and services and outside bodies in accordance with any relevant Council policies.

- 3.4.2 Varying the opening times of, or restricting access to, or closing such assets in special circumstances (for example to permit maintenance or other operational reasons) in consultation with the Chairman of the relevant Committee.
- 3.4.3 Approving the holding of non-controversial events, conferences and promotions in such assets and applying any necessary hire and/or admission charges or discounted pricing in line with Council policies.
- 3.4.4 Approving, after consultation with the Chairman of the relevant Committee and Council, requests received in respect of deemed controversial events and activities in such assets where there is not sufficient time for Council approval to be obtained, subject to a report being taken to Committee as soon as possible thereafter
- 3.4.5 Granting temporary licences for the use of Council assets for the purpose of events/car parking or other temporary uses on appropriate commercial terms, subject to consultation with the Strategic Directors of Corporate Services and Finance; Environment and; Communities and Place.

3.5 Human Resources

The exercise of the following delegated powers is subject to consultation with the Strategic Director of Organisational Development, Strategy and Performance to ensure that decisions are taken in accordance with any relevant Council policies and that, where necessary, the appropriate Committee is kept fully advised by way of regular reporting. Staff management changes which result in an increase in the approved staffing establishment and staffing budget for a department and/ or which effect any changes to posts at third tier and above Assistant Director level, will be subject to approval by the Council.

- 3.5.1 Undertaking service reviews, including the deletion of permanent posts and the creation of new permanent posts, provided that there is no increase in the Department's approved staffing establishment and staffing budget for permanent posts, subject to approval of the Chief Executive.
- 3.5.2 Creating new temporary posts provided that there is no increase in the Department's approved staffing establishment and staffing budget, in accordance with Organisational Development, Strategy and Performance Department's approach.
- 3.5.3 Approving the use of agency resources in accordance with all relevant Council policies, following approval from Strategic Director for Organisational Development, Strategy and Performance.
- 3.5.4 Appointing successful applicants to posts in line with the employment policies and practices adopted by the Council.
- 3.5.5 Agreeing to a one month overlap period for the appointment of employees, provided that this can be accommodated within budget.

- 3.5.6 Allowing or disallowing all requests for leave, of any kind, in accordance with the Schemes of Conditions of Service adopted by the Council.
- 3.5.7 Approving paid or unpaid leave of absence subject to all relevant Council policies.
- 3.5.8 Taking action, including terminating or varying contracts of employment in respect of employees in the relevant department in accordance with Council policies following consultation with the Director of Organisational Development, Strategy and Performance.

3.6 Procurement

The exercise of the following delegated powers is subject to consultation with the Strategic Director of Corporate Services and Finance to ensure decisions are taken in accordance with relevant Council policies, including Standing Orders and the Financial Regulations, and that where necessary, the appropriate Committee is fully advised by way of regular reporting.

Under the Local Government (Northern Ireland) Act 1972 any contract that exceeds the statutory amount of £30,000 exclusive of VAT must be made under the Corporate Seal. The Corporate Seal can only be affixed when there is a resolution of the Council.

- 3.6.1 Procuring goods, services or works under the statutory limit of £30,000 where the procurement:
 - (1) is in relation to matters of a routine or recurring nature; or
 - (2) is in relation to the operational requirements of the Department; or
 - (3) is contained within an agreed Council plan.
- 3.6.2 Authorising the completion of a contract for the procurement of goods, services or works over the statutory limit of £30,000, following a tender exercise, where the Council has approved the invitation to tender and been notified of the award of the contract in accordance with the predetermined award criteria.
- 3.6.3 Approving the changing of sureties by contractors provided the Council's interests remain fully protected.
- 3.6.4 Determining a contract awarded by the Council where the contractor is in breach of contract and unable or unwilling to proceed therewith, subject to prior consultation with the Chairman of the relevant Committee, Council Solicitor and Director of Finance.
- 3.6.5 Taking action to ensure contract compliance and negotiating claims and contract variations.
- 3.6.6 Signing maintenance agreements subsequent to capital acquisitions agreed by the Council subject to consultation with the Strategic Director of Corporate Services and Finance.
- 3.6.7 Making arrangements for the supply of goods and services pursuant to Section 105 of the Local Government Act (Northern Ireland) 1972.

4.0 DELEGATED FUNCTIONS: BY OFFICER

4.1 Chief Executive

The Chief Executive is the head of paid service who is accountable to Mid Ulster District Council for the delivery of its statutory and non-statutory services. The post is specifically responsible for marketing and communications, rural development, economic development, physical regeneration, tourism and the transferred functions from the former Department for Enterprise, Trade and Investment.

In addition to those areas identified as general delegated functions, at 3.0 above, the post holder is also delegated authority to:

- Sign legal documents on behalf of the council
- Sign documents to which a seal is affixed in line with section 120(2) of the Local Government (NI) Act 1972
- Affix the corporate seal, as required on resolution of the council
- To sign annual accounts and annual governance statements as Chief Financial Officer (CFO)

The Deputy Chief Executive is delegated the functions above at 4.1, with the exception of the signing of the annual accounts and annual governance statements, during periods of leave of the Chief Executive.

4.2 Strategic Director of Communities and Place

The Strategic Director of Communities and Place is responsible for and accountable to the Chief Executive for the delivery of community services; Policing and Community Safety Partnership; former transferred functions of the Department for Social Development; cultural venues; arts development; languages; events; licensing matters extending to street trading, betting, gaming lotteries and amusements and others within the environmental health remit; health and safety advice to businesses, employees and members of the public; public health and housing; food control; pollution control; leisure; sports development; water recreation sites; open spaces; play parks and countryside access functions.

In addition to those areas identified as general delegated functions, at 3.0 above, the post holder is also delegated authority to:

- To sign and issue notices on behalf of Council
- In accordance with the relevant statutory provisions as listed in Appendix B1, to act for and on behalf of Council, and authorise staff where required, to

meet the required service provision, and the regulation and enforcement of relevant statutory powers as conferred on Council

4.3 Strategic Director of Environment

The Director of Environment and Infrastructure is responsible for and accountable to the Chief Executive for waste management; cleansing; recycling; vehicle maintenance and fleet operator compliance; property/asset management; cemeteries; grounds maintenance; off street car parking functions; Building Regulations; entertainment licensing, property certificates; capital planning and capital project delivery; sustainability; biodiversity and; emergency planning and corporate health and safety functions.

In addition to those areas identified as general delegated functions, at 3.0 above, the post holder is also delegated authority to:

- To sign and issue notices on behalf of Council
- Issue 'Seven Day Notices' in respect of abandoned vehicles under the Pollution Control and Local Government (NI) Order 1978, as amended
- Authorise the relevant Service officers to act on behalf of council to exercise functions, as follows, in line with Building Control statutory rules detailed in Appendix B2 in regard to:
 - (a) enforcing all regulations, orders and bye-laws made under the said legislation
 - (b) issuing and serving certificates and notices
 - (c) granting and refusing authorisations, approvals and consents, rejecting plans
 - (d) exercising any powers in relation to the issue (but not refusal) of licences
 - (e) effecting (but not cancelling or refusing to effect) registrations and maintaining statutory registers
 - (f) authorising individual officers for the purpose of exercising any statutory power
 - (g) dispensing with or relaxing, or refusing to dispense with or relax Building Regulations and inviting representations thereon, and extending prescribed periods
 - (h) exercising powers in relation to the energy performance of buildings
 - (i) exercising of powers under Article 18 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 in relation to the removal or obliteration of graffiti, placards or posters

4.4 Strategic Director of Corporate Services and Finance

The Strategic Director of Corporate Services and Finance is responsible for and accountable to the Chief Executive for the administration of finance to include debtors, creditors and payroll and information computer technology, legal matters, governance and transformation functions within Council.

In addition to those areas identified as general delegated functions, at 3.0 above, the post holder is also delegated authority to:

- Instituting legal proceedings on behalf of Council, acting on the instructions of council or the relevant Senior Officer

4.5 Strategic Director of Organisational Development, Strategy and Performance

The Strategic Director of Organisational Development, Strategy and Performance is responsible for and accountable to the Chief Executive for the delivery of the human resource and registration services functions within Council; responsibility for the 3 Civic Council Offices; democratic and committee services; business support; customer services; corporate strategy; performance and; community planning functions of council.

No specific matters are delegated as of the date of this scheme

4.6 Service Director of Planning

The Service Director of Planning is responsible for and accountable to the Chief Executive for the delivery of Development Planning and Enforcement and Development Management functions of council.

In addition to those areas identified as general delegated functions, at 3.0 above, the post holder is also delegated authority to:

- Determine all local development applications as detailed in Appendix C, whether for approval or refusal, with the exception of those as contained
- On processing planning consents, certificates, tree preservation orders, enforcement of planning control and other determinations to the extent as detailed in Appendix C

APPENDIX A: SENIOR OFFICER

In this Scheme the expression Senior Officer means:

- Chief Executive
- Strategic Director of Communities and Place
- Strategic Director of Environment
- Strategic Director of Organisational Development, Strategic and Performance
- Strategic Director of Corporate Services and Finance
- Service Director Planning

APPENDIX B1: STATUTORY RULES

Environmental Health Functions

Legislation	<p>Animal By Products Regulations (NI) 2003</p> <p>Anti-Social Behaviour (NI) Order 2004</p> <p>Betting, Gaming, Lotteries & Amusements (NI) Order 1985</p> <p>Building Regulations (NI) Order 1979 (as amended)</p> <p>Building Regulations (NI) 2012 (as amended)</p> <p>Building (Prescribed Fees) Regulations (NI) 1997 (as amended)</p> <p>Caravans Act (Northern Ireland) 1963</p> <p>Children and Young Persons (Protection from Tobacco) (Northern Ireland) Order 1991</p> <p>Cinemas (NI) 1994</p> <p>Clean Air (Northern Ireland) Order 1981</p> <p>Clean Neighbourhoods and Environment Act (NI) 2011</p> <p>Construction Products Regulations 1991</p> <p>Consumer Protection Act 1987</p> <p>Dangerous Dogs 1991</p> <p>Dogs (NI) Order 1983</p> <p>Energy Performance of Buildings (Certificates and Inspections)(Amendment) Regulations (NI) 2014</p> <p>Environment (NI) Order 2003</p> <p>European Communities Act 1972</p> <p>Fire & Rescue Services NI Order 2006</p> <p>Food and Environment Protection Act 1985</p> <p>Food Hygiene Regulations (NI) 2006</p> <p>Food Labelling Regulations (NI) 1996</p> <p>Food (Northern Ireland) Order 1989</p> <p>Food safety (Temperature Control) Regulations (NI) 1995</p> <p>Food Safety (Northern Ireland) Order 1991</p> <p>General Product Safety Regulations 2005</p> <p>Good Rule and Government Bylaws</p> <p>Hairdressers Act (NI) 1939</p> <p>Health and Safety at Work (Northern Ireland) Order 1978</p> <p>Health and Personal Social Services (NI) Order 1978</p> <p>High Hedges Act (NI) 2011</p>
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	<p>Industrial Pollution Control (Northern Ireland) Order 1997</p> <p>Licensing (NI) Order 1996</p> <p>Litter (Northern Ireland) Order 1994</p> <p>Local Government Act (Northern Ireland) 1972 - Byelaws</p> <p>Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985</p> <p>Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992</p> <p>Noise Act 1996</p> <p>Petroleum (Consolidation) Act (NI) 1929</p> <p>Pleasure Grounds Bylaws</p> <p>Poisons (Northern Ireland) Order 1976</p> <p>Pollution Control and Local Government (Northern Ireland) Order 1978</p> <p>Pollution Prevention and Control Regulations (Northern Ireland) 2003</p> <p>Private Tenancies (NI) Order 2006</p> <p>Public Health Acts 1878 to 1971</p> <p>Public Health and Local Government (Miscellaneous Provisions) Act 1949</p> <p>Rats and Mice Destruction Act 1919</p> <p>REACH Enforcement Regulations 2008</p> <p>Rent (Northern Ireland) Order 1978</p> <p>Shops (Sunday Trading etc) (Northern Ireland) Order 1997</p> <p>Street Trading Act (Northern Ireland) 2001</p> <p>Smoking (NI) Order 2006 and associated Regulations</p> <p>Sunbeds Act (Northern Ireland) 2011</p> <p>Safety of Sports Grounds (Northern Ireland) Order 2006</p> <p>Tobacco Advertising and Promotion Act 2002</p> <p>Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2005</p> <p>Waste and Contaminated Land (NI) Order 1997</p> <p>Welfare of Animals Act (NI) 2011</p> <p>Welfare Services Act (Northern Ireland) 1971</p> <p><u>EC Regulations</u></p> <p>Regulation (EC) No 178/2002 Laying Down the General</p>
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	<p>Principles and requirements of Food Law, Establishing the European food Safety Authority and Laying Down Procedures in matters of Food Safety</p> <p>Regulation (EC) No 852/2004 The Hygiene of Foodstuffs</p> <p>Regulation (EC) No 853/2004 Laying Down Specific Hygiene Rules for Food of Animal Origin</p> <p>Regulation (EC) No 854/2004 Laying Down Specific Rules for the Organisation of Official Controls on Products of Animal Origin Intended for Human Consumption</p> <p>Regulation (EC) No 882/2004 Official Controls Performed to Ensure the Verification of Compliance with Feed and Food law, Animal Health and Animal Welfare Rules</p> <p>Regulation (EC) No. 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals.</p>
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APPENDIX B2: STATUTORY RULES

Building Control Functions

- Building Regulations (Northern Ireland) Order 1979 (as amended)
- Building Regulations (Northern Ireland) 2012 (as amended)
- Petroleum (Regulations) Act (Northern Ireland) 1929 and 1937
- Clean Neighbourhoods and Environment Act (NI) 2011
- Health and Safety at Work (Northern Ireland) Order 1978
- Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985
- Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995
- Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992
- Public Health Acts 1878 to 1971
- The Energy Performance of Buildings (Certificates and Inspections) (Amendment) Regulations (Northern Ireland) 2009
- Building (Prescribed Fees) (Amendment) Regulations (Northern Ireland) 2013

• **APPENDIX C DELEGATED AUTHORITY ON PLANNING MATTERS**

Scheme of Delegation of Planning Applications

The Scheme of Delegation for planning applications was agreed by Mid Ulster District Council at its meeting of *Thursday 23 April* following approval by the Department of the Environment for Northern Ireland on 1 April. The approval is in accordance with Section 31 of The Planning Act (NI) 2011. The Scheme of Delegation takes effect from Wednesday 1 April.

Part A – Mandatory applications for determination by the Planning Committee:

Statutory requirements require that certain types of application must be determined by the planning committee and these cannot therefore be delegated to officers:

- Applications which fall within the Major category of development;
- An application for planning permission where the application is made by the council or an elected member of the council, and
- The application relates to land in which the council has an interest/estate.

Part B – Delegated Applications:

The appointed person within the Council is the Service Director of Planning

To determine all local development applications with the exception of:

- Applications which are significant departures from the Development Plan or planning policy and which are recommended for approval.
- Applications submitted by the Chief Executive, Directors, planning staff, or their close relatives (parents, partners, siblings, and children).
- Applications attracting valid planning objection including those from a statutory consultee, where the officer's recommendation is to approve.
- Any application referred to the Planning Committee by a Council Member, subject to a valid planning reason being provided by the Member for the deferral.
- All refusals of planning permission.
- Applications where the Service Director of Planning considers that the proposal merits consideration by the Committee, for example an application subject to an Enforcement Notice where the recommendation is to refuse permission.
- Applications where a legal agreement is required.

Part C – Publicity:

On adoption of this scheme of delegation the council made a copy

- available on the councils website at www.midulstercouncil.org

- available at Mid Ulster Council Offices
Magherafelt Office
50 Ballyronan Road
Magherafelt
BT45 6EN

An advert was placed in the local press.

Scheme of Delegation of planning consents, certificates, tree preservation orders, enforcement of planning control and other determinations

The Scheme of Delegation for planning consents, certificates, tree preservation orders, enforcement of planning control and other determinations was agreed by Mid Ulster District Council at its meeting of *Thursday 23 April*. The Scheme of Delegation takes effect from Wednesday 1 April and is in accordance with Section 7 (4) (b) of the Local Government Act 2011.

The Planning Committee shall be required to consider and determine:

- the serving of a Tree Preservation Order;
- confirmation of a Provisional Tree Preservation Order.

Delegated planning consents, certificates, orders and other decisions:

The Planning Manager is delegated the authority to:

- serve a Provisional Tree Preservation Order;
- determine an application:
 - to carry works to a Protected Trees;
 - for Hazardous Substance Consent;
 - for a Certificate of Lawful Use of Development and for Non Material Changes.

All applications for listed building consent, conservation area consent and advertisement consent are delegated with the exception of the following which require determination by the Planning Committee:

- The application is made by the council or an elected member of the council.
- The application relates to land in which the council has an interest.
- The application is submitted by the Chief Executive, Director, planning staff, or close relatives (parents, partners, siblings, and children)
- The application has attracted valid planning objection including those from a statutory consultee, where the officer's recommendation is to approve.
- The application is recommended for refusal.
- Where the Service Director of Planning considers that the proposal merits consideration by the Committee.

The Planning Committee reserves the right to request a report for information purposes on any of these delegated matters.

Investigation of Breaches of Planning Control and Enforcement Action:

The Planning Committee shall be required to consider and determine the serving of an Enforcement Notice, Stop Notice, and Listed Building Enforcement Notice.

The Service Director of Planning is delegated the authority to:

- investigate all complaints of a breach of planning control and where appropriate may close a case on the grounds that a breach has not occurred or that it is not expedient or in the public interest to take action;
- serve of a Breach of Condition or Submission Notice;
- instruct the District Solicitor in the pursuit of legal action provided the Committee is aware of the action and may instruct the Planning Manager to cease or to hold in abeyance any legal proceedings.

The Service Director of Planning may in exceptional circumstances and where there is a risk to human health or safety serve an enforcement notice or stop notice.

The Planning Committee reserves the right to request a report for information purposes on any of these delegated matters.

Part 3

Rules of Procedure

3.1 Access to Information Procedure Rules

3.2 Budget and Policy Framework Procedure Rules

3.3 Contracts Procedure Rules

3.4 Council Standing Orders

3.5 Executive Procedure Rules

3.6 Overview and Scrutiny Procedure Rules

3.7 Financial Procedure Rules

3.1 Access to Information Procedure Rules



Publication Scheme

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Author	Maria Dale, Policy & Development Officer		
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1.0 INTRODUCTION

- 1.1 This policy has been developed drawing upon the model publication scheme prepared and approved by the Information Commissioners Office (ICO). The scheme commits the Council to make information available to the public as part of its normal business activities. The information covered is included within the classes of information mentioned below, where held by the Council.

2.0 AIM & OBJECTIVES

- 2.1 The scheme commits Mid Ulster District Council:

- To proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the council and falls within the classifications below
- To specify the information which is held by the Council and falls within the classifications below
- To proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme
- To produce and publish the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public
- To review and update on a regular basis the information the authority makes available under this scheme
- To produce a schedule of any fees charged for access to information which is made proactively available
- To make this publication scheme available to the public
- To publish any dataset held that has been requested, and any updated versions it holds, unless the authority is satisfied that it is not appropriate to do so; to publish the dataset, where reasonably practicable in an electronic format that is capable of re-use; and if any information in the dataset is a relevant copyright work and the Council is the only owner, to make the information available for re-use under a specified licence. The 'term' dataset is defined in section 11(5) of the Freedom of Information Act. The terms 'relevant copyright work' and 'specified licence' are defined in section 19(8) of the Act

3.0 Classes of Information

3.1 In the application of this publication scheme Council shall make reference to the following Classes of Information:

(i) Who we are and what we do

Organisational information, locations and contacts, constitutional and legal governance

(ii) What we spend and how we spend it

Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts

(iii) What our priorities are and how we are doing

Strategy and performance information, plans, assessments, inspections and reviews

(iv) How we make decisions

Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations

(v) Our policies and procedures.

Current written protocols for delivering our functions and responsibilities

(vi) Lists and registers

Information held in registers required by law and other lists and registers relating to the functions of the authority.

(vii) The services we offer

Description of the services offered. Advice and guidance, booklets and leaflets, transactions and media releases.

The classes of information will not generally include:

- Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act (2000), or is otherwise properly considered to be protected from disclosure
- Information in draft form
- Information that is no longer readily available as it is contained in files that have been placed in archive storage, or is difficult to access for similar reasons.

4.0 Method by which information published under this scheme will be made available

4.1. Appendix A details the information that is covered by this scheme and how it can be obtained. Council will work towards publishing the information on its

website: www.midulstercouncil.org. Where it is impracticable to make information available on a website or when an individual does not wish to access the information by the website, information can be obtained by the following means:

- **Electronic requests** – via email to info@midulstercouncil.org

- **Postal requests** – in writing to:

Head of Democratic Services
Mid Ulster District Council
Dungannon Office
Circular Road
Dungannon
BT71 6DT

- **In person** – In exceptional circumstances some information may be available only by viewing in person. An appointment to view the information can be arranged. In this circumstance provision of information will be considered in accordance with the provisions of the Freedom of Information Act (2000). To assist in the provision of obtaining information, persons should submit the request in writing to Head of Democratic Services, Mid Ulster District Council.

- 4.2 Information will be provided in the language in which it is held or in such other language that is legally required. Where the council is required to translate any information, it will do so.
- 4.3 Disability and discrimination obligations to provide information in alternative and formats will be adhered to when providing information in accordance with this scheme.

5.0 Charges which may be made for information published under this scheme

- 5.1 The purpose of this scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Charges made by the council for routinely published material will be justified and transparent and kept to a minimum.
- 5.2 Material which is published and accessed on a website will be provided free of charge.
- 5.3 Charges may be made for expenditure incurred in the distribution of information such as photocopying, postage and packaging costs and any costs directly incurred as a result of viewing information.
- 5.4 Charges may be made for information provided under this scheme where they are legally authorised, they are in all circumstances, including the general principles of the right of access to information held by public authorities,

justified and are in accordance with a published schedule or schedule of fees which is readily available to the public.

- 5.5 Charges may also be made for making datasets (or parts of datasets) that are relevant copyright works available for re-use. These charges will be in accordance with either regulations made under section 11B of the Freedom of Information Act or other enactments.
- 5.6 If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment may be requested prior to provision of the information.
- 5.7 Charges may be made for information subject to the following Publication Scheme Charges as determined by Mid Ulster District Council:

Free of charge - This includes general facts and information on the services offered to the public. In addition to information published on the Council's website it also includes answering telephone queries, providing copies of free leaflets and inspection of reference materials at Council offices.

Priced Publications – Where the information required is available in a priced publication, details of the publication, the cost and where to obtain it will be provided.

Charges for Re-usable Datasets – If the Council incurs a cost when making any data sets (or part of a data set) available for reuse a charge may be levied for the provision of such data set.

Photocopying Costs, Postage and Packaging – This incorporates already prepared information which can be photocopied or provided by a computer printout. This includes copies of entries in public registers, copies of Council internal guidance documents, explanatory material on dealing with the public and administrative applications as outlined in the charging regime:

A3 - A5 Double Sided	10p per sheet**
A2 Sheet	£2.00 per sheet**
A0 - A1 dyeline prints	£5.00 each
Postage & Packaging	At Cost Incurred

*** Cost for copying when in excess of £5 per request*

Administrative Charges

Planning Drawings	£5.00
Planning Copy of Decision Notice and Site Location Plan (includes electronic and postage means)	£5.00

Removal of Statutory Charge	£25.00
Re-stamping of Plans	£20.00
Re-issue of Approval Certificates	£15.00
Legal Enquiries regarding work stages	£25.00
Postal Address Confirmation	£15.00
Archive Search	£25.00
Exemption Letter	£15.00

No charges will be made where a request for information is refused. There will be no charge to appeal against a refusal to supply requested information. Nor will there be a charge to appeal against any charges made for requested information. Mid Ulster District Council owns the copyright to the information it produces.

5.1 Written requests

- 5.1.1 Information held by a public authority that is not published under this scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the Freedom of Information Act 2000. The Council has a responsibility to provide a response within 20 working days. Any such requests will be considered in line with the Councils statutory obligations.

5.2 Exempt Information

- 5.2.2 In order to protect confidential or other information where its disclosure may prejudice the interest of others, the Freedom of Information Act 2000 sets out a series of exemptions.
- 5.2.3 The classes of information which the Council has specified in this scheme as being classes of information which it publishes or intends to publish, may in some cases contain material it considers to contain exempt information, as defined in the Freedom of Information Act 2000. Accordingly, any such information is excluded from this publication scheme.
- 5.2.4 If it is deemed that an exemption applies, the Council will provide a written notice citing the exception and the reason the information has been withheld. Full details of all exemptions under the Freedom of Information Act 2000 are indexed at www.ico.org.uk.

5.3 The Review Procedure

- 5.3.1 Any written reply from a requester expressing dissatisfaction with the Councils response has the right to embark on a two stage review process of the

Council's handling of the request. An internal review is normally completed before a right of appeal may be lodged with the Information Commissioner's Officer.

- 5.3.2 An internal review should be sought through the office of the Chief Executive of Mid Ulster District Council, Dungannon Office, Circular Road, Dungannon BT71 6DT. A member of staff who was not involved with the original request will undertake the review and will be considered by the Chief Executive.
- 5.3.2 If after an internal review, the requester remains dissatisfied, they have the right to appeal to the Information Commissioner. Request for a review by the Information Commissioner should be made in writing to, Commissioner's Office, 3rd Floor, 14 Cromac Place, Belfast, BT7 2JB.

6.0 ROLES AND RESPONSIBILITIES

- 6.1 **Marketing and Communications:** requests can be made using the Council email address info@midulstercouncil.org as outlined in 4.1. The processing of requests will be designated to the appropriate officers.
- 6.2 **Democratic Services:** responsible for; processing requests received; considering requests to view documentation in person within the provisions of the Freedom of Information Act; arranging appointments to view; monitoring the relevant administrative arrangements.

7.0 IMPACT ASSESSMENTS

7.1 Equality Screening & Impact

- 7.1.1 The Publication Scheme is currently in draft form and yet to be equality screened.

7.2 Staff & Financial Resources

- 7.2.1 No issues have been identified which will impact on the delivery of Council business as a result of this policy being implemented.

8.0 SUPPORT AND ADVICE

- 8.1 Advice and guidance on the implementation of this can be sought from the Democratic Services.

9.0 COMMUNICATION

- 9.1 Democratic Services shall be responsible for the communication and understanding of this Publication Scheme amongst all relevant staff.
- 9.2 This Publication Scheme will be communicated internally and Directors to ensure it is communicated with their relevant staff.

10.0 MONITORING & REVIEW ARRANGEMENTS

- 10.1 Implementation of this Publication Scheme will be routinely monitored and a formal review undertaken 24 months from its effective date.

Appendix A: Information covered by Scheme and Availability

(i) Who we are and what we do

Category	Type of Information	How it can be accessed	Contact Details
Council Constitution	The constitution sets out how Mid Ulster District Council operates in the delivery of its full suite of functions, how decisions are made and the procedures in place to ensure everything the Council does is efficient, transparent and accountable to all who reside and avail of services within the District.	www.midulstercouncil.org	Democratic Services Tel: 03000 132 132
Council Information	The Council will provide information on the Council's activities and structures. This information includes: The organisational structure of the Council, location, opening hours of main offices, main activities, development, contact details for services, latest news stories and available grant aid schemes.	www.midulstercouncil.org	Marketing and Communications Tel: 03000 132 132 Democratic Services Tel: 03000 132 132
Elected Members Information	Information and contact details for currently elected members.	www.midulstercouncil.org	Democratic Services Tel: 03000 132 132
Council Committee Structures and Positions of responsibility	Council Committee structures, roles and responsibilities and membership.	www.midulstercouncil.org	Democratic Services Tel: 03000 132 132
Member Allowance Scheme	Rates and Allowances payable to Elected members while undertaking Council business as set out in Appendices 1-6; Part 5 of the Council Constitution.	www.midulstercouncil.org	Democratic Services Tel: 03000 132 132
Attendance Records	Record of attendance of members at Council meetings.	www.midulstercouncil.org	Democratic Services Tel: 03000 132 132
Local Election Results	Election results for Mid Ulster District Council	www.midulstercouncil.org	Democratic Services Tel: 03000 132 132
Codes and Protocol	Code of Conduct for Elected Members and Officers as set out in Part 4 of the Council Constitution.	www.midulstercouncil.org	Democratic Services Tel: 03000 132 132
Standing Orders	Rules of Procedure for Council. Council Standing	www.midulstercouncil.org	Democratic Services Tel: 03000 132 132

	Orders are set out in Part 3 of the Council Constitution.		
Officers' Management Structure	Documents detailing the structure and functions of each Senior Officer as defined in Part 2; Annex 5 and Part 6 of the Council Constitution.	www.midulstercouncil.org	Organisational Development Tel: 03000 132 132
Job Vacancies	Current job vacancies within the Council	www.midulstercouncil.org	Organisational Development Tel: 03000 132 132

(ii) What we spend and how we spend it

Category	Type of Information	How it can be Accessed	Contact Details
Annual Statement of Accounts	The Council's financial performance as set out within the explanatory report and statement of income and expenditure prepared in line with the Code of Practice on Local Authority Accounting.	www.midulstercouncil.org	Finance Tel: 03000 132 132
Annual Budgets	Planned Income and Expenditure estimates to provide a range of financial resources to contribute to Mid Ulster's growth for the current financial year.	Available on request	Finance Tel: 03000 132 132
District Rates	The local district rate applicable for households and businesses for the current financial year.	www.midulstercouncil.org	Finance Tel: 03000 132 132
Grading Structure	The Grading Structure of officers within the Council	Available on request	Organisational Development Tel: 03000 132 132
Procurement Procedures	Procedures and guidelines used in the procurement of goods and services.	www.midulstercouncil.org	Procurement Tel: 03000 132 132
Tender Reports	Detail of contracts tendered during the current financial year.	Available on request	Procurement Tel: 03000 132 132
Statutory Returns	The mandatory submission of statutory reports of financial and non-financial information to a government agency	Available on request	Finance Tel: 03000 132 132 Organisational Development Tel: 03000 132 132
Capital Programme	Programme of Mid Ulster District Council Capital activity for the financial year	Available on request	Public Health and Infrastructure Tel: 03000 132 132

(iii) What our priorities are how we are doing

Category	Type of Information	How it can be Accessed	Contact Details
Annual Report	The Annual Report outlines the main activities undertaken by the Council in the past year.	www.midulstercouncil.org	Democratic Services Tel: 03000 132 132
Corporate Plan	The Corporate Plan sets out the Council's arrangements for embedding a culture of continuous improvement across the Organisation with a special focus on continually improving the delivery of services.	www.midulstercouncil.org	Democratic Services Tel: 03000 132 132
Corporate Improvement Plan	This plan sets out the framework to evidence how the Council is making arrangements to improve and support the continuous improvement in the delivery of its services. It serves as a summary of the Council's in year improvement arrangements.	www.midulstercouncil.org	Democratic Services Tel: 03000 132 132
Strategies and plans for services provided by the Council	Details of the Council's strategies and activities plan for the Council area including information on partnership arrangements with other major stakeholders.	www.midulstercouncil.org	Economic Development Tourism Community Tel: 03000 132 132
Communications Strategy	The Communications Strategy helps the Council to achieve its overall objectives.	www.midulstercouncil.org	Marketing and Communications Tel: 03000 132 132
Complaints Procedures	Information on how to make a complaint about the service, actions or inactions of the Council or its officers as set out within the Customer Service Policy, Part 7 of the Council Constitution.	www.midulstercouncil.org	Marketing and Communications Tel: 03000 132 132 Democratic Services Tel: 03000 132 132

(iv) How we make decisions

Category	Type of Information	How it can be Accessed	Contact Details
Schedule of Council & Committee Meetings	A Mid Ulster District Council & Committee Meeting schedule including dates, times and locations.	www.midulstercouncil.org	Democratic Services Tel: 03000 132 132
Council and Committee Agendas and connected reports	In accordance with the Local Government Act (NI) 2014 Council/Committee Meeting Agendas and connected reports will be available in advance.	www.midulstercouncil.org	Democratic Services Tel: 03000 132 132
Council and Committee Minutes	Council minutes and other documents will be open to inspection following ratification.	www.midulstercouncil.org	Democratic Services Tel: 03000 132 132
Planning protocol Councils	Protocol advice and guidance to assist Council with regard to the operation of the Planning Committee	www.midulstercouncil.org	Planning Tel: 03000 132 132 Democratic Services Tel: 03000 132 132
Scheme of delegation on Planning Matters	Delegation structure on Planning Applications agreed by Mid Ulster District Council following approval by the DOE for NI in accordance with Section 31 of The Planning Act (NI) 2011.	www.midulstercouncil.org	Planning Tel: 03000 132 132 Democratic Services Tel: 03000 132 132
Audio Recordings	Audio recordings of monthly meeting of Council	www.midulstercouncil.org	Marketing and Communications Tel: 03000 132 132
Summary reports on Consultations	Summary reports of the results of consultations with the public and other stakeholder.	Available on request	Democratic Services Tel: 03000 132 132

(v) Our policies and procedures

Category	Type of Information	How it can be Accessed	Contact Details
Council Constitution	The constitution sets out how Mid Ulster District Council operates in the delivery of its full suite of functions, how decisions are made and the procedures in place to ensure everything the Council does is efficient, transparent and accountable to all who reside and avail of services within the District.	www.midulstercouncil.org	Democratic Services Tel: 03000 132 132
Code of Conduct for Councillors	Code of Conduct for Elected Members is set out in Part 4 of the constitution	www.midulstercouncil.org	Democratic Services Tel: 03000 132 132

			Marketing and Communications Tel: 03000 132 132
Standing Orders	Rules of Procedure for Council. Council Standing Orders are set out in Part 3 of the Council Constitution.	www.midulstercouncil.org	Democratic Services Tel: 03000 132 132
Code of Conduct for Officers	Code of Conduct for Officers is set out in Part 4 of the constitution.	www.midulstercouncil.org	Organisational Development Tel: 03000 132 132
Employee and Councillor Working Relationship Protocol	Local Government Protocol to set out the working relationship between Councillors' and Employees of Mid Ulster District Council; part 4 of the constitution.	www.midulstercouncil.org	Organisational Development Tel: 03000 132 132
Planning Protocol	Protocol for the operation of Mid Ulster District Council Planning Committee.	www.midulstercouncil.org	Planning Tel: 03000 132 132
Planning Scheme of delegation	This scheme outlines the delegation of Planning Applications within the Council	www.midulstercouncil.org	Planning Tel: 03000 132 132
Procurement Procedures	The process to be followed by all staff for procuring goods and services including the procurement thresholds	www.midulstercouncil.org	Procurement Tel: 03000 132 132
Complaints Procedure	Information on how to make a complaint about the service, actions or inactions of the Council or its officers as set out in the Customer Service Policy, Part 7 of the Council Constitution.	www.midulstercouncil.org	Democratic Services Tel: 03000 132 132 Marketing and Communications Tel: 03000 132 132
Records Management	Mid Ulster District Council sets out its approach and procedural arrangements within the Retention and Disposal Schedule and Appendices	Available on request	Democratic Services Tel: 03000 132 132
Equality Scheme	How the Council are committed to effectively fulfil the statutory duties of Section 75 and Schedule 9 of the Northern Ireland Act 1998.	www.midulstercouncil.org	Democratic Services Tel: 03000 132 132
Fees and Charges	Fees and Charges for the access and delivery of Council Services.	www.midulstercouncil.org	Business & Communities Culture & Leisure Environment & Property Finance Organisational Dev Planning Public Health & Infrastructure Tel: 03000 132 132

(vi) Lists & Registers

Category	Type of Information	How it can be Accessed	Contact Details
Members Register	This register provides information on the name and address of every Member of Council, including Committee Membership and positions of responsibility. Elected Member information and contact details	Available on request subject to relevant statutory provisions. www.midulstercouncil.org	Democratic Services Tel: 03000 132 132
Council Scheme of Delegation	The Council Scheme of Delegation is designed to aid the integrated management of the organisation, the effective deployment of resources and the efficient delivery of services.	www.midulstercouncil.org	Democratic Services Tel: 03000 132 132
Assets Register	A statement of key assets owned by the Council	Available for inspection by appointment	Finance Tel: 03000 132 132
Register of Members Interests	This register provides details of Members Interests	Available on request subject to relevant statutory provisions	Chief Executives Office Tel: 03000 132 132
Register of Disclosure & Declarations of Interests	This register provides information on a pecuniary and non-pecuniary interest declared by Members.	Available on request subject to relevant statutory provisions	Chief Executives Office Tel: 03000 132 132
Register of Gifts and Hospitality	This register provides information on gifts and hospitality declared by Members.	Available on request	Chief Executives Office Tel: 03000 132 132
Council Bye Laws	List of Council bye laws.	Available on request	Public Health and Infrastructure Tel: 03000 132 132
Statutory Returns	Statutory returns to Government Agencies including an Annual monitoring report on the composition of the workforce. This report is required by the Equality Commission NI who publish an annual report of Fair Employment monitoring in key public and private sectors	www.midulstercouncil.org	Organisational Development Tel: 03000 132 132 Finance Tel: 03000 132 132

(vii) The Services we offer

Category	Type of Information	How it can be Accessed	Contact Details
Information for Residents	<p>The Council will provide information to its residents in relation to the following services:</p> <ul style="list-style-type: none"> • Bins and Recycling • Births, Deaths and Marriages • Grants • Dogs and Animal Welfare • Noise • Pollution • Building Control • Off-Street Car Parking • Consumer Protection • Abandoned Cars 	www.midulstercouncil.org	<p>Organisational Development Tel: 03000 132 132</p> <p>Public Health & Infrastructure Tel: 03000 132 132</p> <p>Environment & Property Tel: 03000 132 132</p>
Information for Businesses	<p>The Council will provide information for its local businesses including the following:</p> <ul style="list-style-type: none"> • Broadband Connection Vouchers Scheme • Business Events • Business Funding Opportunities • Jobs • Rural Development • Tenders 	www.midulstercouncil.org	Business & Communities Tel: 03000 132 132
Information for Communities	<p>The Council will provide information for its local community including the following:</p> <ul style="list-style-type: none"> • Fuel Stamp Saving Scheme • Affordable Warmth • Policing & Community Safety Partnership (PCSP) • Good Relations • Neighbourhood Renewal • Support for Refugees • Grants • Consumer Protection • Rural Development 	www.midulstercouncil.org	<p>Business & Communities Tel: 03000 132 132</p> <p>Public Health and Infrastructure Tel: 03000 132 132</p>
Information Marketing	The Council will provide Marketing information, including leaflets, guidance, newsletters and media releases.	<p>Media releases www.midulstercouncil.org</p> <p>Other information available on request</p>	Marketing and Communications Tel: 03000 132 132
Things to do	The Council will provide information on Things to do in the Mid Ulster District Council area:	www.midulstercouncil.org	Culture and Leisure Tel: 03000 132 132

	<ul style="list-style-type: none"> • Sport & Leisure • Tourism & Heritage • Arts & Culture • Leisure Centres & Sports Arenas • Outdoor Leisure • Places to visit • Heritage Sites • Tyrone & Sperrins • Lough Neagh • Parks & Open Spaces 		
On-Line Services	<p>The Council will provide information on its online services (this is not a definitive list and will be updated as required):</p> <ul style="list-style-type: none"> • Entertainment Licence • Food Premises Approval • Caravan & Camping Site Licence • Hairdresser and barber Registration • Guard Dog Kennels Registration • Street Trading Licence • Sunday Trading • Tattooing, Piercing, Acupuncture and Electrolysis • Water Cooling Towers and Evaporative Condensers • Register Premises for Weddings • Planning 	www.midulstercouncil.org	<p>Public Health & Infrastructure Tel: 03000 132 132</p> <p>Organisational Development Tel: 03000 132 132</p> <p>Planning Tel: 03000 132 132</p>

3.2 Budget and Policy Framework Procedure Rules

3.2.1 The Framework for Decisions

3.2.1.1 The Council will be responsible for the adoption of its annual budget and policy framework as set out in Article 4. In relation to the annual budget, plans and strategies listed in Article

- a) The adoption of the annual budget, plans and strategies is the responsibility of the full Council
- b) The Chief Executive, as Chief Financial Officer, has responsibility for preparing the draft annual budget, plans and strategies for submission to the full Council;
- c) If the Council wishes to amend or accept the Chief Executive's proposals in relation to the items included in the annual budget, such matters will be considered by the full Council in accordance with the provisions of the Local Government Finance Act (Northern Ireland) 2011; and
- d) Once a budget or policy document has been agreed, it is the responsibility of the Chief Executive and the officers to implement it.

3.2.2 Process for Developing the Framework

3.2.2.1 The budget and policy framework shall be developed by the following process:

- a) The Council shall timetable, primarily through the operation of its Policy and Resources Committee, the process by which officers and Members shall engage to prepare and consider a draft budget and/or policy;
- b) The Chief Executive and officers shall consult with internal and external stakeholders as necessary and have regard to all relevant information, financial, legislative or otherwise, including that provided by the Department of Environment, other central government Departments and other relevant bodies to develop an affordable and practicable budget and/or policy for consideration by the Policy and Resources Committee and the full Council;
- c) The Policy and Resources Committee and/or full Council will consider the draft budget and/or policy proposals submitted for consideration and/or recommended for adoption and may recommend them, amend them, refer them back to the officers for further consideration, substitute alternative proposals in their place or adopt them;
- d) If the Council adopts the Chief Executive's and/or the Policy and Resources Committee's proposals without amendment, the decision shall, subject to any requirement (in the case of policies) for the subject matter to be further consulted upon, become effective immediately or on such date and time as the Council may determine; and

- e) In considering, recommending, amending, referring back to the officers for further consideration, substituting alternative proposals or adopting the Chief Executive's recommended proposals, the Policy and Resources Committee and/or the Council shall have regard to the relevant standing orders in relation to quorum for meetings and procedures for decision making generally.

3.2.3 Decisions outside the Budget or Policy Framework

- 3.2.3.1 Subject to the provisions of Rule 3.2.6 (virement) the Council, Committees, Chief Executive, officers and any joint arrangements that may exist may only take decisions which are in line with the budget and policy framework.
- 3.2.3.2 If any of these bodies or persons wish to take a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by the Council, then that decision may only be taken by the Council, subject to Rules 3.2.4 and 3.2.5 below.
- 3.2.3.3 If any of the bodies or persons wish to make such a decision, they shall take advice from the Chief Financial Officer as to whether the proposed decision would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice received is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in Rule 3.2.4 (urgent decisions outside the budget and policy framework) shall apply.

3.2.4 Urgent Decisions outside the Budget or Policy Framework

- 3.2.4.1 The Chief Executive, a Committee of the Council, an officer or joint arrangements may take a decision which is contrary to or not wholly in accordance with the Council's budget and/or policy framework if the decision is a matter of urgency. However, the decision may only be taken if:
 - a) It is impracticable to convene a quorate meeting of the Council; and
 - b) The Chief Executive, or his nominee, agrees that the decision is a matter of urgency. The Chief Executive's, or his nominee's, decision must be committed to writing as soon as practicable.
- 3.2.4.2 The reasons why it is not practicable to convene a quorate meeting of the Council and the Chief Executive's, or his nominee's, consent to the decision being taken as a matter of urgency must be noted on the record of the decision.
- 3.2.4.3 Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reason for the decision and why the decision was treated as a matter of urgency.

3.2.5 Urgent Action

- 3.2.5.1 Where an urgent action is necessary to protect the interests of Council, or the inhabitants of the District, in connection with a delegated authority, the relevant officer, after consultation with the Chief Executive or his nominee, shall have power to act and shall report the matter to the next available Council meeting.
- 3.2.5.2 Where the relevant officer considers that urgent action is necessary to protect the interests of Council, or the inhabitants of the District, in connection with an undelegated power or a power outside the authorities available to Council, before a meeting of the Council or the relevant Committee can be called, the relevant officer shall, after consultation with and the consent of the Chief Executive or his nominee, have the power to act and shall report the action to the next available meeting of the Council or the relevant Committee.
- 3.2.5.3 Urgent action shall not be subject to the call-in procedure and may be implemented with immediate effect.

3.2.6 Virement

- 3.2.6.1 Actions taken by the Chief Executive, a Committee, an officer or joint arrangements to implement Council policy shall not exceed the budgets allocated to each relevant budget head without the express approval of the Council.
- 3.2.6.2 However, such bodies or individuals shall be entitled to vire across budget headings within such limits as shall be laid down in the Financial Procedure Rules. Beyond these limits, approval to any virement across budget heads shall require the approval of the Council.

3.2.7 In-year changes to Budget and Policy Framework

- 3.2.7.1 Responsibility for agreeing the budget and policy framework rests with Council and decisions by the Council, a Committee of the Council, the Chief Executive, officers or joint arrangements must be in line with the budget and policy framework.
- 3.2.7.2 No changes may be made to any budget, plan or strategy which comprises part of the budget and policy framework by those bodies and individuals except as follows:
 - a) Changes which will result in the alteration of method of financing/delivery or service outcomes, closure or discontinuance of a service or part of a service to meet a budgetary constraint
 - b) Changes which are necessary or desirable to react/respond to a

- previously unforeseen/unanticipated situation/opportunity;
- c) Changes which are necessary to ensure compliance with the law, ministerial action or government guidance; or
 - d) Changes in relation to the policy framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration or where Council is satisfied that the matter subject to the proposed change is of such significance that it would be impracticable or undesirable for whatever reason for the change to be postponed

3.2.8 Call-in of Decisions outside the Budget or Policy Framework

- 3.2.8.1 Where a Member or Members is (are) of the opinion that a decision is or would be, if made, is contrary to or not wholly in accordance with the Council's budget and policy framework, the Member(s) shall take advice from the Chief Executive.

3.2.9 Suspension

- 3.2.9.1 Provided that it is not contrary to law, these rules may be suspended by the Council, or in so far as they are applicable to any other body or Committee.

3.3 Contracts Procedure Rules

- 3.3.1 Every contract or official order for goods and services made by the Council shall be for the purposes of achieving the Council's statutory and/or approved objectives and shall conform to all relevant legislation in so far as practicable.
- 3.3.2 The Council's Procurement Policy and Procedures shall govern tendering and procurement procedures. The Policy and Procedures will be made available to the Council, relevant committees, the Chief Executive and Directors who will ensure that they are circulated to all staff engaged in the procurement of goods and services. The Chief Executive and Directors shall be responsible for the compliance of all staff involved in procurement with the Policy and Procedures.
- 3.3.3 The Council's Procurement Policy and Procedures seek to deliver best value in the procurement of goods and services. Staff involved in procurement shall ensure that they can demonstrate compliance with the Policy and Procedures by maintaining such documentation as is required by the Policy and Procedures.
- 3.3.4 Nothing in the Procurement Policy and Procedures shall be construed as diminishing individual and/or collective responsibility for the delivery of best value and/or the personal accountability of staff for decisions and actions taken or inaction where relevant.
- 3.3.5 Procurement exercises and contract awards shall be in accordance with the thresholds and procedures detailed in the Procurement Policy and Procedures.
- 3.3.6 The Chief Executive and Directors shall ensure that the Procurement Policy and Procedures are complied with by all staff and that all relevant documentation is appropriately completed, signed, retained and reported on as detailed in the Procurement Policy and Procedures.
- 3.3.7 The Chief Executive and Directors shall ensure that a complete and accurate register of contracts is maintained in accordance with the provisions of the Procurement Policy and Procedures.
- 3.3.8 No Member shall be permitted to become security under any agreement between the Council and any contractor engaged by it.



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Standing Orders

First Approved	Thursday 28 May 2015
Revised and Approved	Thursday 26 May 2016
Revised and Approved	Thursday 26 April 2018
Revised and Approved	Thursday 28 May 2020
Revised and Approved	Thursday 23 September 2021
Revised and Approved	Thursday 16 December 2021
Revised and Approved	Thursday 26 May 2022

MODEL STANDING ORDERS FOR COUNCILS

Definitions

“2014 Act” means the Local Government Act (Northern Ireland) 2014

“2014 Executive Arrangements Regulations” means the Local Government (Executive Arrangements) Regulations (Northern Ireland) 2014

“2014 Standing Orders Regulations” means the Local Government (Standing Orders) Regulations (Northern Ireland) 2014

“call-in” means a requisition for the reconsideration of a decision as provided for in section 41(1) of the 2014 Act.

In Standing Order 21

“budget” means the expenditure authorised by a council under section 3 of the Local Government Finance Act (Northern Ireland) 2011;

“clerk” means the clerk to the council appointed under section 41 of the Local Government Act (Northern Ireland) 1972;

“committee” means a committee appointed under section 7 of the 2014 Act;

“delegated authority” means the discharge of a function under authority fixed by a council under section 7 of the 2014 Act;

“decision maker” means the body or person making an executive decision, a decision under delegated authority or a key decision;

“executive” means a cabinet-style executive or a streamlined committee executive as provided for in section 21(2) of the 2014 Act;

“executive decision” means a decision taken by a decision maker in connection with the discharge of a function which is the responsibility of the executive of a council;

“key decision” means a decision under executive arrangements which is likely –

(a) to result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council’s annual budget for the service or function to which the decision relates; or

(b) to be significant in terms of the effects on communities living or working in an area comprising two or more electoral areas in the local government district of the council;

“member” means a member of the council; and

“policy framework” means the policies and procedures agreed by the council in relation to the delivery of a function or functions of the council.

In Standing Order 23

“2000 Act” means the Political Parties, Elections and Referendums Act 2000;

“member” means councillor;

“nominating officer” in relation to a party, means

- (a) the person registered under the 2000 Act as the party's nominating officers; or
- (b) a member of the council nominated under the 2000 Act for the purposes of Schedule 1 to the 2014 Act; and

"party" means a party registered under the 2000 Act in the Northern Ireland register (within the meaning of that Act).

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1. Annual and Monthly Meetings

(1) In every year that is not a local election year the Council shall hold an Annual meeting in the month of June.

(2) In any year which is a local government election year, the Annual Meeting shall be held within twenty-one days immediately following the election, at such time as the Council may fix at the offices of the Council or at such other place as the Department may direct.

(3) A meeting of the Council for the transaction of general business of the Council shall, subject to any deviation which special circumstances may render desirable, be held on the fourth Thursday of every month. Other meetings of the Council for the transaction of general business shall be held as the Council considers necessary.

(4) Meetings of the Council shall not take place on a Public or Bank Holiday, a Saturday or a Sunday. When the day of a meeting falls on one of these days, the meeting shall be held on the next following weekday instead.

2. Time and place of meetings

The Annual Meeting and other meetings of the Council shall be held at 7pm in the Council Chamber, except where otherwise fixed by statute or by special summons.

3. Convening Special Meetings

(1) The Chair of the Council may call a meeting of the Council at any time.

(2) The Chair of the Council must call a meeting of the Council if a requisition for such a meeting, signed by not less than 5 members, is presented to him/her (Local Government Act 2014, Sch. 5, Sec. 4); and, if he/she refuses to call a meeting on such a requisition or if, without so refusing, he/she does not call such a meeting within the period of seven days from the date of service of the requisition on him/her, any five members, may on that refusal or on the expiration of those seven days call a meeting of the Council.

4. Notice and Summons of Meetings

Three days at least before a meeting or special meeting of the Council, a Committee or Sub-Committee:

(1) notice of the time and place of the intended Meeting shall be published at the offices of the Council. Where the Meeting is called by members, the notice shall be signed by them and shall specify the business proposed to be transacted thereat;

(2) a summons to attend the Meeting, specifying the business proposed to be transacted thereat and signed by the Clerk shall be served on every member at least three days before the meeting. Want of service of this summons shall not affect the validity of a Meeting;

(3) except in the case of business required by statute, or where in the opinion of the Chair of the Meeting the business should be considered by the Meeting as a matter of urgency, no business shall be transacted at a meeting of the Council, a Committee or Sub-Committee other than that specified in the summons relating thereto.

5. Chair to be taken

At each meeting of the Council, the Chair shall be taken at the time for which the meeting is convened, and business immediately proceeded with.

6. Chair of Meeting

(1) At a Meeting of the Council, the Chair of the Council, if present, shall preside.

(2) If the Chair of the Council is absent from a Meeting of the Council, the Deputy Chair of the Council, if present, shall preside.

(3) If neither the Chairperson nor Deputy Chairperson are present at a Meeting of the Council, a member of the Council chosen by the members who are present must preside

(4) If discussion arises on the allocation of the position of Chair, the Clerk shall exercise the powers of the Chair to assist in the regulation of that discussion.

(5) Any power of the Chair of the Council in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

7. Quorum

(1) Subject to sub-paragraph 7.4, no business shall be transacted at a Meeting of the Council unless at least one-quarter of the whole number of members are present.

(2) If during a meeting, the person presiding, after the number of members present is counted, declares that a meeting is inquorate and it is unlikely that there will be a quorum present within a reasonable time, he shall declare the meeting adjourned.

(3) Any uncompleted business on the agenda of a meeting adjourned under Standing Order 7(2) above, shall be tabled for discussion at the reconvened meeting. No business, other than the uncompleted business on the agenda of the meeting adjourned, may be discussed at the reconvened meeting.

(4) Where more than one-quarter of the members become disqualified at the same time then, until the number of members in office is increased to not less than three-quarters of the whole number of members, the quorum of the Council shall be determined by reference to the number of members remaining qualified instead of by reference to the whole number of members.

8. Admission to meetings

(1) Subject to the provisions of this Standing Order, every Meeting of the Council shall be open to the public.

(2) The public and press may attend only in those parts of the Council Chamber provided for their accommodation at meetings of the Council, unless specifically excluded in accordance with the provisions of Standing Order 10; or as required by the Council to comply with provisions in relation to Fire Safety and Health & Safety.

(3) The admission of the public is upon the understanding that they must continue at all times to be seated, and that no expression of opinion or noise of any kind be allowed from them.

(4) At all times during which a Meeting of the Council is open to the public, the Council shall, so far as is practicable, cause to be made available to duly accredited representatives of newspapers, attending for the purpose of reporting proceedings at the meeting, reasonable facilities for taking reports of these proceedings and, on payment by those representatives or their newspapers of any expenses which may be incurred, for transmitting such reports to their newspapers.

(5) Taking photographs of proceedings or the use of any other means by members of the public to enable persons not present to see or hear any proceedings (whether at that time or later) or making of any oral report of any proceedings as they take place shall be prohibited unless expressly permitted by the Council.

(6) The use of social media by member of the council, members of the public or journalists shall be permitted, during those proceedings that are open to the public, to the extent that its use does not disrupt proceedings.

9. Record of attendances at meetings

The names of the members present at a meeting of the Council shall be recorded by the clerk.

10. Exclusion of the public

(1) The public shall be excluded from a Meeting of the Council whenever it is likely that, during the transaction of an item of business, confidential information would be disclosed to them in breach of an obligation of confidence.

(2) The Council may by resolution exclude the public from a Meeting of the Council (whether during the whole or part of the proceedings at the meeting) for such special reasons as may be specified in the resolution being reasons arising from the nature of the business to be transacted or of the proceedings at the Meeting.

(3) The Presiding Chair may at any time during the proceedings, if he/she thinks it necessary to secure order, direct the removal of any individual or group of individuals

from the Council Chamber, or order the Council Chamber to be wholly cleared of members of the public.

(4) The Council, having excluded the public, shall only consider the matter referred to it by the resolution. If it should be deemed necessary to consider any matter not included in the resolution, the public shall be re-admitted and the Chair may ask leave of the Council to take up the consideration of such additional matters as may be deemed desirable.

(5) The Council, having excluded the public, shall not have the power to adjourn its own sittings or to adjourn a debate to a future sitting. If the business referred to in the resolution is not transacted, the Council may be resumed and a member of the Council may move that the Council again exclude the public on a future day to deal with the business specified in the resolution which was not transacted.

(6) If the Council, with the public excluded, has transacted part of the business referred to it, without being able to reach a decision on all the business so referred, a member of the Council may, with leave of the Council, report on the progress to that point and ask the Council's permission to sit again.

(7) When the Council, having transacted business with the public excluded, submits its report to the Council, a motion for its adoption shall then be moved and put. No questions or discussion shall be permitted on the report or the motion for its adoption.

11. Deputations

(1) Deputations, from any source, shall only be admitted to address the Council provided the Clerk has received seven day's notice of the intended deputation and a statement of its objective.

(2) The deputation shall be confined to the presentation of a statement, or copy of resolutions, and shall not make more than two short addresses by any two members of the deputation. The totality of the address shall not exceed 10 minutes.

(3) Deputations should not be repetitive and, where possible, issues of a similar or linked nature should be contained in one deputation. Where a single deputation with a presentation has been made, the Council may decline to accept another deputation on the same issue from the same individual or group for a period of six months.

12. Order of Business

Subject to any statutory requirements to the contrary, the order of business at every meeting of the Council shall be as follows:

- a) confirmation of the Minutes of the last stated Meeting and of all adjourned meetings and special meetings held since the last stated Meeting;
- b) declaration of members interests;
- c) matters arising;
- d) deputations;
- e) business required by statute to be transacted at the Meeting;
- f) adoption of the minutes of the proceedings of any committees and

consideration of reports, if any, from such committees;
g) reports of officers, public bodies, agencies etc, if any, may be considered and such orders given thereon as may be deemed necessary;
h) reports on decisions/recommendations subject to the reconsideration procedure;
i) other Reports;
j) correspondence and matters not already dealt with;
k) sealing of documents; and
l) consideration of motions of which due notice has been given, in the order in which they have been received.

13. Minutes of the Council

13.1 Keeping of; as evidence; etc

- (1) Minutes of the proceedings of a Meeting of the Council, or of a committee or sub-committee, shall be drawn up and entered in a bound book kept for that purpose.
- (2) No discussion shall take place upon the Minutes except upon their accuracy.
- (3) Any minute purporting to be signed as mentioned in sub-paragraph (1) shall be received in evidence without further proof.
- (4) Until the contrary is proved, a Meeting of the Council or of a committee or sub-committee thereof in respect of the proceedings of which a minute has been so made and signed shall be deemed to have been duly convened and held, and all the members present at the meeting shall be deemed to have been duly qualified, and where the proceedings are proceedings of a committee or sub-committee, the committee or sub-committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.

13.2 Signing of

The Minutes of a Meeting of the Council shall be signed at the next ensuing Meeting of the Council by the Chair presiding, if approved by the meeting at which they fall to be signed.

14. Submission of Minutes

- (1) In order to give sufficient time for the printing of the minutes and for their perusal by the members of the Council, minutes of meetings of a committee held later than seven clear days before the meeting of the Council shall not be submitted to that meeting for approval. This may be disapplied where a committee considers the matter to be of extreme urgency and records such a decision in its minutes.
- (2) It shall be the duty of a committee, through the Chair or his/her representative, when its minutes are submitted for approval, to call the attention of the Council to any resolution or matter of an unusual or special character contained therein.

15. Minutes of Committees

(1) A motion or amendment shall not be made or proposed, or any discussion allowed on the proceedings of committees with reference to any matter within the remit of a committee which does not appear on the minutes submitted to the Meeting of the Council.

(2) Any member wishing to raise an issue regarding any matters appearing in the minutes submitted to the Council for approval and who states his/her request in writing to the Chair of the committee forty-eight hours before the commencement of the Meeting of the Council shall be entitled to a reply when the proceedings of the particular committee are submitted for approval.

(3) A reply to an issue raised at the meeting regarding any matter in the minutes, without written notice, shall be at the discretion of the Chair of the committee.

(4) Any matter in the minutes of a committee on which a request for reconsideration, under section 41 of the 2014 Act, has been lodged with the clerk of the Council shall be identified, and may not be the subject of discussion at that meeting.

16. Motions

(1) Every motion shall be relevant to some matter:

i) in relation to which the Council:

a) has power or duties;

b) is not prevented from taking action on by other legislation;

ii) which directly affects the local government district or its residents; and

iii) for which the Council is legally competent.

16.1 On notice

(1) Notice of every motion, other than a motion which under Standing Order 16.2 may be moved without notice, shall be given to the Clerk not later than at least seven clear days before the next Meeting of the Council. The motion must be clear in meaning otherwise it shall be rejected until such time as it is resubmitted in clear language, and not later than seven clear days before the meeting.

(2) A motion shall be rejected if the wording or nature of the motion is considered unlawful or improper.

(3) All notices shall be dated and numbered as received, and entered in a register to be kept for that purpose. This register shall be open to inspection by every Member of the Council.

(4) Notices of motion shall be entered by the Clerk in their proper place upon the Summons Paper in the order in which they are received.

(5) If a motion set out in the Summons is not moved either by a member who gave notice, or by some other member on his behalf, it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

(6) If the subject matter of any motion of which notice has been properly given comes within the remit of any committee it shall, upon being moved and seconded, stand

referred without discussion to that committee, or to such other committee as the Council may determine, for consideration and report. The Chair presiding may, if he/she considers it urgent and necessary to the dispatch of business, allow the motion to be dealt with at the meeting at which it is brought forward.

(7) If a notice of motion fails to be considered at a Meeting of the Council, such notice of motion will only be included on the Summons Paper for the following meeting if submitted in writing to the Clerk by the member concerned not later than seven clear days, at least, before the Council meeting.

(8) Any notice of motion which fails to be considered at two consecutive meetings will not be accepted for inclusion on the Summons Paper for a period of six months from the date of the second meeting at which the matter has failed to be considered.

16.2 Without notice

The following motions may be moved without notice:

- a) to appoint a Chair of the meeting at which the motion is moved;
- b) in relation to the accuracy of the minutes;
- c) to change the order of business in the agenda;
- d) to refer something to an appropriate body or individual;
- e) to appoint a committee or members thereof arising from an item on the summons for the meeting;
- f) to receive reports or adoption of recommendations of committees or officers and any resolutions flowing from them;
- g) to withdraw a motion;
- h) to amend a motion;
- i) to proceed to the next business;
- j) that the question be now put;
- k) to adjourn a debate;
- l) to adjourn a meeting;
- m) to suspend Standing Orders, in accordance with Standing Order 30.1;
- n) to exclude the public and press in accordance with section 42 of the 2014 Act;
- o) to not hear further a member named under Standing Order 25.3 or to exclude them from the meeting under Standing Order 25.4.

17. Amendments

(1) When a motion is under debate at any meeting of the Council, an amendment or further motion shall not be received, with the exception of the following:

- a) to amend the proposal; or
- b) that the Council do now adjourn; or
- c) that the debate be adjourned; or
- d) that the question be now put; or
- e) that the Council do proceed to the next business.

17.1 To amend the Proposal

(1) An amendment must be legitimate and within the scope of the notice convening the meeting. It must not be a direct negative; must be relevant to the proposal which it seeks to amend, and not inconsistent with anything already agreed upon at the same meeting. An amendment must relate solely to the proposal which it seeks to amend, and not be, in effect, a new proposition on a different matter, and must not place a greater responsibility on the meeting than the original proposal.

(2) An amendment to a motion shall be either:

- a) to refer a subject of debate to a committee or to an officer for consideration or re-consideration;
 - b) to leave out words;
 - c) to leave out words and insert or add others; or
 - d) to insert or add words
- but such omission, insertion or addition of words shall not have the effect of directly negating the Motion before the Council.

(3) When an amendment upon an original proposal has been moved, the question to be put shall be "That the amendment be made". Where any amendment is agreed, the question to be put shall be "That the proposal, as amended, be agreed". Where any amendment is rejected the question of the substantive proposal shall be put.

17.2 That the Council Do Now Adjourn

(1) Any member of the Council who has not already spoken to the proposal or amendment then under debate may move "that the Council do now adjourn". Such a proposal must be seconded, but it need not be reduced to writing. The mover and seconder shall not speak beyond formally moving and seconding the proposal, which shall be put to the vote without debate.

(2) In the event of the proposal for the adjournment being carried, the Chair shall (unless stated in the proposal) fix the date for the adjourned meeting for the continuation of the debate on the proposal or amendment under discussion at the time of the adjournment, and for the transaction of the remaining business (if any) on the Agenda for the meeting so adjourned.

(3) A second proposal "that the Council do now adjourn" shall not be made within half-an-hour unless, in the opinion of the Chair, the circumstances are materially altered.

17.3 That the Debate be Adjourned

(1) Any member of the Council who has not already spoken to the proposal or amendment then under debate may move "that the debate be adjourned". Such a proposal must be seconded, but it need not be reduced to writing. The mover and seconder shall not speak beyond formally moving and seconding it.

(2) Before putting to the meeting a proposal "that the debate be adjourned", the Chair presiding shall call on the mover of the proposal or amendment under discussion to reply on the question of adjournment and, after such reply, which will not prejudice the right of the mover of a proposal to reply on the original question, shall put the proposal for adjournment of the debate to the vote without further debate.

(3) If the proposal be carried, the Council shall proceed to the next business on the agenda, and the discussion of the adjourned debate shall be resumed at the next meeting of the Council unless a special meeting of the Council shall be called for the purpose.

(4) On resuming an adjourned debate, the member who moved its adjournment shall be entitled to speak first. A second proposal "that the debate be adjourned" shall not be made within half-an-hour. A member shall not move or second more than one proposal for the adjournment of the same debate.

17.4 That the Question Be Now Put

(1) Any member who has not already spoken to the proposal or amendment then under debate may move "that the question be now put". Such a proposal must be seconded, but it need not be reduced to writing. The mover and seconder shall not speak beyond formally moving and seconding it.

(2) If the Chair is of the opinion that the subject before the Council has been sufficiently discussed, he shall put the proposal "that the question be now put" to the vote without debate and if same is carried, the proposal or amendment under discussion shall be put to the Council.

(3) A second proposal "that the question be now put" shall not be made on the discussion of the same question within half-an-hour.

(4) A member shall not move or second more than one proposal "that the question be now put" on the discussion of the same question.

17.5 That the Council Do Now Proceed to the Next Business

(1) Any member of the Council who has not already spoken to any proposal or amendment then under debate may move, "that the Council do proceed to the next business". Such a proposal must be seconded, but it need not be reduced to writing. The mover and seconder shall not speak beyond formally moving and seconding the proposal which shall be put to the vote without debate.

(2) If the Chair is of the opinion that the subject before the Council has been sufficiently discussed, he shall put the proposal "that the Council do proceed to the next business" to the vote without debate and if same is carried the proposal or amendment under discussion shall be put to the Council.

(3) When a proposal is carried "that the Council do proceed to the next business", the question under discussion shall be considered as dropped.

(4) A second proposal "that the Council do proceed to the next business" shall not be made on the same question within half-an-hour.

(5) A member shall not move or second more than one proposal "that the Council do proceed to the next business" on the discussion of the same question.

18. Amendments to Regulatory Decisions

- (1) No amendment may be moved to a minute which is a Regulatory Decision.
- (2) For the purposes of these Standing Orders, a Regulatory Decision is a determination of an application for planning permission or any decision, determination, action, direction, order, approval, refusal, or enforcement action in exercise of powers of the Council as the local planning authority [or those powers specified in Executive Arrangements Regulations]; or any application for which the Council is the licensing authority.

19. Rules of Debate

19.1 Motions and amendments to be reduced to writing and seconded

- (1) A Motion or Amendment shall not be discussed unless it has been proposed and seconded and, unless notice has already been given in accordance with Standing Order 16.1, it shall, if required by the Chair presiding, be put into writing and handed to the Chair presiding before it is further discussed or put to the meeting.
- (2) A Member when seconding a motion or amendment may, if he/she then declares his/her intention to do so, reserve his/her speech until a later period of the debate.

19.2 Alteration of motion

- (1) A Member may alter a motion of which he/she has given notice as proposed with the consent of the meeting. The meeting's consent will be signified without discussion.
- (2) A Member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (3) Only alterations which could be made as an amendment may be made.

19.3 Withdrawal of motion

- (1) A Member may withdraw a motion of which he/she has given notice under Standing Order 16.1 at any time after the meeting has commenced provided that he/she has not moved the motion or spoken on it and has the consent of the meeting. The meeting's consent will be signified without discussion.
- (2) A Member may withdraw any other motions which he/she has moved with the consent of both the meeting and seconder. The meeting's consent will be signified without discussion.
- (3) No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

19.4 Mode of address

Members may address the Council's Chair by standing or remaining seated. While a Member is speaking, the other members shall remain seated unless rising to a point of order or in personal explanation.

A member shall direct his/her speech to the question under discussion or to a personal explanation or to a point of order.

19.5 Precedence in speaking

Whenever two or more members rise together to speak, the Chair shall decide who has precedence.

19.6 Place of member speaking

A member when addressing the Chair shall remain in the place allocated to him/her in the Council Chamber.

19.7 Member called to order

If any member, while speaking, be called to order, he/she shall resume his/her seat and shall not again address the Council until the Chair has disposed of the question of order.

19.8 Definition of point of order

A point of order shall relate only to an alleged breach of a Standing Order or statutory provision and the member shall specify the Standing Order or provision and the way in which he/she considers it has been broken.

19.9 Member may raise a point of order

A member may raise a point of order and shall be entitled to be heard immediately.

19.10 Ruling of Chair on point of order

The ruling of the Chair on a point of order shall not be open to discussion.

19.11 Member to speak to motion

A member who speaks shall direct his/her speech strictly to the Motion under discussion, or an amendment thereof.

19.12 Member shall not speak more than once

A member who has spoken on any Motion shall not speak again whilst it is the subject of debate, except:

- a) to speak once on an amendment moved by another member;
- b) if the Motion has been amended since he/she last spoke, to move a further amendment;
- c) if his/her first speech was on an amendment moved by another Member to speak on the main issue whether or not the amendment on which he/she spoke was carried;
- d) in the exercise of a right to reply given by Standing Order 19.9;
- e) on a point of order.

19.13 Duration of speeches

Except with the permission of the Council, a member, in introducing a Motion, shall not speak for more than ten minutes and in replying, for more than five minutes.

19.14 Addressing the Council

The Council during its sitting, shall not, unless with the consent of the Council, be addressed by any person who is not a member of the Council.

19.15 Only one motion / amendment may be moved and discussed at a time

(1) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

(2) If an amendment is not carried, other amendments to the original motion may be moved.

(3) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

19.16 When a motion is under debate no other motion shall be moved

When a Motion is under debate no other Motion shall be moved except the following:

- a) to amend the motion;
- b) to adjourn the meeting;
- c) to adjourn the debate;
- d) to proceed to the next business;
- e) that the question be now put;
- f) that a Member be not further heard;
- g) by the Chair under Standing Order 25.4, that a Member do leave the meeting.

19.17 Chair rising during debate

Whenever the Chair rises or otherwise calls the meeting to order during a debate, a Member then speaking shall cease and the Council shall be silent.

19.18 Chair not to receive motion for direct negative

The Chair shall not receive a Motion for a direct negative to a question but, on the conclusion of the debate, the question shall be put and resolved in the affirmative or negative.

19.19 Mover's right of reply

The mover of a motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment and shall not otherwise speak on the amendment. The mover of the amendment shall have no right of reply to the debate on his amendment.

20. Voting

20.1 Majority

Subject to any statutory provisions to the contrary, any matter will be decided by a simple majority of those members present and voting.

20.2 Chair's casting vote

If there are equal numbers of votes for and against, the Chair will have a second or casting vote.

20.3 Qualified majority [MANDATORY]

A qualified majority shall be required in relation to a council's decision on:

- (a) the adoption of executive arrangements or prescribed arrangements as the council's form of governance (section 19 of the 2014 Act);
- (b) the method to be adopted for filling positions of responsibility (Schedule 1 of the 2014 Act);
- (c) the method to be adopted for appointing councillors to committees (Schedule 2 of the 2014 Act);
- (d) a call-in made in accordance with section 41(1)(b) of the 2014 Act; and
- (e) the suspension of standing orders, other than Standing Orders 20.3, 21, 22 and 23, which cannot be suspended.

20.4 Show of hands

Unless a ballot or recorded vote is demanded under Standing Order 20.5, the Chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

20.5 Recorded vote

If, before a vote is called, any member present at the meeting demands it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

21 'Call-in' Process [MANDATORY]

21.1 Decisions subject to call-in

- (1) The following decisions may be subject to call-in in such manner as is specified in these standing orders:
- (a) a decision of the Council
 - (b) a decision of the executive;
 - (c) an executive decision taken under joint arrangements in accordance with section 26 of the 2014 Act;
 - (d) a key decision taken by an officer or officers of the council;
 - (e) a decision taken by a committee under delegated authority in accordance with section 7 of the 2014 Act; and
 - (f) a decision taken by a committee to make a recommendation for ratification by the council.

- (2) The following decisions shall not be subject to call-in:
- (a) a decision which is deemed to be a case of special urgency in accordance with regulation 26 of the 2014 Executive Arrangements Regulations;
 - (b) a decision where an unreasonable delay could be prejudicial to the council's interests, the public's interests and in urgent situations for emergency responses.
 - (c) a decision taken by an officer or officers which is not a key decision;
 - (d) a decision by the executive which serves only to note a report from or the actions of an officer or officers.

(3) No decision shall be subject to call-in more than once for each of the reasons specified in section 41(1) of the 2014 Act.

21.2 Call-in procedure

- (1) A call-in must be submitted in writing to the clerk by 10am on the fifth working day following:
- (a) in the case of a decision of the council, the date of the Council meeting at which the decision was taken; and
 - (b) in the case of a decision of a committee, the date on which the decision to which the call-in relates was published

(2) If a call-in received after the relevant period specified in paragraph (1), it must be deemed inadmissible.

(3) A call-in shall:

- (a) specify the reasons why a decision should be reconsidered; and
- (b) subject to sub-paragraph (5) of this standing order, be deemed to be inadmissible if the reasons are not specified.

(4) In the case of a call-in submitted under section 41(1)(b) of the 2014 Act, members must state in the reasons specified under sub-paragraph (2) of this standing order:

- (a) the community that would be affected by the decision; and
- (b) the nature and extent of the disproportionate adverse impact.

(5) Within one working day of receipt of a call-in, the clerk must confirm that:

- (a) it has the support of 15 per cent of the members of the council; and
- (b) the reasons for the call-in have been specified.

(6) Where the reasons have not been specified on the requisition the clerk must notify the members making the requisition that it must be considered inadmissible if reasons are not specified in writing within the specified deadline.

(7) Where an admissible call in of a council decision has been received under section 41(1)(a) of the 2014 Act, the clerk must include the decision on the agenda for reconsideration at the next available meeting of the council, at which it will be taken by a simple majority.

(8) Within two working day of receipt of an admissible call-in submitted under section 41(1)(b) of the 2014 Act, the clerk must seek the opinion of a practicing solicitor or barrister in accordance with section 41(2) of the 2014 Act.

(9) Where the legal opinion obtained in accordance with section 41(2) of the 2014 Act confirms that the call-in has merit, the clerk must:

- (a) furnish the opinion to members; and

(b) include the decision on the agenda for the next available meeting of the council, at which it will be taken by a qualified majority.

(10) Where the legal opinion obtained in accordance with section 41(2) of the 2014 Act indicates that the call-in does not have merit, the clerk must:

(a) furnish the opinion to members; and

(b) include the decision on the agenda for the next available meeting of the council, at which it will be taken by a simple majority.

21.3 The call-in process: committee arrangements

(1) For the purposes of reconsideration of a decision pursuant to a call-in the minutes of a committee which record a decision:

(a) taken under delegated authority; or

(b) for ratification by the council

must be published within five working days of the conclusion of the meetings. That date of publication must be regarded as the date of publication for the purposes of a call-in.

(2) If a call-in is not received by the deadline specified in paragraph 4(1) of this standing order, the decision specified in:

(a) paragraph 5(1)(a) of this standing order must be implemented; or

(b) paragraph 5(1)(b) of this standing order must be tabled for ratification by the council.

(3) The tabling for ratification of a decision specified in paragraph 5(1)(b) of this standing order, or the implementation of a decision specified in paragraph 5(1)(a) of this standing order, must be postponed (unless the total level of support for the call-in falls below 15 per cent of the members) until the call-in has been resolved. The decision maker may rescind the decision at any time prior to the call-in being resolved.

(4) If an admissible call-in is made in accordance with paragraph 4(2) of this standing order and section 41(1)(a) of the 2014 Act, the council must appoint an ad hoc committee of the council, the membership of which will be:

(a) the Chairs of all committees of the council; and

(b) the deputy Chairs of all committees of the council to consider the process adopted by the decision-making committee.

(5) The Chair and deputy Chair of the committee which was responsible for the decision which is the subject of the call-in must not have voting rights at a meeting of the committee appointed in accordance with sub-paragraph (4) of this standing order.

(6) The members who submitted the call-in, or a member on their behalf, must be invited to attend the meeting at which the decision subject to the call-in is considered and may, upon the request of the Chair, address the meeting, but must not have voting rights.

(7) A committee appointed in accordance with sub-paragraph (4) of this standing order may:

(a) refer the decision back to the decision maker;

(b) in the case of a decision taken under delegated authority, support the decision; or

(c) in the case of a decision for ratification by the council, refer the decision to the council.

- (8) Where a decision has been supported in accordance with sub-paragraph (7) of this standing order, that decision must:
- (a) be approved;
 - (b) be inserted in the Register of Decisions; and
 - (c) become operative from the date of the meeting at which the committee appointed in accordance with sub-paragraph (4) of this standing order confirmed support for the decision.

21.4 The call-in process: executive arrangements

(1) The proper officer must, within two working days of the production of a statement in accordance with regulations 28 and 29 of the 2014 Regulations, submit to the council a notice detailing the decision(s) recorded in the statement.

(2) The notice prepared in accordance with sub-paragraph (1) of this standing order must specify:

- (a) those decisions that are not subject to call-in;
- (b) the deadline for receipt of a call-in; and
- (c) the overview and scrutiny committee, as determined by the proper officer, that will consider a call-in in accordance with section 41(1)(a) of the 2014 Act.

(3) If a call-in is not received in respect of a decision, that decision may be implemented after the deadline expires.

(4) If a call-in is received which specifies that the decision was not taken in accordance with the budget or policy framework agreed by the council the call-in must be referred to the council for decision.

(5) The implementation of a decision must be postponed (unless the total level of support for the call-in falls below 15 per cent of the members) until the call-in has been resolved. The decision-maker may rescind the decision at any time prior to the call-in being resolved.

(6) The clerk must place a call-in on the agenda of the overview and scrutiny committee specified in the notice prepared in accordance with subparagraph (2) of this standing order. The overview and scrutiny committee must meet within 5 working days of receipt of the call-in. More than one call-in may be considered at a meeting of an overview and scrutiny committee.

(7) Subject to sub-paragraph (7) of this standing order, the consideration of a matter under sub-paragraph (5) of this standing order by an overview and scrutiny committee may be adjourned, provided that:

- (a) the Chair presiding at the meeting; and
- (b) the Chair of the executive agree a date for the continuation of the meeting.

(8) A meeting convened in accordance with sub-paragraph (5) of this standing order may only be adjourned under sub-paragraph (6) in order to:

- (a) allow for additional information to be obtained; or
- (b) permit additional witnesses to attend.

(9) The members who submitted the call-in, or a member on their behalf, must be invited to attend the meeting at which the decision subject to the call-in is considered and may, upon the request of the Chair, address the meeting, but must not have voting rights.

(10) In response to a call-in made in accordance with section 41(1)(a) of the 2014 Act, an overview and scrutiny committee may:

- (a) support the decision; or
- (b) refer the decision, along with the recommendation of the overview and scrutiny committee, back to the decision maker.

(11) Where a decision has been supported in accordance with sub-paragraph (9) of this standing order, that decision must:

- (a) be approved;
- (b) be inserted in the Register of Decisions; and
- (c) become operative from the date of the meeting at which the overview and scrutiny committee confirmed support for the decision.

(12) Where a decision has been referred back to a decision maker in accordance with sub-paragraph (9)(b) of this standing order, the decision maker must:

- (a) consider the recommendation of the overview and scrutiny committee; and
- (b) reconsider the original decision.

22 Positions of responsibility, etc. – Time Limits [mandatory]

(1) Subject to sub-paragraph (2) of this standing order, in relation to positions of responsibility selected in accordance with paragraphs 2(1) and 2(2) of Schedule 1 to the 2014 Act, the period specified for:

- (a) the nominating officer to select a position of responsibility and the term for which it must be held; and
- (b) the person nominated to accept the selected position is 15 minutes.

(2) An extension to the period specified in sub-paragraph (1) of this standing order may be granted subject to the approval of the council. Such an extension may be requested by:

- (a) the nominating officer;
- (b) the person nominated to hold the selected position; or
- (c) another member.

23 Appointment of more than one committee [MANDATORY]

(1) Where the Council appoints more than one committee at the same meeting in accordance with paragraph 5 of Schedule 2 to the 2014 Act, for the purposes of determining the number of places that must be allocated across the parties and independent members of the Council, it must agree:

- (a) the number of committees to be appointed; and
- (b) the number of councillors that shall constitute the membership of each committee.

(2) The total number of places to which a nominating officer of a party may nominate members who stood in the name of that party when elected must be calculated in accordance with paragraphs 2 to 4 of Schedule 2 to the 2014 Act and any resolution of the Council made thereunder.

(3) A nominating officer's function under paragraph 2(1)(b) of Schedule 2 to the 2014 Act shall be exercised in such manner as to ensure that:

- (a) all members of a committee are not nominated by the same nominating officer;

(b) a nominating officer of a party may nominate members who stood in the name of that party to fill the majority of places on a committee, if the majority of members stood in the name of that party; and

(c) subject to (a) and (b), the number of members nominated by each nominating officer of a party, in so far as far as is reasonably practicable, bear the same proportion to the number of places on that committee as is borne by the number of members who stood in the name of that party.

(4) Nominations made in accordance with sub-paragraph (3) of this standing order shall take into account any positions of responsibility on a committee held by a member who stood in the name of a party.

24 Rescission of a preceding resolution

(1) No motion to rescind any resolution passed within the preceding six months, and no motion or amendment to the same effect as one which has been rejected within the preceding six months, shall be proposed by a member unless the notice thereof given in pursuance of Standing Order 16.1 bears the names of at least 15% of the members of the Council.

(2) When any such motion or amendment has been disposed of by the Council, it shall not be open to any member to propose a similar motion within a further period of six months.

(3) This Standing Order shall not apply to motions moved in pursuance of a recommendation of a committee [or a Call-in]

25 Members conduct

25.1 Addressing the Meeting

When a member speaks at the Council they may remain seated or stand to address the meeting through the Chair. If more than one member stands, the Chair will ask one to speak and the others must sit, should they be standing when addressing the meeting.

25.2 Chair standing

When the Chair stands during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.

25.3 Member not to be heard further

If at a meeting any Member of the Council, misconducts himself/herself by persistently disregarding the ruling of the chair, or by behaving irregularly, improperly or offensively or by willfully obstructing the business of the Council, the Chair or any other Member may move "that the Member named be not further heard". The Motion, if seconded, shall be put and determined without discussion.

25.4 Member to leave the meeting

If the Member named continues to behave improperly after such a motion is carried, the Chair or any other Member may move that either the member leaves the meeting or that

the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

25.5 General disturbance

When the Chair is of the opinion that the due and orderly dispatch of business is impossible, he/she in addition to any other powers vested in him/her may, without question put, adjourn the meeting of the Council for such period as he/she in his/her discretion shall consider expedient.

26 Disturbance by public

26.1 Removal of member of the public

If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.

26.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.

27 Committees

27.1 Appointment of Committees

The Council shall at the annual meeting appoint such Committees as it is required to appoint under any statute or any Standing Order and may appoint at any time such other Committees as are necessary to carry out the work of the Council.

Subject to any statutory provision in that behalf the Council shall not appoint any member to a Committee so as to hold office later than the next annual meeting of the Council.

27.2 Committees

The following Committees shall be appointed:

- (a) Audit Committee - up to eight elected members
- (b) Policy and Resource Committee – up to 16 elected members
- (c) Environment Committee – up to 16 elected members
- (d) Development Committee – up to 16 elected members
- (e) Planning Committee – up to 16 elected members.

27.3 Duties of Committees

The Committees shall have charge of and be responsible to the Council for the undertakings and matters outlined within the constitution.

27.4 Standing Orders of Committees

All Standing Orders of the Council shall, where appropriate and with necessary modification, apply to Committee and Sub-Committee meetings.

27.5 Quorum at Committees and Sub Committees

Except where authorised by a statute or ordered by the Council, business shall not be transacted at a meeting of any Committee or Sub Committee unless at least one third of the whole number of the Committee is present.

27.6 Day and Hour of Committee Meetings

Each Committee may from time to time fix its own day and hour of meeting and shall notify the Council accordingly.

27.7 Special Meetings of Committees

The Chair of the Council or of a Committee may call a special meeting of a Committee at any time. Subject to any statutory provision in that behalf a special meeting shall also be called on the requisition of not less than three members of the Committee, delivered in writing to the Clerk, provided always that no two Committees shall sit at the same time.

27.8 Sub-Committees

Each Committee may appoint Sub-Committees for specific purposes. A Sub-Committee shall meet as often as necessary for the transaction of the business for which it was appointed. The minute of the Sub-Committee shall, whether appointed under this Standing Order or otherwise, be submitted to the parent Committee for confirmation previous to being brought before the Council.

27.9 Attendance at Committees and Sub-Committees

Every member of the Council may attend meetings of any Committee or Sub-Committee and shall be heard on any matter but shall not, unless they are a member of the Committee or Sub-Committee vote on any matter or propose any resolution or amendment.

27.10 Inspection of Documents

A member of the Council may, for purposes of their duty but not otherwise, on application to the Clerk, inspect any document which has been submitted to a Committee or to the Council and shall, on request, be supplied for the like purposes with a copy of such a document. Provided that a member shall not knowingly inspect and shall not call for a copy of any such document which relates to a matter in which they are professionally interested or in which they have directly or indirectly any pecuniary interest as defined in the Councillors Code of Conduct and that this Standing Order shall not preclude the Clerk from declining to allow inspection of any document which is, or in the event of legal proceedings, would be protected by privilege.

Subject to any statutory provision in that behalf, no member of the Council shall, without the consent of the Council, be entitled to inspect any document in the custody of any

officer of the Council if, in the opinion of that officer and of the Clerk, the document is of a confidential nature.

28 Planning Committee Protocol

Members shall make reference to and observe the protocol resolved by Council for the regulation and transaction of Planning Committee business. The protocol is detailed in Annex A.

29 Council Seal

29.1 Sealing of Documents

The Common Seal of the Council shall not be affixed to any document unless the sealing has been authorised by a resolution of the Council or of a Committee having lawful powers or to which the Council have delegated their powers in this behalf.

29.2 Record of Documents Sealed to be Kept

Where the Common Seal shall have been affixed at any meeting of the Council and entry of the sealing of every deed and other document shall be made in the minutes of the Meeting of the Council at which the affixing of the Seal took place.

A record of all documents sealed shall be kept in a book containing particulars of such documents and signed by the Chair and Clerk who attested the sealing.

30 Suspension and amendment of Standing Orders

30.1 Suspension

A member may move a motion for the suspension of one or more of these Council Standing Orders. A motion under this Standing Order shall require the support of a qualified majority vote within the meaning of section 40 of the 2014 Act. Suspension can only be for the duration of the meeting. The Minutes of the meeting must record the reason for the suspension. Mandatory standing orders may not be suspended by a council.

30.2 Amendment

Any motion to, add to, vary or revoke these Standing Orders will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council. The mandatory standing orders may not be added to, varied or revoked by the Council.

31 Interpretation of Standing Orders

The ruling of the Chair as to the interpretation, construction or application of any of these Standing Orders or as to any proceedings of the Council, shall not be challenged at any meeting of the Council.

**PROTOCOL FOR
THE OPERATION
MID ULSTER
DISTRICT COUNCIL
PLANNING
COMMITTEE**

Last updated by Mid Ulster District Council on 26th April 2018

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PURPOSE OF THE PROTOCOL

1. A protocol for the operation of Planning Committees was drafted by the Department of Environment in January 2015. Mid Ulster District Council (MUDC) has reviewed this document and has amended it to suit the needs of MUDC in the following way.
2. The purpose of the protocol for MUDC Planning Committee is to ensure that planning decisions are consistently taken, and are seen to be taken, in a fair and equitable manner. The protocol offers guidance for Councillors', applicants, agents and the general public
3. The protocol is not intended to change or alter the Standing Orders which apply to all Committee's or the Councillors' Code of Conduct.

REMIT OF THE PLANNING COMMITTEE

Development management

4. One of the main functions of the planning committee is to consider applications made to the Council which are either major in scale, complex or controversial as set out in the adopted Scheme of Delegation, and decide whether or not they should be approved. In order to ensure that decisions are taken at the appropriate level, the decisions of the planning committee are taken under full delegated authority and the decisions of the committee will therefore not normally go to the full council for ratification.

Development Plan

5. The local development plans for the Mid Ulster district currently comprise the Cookstown Area Plan, the Dungannon and South Tyrone Area Plan and the Magherafelt Area Plan. These will remain the statutory development plans until replaced by the Mid Ulster Local Development Plan (LPD). The Department of Environment planning policies will also be retained as set out in the Planning Policy Statements and Strategic Planning Policy Statement, until such times as new policies are brought forward and adopted in the LDP.
6. Section 8 of the Planning Act (NI) 2011 requires MUDC to prepare a LDP which will comprise a plan strategy and a local policies plan. The strategy will set out the objectives of MUDC in relation to the development land in the district, and the strategic policies for the implementation of those objectives. After the plan strategy has been adopted, a local policies plan will be prepared. This will set out the policy agreed by

MUDC in relation to what type and scale of development is appropriate and where it should be located.

7. The local development will form the basis for public and private investment decisions, providing a degree of certainty as to how land will be developed. In law, planning applications should be determined in accordance with the development plan unless other material considerations indicate otherwise. Therefore, where land is zoned for a particular use, the MUDC Planning Committee should ensure it is reserved for that use: for example, an application for housing in an area zoned for housing should be approved unless the design and layout fails in terms of the environmental, open space and access standards, or its design and layout has a detrimental impact on the character of the area or neighbouring amenity.
8. The MUDC Planning Committee will approve the local development plan before it is passed by resolution of the full council. The Planning Committee will also ensure that the local development plan is monitored annually, particularly in terms of the availability of housing and economic development land, and that it is reviewed every five years, giving consideration to whether there is a need to change the plan strategy or the zonings, designations and policies as contained in the local policies plan.

SIZE OF COMMITTEE

9. The MUDC Planning Committee consists of 16 elected members.

The Planning Manager and/or the Head of Development Management or Head of Development Plan and Enforcement will attend planning committee meetings as appropriate.

FREQUENCY OF MEETINGS

10. The Planning Committee will meet at least once every calendar month. Additional meetings will be at the discretion of the Chair of the Committee with the consent of the Committee members. Dates for Planning Committee meetings are published on the Council's website.

SCHEMES OF DELEGATION

11. There are two Schemes of Delegation. One relating to planning applications which is prepared under Section 31 of the Planning Act (Northern Ireland) 2011. The other scheme

deals with planning consents, certificates, tree preservation orders, enforcement of planning control and other determinations and is prepared under Section 7 (4) (b) of the Local Government Act 2014. The purpose of the Schemes of Delegation is to set out those decisions which shall be made by the Planning Committee and those which are the responsibility of the Planning Manager. The Planning Manager is responsible for determining the vast majority of applications, however these tend to be applications that are smaller in scale, local in character and uncontroversial. Whereas the Planning Committee resolves those applications which are either major in scale, subject to dispute or could give rise to a conflict of interest. The MUDC Schemes of Delegation for the Planning function are available to view at www.midulstercouncil.org . The Scheme of Delegation will be reviewed on a regular basis, normally annually.

ENFORCEMENT

12. The planning Committee will determine when an enforcement notice should be served and other enforcement decisions as laid down in the Scheme of Delegation. In addition to those cases presented to the Planning Committee for decision, a monthly report from officers on the enforcement performance (number of cases opened, cases closed, notices issued and convictions obtained) will be provided to members.
13. Enforcement matters will be discussed in the closed section of the Planning Committee meeting (i.e. In Committee) to ensure MUDC complies with the provisions of the Data Protection Act and to ensure that future legal proceedings are not prejudiced.
14. An enforcement strategy, detailing how enforcement action will be dealt with, was agreed by the Planning Committee on 19th January 2016. This is available on the Council website.

REFERRAL OF DELEGATED APPLICATIONS TO THE PLANNING COMMITTEE

15. The Scheme of Delegation agreed by MUDC includes the provision for members (including those not on the Planning Committee) to request, where they consider it appropriate, that an application which would normally fall within the Scheme of Delegation, to be referred to the Planning Committee for determination. In addition, the Planning Manager can also refer any matter which he considers suitable for determination by the Planning Committee. Members of the public cannot directly request that an application be referred to the Planning Committee. Any referral request **must** be made in writing.

FORMAT OF PLANNING COMMITTEE MEETINGS

16. MUDC will operate its Planning Committee in line with its approved standing orders. In doing so, the following procedural arrangements will apply:
- the planning office will prepare a weekly list, which will be circulated to all members, of all valid applications that have been received;
 - all planning committee members will be sent the agenda at least 5 days in advance of the meeting with a report on each application to be decided;
 - if necessary, officers will prepare an addendum on the day of the meeting to report any updates since the agenda was issued; and
 - the Chair of the Planning Committee will hold a briefing session with planning officers on each application to be considered in advance of the planning committee meeting.
 - all committee items will be bookmarked and reports presented with visual aids to show the site and the proposal.
17. The meeting will be presided over by the Chair of the Planning Committee. Following the approval of the minutes of the previous meeting and apologies, Councillors' will be given the opportunity to declare any interests they have on the agenda items, which should be recorded in the minutes of the meeting. Where a member has declared an interest in an application they cannot vote on that item and must either leave the meeting or sit in the public gallery for that item. However, they may make representations as per the normal speaking rights applicable to all councillors.

Consideration of Planning Applications

18. The planning officer's report, which makes a recommendation on whether the application should be approved, approved with conditions or refused will be considered. Plans and photographs may be shown as appropriate.
19. In considering the report, members also have the opportunity to listen to speakers, ask questions of the officer and speakers, discuss and debate the case before taking a vote on whether or not to agree with the officer's recommendation. Members however should not engage in open conversation with speakers. They should normally only

speaking once on any application in order to ensure committee business is dealt with in a speedy manner. The Chair retains the discretion to curtail members where points are being made repeatedly. The Chair has a casting vote. Where the majority of members vote against an opinion to approve and in the absence of any other proposals, such as the deferral of the application, the application will be deemed to have been refused. The Planning Manager, based on the Committee's decision, will furnish the detailed reasons for refusal.

20. Members can add conditions to a permission but they cannot amend the application itself (for example, by allowing a one-bedroom flat if the application is for a two-bedroom flat). Any additional conditions should be proposed and seconded before being voted on by members. As conditions can be tested at appeal and they should, therefore, be (i) necessary, (ii) relevant to planning and the development under consideration, (iii) enforceable, (iv) precise, and (v) reasonable in all other respects. Therefore, where alterations to conditions are proposed, the Committee will seek the advice of the Planning Manager. Where new conditions are proposed by the Committee, the precise wording of the conditions can be left to the discretion of the Planning Manager.
21. Members cannot take part in a debate or vote on an item unless they have been present for the entire item, including the officer's introduction and update.
22. Separate arrangement will be used to discuss special domestic or personal circumstances. Normally this will be held in Committee with members of the public and press excluded. An opportunity will be given for the applicant and objectors to present their case, but each separately. Once this has been done each party will be asked to leave in order for the Committee to discuss and determine the application.

PUBLIC SPEAKING AT PLANNING COMMITTEE MEETINGS

23. The following procedures will apply to MUDC Planning Committee meetings:
 - planning committee meetings will be open to the public;
 - Requests to speak must be received by the council (in writing or by email) no later than 12.00pm two working days prior to the meeting. The request should state whether they wish to speak in support or in opposition to a planning application. Any written information that the speaker wishes to circulate to members of the committee **must** also be provided at this time. Any written information received after this time **will not** be circulated;
 - Where a speaker wishes to request that an application be deferred for

consideration of additional information, then, at the time of the request they should set out their reasons for making such a request. The Planning Manager should review these requests prior to the meeting and, where the case warrants a deferral, the Planning Manager should ask the Committee to defer the item, noting any action to be taken.

- Where a speaker has availed of the opportunity to speak to the Committee, they will not normally be given the opportunity to speak for a second time if the application is deferred and returned to Committee for final decision.
- The order of speakers is a matter for the Chair, however, this will normally require objectors speaking before the applicant or their agent in order to allow the applicant the opportunity to respond to any issues raised. Thus, if members wish to speak, they should do so before the applicant/agent;
- All parties speaking at Planning Committee may be asked questions by members or the Planning Manager;
- The Planning Committee will be provided with copies of the information supplied by those who will be speaking at the Committee;
- other elected members may attend and speak about an application but only planning committee members can vote;
- elected members and members of the public (including agents / representatives etc.) may speak for up to 3 minutes;
- Where more than one person wishes to speak on behalf of or against a development, they will be encouraged to elect a spokesperson and, in any event, required to share the 3 minutes speaking time.
- documentation not received in advance of the meeting will not be permitted to be circulated to members by speakers;
- Planning officers can address any issues raised and the planning committee can question officers;
- Any exception to normal speaking rights and procedures will be a matter for the Chair.

DECISIONS CONTRARY TO OFFICER RECOMMENDATION

24. The Planning Committee will reach its own decision on applications put before it. Officers offer advice and make a recommendation. Planning officers' views, opinions and recommendations may, on occasion, be at odds with the views, opinions or decisions of the Planning Committee or its members. This is acceptable where planning issues are

finely balanced as there should always be scope for members to express a different view from officers. The Planning Committee can accept or place a different interpretation on, or give different weight to, the various arguments and material planning considerations.

Overturning recommendation to approve

25. If a member does not agree with the officer recommendation to approve an application, they can propose reasons for refusal, which must be seconded by another member and then voted on. Any decision by the Planning Committee **must be based on proper planning reasons**. The Planning Manager (or their deputy) will be given the opportunity to explain the implications of the Planning Committee's decision. The reasons for any decisions which are made contrary to the planning officer's recommendation will be formally recorded in the minutes and a copy placed on the planning application file / electronic record.
26. As the refusal of a planning application that officers have recommended for approval may be overturned on appeal (to the Planning Appeals Commission), with the potential for costs awarded against MUDC, the Chair will seek the views of officers (including the council's solicitor) before going to the vote in terms of reasons for refusal that are contrary to officer recommendation. Officers will summarise what are considered to be the main reasons for refusal referred to by members during the debate and advise on what would be reasonable and what would not be reasonable reasons for refusal. Where appropriate the Planning Manager may also comment on whether a refusal on the proposed grounds is defensible, particularly at planning appeal.
27. The Planning Manager, in liaison with the Council Solicitor, will present the Committee's decision at planning appeal or in the courts or in any other forum.

Overturning recommendation to refuse

28. MUDC Planning Committee may decide to approve an application against the officer's recommendation to refuse, aware that while there is no right of third party appeal, there is the possibility that the decision could be subject to judicial review. However, before making such a decision, the advice of the Planning Manager should be sought. Where an approval is granted contrary to officer advice, the Planning Manager and Council Solicitor will present the Council's decision is defended in the courts or any other forum.
29. The minutes should, in so far as is possible, accurately reflect the discussions and decisions taken during the meeting(s) as these could be used as

evidence should any complaints be made about how decisions are taken. Members can take their own notes on controversial applications.

DECISIONS CONTRARY TO LOCAL DEVELOPMENT PLAN

30. In general, planning decisions will be taken in accordance with the local development plan (in so far as it is material to the application) unless material considerations indicate otherwise. If a Planning Committee member proposes, seconds or supports a decision contrary to the local development plan they will have to clearly identify and understand the planning reasons for doing so, and demonstrate how these reasons justify overruling the development plan. The reasons for any decisions which are made contrary to the development plan will be formally recorded in the minutes and a copy placed on the planning application file / electronic record. Before making such decisions the advice of the Planning Manager shall be sought.

DEFERRALS

31. The Planning Committee can decide to defer consideration of an application to the next meeting for further information, further negotiations, or for a site visit. Before deferring an application the advice of the Planning Manager shall be sought and the purpose of the deferral clearly set out. Deferrals will inevitably have an adverse effect on processing times and therefore will be restricted to one deferral only. The Planning Manager may also ask the Committee to defer an application where it has been brought to his attention that there are errors or omissions in the case officer's report or where there is a matter worthy of further consideration.
32. Where an office meeting is to be held all councillors' will normally be informed and may make representations on behalf of objectors or applicants. However, where a member of the planning committee chooses to make representations then they will be required to declare a conflict of interest and will not be able to vote on the application at the next planning committee meeting at which the application is to be determined.

SITE VISITS

33. On occasions, members of the Planning Committee may need to visit a site to help them make a decision on a planning application (e.g. where the impact or effect of the proposed development is difficult to visualise from the plans or photographs, or the

application is particularly contentious). These visits will be undertaken on an exceptional basis where appropriate. Where required, they may be identified by officers in consultation with the Chair or they may be asked for by Planning Committee members.

34. The Planning Committee clerk will contact the applicant / agent to arrange access to the site. Invitations will then be sent to members of the Planning Committee. Site visits will not be used as an opportunity to lobby Councillors' or to seek to influence the outcome of a proposal prior to the Planning Committee meeting. Members will not carry out their own unaccompanied site visits as there may be issues relating to permission for access to land, or they may not have the information provided by the planning officer and, in some circumstances (e.g. where a Councillor is seen with applicant or objector) it might lead to allegations of bias. Only Planning Committee members, officers, and local Councillors' should be permitted to attend the site visit. Where possible, the full planning committee should attend site visits, unless there are good reasons (e.g. a member is already very familiar with the site). The clerk to the planning committee will record the date of the visit, attendees and any other relevant information.
35. Planning officers will prepare a written report on the site visit which will then be considered at the next Planning Committee meeting at which the application is to be determined.

PRE-DETERMINATION HEARINGS

36. Regulation 7 of the Planning (Development Management) Regulations (NI) 2015 sets out a mandatory requirement for pre-determination hearings for those major developments which have been subject to notification (i.e. referred to the Department of Environment for call-in consideration, but that have been returned to a council for determination). In such cases MUDC Planning Committee will hold a hearing prior to the application being determined.

In addition, the Planning Committee may also hold pre-determination hearings, at its discretion, when considered necessary, to take on board local community views, as well as those in support of the development.

37. In the main MUDC will only hold pre-determination hearings where there is a mandatory requirement as the speaking rights at planning committee are adequate to deal with nearly all cases. An exception may be made for major developments having taken into account:

- the relevance of the objections in planning terms;
- the extent to which relevant objections are representative of the community, particularly in the context of pre-application community consultation; and
- the number of representations against the proposal in relation to where the proposal is and the number of people likely to be affected by the proposal.

38. The hearing will take place after the expiry of the period for making representations on the application but before the council decides the application. The Planning Committee will decide whether to have a hearing on the same day as the related planning application is determined by the Planning Committee or to hold a separate hearing.

In holding a hearing the Planning Committee procedures will be the same as for the normal planning committee meetings (e.g. number of individuals to speak on either side, time available to speakers etc.). The planning officer will produce a report detailing the processing of the application to date and the planning issues to be considered. If the hearing is to be held on the same day as the application is to be determined, the report to members will also contain a recommendation.

TRAINING

39. Councillors' sitting on planning committees are required to attend relevant training on planning matters before they can sit on the Planning Committee.

LEGAL ADVISER

40. The MUDC Planning Committee has access to its own in-house legal advice on planning matters.



ANNEX B

INTERIM STANDING ORDERS REMOTE MEETINGS PROTOCOL AND PROCEDURE RULES

These Interim Standing Orders have been produced for the purpose of proper administration, good order and clarity in relation to the conduct of any meeting that is held, either wholly or partly, by remote means.

This is as a consequence of the COVID19 pandemic and the enactment of legislation on 1st May 2020 that allowed for; remote meetings; remote attendance by members and members of the public, where applicable; and remote access by members of the public and press.

1. Definitions

“The 2020 Regulations” means The Local Government (Coronavirus) (Flexibility of District Council Meetings) Regulations (Northern Ireland) 2020 No.74;

“The 2020 Act” means the Coronavirus Act 2020;

“remote access” means the ability to attend or participate in a meeting by electronic means, including but not limited to, by telephone conference, video conference, live webcasts and live interactive streaming;

“remote attendance” means fulfilling conditions (i)-(iii) inclusive in Interim Standing Order 7 or 8 below, as appropriate;

“open to the public” includes remote access to the meeting and where a meeting is accessible to the public through such remote means the meeting is open to the public whether or not members of the public are able to attend the meeting in person.

2. Introduction and Application of these Interim Standing Orders

These Interim Standing Orders provide for the good administration and proper order of any remote meeting, either wholly or partially, of the Council and its various Committees.

These Interim Standing Orders should be read in conjunction with the Council’s Standing Orders and Procedure Rules within the Constitution. The 2020 Regulations, made under section 78 of the 2020 Act and subsequent legislation applies notwithstanding any other legislation or current or pre-existing standing orders or any other rules of the Council governing meetings.

These Interim Standing Orders do not negate the validity of the Council’s Standing Orders. Wherever there is a conflict, these Interim Standing Orders take precedence

only in relation to any aspect of the meeting, attendance or access that is by remote means.

3. Commencement and Duration

These Interim Standing Orders exist on a temporary basis, taking effect immediately from and including their adoption on 28 May 2020. They remain valid and in existence unless revoked by the Council or in the absence of continuing legislative provision.

4. References to “place” and “present”

Any references to a council meeting in the Standing Orders, is not limited to a meeting of members, all or any of whom, are present in the same place. Any reference to “place” where a meeting is held, or to be held, includes reference to more than one place, including electronic, digital or virtual locations, e.g., internet locations, web addresses or conference call addresses.

The Annual Meeting and meetings of the Council shall be held at 7pm in the place or places specified on the summons.

The ‘place’ at which the meeting is held may be at a Council building or may be where the organiser of the meeting is located or may be an electronic or a digital or virtual location, a web address or a conference call telephone number; or could be a number of these combined. The meeting may also be held in a Council building with a proportion of the membership and any participating public additionally attending remotely. The place of the meeting will be specified on the notice.

Any references to being “present” in the Constitution and Standing Orders, includes being present through remote attendance.

5. Notice and Summons of Meetings

The requisite notice shall be given to the public of the time and place of the meeting, and the agenda, together with a link to view the meeting. The notice will be available on the Council’s website.

6. Public access

Subject to below, meetings will be open to the public and members of the press and public will be encouraged to use remote access facilities provided by the Council to access a meeting remotely.

If the Chair is made aware that the meeting is not accessible to the public through remote means, due to any technological or other failure of provision by the Council, then the Chair shall adjourn the meeting immediately. If the provision of access through remote means cannot be restored within a reasonable period, then the remaining

business will be considered at a time and date fixed by the Chair. If the Chair does not fix a date, the remaining business will be considered at the next ordinary meeting.

Exclusion of Public and Press

When council meetings are not open to the public, i.e., when confidential, or “exempt” issues are under consideration, the meeting facilitator will ensure that there are no members of the public in remote attendance or remotely accessing the meeting are able to hear or see the proceedings once the exclusion has been agreed by the meeting.

Where there is disturbance by the public, the Chair will warn the person concerned and can order that their remote access is severed, if the interruption continues.

7. Remote Attendance by Members

A Member in remote attendance is present and attends the meeting, including for the purposes of the meeting’s quorum, if at any time all three of the following conditions are satisfied, those conditions being that the Member in remote attendance is able at that time:

- (i) to hear and be so heard by and, where practicable, to see and be seen by, the other Members in attendance.
- (ii) to hear and be so heard by and, where practicable, to see and be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting; and
- (iii) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.

Where a member who is in remote attendance is muted or has forgotten to unmute themselves when they are speaking, this does not mean that they are unable to be heard for the purposes of 7(i)-(iii) above.

If a Member in remote attendance is leaving the meeting, they must indicate to the Chair when they are doing so. A member will be deemed to have left the meeting where, at any point in time during the meeting, any one of the conditions for remote attendance contained in 7(i)-(iii) above are not met. In such circumstance the Chair may, as they deem appropriate and subject to any indication given by the Member to the Chair;

- adjourn the meeting for a short period to permit the conditions for remote attendance of a Member contained in (i)-(iii) above to be re-established;
- count the number of Members in attendance for the purposes of the quorum; or
- continue to transact the remaining business of the meeting in the absence of the Member that is no longer in remote attendance.

A member who disconnects and re-connects to the meeting due to technological issues is still “present throughout” as long as any matters discussed during their absence are repeated.

8. Remote Attendance by the Public

A member of the public entitled to attend the meeting in order to exercise a right to speak, or make a deputation, at the meeting is in remote attendance at any time if all three of the following conditions are satisfied, those conditions being that the member of the public in remote attendance is able at that time:

- (i) to hear and be so heard by and, where practicable, to see and be seen by, Members in attendance;
- (ii) to hear and be so heard by and, where practicable, to see and be seen by, any other members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting; and
- (iii) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.

A member of the public in remote attendance and entitled to exercise a right to speak or make a deputation, will be deemed to have left the meeting where, at any point in time during the meeting, any one of the conditions for remote attendance contained in 8(i)-(iii) above are not met. In such circumstance the Chair may, as they deem appropriate:

- (a) adjourn the meeting for a short period to permit the conditions for remote attendance contained in 8(i)-(iii) above to be re-established;
- (b) suspend consideration of the item of business in relation to the member of public’s attendance until such time as a following item of business on the agenda has been transacted and the conditions for the member of the public’s remote attendance have been re-established or, on confirmation that this cannot be done, before the end of the meeting, whichever is the earliest; or
- (c) continue to transact the remaining business of the meeting in the absence of the member of the public in remote attendance.

Refer to Planning section for difference in proceeding in these circumstances.

9. Remote Voting

In relation to the Chair taking the vote by a show of hands, this will involve those members in remote attendance ensuring their video is turned on and raising their hands.

If the Chair is unable to see a Member in remote attendance, the Chair will ask that member to verbally indicate how they wish to cast their vote.

The Chair may, in their absolute discretion, decide to call a vote by remote means using an electronic voting system for remote voting.

10. Access to Information

Members of the public may access minutes, decision and other relevant documents through the Council's website.

11. Postponing a meeting

The Chair can postpone a meeting by giving 24 hours' notice to members, or such shorter period as the Chair may determine in cases of urgency. The same notice will be published on the Council's notice.

12. Planning

The Protocol for the operation of the Planning Committee is amended as follows:-

Addendum

Any additional papers tabled at a Planning Committee meeting by way of the Addendum must be emailed to each Committee member by 5pm on the evening of the Committee.

At the start of each meeting, the Chair will ask members to confirm that; (i) they've received the Addendum; and (ii) they've had sufficient time to review same. If any member indicates in the negative to 12(i) and/or (ii), the Chair will allow, by a short adjournment if necessary, for these to be delivered to and read by said member.

Visual Aids

To ensure that a member in remote attendance can clearly follow any officer presentation, copies of the presentation should be shown simultaneously and be able to be seen by the member in remote attendance.

Speaking Rights

Any reference to speaking rights and the exercise of same (with the exception of Pre Determination Hearings below) will be treated as follows:-

- a. In the first instance, the requester will be offered an opportunity to attend the meeting by remote access.
- b. If the requester is unable to attend remotely, and subject to the Council being able to facilitate attendance in person, the requester will be offered the opportunity to attend the meeting in person. Please note only one person per speaking time will be able to attend in person and so speaking time cannot be shared (e.g., one person for applicant; one person against development); and
- c. If the requester is unable or unwilling to exercise speaking rights by virtue of 12a. or b. above, they will be able to provide Written Submissions no later than 12pm two working days prior to the meeting, which will be circulated to members the Committee.

The deadline for receipt of requests to speak including the submission of any written information remains as per paragraph 23 of the Protocol on the Operation of the Planning Committee, i.e., no later than 12pm two working days prior to the meeting.

Pre Determination Hearings

Any reference to speaking rights and the exercise of same in relation to Pre Determination Hearings will be treated as follows:-

1. In the first instance, the requester will be offered an opportunity to attend the meeting by remote access and the conditions in Interim Standing Order 8(i)-(iii) must be met;
2. If the requester is unable to attend remotely, and subject to the Council being able to facilitate attendance in person, the requester will be offered the opportunity to attend the meeting in person. Please note only one person per speaking time will be able to attend in person and so speaking time cannot be shared (e.g., one person for applicant; one person against development).

Remote attendance by the public

Where a member of the public in remote attendance and entitled to exercise a right to speak has been deemed to have left the meeting when their particular application is under consideration, the Chair may, as they deem appropriate:

- (a) adjourn the meeting for a short period to permit the conditions for remote attendance contained in (i)-(iii) of Interim Standing Order 8 above to be re-established;
- (b) suspend consideration of the item of business in relation to the member of public's attendance until such time as a following item of business on the agenda has been transacted and the conditions for the member of the public's remote attendance have been re-established. If the conditions for the member of the public's remote attendance cannot be satisfied prior to the conclusion of the meeting and before the committee resolves to go in to closed business, the application under consideration will be deferred until the next available Planning Committee meeting.

Declaration of Interests

Where a Member in remote attendance has declared an interest in an application and would ordinarily be required to leave the meeting or sit in the public gallery, that member will be required to turn their video off and have their microphone muted whilst any discussion or vote takes place in respect of the item or items of business which the member may not participate.

13. Licensing

When considering any application relating to the licensing function of the council and there exists a statutory requirement that the Council gives an opportunity of appearing before and of being heard by the council to any person, or words to that effect, then the Committee can satisfy this requirement by:-

1. In the first instance, the Speaker will be offered an opportunity to attend the meeting by remote access and the conditions in Interim Standing Order 8(i)-(iii) must be met;
2. If the Speaker is unable to attend remotely, and subject to the Council being able to facilitate attendance in person, the Speaker will be offered the opportunity to attend the meeting in person. Please note only one person per speaking time will be able to attend in person and so speaking time cannot be shared.

3.5 Executive Procedure Rules

Not applicable. Mid Ulster District Council has not resolved to operate a system of Executive Arrangements. This section will be updated should it elect to do so.

3.6 Overview and Scrutiny Procedure Rules

Mid Ulster District Council currently does not operate within Executive Arrangements and hence require an Overview and Scrutiny Procedure. Council has not resolved to operate a system of Executive Arrangements. This section will be updated should it elect to do so.

3.7 Financial Procedure Rules

3.7.1 The budget framework

3.7.1.1 The Council is responsible for agreeing the budget framework in accordance with 3.2 (Budget and Policy Framework Procedure Rules).

3.7.1.2 The Chief Financial Officer is responsible for:

- Ensuring that the Council's financial systems are sound;
- Establishing arrangements to be notified in advance of and approve any proposed new developments or changes to existing financial systems;
- The operation and administration of accounting systems including budgetary control systems, the form of accounts, including the publication thereof, and the supporting financial records; and
- Design and operation of the Council's governance framework, including support of and liaison with the Audit Committee, External and Internal Auditors

3.7.1.3 The Directors and Heads of Service are responsible for:

- The proper operation of financial and other controls in their respective service, including the design, testing and implementation of effective contingency and backup procedures;
- Maintenance and secure retention of relevant accounting and other records;
- Documentation of systems and ensuring that staff receive appropriate relevant financial training before they are granted access to financial systems and responsibility for financial transactions;
- Design and operation of a proper scheme of delegation in their area which is consistent with Council's financial delegations and other relevant policies such as the Procurement Policy;
- Ensuring that all relevant staff:
 - Are familiar with budgetary parameters;
 - Monitor budgetary performance on a timely basis and promptly investigate, report and action any and all significant budgetary variations; and
 - Contribute effectively to budget preparation

3.7.2 Budget preparation and business plans

- 3.7.2.1 The Chief Financial Officer will prepare an annual budget in accordance with 3.2 (Budget and Policy Framework Procedure Rules).
- 3.7.2.2 The Directors and Heads of Service shall support the Chief Financial Officer in the preparation of the annual budget. Each officer shall provide on a timely basis such information and explanations as are necessary to enable the Chief Financial Officer to prepare the annual budget. The information and explanations shall include:
- Staff establishment and associated costs;
 - Revenue costs;
 - Capital costs; and
 - Other financial and performance information including potential for and implications of legislative and/or delivery changes and/or economic opportunities and threats/sanctions
- 3.7.2.3 The Chief Financial Officer shall ensure that all relevant policies (e.g. Minimum Revenue Provision Policy), Prudential indicators and strategies (e.g. Treasury Management Strategy) are prepared and presented to the Policy and Resources Committee and the Council on a timely basis.
- 3.7.2.4 Each Director shall ensure that the budgets and establishment approved by Council are accurately reflected in the Council's budgetary control system as soon as practicable post 1 April.
- 3.7.2.5 Directors and Heads of Service shall prepare business and service improvement plans together with proportionate economic appraisals to support the delivery of the Council's objectives and in conformance with Council policy.

3.7.3 Financial Regulations

- 3.7.3.1 The Director of Finance is responsible for the administration of the Council's financial affairs. This responsibility includes the preparation and issue of financial regulations which are the rules which govern the management of the Council's financial resources. The Director of Finance will ensure that the Financial Regulations and any subsequent revisions and/or additions thereto are made available to all Directors, Heads of Service and Members.
- 3.7.3.2 It is the personal responsibility of all Directors and Heads of Service to comply with the Financial Regulations and to ensure that all subordinate staff within their departments comply with all relevant Regulations. Failure to comply with Financial Regulations may constitute a disciplinary offence.

3.7.4 Virement

- 3.7.4.1 Virement rules are intended to allow the Chief Financial Officer to manage the annual budget once it has been approved by the Council, while also providing for good governance.
- 3.7.4.2 A virement is the transfer of financial resources between budget heads within a financial year.
- 3.7.4.3 The Chief Financial Officer shall have the authority to vire resources within and between budget heads subject to the following conditions:
- All individual virements that exceed £500,000 require Council approval;
 - Individual virements within the same budget head shall not, within any three month period, exceed £500,000 without Council approval;
 - Individual budget virements between budget heads that exceed £250,000 require Council approval;
 - Individual virements between budget heads shall not, within any three month period, exceed £250,000 without Council approval;
- 3.7.4.4 Individual Directors shall have the authority to vire resources within budget heads subject to the following conditions:
- All individual virements that exceed £20,000 require the approval of the Chief Financial Officer;
 - Individual virements within the same budget head shall not, within any three month period, exceed £50,000 without the approval of the Chief Financial Officer;
 - Transfers of agreed budget amounts between budget heads to facilitate the transfer of activity from one department to another shall not be deemed a virement for the purpose of these Rules. However, such transfers will not be actioned without the approval of the Chief Financial Officer; and
 - All virements/transfers of agreed budget amounts, together with the reasons therefor, must be submitted by the relevant Director(s) in the prescribed format for processing to the Director of Finance.
- 3.7.4.5 The Director of Finance shall ensure that appropriately requested (and authorised where relevant) virements/transfers are actioned within 10 working days of receipt.
- 3.7.4.6 Virements/transfers actioned shall be reported to the Chief Executive in the prescribed format on a monthly basis.
- 3.7.4.7 Certain virements shall not be actioned without the express approval of the Director of Finance. For example:

- Capital financing;
- 'Support' or 'common' costs which are allocated between departments;
- Non-cash expenditure, where relevant

3.7.4.8 Virements can have significant impacts on service delivery and/or communities generally. Consequently, Directors shall be required to explicitly consider the potential for same when considering requesting a virement regardless of quantum.

Part 4

Codes and Protocols

- 4.1 Northern Ireland Local Government Code of Conduct for Councillors
- 4.2 Code of Conduct for Officers including Local Government Employee and Councillor Working Relationship Protocol

Code of Conduct for Councillors

The Northern Ireland Local Government Code of Conduct for Councillors



Department of the
Environment
www.doeni.gov.uk

Approved by the Northern Ireland
Assembly on 27 May 2014

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1. **INTRODUCTION**

Effective Date of the Northern Ireland Local Government Code of Conduct for Councillors (the Code)

- 1.1 Parts 1 to 8 came into force on 28 May 2014 and Part 9 (Planning) shall come into force on 1 April 2015. The Code has been laid in draft and approved by a resolution of the Assembly. The Code may be amended or revised at any time but such amendment or revision is subject to the same Assembly procedure.

Background

The Local Government Act (Northern Ireland) 2014 (the 2014 Act)

- 1.2 As a consequence of decisions taken by the Northern Ireland Executive on the future shape of local government, the 2014 Act contains a number of provisions for the reform of local government. These include a new ethical framework for local government in Northern Ireland, a key element of which is the introduction of a mandatory code of conduct for councillors. Previously, councillors were guided by the non-mandatory Northern Ireland Code of Local Government Conduct which issued in April 2003.
- 1.3 The 2014 Act:-
- provides for the introduction of a mandatory Northern Ireland Local Government Code of Conduct for Councillors;
 - imposes a requirement for councillors to observe the Code; and
 - establishes mechanisms for the investigation and adjudication of written complaints that a councillor has failed, or may have failed, to comply with the Code.
- 1.4 The 2014 Act requires the Department to consult councils and such associations and bodies representative of councils and council officers and such other persons as appear to it to be appropriate, before issuing or revising the Code.

Public expectations

- 1.5 The Northern Ireland public has the right to expect high standards of behaviour from councillors and the manner in which they should conduct themselves in undertaking their official duties and in maintaining working relationships with fellow councillors and council employees. As a councillor, you must meet those expectations by ensuring that your conduct complies with the Code. The Code details the principles and rules of conduct which you are required to observe when acting as a councillor and in conducting council business. Therefore your behaviour will be judged against these standards of conduct.

Guidance

- 1.6 To assist you in understanding your obligations under the Code, you should read the guidance available from:
- the Northern Ireland Commissioner for Complaints, on the application of the Code and the complaints procedure,
 - the Department, on planning matters, and
 - the Equality Commission for Northern Ireland on section 75 obligations.
- Information on where you can find this guidance and additional contact details are provided at Annex A.

2. REQUIREMENT TO COMPLY WITH THE CODE

Who does the Code apply to?

- 2.1 The Code applies to councillors of councils established in accordance with section 1 of the Local Government Act (Northern Ireland) 1972 Act (the 1972 Act) as amended by the Local Government (Boundaries) Act (Northern Ireland) 2008.
- 2.2 The Code will also apply to councillors of existing councils¹ and shall continue to apply until those councils are dissolved in April 2015.

¹ "existing councils" refers to those councils currently in place prior to the local government elections on 22 May 2014

- 2.3 The 1972 Act requires a councillor to serve on the Chief Executive of their council, a declaration of acceptance of office before they can act in the capacity of councillor. This declaration includes an undertaking that the councillor has read and will observe the Code (as revised from time to time).
- 2.4 The 2014 Act requires that a person who is not an elected person, but who becomes a member of any committee of a council, may not act as such unless they have given a written undertaking to the Chief Executive of the council and, in the case of a joint committee, to each of the Chief Executives of the councils constituting the committee. This includes an undertaking that they have read and will observe the Code (as revised from time to time).
- 2.5 In summary, the Code applies to the following persons-
- (a) any person who is elected to office within a council,
 - (b) any person chosen under section 11(4b) of the Electoral Law Act (Northern Ireland) 1962 to fill a casual vacancy,
 - (c) any person treated as a non-voting member by section 17 of the 2014 Act, and
 - (d) any person who is not an elected representative as mentioned in section 28(4) of the 2014 Act.

Throughout the Code, where the term "councillor" is used, it shall refer to those persons mentioned in sub-paragraphs (a) to (d) above.

- 2.6 As a councillor, it is your responsibility to make sure that you are familiar with the provisions of the Code and that you comply with those provisions.

When does the Code apply?

- 2.7 You must observe the Code:
- (a) whenever you conduct the business, or are present at a meeting, of your council;
 - (b) whenever you act, claim to act or give the impression you are acting in the role of a councillor; and
 - (c) whenever you act, claim to act or give the impression you are acting as a representative of your council.

- 2.8 You must also observe the Code if you are appointed or nominated to represent your council on another body **unless**:
- (a) that body has its own code of conduct relating to its members, in which case you must observe that code of conduct; or
 - (b) compliance with the Code conflicts with any other lawful obligations to which that body may be subject. (You must draw such conflict to the attention of your council and to the other body as soon as it becomes apparent to you.)
- 2.9 In addition to the circumstances stipulated in paragraphs 2.7 and 2.8, you must observe the Code at all times in relation to:
- (a) conduct which could reasonably be regarded as bringing your position as councillor or your council into disrepute (including such conduct that relates to your appointment to another body, even if that appointment did not arise from your position as a councillor);
 - (b) conduct relating to the procuring, advocating or encouraging of any action contrary to the Code;
 - (c) conduct relating to the improper use, or attempted use, of your position to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage; and
 - (d) conduct relating to the use, or the authorisation of the use by others, of the resources of your council.

Enforcement of the Code

- 2.10 The 2014 Act gives the Northern Ireland Ombudsman, in his capacity as the Northern Ireland Commissioner for Complaints (the Commissioner), responsibility for the operation of the enforcing mechanisms of this Code. The 2014 Act extends the functions of the Commissioner's Office to include the investigation of, and adjudication on, alleged failure to comply with the Code.

- 2.11 The Commissioner may investigate written complaints from any person that a councillor (or former councillor) has failed, or may have failed, to comply with the Code. The Commissioner may also investigate cases of alleged failure to comply with the Code which come to his attention as a result of an investigation of a written complaint.
- 2.12 Where the Commissioner, having undertaken an investigation, determines that he should make an adjudication on the matters investigated, he will decide whether or not there has been a failure to comply with the Code. Where the Commissioner decides that there has been such a failure, he will decide whether no action should be taken or whether he should-
- (a) censure the person found to have failed to comply with the Code;
 - (b) suspend, or partially suspend, the person from being a councillor for a period of up to one year; or
 - (c) disqualify the person for being, or becoming, a councillor for a period of up to five years.

3. **PRINCIPLES OF CONDUCT**

- 3.1 The Code is based on 12 principles of conduct (the Principles), which are intended to promote the highest possible standards of behaviour for councillors. The Principles draw on the seven principles of conduct that the Committee on Standards in Public Life believed ought to underpin public life², and the five further principles of conduct that have been adopted by the Northern Ireland Assembly. As a councillor, you must observe these Principles.
- 3.2 The rules of conduct set out in the Code (the Rules) are the specific application of the Principles. Your compliance with the Rules, which is required under the Code, will help you meet the high standards of conduct promoted by the Principles.

² Committee on Standards in Public Life, Members of Parliament, ministers, civil servants and quangos (First Report) May 1995

3.3 The 12 principles of conduct are:

Public Duty

You have a duty to uphold the law and to act on all occasions in accordance with the public trust placed in you.

You have a general duty to act in the interests of the community as a whole.

You have a special duty to your constituents and are responsible to the electorate who are the final arbiter of your conduct as a public representative.

Selflessness

You should act in the public interest at all times and you should take decisions solely in terms of the public interest. You should not act in order to gain financial or other material benefits for yourself, your family, friends or associates.

Integrity

You should not place yourself under any financial or other obligation to outside individuals or organisations, which might reasonably be thought by others to influence you in the performance of your duties as a councillor.

Objectivity

In carrying out council business, including considering public appointments, awarding contracts or recommending individuals for rewards and benefits, you should make choices on merit.

Accountability

You are accountable to the public for your decisions and actions and for the way that you carry out your responsibilities as a councillor and must submit yourself to whatever scrutiny is appropriate to your responsibilities.

Openness

You should be as open as possible about the decisions and actions that you take. You should give reasons for your decisions when required and restrict information only when the wider public interest clearly demands it.

Honesty

You should act honestly. You have a duty to declare any private interests relating to your public duties. You should take steps to resolve any conflicts between your private interests and public duties at once and in a way that protects the public interest.

Leadership

You should promote and support these principles by leadership and example in order to establish and maintain the trust and confidence of your constituents, and to ensure the integrity of your council and its councillors in conducting business.

Equality

You should promote equality of opportunity and not discriminate against any person by treating people with respect regardless of race, age, religion, gender, sexual orientation, disability, political opinion, marital status and whether or not a person has dependants.

Promoting Good Relations

You should act in a way that is conducive to promoting good relations by providing a positive example for the wider community to follow and that seeks to promote a culture of respect, equity and trust and embrace diversity in all its forms.

Respect

It is acknowledged that the exchange of ideas and opinions on policies may be robust but this should be kept in context and not extend to individuals being subjected to unreasonable and excessive personal attack. You should keep in mind that rude and offensive behaviour may lower the public's regard for, and confidence in, councillors and councils. You should therefore show respect and consideration for others at all times

Good Working Relationships

Between councillors – you should work responsibly with other councillors for the benefit of the whole community. You must treat other councillors with courtesy and respect. You must abide by your council's standing orders and should promote an effective working environment within your council.

Between councillors and council employees - The relationship between councillors and employees must at all times be professional, courteous and based on mutual respect. You should show respect and consideration for council employees at all times and ensure that your actions do not compromise their impartiality.

4. RULES OF GENERAL CONDUCT

Your obligations as a councillor

- 4.1 Councillors hold public office under the law and must act:
 - (a) lawfully;
 - (b) in accordance with the Code; and
 - (c) in accordance with the standing orders of your council.
- 4.2 You must not conduct yourself in a manner which could reasonably be regarded as bringing your position as a councillor, or your council, into disrepute.

- 4.3 You must review regularly (at least annually and when your particular circumstances change) your personal circumstances and to take steps to mitigate any conflict of interest in relation to your functions as a councillor. Such conflict may arise as a result of circumstances such as a change of business interests, a change in direct or indirect pecuniary interests required to be declared under section 28 of the 1972 Act or involvement on a new committee.
- 4.4 You must report, either through your council's own reporting procedure or directly to the proper authority, any conduct by any other person which you believe involves, or is likely to involve, criminal behaviour.
- 4.5 You must not, at any time, whether in the course of your duties as a councillor or in private, procure, advocate or encourage any action contrary to the Code.
- 4.6 You must comply with any request of the Commissioner in connection with an investigation conducted in accordance with the Commissioner's statutory powers.
- 4.7 You must not make vexatious, malicious or frivolous complaints against other councillors or anyone who works for, or on behalf of, your council.
- 4.8 You must maintain and strengthen the public trust and confidence in the integrity of your council. You must promote and support the Code at all times and encourage other councillors to follow your example.
- 4.9 You must co-operate with your council with regard to providing the necessary information to be included in the annual accounts of the council.
- 4.10 You must assist your council to act, as far as possible, in the interests of the whole community. Although individuals are entitled to pursue their own personal concerns about local issues, you must not represent their views over the wider public interests.

- 4.11 You must ensure that you are aware of your council's responsibilities under equality legislation, and that you are familiar with the relevant legislative statutes and provisions, in particular, with the obligations set out in your council's equality scheme.

This will enable you to have due regard to the need to promote equality of opportunity on grounds of age, marital status, disability, political opinion, race, religious belief, sex, sexual orientation, and whether or not people have dependants; and to have regard to the desirability of promoting good relations between people of different racial groups, religious belief or political opinion.

- 4.12 You are entitled to legally express any political opinion that you hold. In doing so, however, you should have regard to the Principles of Conduct and should not express opinions in a manner that is manifestly in conflict with the Principles of Conduct.

Behaviour towards other people

- 4.13 You must:

- (a) show respect and consideration for others;
- (b) not use bullying behaviour or harass any person; and
- (c) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your council.

- 4.14 You must work responsibly and with respect, with others and with employees of councils. The "Protocol for Relations between Councillors and Employees in Northern Ireland District Councils³", which is included as Appendix 3 in the Code of Conduct for Local Government Employees, is available on the Local Government Staff Commission's website

http://www.lgsc.org.uk/fs/doc/publications/EMPLOYEE_CODE_FEBRUARY_2004.doc

³ The Department notes this Protocol is being reviewed and will update this reference to any revised version.

Disclosure of information

- 4.15 You must not disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required to do so by law.

Use of your position

- 4.16 You must not:
- (a) use, or attempt to use, your position improperly to confer on, or secure, an advantage for yourself or any other person;
 - (b) use, or attempt to use, your position improperly to seek preferential treatment for yourself or any other person; or
 - (c) use, or attempt to use, your position improperly to avoid a disadvantage for yourself or any other person, or to create a disadvantage for any other person.

These provisions apply both to your actions in your official capacity, including as a member of a body to which you are appointed by the council, and to any dealings you may have with the council on a personal level (for example, as a council ratepayer, tenant, or recipient of a council service or as an applicant for a licence or consent granted by the council).

- 4.17 You must avoid any action which could lead members of the public to believe that preferential treatment is being sought.

Use of council resources

- 4.18 You must not use, or authorise others to use, the resources of your council:
- (a) imprudently;
 - (b) in breach of your council's requirements;
 - (c) unlawfully;
 - (d) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of your council or of the office to which you have been elected or appointed;
 - (e) improperly for political purposes; or
 - (f) improperly for private purposes.

Expenses and allowances

- 4.19 You must observe the law and your council's rules governing the claiming of expenses and allowances in connection with your duties as a councillor

Acceptance and registration of gifts and hospitality

- 4.20 You must:
- (a) in accordance with any standing orders of your council and within 28 days of receipt of any gift, hospitality, material benefit or service, which is above a value specified in a resolution of your council, provide written notification to your chief executive of the existence and nature of that gift, hospitality, material benefit or service;
 - (b) not accept from anyone gifts, hospitality, material benefits or services for yourself or any other person, which might place you, or reasonably appear to place you, under an improper obligation; and
 - (c) discourage gifts and offers of hospitality to any family members which might place you, or reasonably appear to place you, under an improper obligation.

5. RULES RELATING TO THE REGISTRATION OF INTERESTS

The role of the Chief Executive

- 5.1 Section 62 of the 2014 Act requires every Chief Executive to ensure that their council has established and maintains a register of member's interests. The Code recommends that a register for gifts and hospitality should also be established and maintained and that procedures are in place for dealing with relevant declarations of interests.

Interests

- 5.2 Subject to paragraphs 5.4 and 5.6, you must, within 28 days of your election or appointment to office (if that is later), register your **personal interests (both financial and otherwise)** where they fall within a category mentioned below, in your council's register by providing written notification to your Chief Executive.

Categories of interests

- a) any employment or business carried on by you;
- b) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated or non-remunerated director;
- c) any person, other than your council, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a councillor;
- d) any corporate body which has a place of business or land within your council's district, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
- e) any contract for goods, services or works made between your council and you or a firm in which you are a partner, an unincorporated body (i.e. Industrial & Provident Society), a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (d) above;

- f) any land in which you have a beneficial interest and which is within your council's district;
- g) any land where the landlord is your council and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (d) above;
- h) any body to which you have been elected, appointed or nominated by your council;
- i) any —
 - (aa) public authority or body exercising functions of a public nature;
 - (bb) company, industrial and provident society, charity, or body directed to charitable purposes;
 - (cc) body whose principal purposes include the influence of public opinion or policy;
 - (dd) trade union or professional association; or
 - (ee) private club, society or association operating within your council's district,
 - in which you have membership or hold a position of general control or management; and
- j) any land within your council's district in which you have a licence (alone or jointly with others) to occupy for 28 days or longer.

Registration of financial and other interests and memberships and management positions

- 5.3 You must, within 28 days of becoming aware of any interest that falls within a category mentioned in paragraph 5.2 or any change to an interest already registered, register that interest or change by providing written notification to your Chief Executive.

Sensitive information

- 5.4 Where you consider that the information relating to any of your personal interests is sensitive information, and your Chief Executive agrees, you need not include that sensitive information when registering that interest or, as the case may be, a change to the interest.
- 5.5 In the Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.
- 5.6 You must, within 28 days of becoming aware of any change of circumstances which means that sensitive information previously excluded from your council's register of members interests due to it being sensitive is no longer sensitive, notify your Chief Executive asking that the information be included in the register.

6. RULES RELATING TO THE DISCLOSURE AND DECLARATION OF INTERESTS

Pecuniary interest

- 6.1 Section 28 of the 1972 Act requires you to declare any pecuniary interest, direct or indirect, that you may have in any matter coming before any meeting of your council. Such interests will be recorded in the register kept by your council for this purpose.
- 6.2 You must not speak or vote on a matter in which you have a pecuniary interest. If such a matter is to be discussed by your council, you must withdraw from the meeting whilst that matter is being discussed.

Private or personal non-pecuniary interest

- 6.3 You must also declare any significant private or personal non-pecuniary interest in a matter arising at a council meeting. In addition to those areas set out in paragraph 5.2, an interest will also be significant where you anticipate that a decision on the matter might reasonably be deemed to benefit or disadvantage

yourself to a greater extent than other council constituents. Any sensitive information mentioned in paragraphs 5.4 to 5.6 is not required to be given.

- 6.4 You must declare any significant private or personal non-pecuniary interests in a matter as soon as it becomes apparent. You must then withdraw from any council meeting (including committee or sub-committee meeting) when the matter is being discussed. It is your own personal responsibility to determine, having regard to council advice and guidance, whether you have any such interest.

Dispensations

- 6.5 In exceptional circumstances, you may be able to get a dispensation to speak and vote at a council meeting in spite of a pecuniary interest. The Department may grant such a dispensation under section 29 of the 1972 Act.
- 6.6 On occasions, you may feel that it would be to your council's benefit if you were to remain in a council meeting when a matter in which you have a significant private or personal non-pecuniary interest is to be debated. Before doing so, you must consider whether your interest is so significant that it would be wrong in any circumstances for you to remain. Your council may have specific guidance on such matters. Subject to this, you may speak and vote on such a matter if **(but only if)**:
- at least half of the council or committee would otherwise be required to withdraw from the debate due to their personal interests in the matter; or
 - your withdrawal, together with that of other councillors of the council or committee who are required to withdraw due to their personal interests in the matter, would leave the council or committee without a quorum.
- 6.7 In those circumstances outlined in the preceding paragraph, you should take advice on the matter from a relevant senior council employee. If you decide to remain in the meeting, you must declare that decision and your reasons for doing so.

6.8 In the case of a sub-committee which is very small and where a large proportion of councillors declare a personal interest in the matter, it will usually be more appropriate for the matter to be referred to the parent committee.

6.9 It would, however, be appropriate for you to remain at a council meeting and speak and vote on a matter in which you have declared a significant private or personal non-pecuniary interest if your interest arises because you are:

- a member of a public body; or
- a member or supporter of a charity, voluntary body or other organisation formed for a public purpose (i.e. not for the personal benefit of members).

However, except where you have been appointed by your council as a representative on the organisation, you must not vote (although you may speak) on any matter directly affecting the finances or property of the organisation if you are a member of the organisation's management committee or governing body.

6.10 Section 30 of the 1972 Act requires you to disclose to the council, in writing, any relevant family relationship, as set out in paragraph (6) of that section, known to exist between you and any person you know either holds, or is a candidate for appointment to, any office in the council.

6.11 The requirement to make your relevant interests known on matters, in council and committee meetings, also applies in your dealings with council employees and in your unofficial relations with fellow councillors.

7. RULES RELATING TO LOBBYING AND ACCESS TO COUNCILLORS

7.1 In order for a council to fulfil its commitment to being open, accessible, and responsive to the needs of the public, it should encourage appropriate participation by organisations and individuals in the decision-making process. Clearly, however, the desire to involve the public and other interest groups in the decision-making process must take account of the need to ensure transparency and probity in the way in which the council conducts its business.

- 7.2 As a councillor you will need to be able to consider evidence and arguments advanced by a wide range of organisations and individuals in order to perform your duties effectively. Some of these organisations and individuals will make their views known directly to individual councillors or council committees. The rules in this Code set out how you should conduct yourself in your contacts with those who seek to influence you.
- 7.3 You may be lobbied by a wide range of people including individuals, organisations, companies and developers. As a general rule, it is an essential element of the democratic system that any individual should be able to lobby the council or a councillor.

Rules of Conduct regarding lobbying

- 7.4 If you are lobbied on matters such as applications made under regulatory powers or matters of a quasi-judicial nature, such as the determination of certain licence applications, and you will have a role in the council's decision on that matter, you must:
- (a) make it clear that you are not in a position to lend support for or against any such application; and
 - (b) direct any such representations, to the appropriate department of the council.

This does not prevent you from seeking factual information about the progress of the case.

- 7.5 If you are asked to decide on such matters, you must not:
- (a) organise support for a particular recommendation on the matter;
 - (b) organise opposition to a particular recommendation on the matter;
 - (c) lobby other councillors about the matter;
 - (d) comply with political group decisions on the matter where these differ from your own views; or
 - (e) act as an advocate to promote a particular recommendation in relation to the matter.

- 7.6 Paragraphs 7.4 and 7.5 also apply in relation to individual staffing matters such as the appointment or discipline of employees.

8. RULES RELATING TO DECISION-MAKING

8.1 When participating in meetings or reaching decisions regarding the business of your council, you must:

- (a) do so objectively, on the basis of the merits of the circumstances involved, and in the public interest;
- (b) have regard to any relevant advice provided by your council's officers, in particular, by the chief executive, the chief financial officer (where appropriate) or the council's legal advisers;.
- (c) take into account only relevant and material considerations and discount any irrelevant or immaterial considerations;
- (d) give reasons for your decisions, when required to do so, in the interests of fairness, openness and accountability and in accordance with any statutory requirements;.
- (e) act in accordance with any relevant statutory criteria;
- (f) act fairly and be seen to act fairly;
- (g) ensure that all parties involved in the process are given a fair hearing (insofar as your role in the decision making process allows);
- (h) not prejudge or demonstrate bias, or be seen to prejudge or demonstrate bias, in respect of any decision;
- (i) not organise support for, or opposition against, a particular recommendation on the matter being considered;
- (j) not lobby other councillors on the matter being considered;
- (k) not comply with political group decisions on the matter being considered, where these differ from your own views; and
- (l) not act as an advocate to promote a particular recommendation in relation to the matter being considered.

PLANNING MATTERS

- 9.1 The following section relates to the application of the Code of Conduct in relation to planning matters. This section should be applied in conjunction with the Principles and Rules of the Code.
- 9.2 Care must be taken when dealing with planning matters. All councillors will have contact with planning issues, either as advocates for or against planning applications, as members of the planning committee, or as members of the full council. Your specific role will vary depending on whether you are on a planning committee or not.
- 9.3 Your role as a councillor is to represent the views and aspirations of your community through development of the local development plan, discussions with developers and council planning officers or deciding on planning applications. This Code (and any associated guidance) is intended to assist you in balancing the interests of developers and interest groups with taking planning decisions, by applying your local knowledge and the advice and guidance of planning officers, in a fair, impartial and transparent way, for the benefit of the whole community. This Code applies to councillors at all times when involving themselves in the planning process, including taking part in the decision-making meetings of the council or when involved in less formal occasions, such as meetings with officers or the public. It applies equally to local plan development and planning enforcement as it does to planning applications.

Development management

- 9.4 As a councillor your involvement in the development management process is crucial. Whether you sit on a planning committee or not, you can encourage developers and others to engage with the council and residents in the planning process. It is important that you represent the needs of your community in discussions with developers. Lobbying is therefore a normal and perfectly proper part of the political process.

- 9.5 However, particular considerations apply if you are a member of the decision-making planning committee, as lobbying can lead to the impartiality and integrity of a councillor being called into question. Given that a decision on a planning application cannot be made before the planning committee meeting has been held, when all relevant information relating to the application is available and has been considered, you must not make public statements about a pending decision or state your intention to vote in a particular way before the committee meeting has taken place. However, other councillors who are not part of the decision-making process can make representations and address the relevant committee
- 9.6 It is entirely appropriate for councillors, including those who will have a decision-making responsibility, to make known to planning officers what representations from constituents and prospective developers they have received on a planning application, to attend public meetings/events and to assist constituents in making their views known to the relevant planning officer. While planning committee members are free to attend public meetings/events they must not express a 'for' or 'against' view by advocating a position in advance of the decision-making meeting.
- 9.7 If you are a member of the planning committee and an approach is made to you by an applicant, agent or other interested party in relation to an existing or proposed planning application, you should restrict yourself to either giving procedural advice (e.g. advising those who are lobbying that they should contact the relevant planning officer so their opinions can be included in the officer's report to the committee) or advise them to write or speak to a member who is not on the planning committee. This does not mean that members who are on planning committees should not listen to the views the lobbyist wishes to express.
- 9.8 If, however, as a planning committee member, you decide you cannot remain impartial and wish to make representations on behalf of constituents or other parties, you may attend a committee meeting and make representations, after which you must leave the room while the members consider it and not take part in the voting.

Decisions contrary to officer recommendation

- 9.9 You must not seek to apply undue pressure towards planning officers to provide a particular recommendation on any planning decision. If you propose, second or support a decision contrary to an officer's recommendation, you must only do so on the basis of sound planning considerations which must fairly and reasonably relate to the application concerned. These considerations include planning policy, landscaping, impact on the neighbourhood, planning history, etc.

Decisions contrary to the local development plan

- 9.10 If you propose, second or support a decision contrary to the development plan, you must only do so on the basis of sound planning considerations, which must fairly and reasonably relate to the application concerned, and you must clearly demonstrate how these considerations justify overruling the development plan.

Policy and strategic issues

- 9.11 Councillors have a vital role in facilitating engagement with their communities in the production of planning policy by encouraging them to express their views on the plan-making process. In your key role in establishing planning policies for the area, you are fully entitled to express your views or advocate proposals for the making, approval or amendment of the development plan, including supplementary planning guidance published by the council.
- 9.12 Planning legislation requires councillors of a council to determine all planning applications in accordance with the development plan, unless material considerations indicate otherwise. You must undertake this responsibility without undue influence or personal interest.

Other interests

- 9.13 If you have substantial land, property or other interests which would prevent you from voting on a regular basis, you must not sit on a decision-making committee that deals with planning applications.

- 9.14 You must not act on behalf of, or as an agent for, an applicant for planning permission with the council other than in the course of your professional role which you have registered.
- 9.15 You must not take any further part in the development management process following submission of an application for yourself or for a family member, friend or close personal associate. You have the same rights to explain your proposal to an officer but you must not seek to improperly influence the decision.
- 9.16 If you work as a lobbyist for a developer, you must declare this as an interest and you should not then be involved in any decision-making process relating to or potentially affecting that developer.

Unauthorised development

- 9.17 If you are made aware of an unauthorised development and you refer the matter to the council for possible enforcement action, you must advise all subsequent inquirers to deal directly with the relevant department/officer, and you should not lobby for a particular outcome. This does not prevent you from seeking factual information about the progress of the case.
- 9.18 Where you have an interest in the outcome of a planning committee decision on enforcement action, you must disclose that interest and not take part in, or seek to influence, the decision.

SOURCES OF GUIDANCE RELATING TO THE CODE

<p><u>The Northern Ireland Commissioner for Complaints</u></p> <p>Telephone : 028 902 33821 OR Text phone : 028 908 97789 OR Email : ombudsman@ni-ombudsman.org.uk OR Via Post</p> <p>The Ombudsman Freepost BEL 1478 Belfast BT1 6BR</p> <p>OR</p> <p>The Ombudsman 33 Wellington Place Belfast BT1 6HN</p>	<p><u>Equality Commission for Northern Ireland</u></p> <p>Equality House 7 - 9 Shaftesbury Square Belfast BT2 7DP</p> <p>Telephone : 028 90 500 600 Textphone : 028 90 500 589 Fax : 028 90 248 687 Email : information@equalityni.org Website: www.equalityni.org</p>
<p><u>The Department of the Environment</u></p> <p>Local Government Policy Division 1 Causeway Exchange 1-7 Bedford Street Town Parks Belfast, BT2 7EG.</p> <p>Website: www.doeni.gov.uk E-mail: LGPD@doeni.gov.uk Textphone 028 905 40642</p>	

GLOSSARY

In this Code:

“the 1972 Act” means the Local Government Act (Northern Ireland) 1972;

“the 2014 Act” means the Local Government Act (Northern Ireland) 2014;

“Councillor” for the purposes of this Code means-

- (a) any person who is elected to office within a council,
- (b) any person chosen under section 11(4b) of the Electoral Law Act (Northern Ireland) 1962 to fill a casual vacancy,
- (c) any person treated as a non-voting member by section 21 of the 2014 Act, and
- (d) any person who is not an elected representative as mentioned in section 32(4) of the 2014 Act;

“council” means the council of a local government district established in accordance with the Local Government (Boundaries) Act (Northern Ireland) 2008⁴;

“Chief Executive”, means a person appointed as clerk of a council; and

“meeting” means any meeting—

- (a) of the relevant council or of a committee or sub-committee of the relevant council,
- (b) of the executive of the relevant council or of a committee or sub-committee of the executive of the relevant council,
- (c) of a joint committee or sub-committee of a joint committee which includes the relevant council, or
- (d) where members or officers of the relevant council are present, including circumstances where a member of an executive or officer of the council, acting alone exercises a function of the council.

⁴ Until 31 March 2015, “council” shall also include those councils in place prior to the Local Government Elections of 22 May 2014 and the Code shall apply to the councillors of those councils.

SANCTIONS APPLIED BY THE COMMISSIONER

Under section 62(3) of the Local Government Act (Northern Ireland) 2014, where the Commissioner decides that a person has failed to comply with the Code, the Commissioner must decide whether no action should be taken or whether the nature of the failure is such that the Commissioner should-

- a. censure the person in such terms as the Commissioner thinks appropriate;
- b. suspend or partially suspend the person from being a councillor for such a period, and in the way, as the Commissioner thinks appropriate. However, that period shall not exceed one year or, if shorter, the remainder of the person's term of office; or
- c. disqualify the person for being, or becoming (whether by election or otherwise) a councillor, for such a period as the Commissioner thinks appropriate but not exceeding five years.

Code of Conduct for Officers


COVER LETTER TO: CIRCULAR LGRJF/09 – NOVEMBER 2014

To: Chief Executives of District Councils and ARC21

Cc: DoE Local Government Division, Public Service Commission

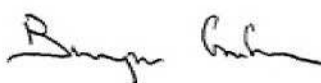
Dear Colleague

1. The attached circular, a copy of the Code of Conduct for Local Government Employees (the Code), has been agreed by the Local Government Reform Joint Forum (LGRJF).
2. This Code is issued as a statutory recommendation by the Local Government Staff Commission under Article 35(1)(b) of the Local Government (Miscellaneous Provisions) (NI) Order 1992 and represents the minimum standards of behaviour expected from district council employees.
3. In accordance with the Northern Ireland Executive's Guiding Principles all employing authorities should immediately engage with their local recognised Trade Unions to consider application and implementation arrangements.
4. DoE have asked the Local Government Training Group to design a course for staff in councils to explain the Codes of Conduct for Councillors, the Local Government Employee and Councillor Working Relationship Protocol and the Code of Conduct for Local Government Employees and their relationship to each other. This should be available to councils as part of the Spring Open Course Programme.



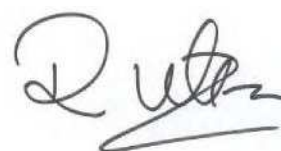
A KERR

LGSC



B GRAHAM

LGRJF TUS Lead



R WILSON

LGRJF Employers' Lead

19 NOVEMBER 2014



facilitating local government reorganisation

CIRCULAR LGRJF/09 – NOVEMBER 2014

**CODE OF CONDUCT
FOR LOCAL GOVERNMENT EMPLOYEES**

CODE OF CONDUCT FOR LOCAL GOVERNMENT EMPLOYEES

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CODE OF CONDUCT FOR LOCAL GOVERNMENT EMPLOYEES

1.0 INTRODUCTION

1.1 Status of the Code

Under Article 35(1)(b) of the Local Government (Miscellaneous Provisions) (NI) Order 1992, the functions of the Local Government Staff Commission include:

“establishing and issuing a code of recommended practice as regards conduct of officers of councils”.

This Code has been agreed by the Local Government Reform Joint Forum (Joint Forum) and is promulgated under the authority of the Local Government Staff Commission under Section 40(4) (f) of the Local Government Act (NI) 1972.

It is therefore issued by the Local Government Staff Commission as a statutory recommendation for adoption by all councils and the Staff Commission from 1 April 2015.

It is desirable for the protection of the public and the protection of employees that guidance be given to local government employees as to the conduct expected of them. This Code provides guidance to assist councils and their employees in their day-to-day work and sets out the minimum standards of behaviour expected.

The aim of the Code is to set guidelines for council employees which will help maintain and improve standards and protect employees from criticism or misunderstanding.

2.0 FRAMEWORK FOR THE CODE

The public is entitled to expect the highest standards of conduct from all employees who work for district councils and this Code has been developed in line with best practice, existing legislation and the following guidance.

The provisions of this Code apply to all staff employed by councils in Northern Ireland and the Local Government Staff Commission (NI) in the performance of their duties on a day-to-day basis including any additional offices to which they may be appointed in their capacity as a district council employee (see Appendix 1, page 18 for a definition of 'employee'/'member of staff').

2.1 National Agreement on Pay and Conditions of Service (the National Agreement)

The basic principle is stated in Part 2 paragraph 2, Key National Provisions of the National Joint Council for Local Government Services, National Agreement on Pay and Conditions of Service (the National Agreement):

2. Official Conduct

2.1 Employees will maintain conduct of the highest standard such that public confidence in their integrity is sustained.

2.2 Local codes of practice will be developed to cover the official conduct and the obligations of employees and employers.

Similar provisions are incorporated in the National Conditions of Service of Chief Officers.

2.2 Principles of Conduct

This Code builds on, and is in keeping with, the seven principles of public life articulated by the Nolan Committee on Standards in Public Life (established in October 1994) and the five further principles of conduct that have been adopted by the Northern Ireland Assembly, both emphasise that those in public life should practice:

- **Public Duty** - uphold the law and to act on all occasions in accordance with the public trust placed in them and act in the interests of the community as a whole.
- **Selflessness** - act in the public interest at all times and take decisions based solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their families, or their friends.

- > **Integrity** - not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.
- > **Objectivity** - in carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
- > **Accountability** - are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- > **Openness** - be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands it.
- > **Honestly** - act honestly. Have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- > **Leadership** - promote and support these principles by leadership and example in order to establish and maintain the trust and confidence of the public, to ensure the integrity of their council in conducting business.
- > **Equality** - promote equality of opportunity and not discriminate against any person by treating people with respect regardless of race, age, religion, gender, sexual orientation, disability, political opinion, marital status and whether or not a person has dependants.
- > **Promoting Good Relations** - act in a way that is conducive to promoting good relations by providing a positive example for the wider community to follow and that seeks to promote a culture of respect, equality and embrace diversity in all its forms.
- > **Respect** - Employees and Councillors are reminded that it is acknowledged that the exchange of ideas and opinions on policies may be robust but this should be kept in context and not extended to individuals being subjected to unreasonable and excessive personal

attack. They should keep in mind that rude and offensive behaviour may lower the public's regard for, and confidence in, Councillors and councils, they should therefore show respect and considerations for others at all times.

- **Good Working Relationships** - Councillors and Employees are servants of the public, and are interdependent upon one another. But their responsibilities are distinct. The working relationship between Councillors and Employees must at all times be professional, courteous and based on mutual respect and trust. Neither party should seek to take unfair advantage of their position. All Councillors and Employees are responsible for ensuring they understand what behaviour is required of them, complying with respective Codes of Conduct. Both share a responsibility for understanding sensitivities and feelings of others and avoiding behaviour that could cause offence or distress.

3.0 CONSULTATION AND IMPLEMENTATION

This Code was drafted and agreed by the Joint Forum in conjunction with the Local Government Staff Commission.

The Code was issued for consultation on 09 July 2014. The Code will be finally revised and issued for implementation with effect from 01 April 2015.

4.0 MODEL CODE OF CONDUCT FOR LOCAL GOVERNMENT EMPLOYEES

4.1 Standards of Behaviour, Impartiality and Conflicts of Interest

Council employees (see Appendix 1, page 18 for a definition of 'employee'/'member of staff') are expected to conduct themselves with integrity and honesty in carrying out their duties and must provide the highest possible standard of service to the public. Where it is part of their duties to provide appropriate advice to councillors and fellow employees this must be done with impartiality at all times.

Employees will be expected, without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service (see paragraph 4.14, page 14 - *Whistleblowing* which provides more detail about an employee's responsibilities in this regard).

Responsibility is placed on every member of staff for disclosing to an appropriate manager or officer of the council every potential conflict of interest in which he/she may be involved.

In general employees' private interests must not be such as to have the potential for allegations of impropriety or partiality to be sustained thereby bringing the Council into disrepute. This includes standards of behaviour outside the working environment and in the use of social media in relation to elected members, fellow officers and the general public.

Employees should not misuse their official position or information acquired in their official duties to further their private interest or those of others.

Employees must report to the appropriate manager any impropriety or breach of the terms of this Code.

4.2 Disclosure of Information

The law requires that certain types of information must be available to members, auditors, government departments, service users and the public (see Appendix 1, page 15 for examples). The Council itself may also decide to be open about other types of information.

The Council should therefore make clear to employees:

- ☐ the types of information which must be made available, and to whom;
- ☐ the types of information which the Council has voluntarily made open, and to whom;
- ☐ the types of information which the Council does not wish to be disclosed without specific permission.

The law also requires that personal information held about individuals must be treated in accordance with the Data Protection Act 1998. Employees must ensure that they process data lawfully in accordance with the data protection principles. The Freedom of Information Act 2000 also gives a right of access to information held by public authorities in accordance with the provisions of the authority's publication scheme.

Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way.

Any particular information received by an employee from a councillor which is personal to the councillor and does not belong to the council should not be divulged by the employee without the prior approval of that councillor, except where such disclosure is required or sanctioned by law.

4.3 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.

Subject to individual Councils' conventions, employees 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.

All employees must follow all lawful policies of the Council and must not let their own personal or political opinions 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. This does not compromise an officer's rights in relation to collective trade union representation engagement in lawful trade union activity.

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

4.4 Potential Conflict of Interest Situations

As specified in paragraph 4.1, page 4 - *Standards of Behaviour, Impartiality and Conflicts of Interest*, staff are expected to conduct themselves with integrity, impartiality and honesty and their private interests should not be such as to have the potential for allegations of impropriety or partiality to be sustained thereby bringing the Council into disrepute. In particular attention is drawn to the following examples of situations where potential conflicts of interest can occur.

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 (see paragraph 4.1, page 4 - *Standards of Behaviour, Impartiality and Conflicts of Interest*, in relation to disclosing every potential conflict of interest).

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.

This does not compromise an employee's rights as a ratepayer to access and/or question the provision of Council services to them through open and transparent Council procedures.

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

Further advice and guidance is given in the Local Government Employee and Councillor Working Relationship Protocol attached at Appendix 2, page 19.

Contact with the Community and Service Users

The community and service users have a right to expect a high standard of service from the Council. Employees have a responsibility to the community they serve and should, ensure courteous, effective and impartial service delivery to all groups and individuals within the community. Employees should always try to be positive, constructive and inclusive. When necessary make extra efforts to communicate with people with disabilities in accordance with the provisions of the Disability Discrimination Act 1995.

No part of the community or service users should be discriminated against.

Relationships with Contractors, Planning Applicants and those applying for Council Grant

All relationships with external contractors or potential contractors or applicants for planning consent or grant must be made known to the appropriate manager. Similarly any beneficial interest or licence in respect of land which is affected by a planning application must be made known to the appropriate manager.

Orders and contracts, grants and planning decisions must be decided on merit and no special favour should be shown in the procurement process to any businesses or potential suppliers particularly those run by, for example, friends, persons to whom the employee owes (or is owed) an obligation, partners or persons where a family relationship is deemed to exist (see Appendix 1, page 15 for a definition of 'family relationship').

Employees who deal with, engage or supervise contractors or process or determine applications under delegated powers with whom they have previously had, or currently have, a relationship in a private or domestic capacity, should declare that relationship to the appropriate manager as soon as they are aware.

Employees must not accept money or any other reward from any organisation, body or individual who may benefit from work or funding provided by the council. To do so would, in law, be corrupt.

Bribery & Corruption

Under the Bribery Act 2010 it is a serious criminal offence to

- . Offer, promise or give someone a reward to induce them to perform their functions or activities improperly.
- . Accept, agree to accept or request a reward in return for performing a relevant function or activity improperly.
- . Bribe a foreign public official in order to win business, keep business or gain business advantage for the organisation.

4.5 Appointments and Other Employment Matters

Employees involved in appointments should at all times act in accordance with the Local Government Staff Commission's Code of Procedures on Recruitment and Selection (Code of Procedures).

The Code of Procedures at Part D, Stage 2 – Conflict of Interest, page D:52 states:

"Responsibility is placed on every panel member to disclose to an appropriate manager or officer of the council where potential conflict of interest may be present, for example partners or persons where a family relationship is deemed to exist, or if an individual has agreed to act as a referee for an applicant"

and

"Where a potential conflict of interest exists, the issue is not about satisfying the conscience of the individual. Public perceptions and also those of other candidates must be considered and, in such cases, it may be appropriate for the individual to withdraw from the recruitment exercise."

Similarly, employees should not be involved in decisions in relation to discipline, promotion or pay adjustments for any other employee who is a friend, a person to whom the employee owes (or is owed) an obligation, partner or person where a family relationship is deemed to exist (see Appendix 1, page 15 for a definition of 'family relationship'). For further examples of Potential Categories of Interests see Appendix 1, page 16 which are based on the relevant section in the Northern Ireland Local Government Code of Conduct for Councillors -

www.doeni.gov.uk/index/local_government/code_of_conduct.htm

4.6 Outside Commitments

An employee must not subordinate his/her duty to the Council to his/her private interests or put himself/herself in a position where duty and private interests conflict. The Council should not attempt to preclude officers from undertaking additional employment outside their hours of duty with the Council, but any such employment must not, in the view of the Council,

conflict with or react detrimentally to the Council's interests, or in any way weaken public confidence in the conduct of the Council's business.

Employees should devote their whole-time service to the work of their Council and shall not engage in any other business or take up any other additional appointment without the express consent of the Council. Where an officer wishes to engage in other business or take up additional appointment/s he/she must seek the permission of the Council and act at all times in accordance any contractual obligations in this respect.

Employees should follow the Council's rules on the ownership of intellectual property or copyright created during their employment.

Employers and employees of councils should be aware of their responsibilities under the European Working Time Directive.

4.7 Personal Interests

Employees should review regularly their personal circumstances and take steps to deal with any potential conflict of interest. Employees must declare to an appropriate manager any financial or non-financial interests that they consider could bring about conflict with the Council's interests, for instance:

- ☐ membership of an organisation receiving grant aid from the council.
- ☐ membership of an organisation or pressure group which may seek to influence the Council's policies.
- ☐ membership of an organisation which may seek to influence the performance of an employee in carrying out their duties.
- ☐ having a beneficial interest in land which is within the Council's district and is subject to any planning application.

Employees who have an interest, financial or non-financial, should not involve themselves in any decision or allocation of Council services or resources from which they, their friends, persons to whom they owe (or are owed) an obligation, or family might benefit and should ensure that the matter is referred immediately to their line manager.

The Council recognises and respects the right of all employees to become members of organisations. It only requires that employees declare personal interests where there is, or could be perceived to be, a conflict of interest between their duties as an employee and their membership of the organisation.

4.8 Equality Issues

All members of the community, customers and employees have a right to be treated with fairness and equity.

In this regard employees must:

- be made aware of their obligations under Section 75 of the Northern Ireland Act 1998 and relevant equality law (see Appendix 1, paragraph 4, page 18);
- co-operate with the Council in the application of any policies agreed by the Council relating to equality issues;
- not take discriminatory action or decisions or encourage or put pressure on fellow employees to take discriminatory action or decisions;
- report any concerns about discriminatory conduct to their line manager or other appropriate employee.

4.9 Separation of Roles During Procurement

Employees involved in the procurement process and dealing with contractors should be clear on the separation of client and contractor roles within the Council. All employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.

Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors. Employees who are privy to confidential information relating to the tendering process should not disclose that information to any unauthorised party or organisation.

Employees contemplating a management buyout should, as soon as they have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding process.

Employees should ensure that in awarding contracts, no special favour is shown to current or recent former employees or their friends, persons to whom the employee owes (or is owed) an obligation, partners or persons where a family relationship is deemed to exist (see Appendix 1, page 15 for a definition of 'family relationship') to businesses run by them or employing them in a senior or relevant managerial capacity.

4.10 Fraud and Corruption

Employees must be aware that it is a serious criminal offence for them to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in his/her official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained (see paragraph 4.12 below for guidance on *Hospitality and Gifts*).

4.11 Use of Financial Resources

Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the Council.

4.12 Hospitality and Gifts

Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the Council in the community. Offers to attend purely social or sporting functions should be accepted only when they are part of the life of the community or where the Council should be seen to be represented. They must be properly authorised and recorded in accordance with the Council's agreed procedure.

When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the authority.

Employees should not accept significant personal gifts from contractors, members of the public and outside suppliers, although the Council may wish to allow employees to keep items of token value such as pens, diaries etc.

When considering whether or not to accept authorised hospitality employees should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality, for instance during a tendering period of a contract for which the provider may be bidding.

Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where:

- . it is clear that the hospitality is corporate rather than personal;
- . where the Council consents in advance;

or

- . where the Council is satisfied that any procurement decisions are not compromised.

Where a visit is necessary, to inspect equipment for example, the Council should consider meeting the cost of the visit to avoid jeopardising the integrity of the Council in subsequent procurement decisions.

4.13 Sponsorship - Giving and Receiving

Where an outside organisation wishes to sponsor or is seeking to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

Where the Council wishes to sponsor an event or service neither an employee nor any friends, partners or persons where a family relationship is deemed to exist (see Appendix 1, page 15 for a definition of 'family relationship') must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest.

Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

4.14 Whistleblowing

If an employee becomes aware of activities which he/she believes to be illegal, improper, unethical or otherwise inconsistent with this Code, the employee should report the matter, acting in accordance with the employee's rights under the Public Interest Disclosure Act 1998, and with the Council's confidential reporting procedure, or any other procedure designed for this purpose.

4.15 Breaches of the Code of Conduct

Any breach by an employee of any part of the Code of Conduct or its supporting policies and guidance may render the employee liable to disciplinary proceedings. It should be noted that a breach of the Code and its supporting policies and guidance will be subject to the provisions of the council's disciplinary or other related procedures.

LEGAL AND OTHER PROVISIONS RELATING TO THE CODE OF CONDUCT

1. Disclosure of Information (paragraph 4.2, page 5)

Data Protection Act 1998.

Freedom of Information Act 2000.

Part 8, sections 42-52 of the Local Government Act (Northern Ireland) 2014 deals with Access to meetings and Documents.

Obligations of Discovery in connection with litigation.

2. Potential Conflict of Interest Situations (paragraph 4.4, page 6)

Persons who owe you an obligation, or to whom you owe an obligation – this might include a debtor, creditor, fellow member of an organisation.

Very close personal relationships may also create a conflict, e.g. a good friend.

Family Relationship

Stage 2 - Composition of Panels paragraph entitled Canvassing on page D:50 of the Local Government Staff Commission's Code of Procedures on Recruitment and Selection (Code of Procedures) states that a relevant family relationship is deemed to exist between a Council officer and/or member and the person (i.e. the contractor, potential contractor, partner in a business etc.) if they are husband or wife, or partner (civil or otherwise), or if the person is the:

- parent
- son or daughter
- brother or sister
- uncle or aunt
- nephew or niece
- grandparent
- grandson or grand-daughter
- foster child or foster parent
- dependant

of the Council officer or member, or of the spouse or partner (whether civil or otherwise) of the Council officer or member.

For the purposes of potential conflicts of interest, as outlined in this Code, this definition is extended to cover partner relationships.

Potential Categories of Interest

Examples of potential Categories of Interest based on the Northern Ireland Local Government Code of Conduct for Councillors, May 2014 (see paragraph 5.2) are:-

- (a) any employment or business carried on by you;
- (b) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated or non-remunerated director;
- (c) any person, other than your council, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a councillor;
- (d) any corporate body which has a place of business or land within your council's district, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
- (e) any contract for goods, services or works made between your council and you or a firm in which you are a partner, an unincorporated body (i.e. Industrial & Provident Society), a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (d) above;
- (f) any land in which you have a beneficial interest and which is within your council's district;
- (g) any land where the landlord is your council and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (d) above;
- (h) any body to which you have been elected, appointed or nominated by your council;

(i) any –

(aa) public authority or body exercising functions of a public nature;

(bb) company, industrial and provident society, charity, or body directed to charitable purposes;

(cc) body whose principal purposes include the influence of public opinion or policy;

(dd) professional association; or

(ee) private club, society or association operating within your council's district,

in which you have membership or hold a position of general control or management; and

(j) any land within your council's district in which you have a licence (alone or jointly with others) to occupy for 28 days or longer).

3. Appointments and Other Employment Matters (paragraph 4.5, page 9)

Code of Procedures on Recruitment and Selection

Part B - General Principles Underpinning the Code (on page 4) recommends actions to ensure that appointments are made under the merit principle.

Section 41 of Local Government Act (NI) 1972 deals with appointments to councils.

4. Equality Issues (paragraph 4.8, page 11)

Legislation

- The Employment Equality (Sexual Orientation) Regulations (NI) 2003
- The Employment Equality Age Regulations (NI) 2006
- Sex Discrimination (NI) Order 1976
- Fair Employment and Treatment (NI) Order 1998
- Disability Discrimination Act 1995
- Race Relations (NI) Order 1997
- Rehabilitation of Offenders (NI) Order 1978 and Exceptions Order 1979
- Equal Pay Act (Northern Ireland) 1970
- Part-Time Workers (Prevention of Less Favourable Treatment) Regulations (Northern Ireland) 2000
- Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations (Northern Ireland) 2002
- Parental Rights and Flexible Working under the Employment Rights (Northern Ireland) Order 1996
- Northern Ireland Act 1998
- Human Rights Act 1998

5. Fraud and Corruption (paragraph 4.10, page 12)

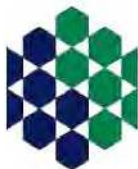
Section 46 of Local Government Act (NI) 1972 deals with the declaration of interest where an employee has a pecuniary interest and with recording of such interests. Not to do so will be an offence.

Section 47 of the Local Government Act (NI) 1972 forbids employees to accept payment apart from their salary/wage.

KEY TERMS USED IN THE CODE OF CONDUCT

Employee/s or Member/s of Staff

The terms employee/s or member/s of staff should be taken to mean any individual/s employed by a council including those working both full time and part time on a permanent, temporary, fixed term or inward secondment basis. The Code also applies to seasonal and casual staff, agency workers and volunteers while they are engaged in carrying out duties for the council.



Local Government Policy Division 1

To:
Current Chief Executives
Chief Executives of New Councils
HR Managers
Change Managers

Circular LG 43/2014

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Causeway Exchange
1-7 Bedford Street
Town parks
BELFAST
BT2 7EG

Telephone: (028) 9082 3396

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Date: October 2014

Dear Sir / Madam

Local Government Employee and Councillor Working Relationship Protocol

The Northern Ireland Local Government Code of Conduct for Councillors is now in place, in line with the statutory requirements in the Local Government Act (Northern Ireland) 2014.

As a separate exercise, The Local Government Reform Joint Forum (LGRJF) has reviewed the Local Government Officer Code of Conduct.

A protocol on working relationships between Councillors and Local Government Officers was previously annexed to the Local Government Officer Code of Conduct, and the Department has revised this in consultation with key stakeholders to create a standalone protocol as an annex to both codes. The agreed working relationship protocol is attached for your organisation to implement.

Yours faithfully

Peter Gregg
HR and Capacity Building
Local Government Policy Division 1
Enc.

cc: Dr Adrian Kerr LGSC
Dermot O'Hara LGRJF Secretariat



Local Government Employee & Councillor Working Relationship Protocol

Issued: October 2014

Local Government Employee and Councillor Working Relationship Protocol

1.0 Introduction

- 1.1 The Local Government Act (Northern Ireland) 2014 (the 2014 Act) creates a new environment for Local Government in Northern Ireland. The 2014 Act includes a new ethical framework for local government, a key element of which is the introduction of a mandatory Code of Conduct for Councillors.
- 1.2 The 2014 Act imposes a mandatory requirement for Councillors to observe the Northern Ireland Local Government Code of Conduct for Councillors (the Councillor Code), which establishes mechanisms for the investigation and adjudication of complaints and for appeals. With the exception of Part 9 (Planning), the Code came into force on 28 May 2014 the Part of the Code which deals with planning will come into effect from 1 April 2015.
- 1.3 The Local Government Staff Commission for Northern Ireland is responsible for issuing the Code of Conduct for Local Government Employees (2004) (the Employee Code). In conjunction with the Local Government Reform Joint Forum, the Commission has prepared a revised Code of Conduct for Local Government Employees due to come into effect from 1 April 2015.
- 1.4 Local Government has already established policies and procedures to resolve issues that Employees (for the purpose of this protocol the term 'Employees' or members of staff should be taken to mean any individual employed by a council including those working both full time and part time on a permanent, temporary, fixed term or inward secondment basis. The Protocol also applies to seasonal and casual staff, agency workers and volunteers while they are engaged in carrying out duties for the council), may encounter in the workplace. This protocol does not override any existing Employee policies or legal obligations but seeks to clarify the expected working relationship between Councillors and Employees.

2.0 Purpose

- 2.1 The protocol is intended to set out the working relationship between Councillors and Employees of councils. It relates to all aspects of the working environment, both physical and virtual. The protocol also advises of the steps to be taken to deal with concerns at an early stage to reduce negative impacts upon Councillors or Employees and ensure the prompt resolution of any difficulties which may arise. All issues raised under the remit of this protocol must be dealt with in the strictest confidence.
- 2.2 The protocol should also assist in furthering and developing a harmonious working environment with positive, constructive and professional relationships between Employees and Councillors.

2.3 The protocol reflects the content of both Employee and Councillor Codes of Conduct that demand the highest standards of personal conduct at all times. It upholds the seven Nolan Principles and the additional principles of public life:-

- **Public Duty** - have a duty to uphold the law and to act on all occasions in accordance with the public trust placed in them; to act in the interests of the community as a whole.
- **Selflessness** - should act in the public interest at all times and should take decisions solely in terms of the public interest. They should not act in order to gain financial or other material benefits for themselves, their family, friends or associates.
- **Integrity** - should not place themselves under any financial or other obligation to outside individuals or organisations, which might reasonably be thought by others to influence them in the performance of their duties.
- **Objectivity** - in carrying out public business, including considering public appointments, awarding contracts, or recommending individuals for rewards and benefits, they should make choices on merit.
- **Accountability** - are accountable to the public for their decisions and actions and for the way that they carry out their responsibilities and must submit themselves to whatever scrutiny is appropriate to their office.
- **Openness** - should be as open as possible about the decisions and actions that they take. They should give reasons for their decisions when required and restrict information only when the wider public interest clearly demands it.
- **Honesty** - should act honestly. They have a duty to declare any private interests relating to their public duties and should take steps to resolve any conflicts between their private interests and public duties at once and in a way that protects the public interest.
- **Leadership** - should promote and support these principles by leadership and example in order to establish and maintain the trust and confidence of the public, to ensure the integrity of their council in conducting business.
- **Equality** - should promote equality of opportunity and not discriminate against any person by treating people with respect regardless of race, age, religion, gender, sexual orientation, disability, political opinion, marital status and whether or not a person has dependants.
- **Promoting Good Relations** - should act in a way that is conducive to promoting good relations by providing a positive example for the wider community to follow and that seeks to promote a culture of respect, equality and embrace diversity in all its forms.
- **Respect** - Employees and Councillors are reminded that it is acknowledged that the exchange of ideas and opinions on policies may be robust but this should be kept in context and not extended to individuals being subjected to unreasonable and excessive personal attack. They should keep in mind that rude and offensive behaviour may lower the public's regard for, and confidence in, Employees, Councillors and councils, they should therefore show respect and consideration for others at all times.

- **Good Working Relationships** - Councillors and Employees are servants of the public, and are interdependent upon one another. But their responsibilities are distinct. Employees are ultimately responsible to the Chief Executive¹; Councillors are responsible to the electorate. The working relationship between Councillors and Employees must at all times be professional, courteous and based on mutual respect and trust. Neither party should seek to take unfair advantage of their position. All Councillors and Employees are responsible for ensuring they understand what behaviour is required of them, complying with respective Codes of Conduct. Both share a responsibility for understanding sensitivities and feelings of others and avoiding behaviour that could cause offence or distress.

3.0 Conduct of Local Government Employees towards Councillors

- 3.1 Employees must treat all political groups and individual Councillors equally, fairly and remain politically neutral at all times. Employees will provide professional, impartial and effective support, to enable Councillors to fulfil their role, in and on behalf of, the council. Employees will not seek to influence or lobby a Councillor with regards to personal issues.
- 3.2 It is important that there should be good working relationships between senior council employees and Chairs of Committees / Mayors. 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/Mayor's ability to deal impartially with other employees.

4.0 Procedure

- 4.1 In the event that a Councillor wishes to raise either an informal or formal complaint regarding the conduct or behaviour of an Employee, the following process should be followed:

Informal Approach

- 4.2 A Councillor should seek to raise the matter in the first instance with the relevant Head of Service or Director who should seek to resolve the matter with the Employee concerned. The Councillor must not engage directly with the Employee, nor make any attempt to reprimand or discipline the Employee.
- 4.3 If the matter is about the conduct of an Employee at Head of Service or Director level, the Councillor should address their concern to the Chief Executive.
- 4.4 The Head of Service/Director/Chief Executive will undertake to resolve the matter through discussions with the Employee concerned and report on the outcome to the Councillor.

[¹ A Chief Executive is also an employee and is ultimately responsible to the Council]

Formal Approach

- 4.5 If the Councillor is unhappy with the outcome of the informal approach or considers the initial complaint to be of a serious nature, they should raise the matter with the relevant Head of Service or Director and make their Party Group Leader, if relevant, aware of the complaint.
- 4.6 The relevant Head of Service/Director (or Chief Executive if applicable), will ensure the matter is investigated according to the relevant council procedures consulting with appropriate human resource sections.
- 4.7 The outcome of the investigation may result in:-
- no further action being required,
 - a verbal or written apology to the Councillor with an acknowledgement by the Employee that their conduct failed to meet the agreed standard and an undertaking that there will be no recurrence or
 - referral for consideration under the council's disciplinary procedure.
- 4.8 The Head of Service/Director (or Chief Executive if applicable), will write to the Councillor and Group Party Leader, if relevant, advising of the outcome.
- 4.9 The Employee will be informed in accordance with the relevant council procedures.
- 4.10 If the complaint is in relation to the Chief Executive the procedures specified in the Joint Negotiating Committee (JNC) for Chief Executives of Local Authorities or the appropriate mechanism at that time will be followed.

5.0 Conduct of Councillors towards Employees

- 5.1 Councillors' engagement with Employees must be equitable, reasonable, courteous and respectful and ensure that the impartiality of Employees is not compromised. Councillors must abide by their Code and their council's standing orders.

Procedure

5.2 In the event that an Employee wishes to raise either an informal or formal complaint regarding the conduct or behaviour of a Councillor, the appropriate support must be provided by their respective line manager and the following procedure should be followed:

Informal Approach

5.3 An Employee should seek to raise the matter in the first instance with their relevant Head of Service or Director, providing details of the incident that has occurred. The Employee must not engage directly with the Councillor. If necessary, the Head of Service or Director may involve the Group Party Leader, if relevant.

5.4 The Head of Service or Director will undertake to resolve the matter through discussions with the Councillor concerned and report on the outcome to the Employee and the Chief Executive.

Formal Approach

5.5 If the Employee is unhappy with the outcome of the informal approach or considers their complaint to be of a serious nature, they may wish to consult with their recognised Trade Union representative, if applicable prior to raising the matter formally (verbally or in writing) with the relevant Head of Service or Director. The Employee and their representative may also raise the complaint directly with the senior Human Resource Employee in the Council.

5.6 The relevant Head of Service/ Director, (or senior HR Employee if applicable), will ensure the matter is investigated according to the appropriate council investigatory process.

5.7 The Councillor and Party Group Leader, if relevant, will be advised of the complaint and should agree to co-operate with the investigation to establish the facts.

5.8 The outcome of the investigation may result in:-

- ☐ no further action being required, or
- ☐ a verbal or written apology to the Employee with an acknowledgement by the Councillor that their conduct failed to meet the agreed standards and an undertaking that there will be no recurrence.

5.9 If the Head of Service/Director (or senior HR Employee), considers that the circumstances of the complaint is sufficiently serious or a pattern of behaviour emerges, they may recommend to the Chief Executive that the matter is raised at a formal meeting with the Party Group Leader, if relevant. The minutes of this meeting should be presented to the appropriate governance committee for consideration.

5.10 The Head of Service/ Director (or senior HR Employee), will write to the Employee (and where appropriate their recognised Trade Union representative) advising of the outcome. If the Employee is unhappy with the outcome, they may request that their complaint be reviewed by the Chief Executive. The Chief Executive will review the complaint and advise the Employee (and their Trade Union representative) of their decision.

5.11 The Councillor and the Group Party Leader, if relevant, will be informed in writing of the outcome of the investigation and consideration of further action.

(To note: This protocol does not preclude an employee, at anytime, if they think it necessary, to write to the Commissioner for Complaints setting out how, in their opinion, a Councillor has breached the Code).

This protocol is the interface between current Councillor and Employee Codes of Conduct, which require the highest standards of personal conduct, including activities on social media, to be maintained at all times.

Part 5

Members' Allowance Scheme

Mid Ulster District Council

Scheme of Allowances payable to Councillors

First Published **July 2015**
Revised **November 2015**
 March 2017
 June 2018
 August 2018
 June 2019
 June 2021
 March 2022

Document Revision Record

Date	Amendments	Requirement
Nov 15	Replaced DoE Circular 05/2015 with Circular 29/2015 on Consolidated Councillor Allowances	DoE change notification
Mar 17	Replaced DoE Circular 14/2016 with Circular 03/2017 on Consolidated Councillor Allowances	DfC change notification
Mar 17	Replaced DoE Circular 04/2015 with Circular 23/2016 on Consolidated Guidance on Councillors' Allowances	DfC change notification
Jun 18	Arrangement on mobile phone provision	Committee and Council Direction
Aug 18	Replaced DfC Circular 03/2017 with Circular 12/2018 on Consolidated Councillor Allowances	DfC change notification
Jun 19	Replaced DfC Circular 12/2018 with 07/2019 on Consolidated Councillor Allowances	DfC change notification
Jun 19	Inserted Addendum No 2 to Circular LG 23/2016	DfC change notification
Jun 21	Replaced DfC Circular 07/2019 with 07/2021 on Consolidated Councillor Allowances	DfC change notification
Mar 22	Replaced DfC Circular 07/2021 with 10/2022 on Consolidated Councillor Allowances	DfC change notification

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1. Legislative background

1.1 Part 3 of the Local Government Finance Act (Northern Ireland) 2011 provides for the payment of allowances to Councillors and committee members in accordance with Regulations. The Local Government (Payments to Councillors) Regulations (Northern Ireland) 2012, which came into operation on 1 April 2012, revoked and replaced the Regulations which previously provided for the payment of allowances to Councillors, i.e.:

- Local Government (Payments to Councillors) Regulations (Northern Ireland) 1999 (as amended); and
- Local Government (Travelling and Subsistence Allowances to Councillors) (No. 2) Regulations (Northern Ireland) 1973 (as amended).

1.2 Regulation 3(1) states:

“A council shall make a scheme in accordance with these Regulations for the payment of allowances to councillors and committee members in respect of each year.”

1.3 Regulation 11(1) states:

“A council shall, as soon as practicable after the making or amending of any scheme of payments made pursuant to these Regulations –

- (a) arrange for a copy of the scheme to be published on its website; and
- (b) make such other arrangements for the publication of the scheme within the district of the council as it considers appropriate.”

1.4 Regulation 11(2) states:

As soon as practicable after the end of a year to which a scheme relates, a council shall make arrangements for the publication on the council website of the total sum paid in that year to each councillor in respect of the following –

- (a) basic allowance;
- (b) special responsibility allowance; and
- (c) dependants' carers' allowance.”

1.5 Regulation 11(3) states:

As soon as practicable after the end of a year to which a scheme relates, a council shall make arrangements for the publication on the council website of the total sum paid in that year to each councillor or committee member in respect travel and subsistence.”

2. Other relevant information

2.1 In making payments to Councillors, the Council must comply with the provisions of:

- “Consolidated Councillor Allowances” Circular LG 10/2022 updated March 2022 (Appendix 1); and
- “Guidance on Councillors’ Allowances” issued under cover of Circular LG 23/2019 - September 2019 (Appendix 2).

2.2 All allowances paid will be subjected to PAYE and Earnings Tax (formerly National Insurance) deductions in accordance with HMRC requirements.

2.3 The Council notes that individual Councillors who consider their home to be a place of work will make an appropriate written disclosure to the Director of Finance in a form to be determined by him. Failure to make such a disclosure will mean that the Council will seek to deduct PAYE and Earnings Tax from all mileage allowances paid to a Councillor. The Council will not seek to verify any such disclosure and, in making such disclosures, individual Councillors’ attention will be drawn to the consequences of making an inaccurate disclosure (whether inadvertently or not).

3. Proposed Scheme

3.1 The proposed Scheme of Allowances is separated into six categories as follows:

- System of allowances;
- Approved duties;
- Chair’s/Deputy Chair’s allowances;
- Official and courtesy visits;
- Claims, records and information; and
- Appendices.

3.2 System of allowances

3.2.1 This Scheme is made under Regulation 3 of The Local Government (Payments to Councillors) Regulations (Northern Ireland) 2012. Allowances will be paid, in accordance with the Scheme, to Councillors and committee members under Part 3 of the Local Government Finance Act (Northern Ireland) 2011.

3.2.2 Provision is made for the following allowances to be paid to Councillors:

- Allowances which are to meet expenses and provide remuneration:
 1. Basic Allowance;
 2. Special Responsibility Allowance;
 3. Dependants’ Carers’ Allowance
- Allowances wholly and exclusively to meet expenses incurred:
 1. Travel and Subsistence allowance;
 2. Allowances for Chair/Deputy Chair in respect of civic duties

3.2.3 Provision is made for the following allowances to be paid to committee members:

- Travel and subsistence allowances; and, if deemed appropriate by the Council,
- Remuneration at an approved amount (approved by Council on an individual basis).

3.2.4 Council has also resolved to pay reimbursement of expenses for broadband and the video conferencing application Zoom. It has also agreed to provide basic IT equipment to enable the councillors to receive reports and other information electronically.

3.2.5 Basic Allowance

3.2.5.1 Basic Allowance is intended to recognize a time commitment of all Councillors, including such inevitable calls on their time as meetings with officers and constituents, including all civic duties and attendance at site meetings.

3.2.5.2 Basic Allowance also covers incidental costs such as use of Councillors' homes and the cost of any telephone calls including mobile phone calls. The Basic Allowance is also intended to cover the cost of office consumables. The allowance must be the same for each Councillor and the Council therefore may not pay more than one basic allowance to each Member.

3.2.5.3 The Council will pay the maximum rate specified by the Department. The current maximum rates of allowance (Circular LG 10/2022) are included at Appendix 1.

3.2.6 Special Responsibility Allowance

3.2.6.1 The Council will also pay Special Responsibility Allowance in addition to Basic Allowance to those Members of the Council who have significant additional responsibilities over and above the general accepted duties of a Councillor.

3.2.6.2 In accordance with the Guidance issued by the Department:

- Councillors shall be able to claim only one Special Responsibility Allowance. If a Councillor qualifies for more than one Special Responsibility Allowance, only the highest Special Responsibility Allowance will be paid;
- No more than 50% of Councillors (excluding Chair and Deputy Chair (or Presiding Councillor, etc) shall receive a Special Responsibility Allowance;
- There should be safeguards to ensure fair distribution of Special Responsibility Allowance across a representative sample of political party groupings.

3.2.6.3 The Council originally approved the following responsibilities as attracting a Special Responsibility Allowance:

- Council Chair
- Council Deputy Chair
- Committee Chairs;
- Committee Deputy Chairs; and
- Mid Ulster District Council representative on Partnership Panel
- Mid Ulster District Council representative on Housing Council

However, further to guidance subsequently received from the Department for Communities, the Council now funds allowances paid to the Council Chair and Deputy Chair from funds included with the Council's budget that are not designated as reserved for Special Responsibility Allowances.

The Committees to which Special Responsibility Allowance is applicable are as follows:

- Audit
- Development;
- Environment;
- Planning; and
- Policy and Resources

3.2.6.4 The Council will seek to pay (in aggregate) the maximum rate specified by the Department. The current rates used for Special Responsibility Allowance are included at Appendix 3.

3.2.7 Part Year Entitlement to Allowances

3.2.7.1 In accordance with Guidance issued by the Department, provisions for part year entitlement to Basic Allowance and Special Responsibility Allowance may be made to reflect:

- a. The amendment of the Scheme;
- b. When the term of office of a Councillor begins or ends otherwise than at the beginning or end of a year, the amount of Basic Allowance and, if applicable, Special Responsibility Allowance shall reflect the proportion of the year when the entitlement ended.

3.2.7.2 The Council shall make part year payments of Basic Allowance and Special Responsibility Allowance as appropriate on the occasion of the above circumstances.

3.2.8 Dependants' Carers' Allowance

3.2.8.1 Councillors are entitled to claim a Dependants' Carers' Allowance towards reimbursement of actual reasonable costs necessarily incurred in providing care for a dependant while carrying out an approved duty.

3.2.8.2 Dependants' Carers' Allowance is payable to Councillors who are the main carers of a dependant where care is required to enable the Member to perform an approved duty. Two types of Carers' Allowance will be paid in appropriate circumstances:

1. Standard Care will be paid on receipt of a signed claim form;
2. Specialist Care will be paid, again on receipt of a signed claim form accompanied by original invoices.

A claim form is included at Appendix 4. Forms will be available from Democratic Services for Councillors wishing to avail of this allowance.

3.2.8.3 The general conditions attached to the payment of this allowance are that the Dependant should reside with the Councillor as part of the family and should require full time care.

3.2.8.4 Relevant definitions are as follows:

- Carer – a responsible person over 16 years old who does not normally live with the Councillor and is not a member of the immediate family;
- Specialist Carer – a qualified person who is needed where it is essential to have professional assistance. Receipts must be obtained from specialist carers and these must accompany the claim form;
- Dependant – defined as:
 - A child under 16 years old

- A child aged 16 years old or more where there is medical/social work evidence that full time care is required;
- An adult with a recognised physical/mental disability where there is medical/social work evidence that full time care is required;
- An elderly relative requiring full time care.

3.2.8.5 The Council will pay the maximum rates specified by the Department. The current rates of allowance (LG 10/2022) are included at Appendix 1

3.2.9 Travel and Subsistence Allowance

3.2.9.1 Travel and subsistence allowances recompense Councillors for expenditure necessarily incurred when performing an approved duty.

3.2.9.2 The Council will pay travel and subsistence at the maximum rates approved by the Department which are detailed in Circular LG 10/2022 and included at Appendix 1. For overseas travel the Council will pay the Overseas Subsistence Rates produced by the Foreign and Commonwealth Office. In exceptional circumstances, e.g. due to inability to secure a reasonable standard of accommodation due to market forces, the Council may, following consideration by the Chief Executive (or in his absence, the Director of Finance), pay such higher amount as is deemed reasonable in the circumstances.

3.2.9.3 In making travel and accommodation arrangements Councillors should seek to secure the most economically advantageous arrangements possible having regard to the potential to book low cost airlines, hotels, etc. in good time so as to avail of discounts, etc. However, in circumstances where attendance might have to be cancelled or rescheduled, Councillors should have regard to the benefits of securing rates which afford at least some degree of flexibility. However, in calculating the actual amount repayable to Councillors the Council will have regard in the first instance to the amounts detailed in Circular LG 10/2022 (at Appendix 1). In the interest of Councillors being able to fulfil their duties, a suitable measure of price inflation will be considered where accommodation cannot be secured for the rates shown in LG 10/2022.

3.2.9.4 Travel and subsistence claims will, save for exceptional circumstances (which must be expressly considered by the Council), only be paid if the duty to which they relate has been approved before the duty is performed.

3.2.9.5 Approved duties are defined in section 3.3.

3.2.9.6 The following travel and subsistence allowances will be paid to Councillors in accordance with this Scheme:

- Public transport fares*;
- Motor mileage rates*;
- Supplements;
- Taxi fares*;
- Air fares*;
- Day subsistence allowances*; and
- Overnight subsistence allowances*

* where supported by receipts

The amount of subsistence paid will be reduced in respect of any meals provided free of charge (except where the Council accepts that a Councillor has a legitimate reason for not availing of the food provided, e.g. medical condition)

3.2.9.7 Current maximum rates of mileage rates and maximum rates of subsistence allowance (LG 10/2022) are included at Appendix 1.

3.3 **Approved Duties**

3.3.1 The list of approved duties includes attendance at:

- Council;
- Committee;
- Working Groups;
- Joint committee;
- Bodies/organisations to which the Councillor has been nominated by Council; and
- Meetings/courses/conferences/events expressly approved by Council or by committees/subcommittee/joint committee/bodies/organisations to which the Councillor has been nominated directly by Council (excluding travel and subsistence in relation to those intended to be reimbursed by Basic Allowance (see above);

3.3.2 Travel and subsistence allowances are not payable in respect of the following duties:

- Attendance at site meetings¹ or civic functions (these examples are not the only such examples of duties intended to be reimbursed by Basic Allowance); and
- Any duty where equivalent or similar allowances are payable by another body (it is the Councillor's responsibility to submit directly to the relevant body a claim in the prescribed format and in compliance with any applicable conditions, etc.. Failure to submit a valid claim in the prescribed manner and time frame to the relevant body will not result in the Council reimbursing the Councillor).

3.4 **Broadband Allowance**

3.4.1 The Council will pay broadband connection either landline or satellite based at the maximum rate of £30 and £60 respectively per month. This will only be reimbursed where completed on the claim form and necessary documentation provided (included at Appendix 6). This form will be used until expenses submission has gone fully electronic.

3.4.2 In instances where Councillors have use of a Council mobile phone the Council will recoup the cost of personal usage in relation to phone calls made by Councillors up to a maximum of £20 (inclusive of VAT) per month. This shall continue until such times as Council determines otherwise on managing/facilitating mobile phone packages for Councillors.

3.5 **Chair's and/or Deputy Chair's Allowances**

3.5.1 The Council may pay to the Chair and/or Deputy Chair such allowances as the Council considers reasonable to meet the expenses of the Offices.

3.5.2 The Council will pay to the Chair and Deputy Chair an allowance which shall be subject to tax and national insurance in accordance with HM Revenue and Customs' regulations. It shall also provide the Chair and Deputy Chair with a receipted expenditure allowance to meet the expenses of the respective Office. The current levels of allowances payable are detailed in Appendix 3.

3.5.3 The Chair and/or Deputy Chair will be required to account for the distribution/disbursement of any such allowance and must maintain such records as are prescribed by the Chief Financial Officer. These records and supporting documentation will remain the property of the Council and will be subject to audit. The records and supporting documentation may also form the basis of returns/disclosures to HM Revenue and Customs and other appropriate regulatory/judicial bodies.

¹Correspondence received from the Department for Communities (the Department) suggests that the Department may be considering removing the bar to Councillors receiving travel and subsistence allowances in respect of attending site meetings, as stipulated within 2016 draft regulations. The Department has consulted on the draft regulations making provision for this, the outcome of which has not been issued to the Council.

3.5.4 Office bearers should, in accordance with paragraph 4.18 of The Northern Ireland Local Government Code of Conduct for Councillors (approved by the Northern Ireland Assembly on 27 May 2014) (and any equivalent paragraph in a future Code or similar), be aware of the requirement that Councillors must not use, or authorise others to use, the resources of the Council:

- a) Imprudently;
- b) In breach of the Council's requirements;
- c) Unlawfully;
- d) Other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of their Council or the office to which they have been elected or appointed (emphasis added);
- e) Improperly for political purposes; or
- f) Improperly for private purposes.

3.5.5 The relevant policy is included at Appendix 5.

3.6 Official and Courtesy Visits

3.6.1 The Council will:

- a) Make payments towards expenditure reasonably incurred by Councillors in making official or courtesy visits, whether inside or outside the United Kingdom, on behalf of the Council; and
- b) Defray any expenses reasonably incurred in the reception and entertainment by way of official courtesy of distinguished persons residing in or visiting the Council district or persons representative of or connected with local government or other public services whether inside or outside the United Kingdom, and in the supply of information to any such persons

3.6.2 The amounts payable by the Council in respect of the making of official or courtesy visits will be made on the same basis and subject to the same limits, etc. as equivalent amounts payable to Councillors under this Scheme, e.g. travel and subsistence.

3.7 Claims, Records and Information

3.7.1 Claims

3.7.1.1 The Council requires that all allowances including Travel, Subsistence and Broadband with the exception of Basic Allowance and Special Responsibility Allowance are claimed on the official claim form (Appendix 6) and supported by receipts where relevant.

3.7.1.2 Allowances will be paid monthly in arrears pro rata directly into each Councillor's nominated bank account via the BACS or equivalent system.

3.7.1.3 Claims must be submitted electronically on a monthly basis in arrears but each individual allowance claimed must be submitted to the Council's Democratic Services section within three months of the relevant duty being performed. Failure to do this will result in the relevant duty being deemed non payable. Claims must be ordinarily submitted by the 10th working day of each month. Exceptionally the Director of Finance may issue an earlier submission deadline to accommodate Bank/Public holidays, etc.

3.7.1.4 It is each Councillor's responsibility to ensure that their claim is accurate and complete.

3.7.2 Records

- 3.7.2.1 The Council shall maintain detailed records of claims submitted and paid and publish such information as required by The Local Government (Payments to Councillors) Regulations (Northern Ireland) 2012.
- 3.7.2.2 Such records shall be open to inspection by any member of the public in accordance with the rights provided by article 17 of The Local Government (Northern Ireland) Order 2005 and Regulation 8 of The Local Government Accounts and Audit Regulations (Northern Ireland) 2006 (as amended).
- 3.7.2.3 The Council shall provide all statutory returns as required. Statutory Returns to the Department of Health and Social Services and Public Safety will include all entitlement to allowances whether claimed or not (regardless of whether a Councillor has renounced their entitlement to Basic Allowance or Special Responsibility Allowance by notice in writing to the Chief Executive).

3.7.3 Information

- 3.7.3.1 The Council shall comply with its obligations under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- 3.7.3.2 Individual Councillors may obtain information on any aspect of allowances from either the Chief Executive or the Chief Finance Officer.
- 3.7.3.3 This Scheme will be reviewed on an annual basis and updated in accordance with the Department's notifications. Scheme revisions, apart from the simple revision of maximum amounts which will be adopted automatically in accordance with the provisions detailed at paragraphs:
- 3.2.5 – Basic Allowance;
 - 3.2.8 – Dependants' Carers' Allowance; and
 - 3.2.9 – Travel and subsistence
 - 3.4. – Broadband Allowance

will be brought to the Council's attention via the Policy and Resources Committee



Chief Executive of each District Council
Finance Officer of each District Council
Other Interested Parties

Our ref: CO1-21-1742

Local Government and Housing
Regulation Division
Finance Branch
Causeway Exchange
1-7 Bedford Street
BELFAST
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28 March 2022

Circular LG 10/2022

Dear Sir/Madam

CONSOLIDATED COUNCILLOR ALLOWANCES CIRCULAR – UPDATED MARCH 2022

This Local Government Circular provides a consolidated record of all councillor allowances and supersedes Local Government Circular 07/2021.

This consolidated circular is required to determine and reflect an increase in maximum rates for Basic and Special Responsibility Allowance from 1 April 2021 and an increase in Dependants' Carers' Allowance from 1 April 2022.

All determinations are made by the Department under section 31 of the Local Government Finance Act (Northern Ireland) 2011 and the Local Government (Payments to Councillors) Regulations (Northern Ireland) 2019.

If you have any queries on the content of this circular please contact Jeff Glass on 028 9082 3375 or Ian Lewis on 028 9082 3506 or by email jeff.glass@communities-ni.gov.uk or ian.lewis@communities-ni.gov.uk.

Yours faithfully

ANTHONY CARLETON
Director
Local Government and Housing Regulation

Appendix 1

1. Basic Allowance

- valid from 1 April 2021

Basic Allowance	Maximum £15,757 per annum ≠
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≠ (The basic allowance includes an element for incidental and consumable costs incurred by councillors in their official capacity. In 2015/16 this element was £1,000 and each year this amount is uplifted in line with the increase applied to the basic allowance, therefore this element within the basic allowance is £1,109 from 1 April 2021.)

2. Dependants' Carers' Allowance

– valid from 1 April 2021 – 31 March 2022

The following table states the maximum rates for dependants' carers' allowance.

Dependants' Carers' Allowance	Hourly Rate	Maximum monthly amount
Standard	£8.91 [^]	£463
Specialist	£17.82	£927

[^](Based on national living wage)

- valid from 1 April 2022

The following table states the maximum rates for dependants' carers' allowance.

Dependants' Carers' Allowance	Hourly Rate	Maximum monthly amount
Standard	£9.50 [^]	£494
Specialist	£19.00	£988

[^](Based on national living wage)

3. Travel Allowances

Appendix 1

– valid from 1 April 2017

The following table states the maximum rates for travel allowances.

Type of Vehicle	Rate per Mile
A pedal cycle	20.0p
A motor cycle (all engine capacities)	24.0p
A motor car of cylinder capacity exceeding 450cc but not exceeding 999cc	46.9p *13.7p
A motor car of cylinder capacity exceeding 999cc but not exceeding 1,199cc	52.2p *14.4p
A motor car of cylinder capacity exceeding 1,199cc	65.0p *16.4p
An electric car	45.0p **25.0p
Passenger rate (per passenger)	5.0p

* For mileage above 8,500 miles

**For mileage above 10,000 miles

4. Special Responsibility Allowance

– valid from 1 April 2021

Appendix 1

The following table states the maximum rate of Special Responsibility Allowance that a council may pay. The maximum rate is based on the size of the council population. Each council's population figures are updated each year by the Northern Ireland Statistics and Research Agency and it is the duty of each council to operate within the total maximum rate appropriate to its population band. For ease the maximum any councillor can receive, within each band, is also provided.

Population of council	Maximum Special Responsibility Allowance £	Maximum (1/5 th) for individual councillor £
Less than 120,000	55,479	11,096
120,000 to 199,000	77,671	15,534
200,000 +	119,835	23,967

Appendix 1

5. Subsistence Allowances

– valid from 1 April 2015

The following table states the maximum rates for subsistence; however, where councils believe it is necessary there is flexibility for councils to increase these rates by applying a suitable measure of price inflation.

PERIOD/MEAL	RATES £	
	British Isles	London
Accommodation allowance - An absence involving an overnight stay, away from the normal place of residence. This rate does not include any meal allowance.	100.70	122.45
Breakfast allowance - (more than 4 hours away from the normal place of residence or, where approved by the council, a lesser period before 11 am)	11.50	
Lunch allowance - (more than 4 hours away from the normal place of residence or, where approved by the council, a lesser period including the period between 12 noon and 2pm)	13.50	
Tea allowance - (more than 4 hours away from the normal place of residence or, where approved by the council, a lesser period including the period between 3pm and 6pm)	4.70	
Evening meal allowance - (more than 4 hours away from the normal place of residence or, where approved by the council, a lesser period ending after 7pm)	20.95	



Local Government Circular 23/2019

Councillors' Allowances Guidance for District Councils in Northern Ireland

**Department for Communities
September 2019**

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1. Introduction

This guidance is issued under Section 31(5) of the Local Government Finance Act (Northern Ireland) 2011. The guidance consolidates the previous guidance of December 2016, Local Government Circular 23/2016 and the two addenda to that circular, and also incorporates travel and subsistence arrangements previously stated in subordinate legislation. This guidance supplements the consolidated Local Government Circular 07/2019 on Councillor Allowances rates, issued on 7 March 2019.

2. Details of Allowances Payable to Councillors

Allowances are payable by councils to councillors and committee members under Part 3 of the Local Government Finance Act (Northern Ireland) 2011 and the Local Government (Payments to Councillors) Regulations (Northern Ireland) 2019. Throughout this guidance the Act will be referred to as the 2011 Act and the Regulations as the 2019 Regulations. The definitions provided in the legislation carry forward to this guidance.

The main allowances which may be payable to a councillor are:

- Basic Allowance;
- Special Responsibility Allowance (SRA);
- Dependants' Carers' Allowance (standard/specialised care rates);
- Travel and Subsistence Allowance (also payable to committee members); and
- Chairperson/Vice Chairperson Allowance.

3. Scheme of Allowances

At a glance - Key information
<ul style="list-style-type: none">• Legislation – Regulations 3 & 11 of the 2019 Regulations
<ul style="list-style-type: none">• Each council must have a scheme for the payment of all allowances it makes to councillors each year; travel & subsistence rates also apply to committee members
<ul style="list-style-type: none">• The scheme should advise that a councillor's allowances will be withheld during periods of suspension
<ul style="list-style-type: none">• Scheme must be agreed and commenced prior to payment of any allowances
<ul style="list-style-type: none">• The Scheme must be published as soon as practicable on the council's website

i. The 2019 Regulations provide that each council must have in place a scheme for the payment of any allowance it intends to make to its councillors or committee members in respect of each year.

ii. Before a scheme becomes effective, a council must approve the contents and the commencement date. Payments to councillors should not be made in advance of the scheme approval and commencement date. A scheme can be amended or revoked at any time but there must be no intervening period of time between one scheme ending and a further scheme commencing.

iii. The council should as soon as practicable publish the approved scheme on the council's website, and make any other arrangements for publishing the scheme it considers appropriate.

iv. For councils ease a generic scheme template is attached at Annex A, although it is not compulsory to use this layout.

v. A scheme should state that where a councillor, in accordance with section 59(5) or section 60(5) of the Local Government Act (Northern Ireland) 2014, is suspended from carrying out the duties of a councillor, the part of basic allowance, special responsibility allowance and/or chairperson/ vice chairperson allowance payable for the period of suspension to the councillor will be withheld.

4. **Basic Allowance**

At a glance - Key information
• Legislation – Regulation 4 of the 2019 Regulations
• Basic allowance should be the same for each councillor and is intended to also cover incidental costs incurred by councillors
• A councillor's basic allowance will be withheld during periods of suspension

i. The 2019 Regulations provide that a council must make provision in its scheme of allowances for a basic allowance, with the same rate applicable to each councillor. Where applicable this is payable on a pro-rata basis.

ii. Each council must determine the amount of basic allowance it will pay, which must be within the maximum rate set by the Department.

iii. No council may pay more than one basic allowance to a councillor.

iv. Basic allowance is intended to recognise all the time commitment of councillors, including such inevitable calls on their time as meetings with officers and constituents.

v. The basic allowance is intended to cover incidental costs incurred by councillors in their official capacity, such as the use of their homes, office consumables and the cost of landline and mobile phone calls; subject to the discretion in paragraph 9(ii).

vi. It is for the council to decide at what intervals payment of basic allowance should be made. The Department suggests payment on a monthly or quarterly basis, but under no circumstances should payment be made in advance.

vii. In circumstances where a councillor is suspended from carrying out the duties of a councillor in accordance with section 59(5) of the Local Government Act (NI) 2014, the part of basic allowance payable to the councillor in respect of the period for which the councillor is suspended should be withheld.

5. **Special Responsibility Allowance (SRA)**

At a glance - Key information
• Legislation – Regulation 5 of the 2019 Regulations
• Subject to a total maximum rate determined by size of council population
• Subject to maximum individual SRA councillor payment of $\frac{1}{5}$ th of council maximum SRA amount
• Restricted to 50% of councillors in council
• Restricted to one SRA per councillor
• A councillor's SRA will be withheld during periods of suspension

i. A council may make provision in its scheme for the payments of SRAs. A SRA is in addition to the basic allowance.

ii. A councillor can only receive one SRA.

iii. As elected representatives, councillors are expected to undertake responsibilities in the course of their duties which may include representation on a number of external bodies. SRA should only be paid to those councillors who have significant additional responsibilities, over and above the generally accepted duties of a councillor.

iv. The amount a council may spend on SRA is subject to a maximum rate as determined by the Department, banded by the size of the council population. Each council's population figures are updated each year by the Northern Ireland Statistics and Research Agency and it is the duty of each council to operate within the total maximum rate appropriate to its population band. Population bands and applicable maximum rates are contained in Local Government Circular 07/2019 which can be found at:

<https://www.communities-ni.gov.uk/sites/default/files/publications/communities/lg-07-2019covering-letter.pdf>

v. Payment of SRA is limited to 50% of a council's councillors; based on the total number of seats on a council. Where this results in a fraction the figure may be rounded up to the next whole number. Examples are detailed in the table below:

Total Number of Seats in Council	Maximum Number of SRA Allowances Payable
40	20
41	21
60	30

vi. In exceptional circumstances a council can apply to the Department for flexibility in this 50% restriction. This will not affect the maximum amount of SRA available to a council, only its distribution among the councillors of that council. In order for the Department to make a decision the council would need to submit all relevant information which should include:

- reasons for wishing to distribute SRA allocation to more than half the council;
- the period involved;
- details of the additional number of councillors to receive SRA; and
- the resulting percentage of councillors to receive SRA.

vii. Payment of SRA to an individual councillor is limited to $\frac{1}{5}$ th of the SRA maximum rate applicable for that council.

viii. It is a matter for each council to decide which significant additional responsibilities attract SRA. The special responsibility and associated SRA rate payable must be clearly stated in the scheme.

ix. Councils should consider, very carefully, the additional roles of councillors and the significance of those roles, both in terms of

responsibility and time commitment, before deciding which will warrant the payment of an SRA.

x. It is for each council to decide the SRA payment intervals. The Department would suggest payment on a monthly or quarterly basis, but under no circumstances should payment be made in advance.

xi. A council may wish to retain a portion of its SRA allocation to allocate later in the year; as unpredicted responsibilities may arise during the year.

xii. Where applicable a SRA should be paid on a pro-rata basis.

xiii. In circumstances where a councillor is suspended from carrying out the duties of a councillor in accordance with section 59(5) of the Local Government Act (NI) 2014, the part of the SRA payable to the councillor in respect of the period for which the councillor is suspended should be withheld.

6. Chairperson/Vice Chairperson Allowances

At a glance - Key information
<ul style="list-style-type: none">• Legislation – Section 32 of the Finance Act
<ul style="list-style-type: none">• A councillor's Chairperson/Vice Chairperson Allowance (CVA) will be withheld during periods of suspension
<ul style="list-style-type: none">• Chairperson/Vice Chairperson Allowances are completely separate from Special Responsibility Allowance (SRA) arrangements

i. Section 32 of the Finance Act provides that a council may pay to the chairperson and vice chairperson of the council such allowances as it considers reasonable to meet the expenses of those offices.

ii. Where the district of a council has been designated as a borough, the chairperson and the vice chairperson are known as the mayor and deputy mayor of the borough.

iii. The Department advises that any Chairperson/Vice Chairperson Allowance should be considered totally separate from SRA arrangements. Further, these allowances should not be taken into account when considering SRA limits. This follows the policy intent of the primary legislation in Section 32.

iv. The Department advises that any Travel & Subsistence expenses for these offices/roles should be viewed and treated as normal Section 31 expenses.

v. The Departmental issued yearly template for publishing the allowances being paid by each council to each councillor provides transparency of the amount councillors receive.

vi. The councillor allowances statistical return has been revised to record and show the Chairperson/Vice Chairperson Allowance separate from SRA.

vii. Section 6 and Part 3 of Schedule 1 of the Local Government (Northern Ireland) 2014 Act means that it will be unusual for a councillor receiving a Chairperson/Vice Chairperson Allowance to also be in receipt of a SRA. However this may occur if the Chairperson/Vice Chairperson is a member of a committee where

all members of the committee attract a SRA rather than just the Chair of the committee.

viii. Where applicable a Chairperson/Vice Chairperson Allowance should be paid on a pro-rata basis.

ix. In circumstances where a councillor is suspended from carrying out the duties of a councillor in accordance with section 59(5) of the Local Government Act (NI) 2014, the part of Chairperson/Vice Chairperson Allowance payable to the councillor in respect of the period for which the councillor is suspended should be withheld.

7. Dependants' Carers' Allowance

At a glance - Key information
• Legislation – Regulation 6 of the 2019 Regulations
• Open to all councillors who are the main carer of a dependant
• Subject to a maximum rate per hour of care
• Subject to a maximum amount payable per month
• Claims must be made within 3 months

i. Each council may make provision in its scheme of allowances for the payment of a Dependants' Carers' Allowance ("DCA"). This is an allowance open to all councillors who are the main carers of a dependant where care is required to enable the councillor to perform an approved duty.

ii. The allowance may be paid for a dependant who requires full-time care and who resides with the councillor as part of that household.

iii. A dependant is defined as:

- a child under 16 years old;
- a child 16 years old or more, where there is medical or social work evidence that full-time care is required;
- an adult with a recognised physical or mental disability where there is medical or social work evidence that full-time care is required; or
- an elderly relative requiring full-time care.

iv. For the purposes of this allowance, a carer is defined as a responsible person over 16 years old who does not normally live with the councillor as part of that household; and is not a parent/guardian of the dependant child.

v. A specialist carer is defined as a qualified person who is needed where it is essential to have professional assistance. In these circumstances a receipt must be attached to the claim.

vi. The Department determines maximum hourly rates of DCA for both standard care and specialised care. The rate for standard care is based on the hourly national living wage for age 25+, and the rate for specialised care is double the rate for standard care. In addition

the Department sets maximum monthly amounts for standard care and specialised care, capped at the equivalent of 52 hours per month.

vii. It is not intended that DCA will reflect the actual costs that may be incurred by a councillor, but will provide a reasonable amount towards the care of dependants.

viii. Councillors may claim only one DCA in respect of each occurrence of approved duty. Only one DCA rate is payable even if there are 2 or more children/ dependants being cared for.

ix. Councils should ensure that they have a robust system in place for councillors to claim the relevant DCA applicable to their circumstances. Councillors wishing to claim DCA should be asked to complete a claim form and sign a declaration. Annex B provides suggested template forms for claiming DCA standard / specialised care.

x. The process should include flexibility to allow for care for the period of essential travel time, councillors may claim for a period starting up to a maximum of one hour before the approved duty starts and ending up to one hour after it finishes. In exceptional cases, with the prior approval of the council, a greater travel time may be considered.

xi. Councillors must disclose any financial support provided under DCA when applying for other care services offered by another public body.

xii. Councils are encouraged to provide councillors with information as to where they might access advice on caring facilities and services. Councils should also review whether their family-friendly policies and practices cater for the needs of councillors, as well as staff.

xiii. Councils must ensure they have a robust system in place for DCA claims which must be submitted within three months. In exceptional circumstances a council has discretion to consider claims outside this period.

8. Travel And Subsistence Allowances; Expenses for Official and Courtesy Visits etc; and Expenses Incurred in Attending Conferences and Meetings

At a glance - Key information
• Legislation – Regulation 7 the 2019 Regulations; Sections 33 & 34 of the Finance Act
• Travel and subsistence rates are determined by the council
• Claims must be made within 3 months

i. Each council may make provision in its scheme of allowances for the payment of travel allowance and subsistence allowance; within the maximum rate, taking into consideration paragraph xii, as determined by the Department. These are open to all councillors and committee members who incur expenditure for travel and subsistence in relation to any approved duties.

ii. The maximum rates of travel and subsistence are determined by the Department following consultation with the Northern Ireland Joint Council for Local Government Services.

iii. The rate claimed for travel by public transport should be at economy/2nd class. It is at a council's discretion to reimburse for seat reservation where considered necessary.

iv. Where no public transport is available, or where the council deems it applicable, a councillor or committee member may be reimbursed the receipted cost of travel by taxi. Where a councillor or committee member travels by taxi in preference to public transport the amount reimbursed will be limited to what would have been the cost of the equivalent public transport.

v. Where the council deems a hired car is necessary a councillor or committee member may be reimbursed the receipted cost of the hired car along with the applicable mileage rate.

vi. Where the council deems air travel is necessary the cost of the air travel inclusive of reasonable luggage allowance and seat allocation may be reimbursed.

vii. Councils must ensure they have a robust receipted system in place for any travel allowance or subsistence allowance claims, other

than mileage-based or overseas rate claims, all of which must be submitted within three months.

viii. The amount claimed for travel or subsistence must not exceed the actual amount paid. A claim for subsistence should not be made where a relevant meal has been provided free of charge. The purchase of any alcoholic beverages should be excluded from subsistence claims.

ix. The rates paid for travel by car must not exceed the amount that would result from using an alternative mode of transport; e.g. public transport or air fare, unless previously agreed by the council.

x. In addition to the mileage rate for car travel a councillor or committee member may claim the passenger rate for each passenger who is on council business.

xi. In submitting the claim the claimant is declaring that no other body will be covering, part or all, of the costs claimed.

xii. The consolidated circular 07/2019 states the maximum rates of subsistence, which are those set in 2006. However, there is flexibility for councils to increase the 2006 rates where necessary by applying a suitable price inflation measure.

xiii. Where the mode of transport limits availability of meal options, such as via airplane or train, the reasonable cost of a meal taken, excluding alcoholic beverages, including VAT, may be reimbursed in full. This is in place of the relevant meal allowance.

xiv. It is at the discretion of the council to cover expenditure incurred by councillors in making or receiving official/ courtesy visits or attending conferences, on behalf of the council, which are outside of the standard travel and subsistence arrangements. This type of expenditure may arise due to hosting guests to the council, or representing the council at an event or attending a conference. Where applicable the rates and rules for general travel and subsistence should be followed.

- xv. For travel and subsistence outside the British Isles, it is recommended that councils adopt the Overseas Subsistence Rates produced by Her Majesty's Revenue & Customs (HMRC). Where these rates are applied receipts are not necessary. However the restrictions outlined in the paragraphs ix and xii still apply.
- xvi. The rules for payment of travel and subsistence are set out in Schedule 1.
- xvii. For convenience a link is provided to the wider HMRC travel rules which are in place at this time (these are subject to change):

<https://www.gov.uk/government/publications/scale-rate-expensespayments-employee-travelling-outside-the-uk>

9. Councillors' Support Services

i. The Basic Allowance was increased in April 2015, in part, to cover office consumables and incidental costs incurred by councillors in their official capacity; this includes the cost of landline and mobile telephone calls.

ii. It is for each council to decide if it should provide councillors with:

(a) any IT or mobile hardware, such as laptops or printers; and/or
(b) broadband and mobile data, or cover all or part of the cost of these services; as required to carry out council duties.

iii. Where mobile telephone calls, required for council business, form an integral part of a council's broadband and mobile data communications package these can also be provided.

iv. A decision to provide or cover any of these costs must be supported by a robust business case.

v. It is for each council to decide on the level of support services that it provides such as general secretarial services, council business cards and headed paper. However councils should not provide councillors with hard copies of electronic documents where the council has provided a portable IT device.

10. Renunciations

Councillors may, if they wish, renounce their entitlement to basic, chairperson, vice chairperson or special responsibility allowances. They can do this by writing to the Chief Executive. A councillor can subsequently withdraw the renunciation. They can also amend a renunciation (for example, to limit it to one kind of allowance only). The withdrawal or amendment cannot have retrospective effect.

11. Councillors' Pensions And Tax Implications

It is for councils and councillors to satisfy themselves that their tax and insurance arrangements are in order; where necessary consulting with advisers as required. As at September 2019, Her Majesty's Revenue and Customs website contains useful information on the treatment of tax for councillors:

<https://www.gov.uk/hmrc-internal-manuals/employment-incomemanual/eim65900>

12. **Publication of Allowances Paid to Councillors**

At a glance - Key information
• Legislation – Regulation 11 the 2019 Regulations
• Generic template for publishing details of allowances paid

i. As soon as possible after the end of a financial year, and before 30 June, a council must arrange for the amounts of basic allowance, special responsibility allowance, Chairperson/Vice Chairperson allowance, Official/Courtesy Visits expenses and dependants' carers' allowance it has paid to each councillor, and the amounts of travel and subsistence allowances paid to each councillor and committee member, to be published on its website.

ii. Councils are provided each year with a template to complete to publish details of allowances paid to councillors. This must be adhered to. This generic approach aids transparency and allows for comparisons to be made between councils. The template will be issued each year via local government circular in advance of the end of the financial year. A copy of the latest template can be found at:

<https://www.communities-ni.gov.uk/publications/circular-lg-1319template-councillor-allowances-return-20182019>

iii. In the template Travel & Subsistence payments made to councillors under Section 31 (Allowances, etc. for councillors), Section 33 (Expenses of official and courtesy visits, etc.) and Section 34 (Expenses incurred in attending conferences and meetings) of the Finance Act should be grouped together. This includes any Travel & Subsistence payments made to chairpersons/vice chairpersons.

iv. The specific allowances under Section 32 (Allowances for chairperson and vice-chairperson) for carrying out these roles should be recorded separately.

v. Section 33 of the Finance Act expenses (Expenses of official and courtesy visits, etc.), aside from Travel & Subsistence expenses, should be recorded separately.

13. Increases to Allowance Rates

- i. The amount of the maximum basic allowance, SRAs and Chairperson/Vice Chairperson allowances will be updated in line with pay increases for council officers.
- ii. The amount of Dependents' Carer's Allowance will be updated in line with the national living wage for age 25+.

14. Administration

Councils should retain the bank detail instructions from each councillor and committee member on where allowances are to be paid.

[NAME OF COUNCIL]

[Council to complete/consider colour font]

SCHEME OF ALLOWANCES PAYABLE TO COUNCILLORS

This Scheme is made under the Local Government (Payments to Councillors) Regulations (Northern Ireland) 2019.

1. Definitions

In this scheme 'approved duty' and committee member are as defined in the Local Government (Payments to Councillors) Regulations (Northern Ireland) 2019.

2. Commencement Date

This scheme of allowances shall be operational from 1 April 2019.

3. Basic Allowance

An annual basic allowance of (amount) shall be paid to each councillor. Where applicable this will be paid pro-rata.

4. Special Responsibility Allowance

4.1. A special responsibility allowance shall be paid to those councillors who hold the special responsibilities specified in Schedule 1.

4.2. The amount of allowance shall be the amount specified against that special responsibility in the Schedule. The allowance is only payable whilst the councillor is carrying out that duty.

4.3. At any time, only one special responsibility allowance will be paid to a councillor.

4.4. Where applicable any special responsibility allowances will be paid pro-rata.

5. Chairperson/Vice Chairperson Allowance

5.1. An allowance of (amount) will be payable to the Chairperson/Mayor of the council. Where applicable this allowance will be paid pro-rata.

5.2. An allowance of (amount) will be payable to the Vice Chairperson/Mayor of the council. Where applicable this allowance will be paid pro-rata.

6. Dependants' Carers' Allowance

6.1. Councillors are entitled to claim a dependants' carers' allowance towards reimbursement of actual reasonable costs necessarily incurred in providing care for an eligible dependant, while carrying out an approved duty.

6.2. A dependants' carers' allowance shall be payable based upon actual receipted costs or at the appropriate hourly rate, whichever is the lower; up to the monthly maximum.

6.3. The hourly rate of dependants' carers' allowance for standard care shall be (amount), and for specialised care (amount). The

monthly maximum for standard care payable is (amount), and the monthly maximum for specialised care is (amount).

Councillors may claim only one DCA in respect of each occurrence of approved duty. Only one DCA rate is payable even if there are 2 or more children/ dependants being cared for.

7. Travel and Subsistence Allowances

7.1. A councillor or committee member shall be entitled to claim travel and subsistence allowances where expenditure on travelling or subsistence has been necessarily incurred. The amount claimed should not exceed expense incurred.

7.2. The rates of travel allowance for travel by private vehicle shall be as shown in the table below. [Where council rates are set below maximum, or maximum increased, these figures should be amended.]

Type of Vehicle	Rate per Mile
A pedal cycle	20.0p
A motor cycle (all engine capacities)	24.0p
A motor car of cylinder capacity exceeding 450cc but not exceeding 999cc	46.9p *13.7p
A motor car of cylinder capacity exceeding 999cc but not exceeding 1,199cc	52.2p *14.4p
A motor car of cylinder capacity exceeding 1,199cc	65.0p *16.4p
An electric car	45.0p **25.0p
Passenger rate (per passenger)	5.0p

*For mileage above 8,500 miles

**For mileage above 10,000 miles

7.3. The rates of subsistence shall be as shown in the table below. [Where councils have increased the set rates due to insufficiency, or where the default set rates have increased, the council rates should be input]

PERIOD/MEAL	RATES	
	British Isles £	London £
Accommodation allowance - An absence involving an overnight stay, away from the normal place of residence. This rate does not include any meal allowance.	100.70	122.45
Breakfast allowance - (more than 4 hours away from the normal place of residence or, where approved by the council, a lesser period before 11 am)	11.50	
Lunch allowance - (more than 4 hours away from the normal place of residence or, where approved by the council, a lesser period including the period between 12 noon and 2pm)	13.50	
Tea allowance - (more than 4 hours away from the normal place of residence or, where approved by the council, a lesser period including the period between 3pm and 6pm)	4.70	
Evening meal allowance - (more than 4 hours away from the normal place of residence or, where approved by the council, a lesser period ending after 7pm)	20.95	

8. General

8.1. This scheme may be revoked or amended at any time.

8.2. The amounts stated in paragraphs 3-5 will be subject to any indexing increase during the year. [Where councils do not wish this to automatically be the case this wording should be amended/removed].

8.3. The amounts stated in paragraph 6 will be subject to any increase to the national living wage for age 25+. [Where councils do not wish this to automatically be the case this wording should be removed].

9. Claims and Payment

9.1. Payments regarding basic allowance and special responsibility allowance shall be made (insert frequency, for example monthly).

9.2. Claims for dependants' carers' allowance, travelling allowance or subsistence allowance should be made in writing within three months, and should be accompanied by receipts, where appropriate.

SCHEDULE 1 to the Scheme of Allowances

The following table provides details of the council's duties which attract a Special Responsibility Allowance and the associated allowance amount.

Special Responsibility	Special Responsibility Allowance Rate (£)
Insert the role and details of the significant additional responsibility that is over and above the generally accepted duties of a councillor	Insert amount attached to this special responsibility

DEPENDANTS' CARERS' ALLOWANCE
(SAMPLE) CLAIM FORM – STANDARD CARE

Date care provided:

Approved duty covered:

(expand as necessary)

.....

Time from Time to

Total travel time within above hours

Total hours:

Cost per hour: £..... Total amount paid: £.....

Total amount claimed £.....

(Claim amount is subject to agreed travel time, hourly and monthly rate limits)

Name of dependant(s):

Relationship(s) to councillor:

Name of carer:

National Insurance Number of Carer

Declaration:

I declare that the above named provided a childcare/carer service to me as detailed above, in order that I could perform the approved duty stated.

Name of claimant: Signature

of claimant: Date of claim:

.....

NB – A claim form should be completed and submitted for each relevant occurrence of approved duty -

DEPENDANTS' CARERS' ALLOWANCE
(SAMPLE) CLAIM FORM – SPECIALISED CARE

Date care provided:

Approved duty covered:

(expand as necessary)

Time from Time to

Total travel time within above hours

Total hours:

Cost per hour: £..... Total amount paid: £.....

Total amount claimed £.....

(Claim amount is subject to agreed travel time, hourly and monthly rate limits)

Name of dependant(s):

Relationship(s) to councillor:

Name of carer:

National Insurance Number of carer:

Declaration:

I declare that the above named provided a childcare/carer service to me as detailed above, in order that I could perform the approved duty stated.

Name of claimant:

Signature of claimant:

Date of claim:

NB – A claim form should be completed and submitted for each relevant occurrence of approved duty. – an original invoice from the carer must be presented with this claim form

RULES WITH RESPECT TO THE PAYMENT OF TRAVEL ALLOWANCES

1. The rate for travel by public service shall not exceed the amount of the ordinary first class fare or any available cheap first class fare, provided that the sum paid shall not exceed the actual amount disbursed by the councillor or committee member.
2. The rate specified in the preceding paragraph may be increased by supplementary allowances not exceeding expenditure actually incurred—
 - (a) on special supplements, reservation of seats and deposits or portage of luggage; and
 - (b) on sleeping accommodation engaged by the councillor or committee member for an overnight journey subject, however, to reduction by one third of any subsistence allowance payable for that night.
3. The rate for travel by taxi shall not exceed—
 - (a) in cases of urgency or where no public service is reasonably available, the amount of the actual fare and any reasonable gratuity paid; and
 - (b) in any other case, the amount of the fare which the councillor or committee member would have been entitled to claim if travelling by appropriate public service.
4. The rate for travel by a hired motor vehicle other than a taxi shall not exceed the rate which would have been applicable had the vehicle belonged to the councillor or committee member who hired it, provided that where the council so approves, the rate may be increased to an amount not exceeding the actual cost of the hiring.
5. Fares for travel by air shall be payable if either—
 - (a) the rate for travel by air does not exceed the rate applicable to travel by appropriate alternative means of transport together with an allowance equivalent to the amount of any saving in subsistence expenses consequent on travel by air; or
 - (b) the council resolves, either generally or specially, that the saving in time is so substantial as to justify payment of the fare for travel by air, in which case there may be paid an amount not exceeding—
 - (i) the ordinary or any available cheap fare for travel by regular air service; or
 - (ii) where no such service is available, or in any case of urgency, the fare actually paid by the councillor or committee member.
- 6.—(1) If a councillor or committee member uses a private motor vehicle in preference to a public service, or where a public service is not available, the rates per mile payable shall be determined by the council within the maximum rates determined by the Department in respect of the types of vehicles specified in subparagraph (2).

- (2) The types of vehicles specified for the purposes of sub-paragraph (1) are—
- (a) a pedal cycle;
 - (b) a solo motor cycle of cylinder capacity not exceeding 149cc;
 - (c) a solo motor cycle of cylinder capacity exceeding 149cc but not exceeding 499cc;
 - (d) a solo motor cycle exceeding 499cc cylinder capacity or a motor cycle with a sidecar;
 - (e) a motor car or tri-car of cylinder capacity not exceeding 450cc;
 - (f) a motor car or tri-car of cylinder capacity exceeding 450cc but not exceeding 999cc;
 - (g) a motor car or tri-car of cylinder capacity exceeding 999cc but not exceeding 1,199cc; and
 - (h) a motor car or tri-car of cylinder capacity exceeding 1,199cc.
- (3) The rates payable under sub-paragraph (1) may be increased—
- (a) where other councillors or committee members are conveyed in the same vehicle on the business of the council, by an additional rate per mile determined by the council for the carriage of each additional passenger;
 - (b) by not more than the amount of any expenditure incurred on tolls, ferries or parking fees; or
 - (c) in the case of an absence overnight from the usual place of residence, by an amount determined by the council for garaging a motor car, tri-car, or a motor vehicle of any other type, but not exceeding the amount actually paid by the councillor or committee member.
- (4) For the purpose of this paragraph, cylinder capacity shall be calculated in the manner prescribed by regulation 43 of the Road Vehicles (Registration and Licensing) Regulations 2002⁽¹⁾, provided that where the engine of a car has been rebored the calculation shall be based on the engine as it was when new.

⁽¹⁾ S.I. 2002/2742

RULES WITH RESPECT TO THE PAYMENT OF SUBSISTENCE ALLOWANCES

7. Subsistence allowances shall be payable in respect of both an absence involving an absence overnight from the usual place of residence and an absence not involving an absence overnight from the usual place of residence.

8. The rates determined in respect of an absence overnight from the usual place of residence shall cover a continuous period of absence of twenty-four hours.

9. For an absence overnight of a period less than twenty-four hours, an appropriate amount in respect of any meal allowance shall be deducted from the maximum rate determined.

10. Any rate determined shall be reduced by an appropriate amount in respect of any meal provided free of charge by any body during the period to which the allowance relates.

11.—(1) For an absence from the usual place of residence overnight in London or exceptionally in any other place in the British Isles approved by the Department, the rates may be increased by a supplementary allowance of such amount as the council may determine.

(2) For the purpose of this paragraph London means the City of London and the London Boroughs of Camden, Greenwich, Hackney, Hammersmith and Fulham, Islington, Kensington and Chelsea, Lambeth, Lewisham, Southwark, Tower Hamlets, Wandsworth and Westminster.

Chief Executive of each District Council
Finance Officer of each District Council
Other Interested Parties

Local Government and Housing
Regulation Division
Finance Branch

Level 4
Causeway Exchange
1-7 Bedford Street
BELFAST
BT2 7EG
Phone: 028 9082 3375

email: jeff.glass@communities-ni.gov.uk

Addendum to Circular LG 23/2019

Our ref: CO1-20-1654

06 August 2020

Dear Sir/Madam

AMENDMENT TO GUIDANCE ON COUNCILLOR ALLOWANCES

1. Please find attached an amended Paragraph 10 of Local Government Circular 23/2019 with updated guidance on renunciations.
2. The purpose of the amendment is to incorporate more detail in the guidance for a council member wishing to renounce part of his/her allowance. This was discussed at the Finance Working Group meeting of 25 June 2020 between the Department and Local Government Finance Officers.
3. If you have any queries on the content of this letter please contact me at the above email or Ian Lewis by email ian.lewis@communities-ni.gov.uk.

Yours faithfully

JEFF GLASS
Local Government and Housing Regulation

Addendum

Addendum to Paragraph 10 of Councillors' Allowances Guidance for District Councils in Northern Ireland (Local Government Circular 23/2019)

10. Renunciations

Councillors may, if they wish, renounce all or part of their entitlement to basic, chairperson, vice chairperson or special responsibility allowances. They can do this by writing to the Chief Executive. A councillor can subsequently withdraw the renunciation. They can also amend a renunciation (for example, to limit it to one kind of allowance only). The withdrawal or amendment cannot have retrospective effect.

It is recommended that this should be an administrative arrangement for the council with political party agreement.

Special Responsibility Allowance and Chair/Deputy Chair Allowances

Chair/Deputy Chair Allowances

Description		Total £
Chair Allowance (Taxable)		14,000
Deputy Chair Allowance (Taxable)		7,500
Receipted expenditure allowance:		
• Chair	9,000	
• Deputy Chair	3,000	12,000
Receptions		
• Chair	6,000	
• Deputy Chair	2,000	8,000
Total		41,500

Special Responsibility Allowance (Taxable)

Position of Responsibility	Number	SRA £	Total SRA £
Committee Chair	5	7,000	35,000
Committee Deputy Chair	5	2,000	10,000
MUDC rep. on Partnership Panel	1	2,000	2,000
Housing Council	1	1,500	1,500
Total	12		48,500

Other comments:

The officers will prepare and submit to the Policy and Resources Committee a report recommending detailed eligibility criteria and guidance in relation to all receptions, i.e. Civic, Chair and Deputy Chair.

Although the aggregate amount of Special Responsibility Allowance payable to Members is £74,292 as per Circular LG 07/2019, Council shall not increase the amounts payable to individual Member in receipt of Special Responsibility Allowance until such times as Council undertakes a formal review of the Special Responsibility Allowance.

**MID ULSTER DISTRICT COUNCIL:
DEPENDANTS' CARERS' ALLOWANCE CLAIM FORM**

Please tick which type of care you are claiming for:

Standard Care ☐ Specialist Care ☐

Approved duty covered: _____

Date care provided: _____

Time from: _____ Time to: _____ Total hours: _____

Cost per hour: _____

Name of Dependant: _____

Relationship to Councillor: _____

Name of Carer: _____

National Insurance Number: _____

Signature of Carer: _____

Declaration

I declare that the above named provided a child carer/carers to me as detailed above in order that I could perform the approved duty stated.

Name of Claimant: _____

Signature of Claimant: _____

Date of claim: _____

NB: Please note that the standard allowance is £7.50 per hour up to a maximum of £390 per month and specialist allowance is £15.00 per hour up to a maximum of £780 per month.

ADMINISTRATIVE COUNCIL FINANCE USE ONLY

Checked By: _____ **Date:** _____

Authorised By: _____ **Date:** _____

Chair/Deputy Chair Allowance Policy

(Please refer to 3.5.4 within the scheme)

The Chair/Deputy Chair may incur and be reimbursed in respect of expenses, which must be wholly and exclusively incurred in the conduct of Chair/Deputy Chair duties.

The expenses which may be reimbursed include:

- Reasonable (receipted) donations (up to a maximum of £250) to individuals or organisations, charitable or otherwise, providing the proposed done would not be deemed by the Council to be incompatible with the Council's role in society and the purpose of the donation is compatible with the Council's core values;
- Reasonable (receipted) hospitality expenses (relative to the numbers entertained) where any expenditure relating to alcohol at any one function is generally limited to either the higher of £100 or 20% of the total bill for food and alcohol, such hospitality to be recorded (recipient(s), description, cost and occasion) recorded in an appropriate hospitality register;
- Reasonable (receipted) gifts (excluding alcohol and tobacco) subject to full disclosure of done, gift (description and cost) and occasion in an appropriate gifts and hospitality register;
- Reasonable (receipted) travel and subsistence costs of the Chair/Deputy Chair subject to the requirement that no other reimbursement has/will be made by the Council or any other individual, organisation or authority (separate declaration to be required);
- In exceptional circumstances, reasonable (receipted) clothing costs which are required to enable the Chair/Deputy Chair to perform their duties.

In areas of uncertainty, reference should be made to the Chief Executive or his nominee.

MID ULSTER DISTRICT COUNCIL: COUNCILLOR CLAIM FORM FOR TRAVEL, SUBSISTENCE AND BROADBAND

Councillor _____ Address _____

Month _____ Make of Vehicle _____ Engine CC _____ Registration No. _____

Travel and Subsistence							
Date	Meeting Time	Particulars of Journey Start : Destination : Finish	Description of Approved Duties	Mode of Travel	Mileage Claimed	Other Travel Costs	Subsistence
Total							

Broadband (Landline and Satellite)				
Date of Bill	Broadband Period (include dates: from and to)	Total Cost of Bill	Broadband Package Cost	Broadband Claimed (max. £30 for landline or max. £60 or satellite per month)
Total				

DECLARATION

I declare that:

- I have necessarily incurred expenditure on travel, subsistence and broadband for the purpose of enabling me to perform the approved duties of Mid Ulster Council
- I have actually paid the fares shown and all other amounts claimed are in accordance with rates approved by the Council
- I have attached all necessary VAT receipts in connection with Travel & Subsistence and expenses claimed
- I have not made, and will not make, any other claim under any enactment for Travel & Subsistence expenses in connection with the duties indicated in this form
- The amounts claimed are in accordance with the Local Government (Payments to Councillors) Regulations (Northern Ireland) 2012
- Where I am claiming mileage expenses, I have a valid licence, motor insurance and valid MOT certificate (if applicable), to cover my vehicle for business purposes

Signature _____ **Date** _____

Please Note

1. Claims must be made on a calendar month basis and submitted not later than the 5th day of each month
2. Completed and signed forms to be submitted with or marked for the attention of the Member Support Officer, Democratic Services at Council Offices, Circular Road, Dungannon
3. No payment will be made for claims submitted more than 3 months after the date of the journey or expenditure being incurred
4. Receipts must be attached for expenditure - credit/ debit card receipts are not acceptable for claim purposes

Democratic Services		
	Signature	Date
Checked By		
Authorised By		
Finance Department		
Checked By		

Part 6

Officers' Management Structure



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Organisational Structure

