

A

Subject: Committee Terms of Reference

Reporting Officer: Chief Executive

1	Purpose of Report
1.1	To advise Members on the Terms of Reference of the Policy & Resources Committee.

2	Background
2.1	Members will be aware that Mid Ulster District Council at its meeting on 26 June 2014 established four committees to take forward the work of the Council during the transitional period.
2.2	<p>The committees established and functions aligned to each committee were as follows:-</p> <p>Policy & Resources Committee</p> <ul style="list-style-type: none"> • Finance • Human Resources • ICT • Governance • Marketing & Communications <p>Environment Committee</p> <ul style="list-style-type: none"> • Waste Management • Cleansing • Building Control • Environmental Health <p>Development Committee</p> <ul style="list-style-type: none"> • Community Planning • Economic Development • Leisure • Arts and Culture <p>Planning Committee</p> <ul style="list-style-type: none"> • Capacity building • Area Plan preparations

2.3	<p>At the meeting on 26 June 2014, parties appointed the following Members to the Policy & Resources Committee</p> <p>Cllr Seán McPeake, SF (Chair) Cllr Anne Forde, DUP (Vice-Chair) Cllr Catherine Elattar, SF Cllr Sean McGuigan, SF Cllr Ronan McGinley, SF Cllr Peter Bateson, SF Cllr Darren Totten, SF Cllr Kim Ashton, DUP Cllr Wilbert Buchanan, DUP Cllr Mark Glasgow, UUP Cllr Malachy Quinn, SDLP Cllr Christine McFlynn, SDLP Cllr Dominic Molloy, SF Cllr Paul McLean, DUP Cllr Cáthal Mallaghan, SF Cllr Kenneth Reid, UUP</p>
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3	Key Issues
3.1	Members will be aware that a committee's terms of reference specify the functions with which the committee is charged and define the limits of its authority.
3.2	Collectively, the terms of reference for Mid Ulster District Council committee's should be all-embracing and mutually exclusive. The terms of reference of all committees should cover the whole of the council's area of operations without any overlap.
3.3	As it is not possible to foresee every eventuality that may arise it is necessary that the terms of reference of one of the committees includes responsibility for any matter not coming within the remit of any other committee. It is recommended that this requirement is added to the terms of reference of the Policy & Resources Committee.
3.4	Mid Ulster District Council has not delegated any authority to the Policy & Resources Committee during the transitional period.

4	Resource Implications
4.1	<p><u>Financial</u></p> <p>N/A</p>

4.2	<u>Human resources</u> N/A
4.3	<u>Assets and other implications</u> N/A

5	Other Considerations
	N/A

6	Recommendations
6.1	Members note the Terms of Reference for the Policy & Resources Committee.

7	Documents Attached
7.1	Appendix A : Terms of Reference – Policy & Resources Committee

Terms of Reference

Policy & Resources Committee

To consider and make recommendations to the council on the following:-

- Financial matters, including
 - Estimates of revenue and capital expenditure
 - Recommending the district rate
 - Insurance
 - Procurement
 - Payroll
- Human Resources
- ICT
- Governance
 - Corporate Governance
 - Corporate Policy
 - Equality
 - Regional/Minority Languages
 - Audit
 - Risk Management
 - PCSP
 - Member Services
 - Committee Administration
 - Registration
 - Corporate H&S
 - Legal Services
 - Emergency Planning
 - Business Continuity Planning
 - Information Management
- Marketing & Communications

- All other matters which do not fall within the remit of any other committee.

Date and Time of Meeting

Meetings of the Policy & Resources Committee shall normally be held on the Tuesday following the first Monday in each month at 7pm.

B

From: Finance & Procurement Transition Working Group

Officer(s) Presenting: JJ Tohill

1.0	Purpose
1.1	Provide members with an update on transition working group activity during the Mid Ulster Statutory Transition Committee period and subsequent priorities for action throughout the Mid Ulster District Council transitional period.

2.0	Remit and Scope of Group: Transition Committee Period
2.1	<u>Remit</u>
2.1.1	To undertake scope and baseline activities on a cross-council basis that will inform the Transitional Committee on the critical decisions that need to be taken by April 2015.
2.2	<u>Scope – Organisational Specific</u>
2.2.1	Identify and provide prioritised tasks that need to be undertaken to allow seamless transition of Finance sections on 1 April 2015
2.2.2	Provide report on similarities and differences on the use of Finance systems (Total Finance & Total View) across the Councils
2.2.3	Identify and provide discrete services provided by Finance sections across the 3 Councils
2.2.4	Confirm financial & non-financial resources required by Finance sections for shadow period to aid convergence
2.2.5	Prepare a business case showing options for future IT finance system
2.3	<u>Scope – Enabling Transition</u>
2.3.1	Prepare budget for Transition Committee period
2.3.2	Provide Costing & Resourcing Strategy for Mid Ulster Transition
2.3.3	Identify all assets and liabilities across the 3 Councils
2.3.4	Secure funding for Transition
2.3.5	Prepare budget for Shadow Council
2.3.6	Secure resources for Shadow Council period from within 3 Councils
2.3.7	Initial identification of contractual commitments

2.3.8	Establish financial systems for new (Shadow) Council
2.3.9	Develop & agree approach for dealing with current & future contracts
2.3.10	Identify & tender new contracts for new (Shadow) Council as required

3.0	Summary of Activity: Transition Committee Period
3.1	All in scope activities completed (but see below for detail of matters still to be adopted by the Shadow Council).
3.2	Key issues for information of Committee: <ul style="list-style-type: none"> • Shadow Council budget approved • Resources secured for Shadow period from 3 Councils in accordance with Departmental Guidance • Contractual commitments identified (future commitments should have regard to new Procurement Policy (see below) • Draft Procurement Policy prepared • Financial systems in Shadow period will be administered by Dungannon and South Tyrone Borough Council • Key procurement exercises identified and being progressed: <ul style="list-style-type: none"> • Banking services • Insurance services • Legal services
4.0	Working Group Priorities: Mid Ulster DC Transitional Period
4.1	Ensure that Shadow Council adopts an appropriate Scheme of Allowances in accordance with legislative requirements and Departmental Guidance
4.2	Ensure that Shadow Council adopts new Procurement Policy
4.3	Ensure that appropriate and adequate Shadow Council insurances are placed with a reputable insurer
4.4	Ensure that the Shadow Council makes an informed response to the current consultation exercise being undertaken by DFP Rating Policy Division in relation to District Rates Convergence (closing date Tuesday, 19 August 2014)
4.5	Ensure that the Shadow Council engages effectively with RTOB in respect of Transferring Functions and, in particular, secures adequate resources to discharge new responsibilities
4.6	Ensure that financial and other systems are operative in time to support the budget setting process for 2015/16
4.7	Ensure that a comprehensive and effective Rate estimation (and Prudential Indicators) process is effected within statutory and internal time scales
4.8	Ensure that the Shadow Council prepares an informed and accurate medium term financial plan, which will include consideration of capital programmes, statutory

	obligations, e.g. closure of landfill sites, financial arrangements, e.g. debt portfolio and maintenance of adequate cash and other reserves, potential for efficiency savings from service delivery redesign, etc.
4.9	Ensure that adequate payroll (Member and staff) arrangements and associated registrations/systems/etc., e.g. PAYE reference, RTI, auto enrolment, dispensations, etc. are in place in advance of 1 April 2015
4.10	Ensure that Shadow Council is registered for VAT within requisite time period
4.11	Ensure that essential (and other) contracts, notably banking, insurance and legal services are appropriately scoped and procured, and associated administrative arrangements, etc. are in place in advance of 1 April 2015
4.12	Ensure that appropriate and effective budgetary control, management (including cash flow) reporting and financial reporting arrangements are designed and implemented in advance of 1 April 2015
4.13	Ensure that adequate creditors and debtors ledger systems and procedures are implemented in advance of 1 April 2015 (to include compliance with Prompt Payment Agenda)
4.14	Ensure that adequate procedures exist to transfer all assets and liabilities from legacy Councils to Mid Ulster Council on 1 April 2015 and comply with all legislative and Departmental requirements
4.15	Ensure that legacy Councils are appropriately wound up in accordance with Departmental Guidance and legislative requirements
4.16	Ensure that financial processes and procedures are designed to incorporate effective and appropriate internal controls
4.17	Ensure that the Shadow Council implements an appropriate scheme of Financial Delegation
4.18	Ensure that appropriate Standing Financial Instructions are designed, documented and implemented by the Shadow Council
4.19	Ensure that an appropriate contribution and commitment is made to the design, development and implementation of governance arrangements (including internal audit)
4.20	Engage with Mid Ulster Council staff and third parties as appropriate to ensure that financial procedures and requirements are communicated effectively and understood

5.0	Forward Work Plan to 1 April 2015
5.1	<u>Standing Financial Instructions, Scheme of Delegation, Policies, etc</u> Develop, document and implement once approved
5.2	<u>Key Contracts</u> Scope and procure banking, insurance and legal services for Mid Ulster Council (and

	Shadow Council as appropriate)
5.3	<p><u>Resources</u> Make informed response to District Rates Convergence consultation</p> <p>Engage effectively with RTOB re Transferring Functions</p> <p>Design, resource (systems) and implement a comprehensive and effective Rate estimation (and Prudential Indicators) process</p> <p>Identify and secure appropriate financial resources on best terms (including bank overdraft, loans, deferred payment terms, alternative/innovative funding streams) to be drawn down/accessed as required</p> <p>Scope and procure (or support other departments to) other necessary contracts</p>
5.4	<p><u>Systems</u> Merge, develop and implement TOTAL Finance and TOTAL View systems</p> <p>Merge, develop and implement payroll (Member and staff) systems and processes (including RTI, auto enrolment, dispensations, etc.)</p> <p>Design and implement appropriate and effective budgetary control, management (including cash flow) reporting and financial reporting systems</p>
5.5	<p><u>Documented strategies, plans, etc.</u> Develop an informed and accurate medium term financial plan to include:</p> <ul style="list-style-type: none"> • Capital programmes • Statutory obligations, e.g. closure of landfill sites • Financial arrangements, e.g. debt portfolio and cash/other reserves • Prudential Indicators • Potential for efficiency savings from service delivery redesign, etc
5.6	<p><u>Governance</u> Design and implement appropriate and effective internal financial controls</p> <p>Design and resource/procure an effective and appropriate internal audit service</p>
5.7	<p><u>Registrations, etc.</u> PAYE, RTI, VAT, etc.</p>
5.8	<p><u>Assets and liabilities</u> Identify and make arrangements to receive/resource:</p> <ul style="list-style-type: none"> • (Transferring functions –) fixed assets, contractual commitments, imminent/anticipated investment requirement • (Legacy Councils –) fixed assets, debtors, creditors, stocks, provisions, contractual commitments, etc.
5.9	<p><u>Legacy Councils</u> Arrangements to wind up Councils in accordance with legislative requirements and Departmental Guidance</p>
5.10	<p><u>Third parties</u> Engage with Mid Ulster Council staff and third parties as appropriate to ensure that</p>

	financial procedures and requirements are communicated effectively and understood
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6.0	Documents Attached
	N/A

From: HR Working Group

Officer(s) Presenting: M Canavan

1.0	Purpose
1.1	Purpose of HR Working Group to date is to scope and baseline activities on a cross-council basis, to gather information to inform Transition Committee to assist with the decision making process in the establishment of the Mid Ulster Council by 2015.

2.0	Remit and Scope of Group: Transition Committee Period
2.1	Remit <ul style="list-style-type: none">To identify the activities both within scope and out of scope that requires completion pre April 2015.
2.2	Scope <ul style="list-style-type: none">Identify and provide discrete services provided by Human Resources sections across the 3 CouncilsIdentify and provide prioritised tasks that need to be undertaken to allow seamless transition of Human Resources services on 1 April 15Confirm financial & non-financial resources required by Human Resources sections for shadow period to aid convergenceProvide report on similarities and differences on discrete services provided by Human Resources sections across the Councils <p>Enabling Transition</p> <ul style="list-style-type: none">Audit staff no. employed, roles, grades, and conditions of employmentAssess Capacity Building NeedsDevelop local capacity building programme (staff & members)Implement local capacity building Programme (staff & members)Inform current Chief Executives, STC, new Chief Executive and shadow council on designing of new structures and staffing levelsPrepare draft Equality Scheme for new CouncilAssist in Chief Executive Appointment processAssist in appointment of staffing positions throughout shadow periodIdentify and agree a local staff transfer processArrangements for staff handover developed and in place

3.0	Summary of Activity: Transition Committee Period
3.1	Audit staff numbers employed, roles, grades and conditions of employment.
3.2	Capacity Building Assessment for Mid Ulster Council.
3.3	Draft Equality Scheme prepared.
3.4	Familiarisation Event held for 3 HR Teams

3.5	Identified HR policies to be developed.
3.6	3 x Policies now developed in draft format
3.7	Organised familiarisation events both cross-council and transferring functions staff.
3.8	Respond in conjunction with trade union side to the LGRJF staff transfer scheme and procedure for filling posts in the new Council Structure.

4.0 Working Group Priorities: Mid Ulster DC Transitional Period

4.1	Progress development and alignment of Policies for the Mid Ulster Council.
4.2	Alignment and Integration of HR Systems
4.3	Review and align communications
4.4	Review Pay and Grading
4.5	Adopt the LGRJF scheme of transfer for local government staff.
4.6	Adopt the LGRJF procedure of filling of posts
4.7	Local Joint Forum – progress reform matters
4.8	Procurement – review existing contracts
4.9	Capacity Building – Design and implementation of local capacity building programme.
4.10	Organisational Structure/Recruitment

5.0 Forward Work Plan to 1 April 2015

5.1	Policies – Develop and align identified core policies for the Mid Ulster Council.
5.2	HR System Alignment & Integration – <ul style="list-style-type: none"> • Review current utilisation of PAMS/IT systems and agree alignment • Consider options for integration between HR, payroll and Time & Attendance Systems.
5.3	Communications – Work with Communications Officer and Set-up a joint working group to: <ul style="list-style-type: none"> • Review current communications • Input to a joint internal communications strategy for the new organisation
5.4	Pay & Grading/ Harmonisation <ul style="list-style-type: none"> • Analysis of Staff Audit, to include <ul style="list-style-type: none"> ○ Employee information including pay, grading, key terms and conditions ○ Review any existing local collective agreements and identify actions

	<ul style="list-style-type: none"> ○ Agree joint pay and grading arrangements for new organisation ○ Develop model terms and conditions for the new organisation.
5.5	<p>Local Joint Forum – Jointly progress reform matters through the local Joint Forum</p> <ul style="list-style-type: none"> • LGRJF procedure for filling of posts in the new Council • LGRJF scheme of transfer for local government staff
5.6	<p>Procurement – Review current tenders/quotations and carry out joint procurement in the following areas:</p> <ul style="list-style-type: none"> • Occupational Health • Counselling Services • Recruitment Agency provision • Employment Law Advice
5.7	<p>Capacity Building</p> <ul style="list-style-type: none"> • Design and implementation of local capacity building programme. • Carry out a capacity gap analysis exercise
5.8	<p>Performance and Learning</p> <ul style="list-style-type: none"> • Develop a strategic performance management framework to include corporate planning, business planning, values and behaviours, competency frameworks and individual objective setting.
5.9	<p>Organisational Structure/Recruitment</p> <ul style="list-style-type: none"> • Assist the Chief Executive and Shadow council to design new structures and staffing levels • Assist in the appointment of staffing positions throughout shadow period • Recruitment of senior and officers/directors. • Recruitment plan to ensure adequate staff in place to deliver key services • Develop and put in place arrangements for staff handover. • Ensure proper union engagement implemented.

6.0	Documents Attached
	N/A

From: *ICT Working Group*

Officer(s) Presenting: M Brown and JJ Tohill

1.0	Purpose
1.1	To undertake scoping and baseline activities on a cross-council basis that will gather the information necessary to inform the Transition Committee (now Shadow Council) on the critical decisions to be taken in convening the shadow council and establishment of the new Mid Ulster Council by 2015. To assist with delivery of a modern ICT infrastructure which utilizes new technologies to provide innovative, agile and resilient service delivery opportunities to all our customers.

2.0	Remit and Scope of Group: Transition Committee Period
2.1	Remit: Mindful of and reflecting on progress to date the following details within scope and out of scope activities for the Group.
2.2	Scope: Confirm financial & non-financial resources required by ICT for shadow period to aid convergence
2.3	Identify and provide prioritised ICT related activities and tasks that need to be undertaken to allow seamless transition on 1 April 2015
2.4	Identify and provide discrete services provided by ICT Sections across the 3 Councils
2.5	Provide report on similarities and differences on discrete services provided by ICT sections across the Councils
2.6	Agree & Implement IT Platform for new (shadow) Council
2.7	Agree IT systems for service delivery (including telephony)

3.0	Summary of Activity: Transition Committee Period
3.1	Provide interim officers and members services with ICT facilities and email, hardware, iPads and support.
3.2	Intranet mockups developed.
3.3	Procured ICT service and consultancy to assist in audit analysis of back office systems, planning and migrating to new solutions.

3.4	Scoping of unified communications requirements
3.5	Scoping of unified content management system.
3.6	Agreed Active Directory content for the new Council.
3.7	Created Active Directory trust relationship between the 3 Councils.
3.8	Installed new Financial Database and facilitated payroll for new Councillors, June 2014.
4.0	Working Group Priorities: Mid Ulster DC Transitional Period
4.1	To design and implement a network and infrastructure for delivery of ICT for Mid Ulster Council.
4.2	To maintain and provide financial systems continuity and converged systems to facilitate payroll, creditors and other transactions for financial services.
4.3	To assist and facilitate with the transfer of planning and other transferring functions ICT requirements within the new Council.
4.4	To provide security, authentication and active directory services for the new council (identity and security management systems and access control)
4.5	To connect and complete Network NI (WAN Circuit) on-boarding process and facilitate secure communications.
4.6	To review licensing agreements and to make recommendations on future licensing arrangements <ul style="list-style-type: none"> • Microsoft Enterprise Agreements • Anti-Virus Products • Content Filtering Solutions • Firewall Solutions
4.7	To develop a single telephony system and dial plan across all 3 primary sites.
4.8	To provide intranet, external website and content management systems for the Council and assist with communications and social media across other groups
4.9	To provide advice and recommendations to sub-groups regarding service delivery and future functionality for line of business applications.
4.10	Harmonisation of ICT Policies and Procedures.
4.11	To provide a robust business continuity plan and disaster recovery plan for new Council.
4.12	To explore the opportunities that new technologies bring to improve service

4.13	<p>delivery, new ways of working, and to make recommendations on same.</p> <p>To review existing mobile contracts and fixed line contracts and to explore opportunities for a single contract.</p>
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5.0	Forward Work Plan to 1 April 2015
5.1	Procure Virtual Environment and SAN infrastructure.
5.2	Build new Active Directory.
5.3	Procure and implement unified communications across the three primary sites.
5.4	Implement content management system with new intranet and develop website.
5.5	Assist with communications and social media.
5.6	Provide and migrate to a new email system for all staff.
5.7	Provide and migrate to a new financial payment systems
5.9	Assist and migrate HR, Building Control, Environmental Health, Waste, Leisure and Development systems and services as required from the migration and implementation plan.

6.0	Documents Attached
	N/A

From: *Communications Working Group*

Officer(s) Presenting: T McCance

1.0	Purpose
1.1	To undertake scoping and baseline activities on a cross-council basis that will gather the information necessary to inform the Mid Ulster Shadow Council on the critical decisions to be taken as we move towards the establishment of the new Mid Ulster Council.
1.2	To assist in the delivery of a broad range of communications activities and initiatives, focusing on how the Council interacts and how it is perceived by all internal and external stakeholders). This includes (but is not limited to) marketing communications, public relations, engagement/consultation events and surveys in addition to the delivery of a range communications/media initiatives.

2.0	Remit and Scope of Group: Transition Committee Period
2.1	Remit: Mindful of and reflecting on progress to date the following details in scope and out of scope activities of the Communications Working Group.
2.2	Scope: Identify the communications priorities that need to be addressed in the Shadow Council period.
2.3	Design ezine/Newsletter to be issued at regular intervals to all staff across existing three council areas
2.4	Initiate the process of establishing the new Council's Corporate Branding
2.5	Agree list of newspapers to be used for external communication in the Mid Ulster district.
2.6	Carry out staff engagement survey

3.0	Summary of Activity: Transition Committee Period
3.1	Consultants appointed to deliver Corporate Branding project and to assist with Corporate Planning process. (Scheduled for completion early Autumn 2014)
3.2	Internal engagement exercises undertaken (4 surveys in total, providing a baseline of issues identified and current engagement levels). Delivered as

	part of staff engagement events (in conjunction with HR & Finance Working Group) (see appendix 6.1)
3.3	Intranet mock-ups completed (in conjunction with ICT working Group)
3.4	Social Media audit across all three council areas initiated
3.5	Proposals for staff engagement in the process of being developed
3.6	Costings prepared for leaflet drops and Advertorials in advance of Marketing and Communications Manager being appointed

4.0	Working Group Priorities: Mid Ulster District Council Transitional Period
4.1	Assist the Elected Members, Chief Executive and Senior Management Team in the development of the Council's Corporate Plan
4.2	Working in conjunction with the elected members, Chief Executive and Senior Management Team develop a coherent corporate brand for the new council, ensuring that stakeholder support is secured for the implementation of the brand
4.3	Support the Chief Executive with all internal and external communications during the transition towards the new council
4.4	Provide support to Chief Executive and Senior Management Team in the development of an integrated marketing communications and engagement strategy
4.5	Website, Intranet and social Media development (in conjunction with ICT Working Group)
4.6	Internal newsletter (continue to issue to staff at regular intervals)
4.7	Advertorials and newsletters to key stakeholders – residents, businesses, other statutory bodies, community and voluntary sector etc.
4.8	Assist with consultation/engagement events relating to the development of key council initiatives and activities

5.0	Forward Work Plan to 1 April 2015
5.1	Provide necessary support and resources towards the preparation of Mid Ulster Community Plan (ongoing)
5.2	Ensure that the Corporate Brand and the appropriate uses of the Corporate Brand is communicated and promoted throughout the organisation (October-December 2014)

5.3	Dissemination of information via various media channels both internally and externally with regard to the establishment of the Mid Ulster Council in advance of 1 st April 2015 (ongoing)
5.4	Internal and external consultation and engagement exercise to be undertaken (Ongoing)
5.5	In conjunction with ICT working Group, establish Website and Social Media presence for Mid Ulster Council (roll out from October 2014)

6.0	Documents Attached
6.1	Appendix A: Staff engagement survey results

STAFF SURVEY RESPONSES

Initial Findings

A **total of 312 responses** to the survey collected on both engagement days.

59% of respondents either “Agreed” or “Strongly Agreed” that they were kept informed of relevant changes regarding the creation of the new Council. (17% either “Disagreed or Strongly Disagreed”).

52% either “Agreed” or “Strongly Agreed” that the new Mid Ulster Council presented opportunities for them to develop their career (only 6% “Disagreed” or “Strongly Disagreed”).

However, **54%** “Agreed/Strongly Agreed” that they had concerns about their future. (this tends to concur with the findings of both the post it survey and the responses to the staff survey where responses highlighted the main concern raised by staff being, JOB SECURITY, JOB LOCATION/RELOCATION as we move toward the creation of the new Mid Ulster Council.

When asked who staff would want to receive information about plans for the new Council,

- 55% Team Meetings
- 46% Email
- 43% Briefing from line managers
- 41% Staff News Letter/Staff Bulletin
- 33% Intranet
- 18% Website
- 17% Workshops
- 10% Word of Mouth

When asked what were the top 3 priorities for the new council?

The main responses focused upon:-

- Reassuring staff/Job Security
- Putting the right structures in place
- Communication (internal and external)
- Location (staff and Offices)
- Consistency/Equality/Fairness

What staff value most about their current Council that they would like to see retained in New Council?

- Good working relationships (between staff and between staff and Councillors)
- Friendly/Family atmosphere
- Team Spirit/Staff relations
- Strong Work ethic
- Good Quality Service to the Public
- Local service for local people

What concerns do you have about the New Council?

- Job Security/Job Location/Redeployment
- Council losing touch with local communities
- Communication Issues
- Privatisation/Sustainability of Services and facilities
- Building teams across a large geographical area

C

Subject	Corporate Plan for the Transitional Period
Reporting Officer	Change Manager

1	Purpose of Report
1.1	This paper is to seek members approval of members of a Corporate Plan for the Transitional 2014-2015

2	Background
2.1	Committee will be aware of the scale of the work and activity to be undertaken during the transitional period over which Mid Ulster District Council will preside leading up to the period ending 31 March 2015.
2.2	To guide transition and reform related activity deemed necessary to be undertaken, Members are asked to consider the adoption of the Corporate Plan presented for the period 2014-2015. This plan is a high level reflection of the activity to be undertaken and provides a business plan framework within which Members, staff and all those involved in the process are asked to work within in taking forward their specific work plans.
2.3	It is essential that the Council has a guidance document to reference back to and for staff to work within.

3	Key Issues
3.1	Cluster working groups of officers will be asked to make reference to the corporate plan and work within the context of the document in preparing and delivering their forward work plans
3.2	The local transition and reform process will be complex and cut across a range of activities. The aligned business plan framework will be used by those working on activities to always work towards and be mindful of the following areas: (i) Integrating Services (ii) Systems to Underpin and Deliver Services (iii) Communicating the Change (iv) Resources in place to Deliver Services

4	Resource Implications
4.1	<u>Financial</u> The plan will be delivered within resources as set within the corporate plan and

	approved by the Council on Thursday 5 June.
4.2	<u>Human resources</u> Managed and delivered within existing resource.
4.3	<u>Assets and other implications</u> N/A

5	Other Considerations
5.1	N/A

6	Recommendations
6.1	Members review and consider approval of the corporate plan for the period 2014-2015.

7	List of Documents Attached
7.1	Appendix A: Mid Ulster District Council Corporate Plan 2014 -2015

Mid Ulster
DISTRICT COUNCIL

Corporate Plan for Transitional Period

2014-2015

Philip Moffett
Change Manager
philip.moffett@midulstercouncil.org

1.0 Introduction & Background

1.1 Mid Ulster District Council has been established as one of eleven new local authorities to administer and deliver the full suite of local government services within the region as part of the Department of Environment's (DoE) Reform of Local Government programme, forming part of the NI Executive's initial Review of Public Administration. The council came into existence on 26 May 2014 following the local election on 22 May 2014 and met for the first time on Thursday 5 June to transact business. It will now exist alongside its three predecessor Councils until 31 March 2015.

1.2 The predecessor Councils are Cookstown District Council, Dungannon & South Tyrone Borough Council and Magherafelt District Council. The period in which Mid Ulster District Council will exist alongside the predecessor Councils will be known as the Transitional Period and as such it will act in a shadow form until 31 March 2015. Mid Ulster DC will assume full responsibility for the delivery existing services, transferring functions from central to local government and new powers being bestowed upon it from 1 April 2015.

2.0 Purpose

2.1 To guide the activity necessary to be undertaken during the period leading to 1 April 2015 this document sets out how Mid Ulster DC will take forward its programme of work allowing it to seamlessly assume full responsibility for services in the areas currently administered by Cookstown District Council, Dungannon & South Tyrone Council and Magherafelt Council.

2.2 This document initially refers to the Council's remit and Scope, how the plan will be delivered, resource implications financial or otherwise for its delivery and who will have responsibility for its implementation. It is underpinned by a high level Business Plan Framework for the transitional period within which existing staff, working groups and other elements making up the Council's governance arrangements will make a contribution towards the full delivery of the local reform programme.

2.3 Given the fluid and complex nature of activity to be undertaken, ranging from local programmes to identify standing positions of existing services, integration of services within the context of a single organisation, transferring in new services to local government to mainstreaming new powers across all levels of the new Council in the context of meeting customer need, this document serves as a framework within which transition and ultimately convergence activity will be delivered. Staff directly involved in the process on behalf of Mid Ulster District Council will carry forward their activities in the context of ensuring seamless transition from three organisations to a single council where no disruption is experienced by its customers, both internal and external.

3.0 Managing & Delivering Change

3.1 As provisioned for by the Local Government (Transitional, Supplementary, Incidental Provisions and Modifications) Regulations (NI) 2014 the council has been mandated to prepare for the discharge of its functions, after 31 March 2015, in any way it sees fit by establishing committees, appointing staff, preparing budgets, developing plans or taking any other measure as is required. It has also been given the scope to liaise and ask for the support of the 3 existing councils to ensure continuity in the delivery of its functions on and after 1 April 2015.

3.2 Transition and reform related activity undertaken by the Council, integral to the successful adoption of its services and powers will involve leadership, direction, input and involvement of a range of stakeholders across Mid Ulster District Council's governance framework. The overall governance framework for taking forward the transition and reform programme during the transitional period will involve all Council Members through the Council, the four Committees of Council, transition working groups of officers from across the cluster tasked with progressing activity on behalf of Members and the ongoing involvement of staff from the 3 councils to progress ad-hoc activities as and when required to assist with the process.

3.3 The Council will have overall responsibility for taking forward the local transition and reform programme within the new Mid Ulster District Council area, with

business initially considered and discussed at its committees before being brought to Council.

4.0 Resourcing the Programme

4.1 All associated activity will be undertaken from within the resource approved by the Council at its meeting of Thursday 5 June when it considered and approved a £1.9m budget for the transitional period, as set by its predecessor the Mid Ulster Statutory Transition Committee. Should the need arise to undertake activity not provisioned for by the Statutory Transition Committee due to the fluidity of the transition process the Council will make a business case to the three predecessor Councils.

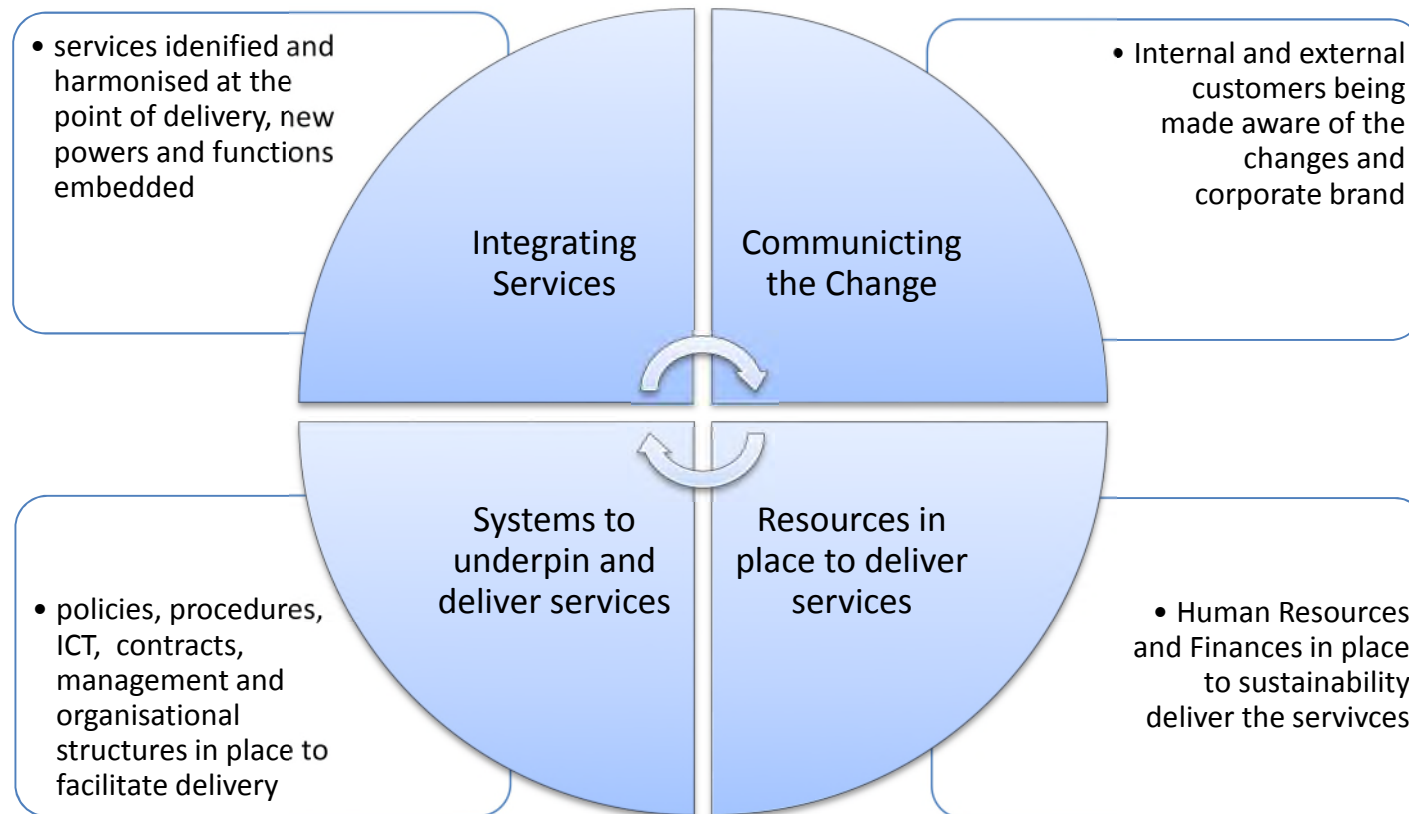
4.2 Council will utilise all available funding by the Department of the Environment (DoE) to offset the cost to Mid Ulster District Council and as a consequence Cookstown, Dungannon & South Tyrone and Magherafelt Councils.

5.0 Business Plan Framework

5.1 In taking forward the Mid Ulster Transition and Reform programme staff engaged in the process, individually or collectively through on-going and ad-hoc grouping will be tasked to continually progress agreed group activities through the parameters considered critical to ensure seamless transition.

5.2 Working Groups of officers from across the cluster will develop focused forward work plans which will make a contribution towards seamless transition to Mid Ulster District Council taking full responsibility for the delivery of the full suite of services, functions and powers from 1 April 2015 and beyond. Forward work plans, risk registers and other business tools used by individuals and groups will be monitored by the Chief executive and his Transition Team of officers.

5.3 The Mid Ulster Transition and Reform Programme will be delivered through and within the business plan framework detailed below, with operational oversight being provided by the Chief Executive and his team. The business plan framework provides staff with the flexibility to control and become involved in the change process, avoiding a culture of persistent reporting instead allowing staff to become focused and involved in implementing the change.



Mid Ulster District Council

Cookstown - Dungannon & South Tyrone – Magherafelt

028 8676 2205 – 028 8772 0300 – 028 7939 7979

D

Subject: DOE Consultation on Model Standing Orders

Reporting Officer: Chief Executive

1	Purpose of Report
1.1	To seek Members views to inform a response to the DOE consultation on Model Standing Orders.

2	Background
2.1	The Department of the Environment has issued a Consultation Document on the Draft Local Government (Standing Order) Regulations (Northern Ireland) 2014 and the associated draft Model Standing Orders.
2.2	Section 37 and 38 of the Local Government Act (Northern Ireland) 2014 make provision about the standing orders of councils. Councils are required to make standing orders for the regulation of the proceedings and business of the council. Section 38 provides an enabling power for the Department to make regulations requiring councils to incorporate in their standing orders such provision as may be specified in the regulations.
2.3	The Department have requested comments on the draft Regulations and Model Standing Orders by 15 August 2014.
2.4	At its meeting on 5 June 2014, Mid Ulster District Council adopted the model standing orders subject to their review at a future meeting.

3	Key Issues
3.1	Members comments on the Model Standing Orders are invited and Members may wish to note the following issues in respect of the Model Standing Orders:-
3.2	Standing Order No3 provides that 5 members or one fifth of the whole number of members may call a meeting of the Council. This figure should be 8 or one fifth in the context of a 40 member Mid Ulster District Council.

3.3	Standing Order No4 provides that a summons to attend a meeting shall be left or sent by ordinary post to the usual place of residence of every member. Members may wish to consider that summons be sent via email with hard copies only going to those who request a hard copy.
3.4	Standing Order No11 provides for deputations, Members may decide that an appropriate period of notice is 4 weeks, that the duration of an address by a deputation be 10 minutes and that no repeat deputations are received by the Council within a six month period.
3.5	Standing Order No12 provides for the Order of Business at Council meetings. The model Standing Orders make provision for the inclusion of matters arising and Any Other Business on the agenda. This is very bad practice, of doubtful legality and should be avoided.
3.6	Standing Order No15 provides for any member to raise an issue regarding any matter appearing in the minutes submitted to the Council for approval. If they put the request in writing to the Chairperson of the committee 24 hours before the council meeting they are entitled to a reply when the proceedings of the committee are submitted for approval. Members may wish to extend the time period to 48 hours.
3.7	Standing Orders No19.4 and 25.1 provide that the mode of address is to stand when addressing the Chair. Members may wish to alter this to allow them to address the Chair while seated.
3.8	Standing Order No21 is mandatory and provides for the “Call In” process. The standing order does not allow for the calling in of Council decisions and Members are recommended to agree which this approach. It is suggested that a legal opinion should be sought within one working day of an admissible call in under section 41(1) (b) of the Act. Members may consider that two to five working days is a more appropriate timeframe.
3.9	Standing Order No21.3 notes that committee minutes should be published within two working days of the meeting. Members may consider that five working days is a more reasonable timeframe. Members may consider that Standing Orders should include a quorum for committees and that this be set at one third on the whole number of members on the committee.
3.10	Members may consider it appropriate that decisions to amend Standing Orders are taken under normal decision making arrangements and not as has been suggested by a qualified majority.

4	Resource Implications
4.1	<u>Financial</u>

	N/A
4.2	<u>Human resources</u>
	N/A
4.3	<u>Assets and other implications</u>
	N/A

5	Other Considerations
	N/A

6	Recommendations
6.1	Members' comments are invited.

7	Documents Attached
7.1	Appendix A : Draft Model Standing Orders



Department of the
Environment

www.doeni.gov.uk

**The Draft Local Government (Standing Orders) Regulations
(Northern Ireland) 2014
and
Model Standing Orders**

Consultation Document

3 June 2014

**DRAFT LOCAL GOVERNMENT (STANDING ORDERS)
REGULATIONS (NORTHERN IRELAND) 2014 AND MODEL
STANDING ORDERS**

This Consultation Document seeks views on the draft Local Government (Standing Orders) Regulations (Northern Ireland) 2014 and Model Standing Orders.

Comments should be sent by 15 August 2014 to:

**Local Government Policy Division 1
Department of the Environment
4th Floor, Causeway Exchange
1-7 Bedford Street
Town Parks
Belfast, BT2 7EG**

E-mail: LGPDConsultations@doeni.gov.uk

Textphone 028 9054 0642

The following people will be able to answer queries in relation to the draft regulations:

Name	E-mail	Telephone
John Murphy	john.murphy@doeni.gov.uk	028 9082 3353
Christine Horner	christine.horner@doeni.gov.uk	028 9082 3354

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DRAFT LOCAL GOVERNMENT (STANDING ORDERS) REGULATIONS (NORTHERN IRELAND) 2014 AND MODEL STANDING ORDERS

PURPOSE OF THE CONSULTATION DOCUMENT

1. Sections 37 and 38 of the Local Government Act (Northern Ireland) 2014 (“the Act”) make provision about the standing orders of councils. Section 37 requires councils to make standing orders for the regulation of the proceedings and business of the council. Section 38 provides an enabling power for the Department to make regulations requiring councils to incorporate into their standing orders such provision as may be set out in the regulations.

2. The Department of the Environment is seeking comments from consultees on its proposal to make the Local Government (Standing Orders) Regulations (Northern Ireland) 2014 (the 2014 Regulations), under section 38 of the Local Government Act (Northern Ireland) 2014 (“the Act”). Part 7 of, and Schedules 1 and 2 to, the Act make provision for the new governance arrangements for councils. The proposed 2014 Regulations will require councils to incorporate into their standing orders provisions relating to certain aspects of the new governance arrangements:
 - the specification of decisions that require the support of a qualified majority which are not already provided for in the Act;
 - procedures for the reconsideration of decisions;
 - the timescales in which the appointment of a councillor to hold a position of responsibility must take place; and

- the procedure for appointing members of committees where the council wishes to appoint more than one committee at a time.

The draft Regulations are attached at **Annex A**.

3. The Department is also seeking comments on the proposed Model Standing Orders which it intends to issue, to assist councils in developing their own bespoke standing orders which they are required to make in accordance with section 37 of the Act. The Model Standing Orders are attached at **Annex B**.

BACKGROUND

New Governance Arrangements

4. The Local Government Act (Northern Ireland) 2014 introduces new, modern governance arrangements for councils that provide for the sharing of positions of responsibility on a council (for example the chairperson of the council or the chairperson of a committee of the council) across the political parties on the council. These arrangements also apply to the sharing of a council's elected member representation on external public bodies (for example Education and Library Boards).
5. The Act also introduces alternative structures that a council may adopt for its political governance and decision-making. These include:
 - a committee structure, where a council would establish a number of committees which make recommendations to the council, but which do not have decision-making powers;

- executive arrangements, where a committee (or small number of committees) of the council makes decisions on the majority of council functions without referring the matters to council; or
 - prescribed arrangements (a specific governance structure which may be proposed and then set out in subordinate legislation).
6. In addition, the Act introduces a system of checks and balances to protect the interests of minority communities in a council's decision-making. This includes provision that decisions specified in a council's standing orders must be taken by a qualified majority. This means that such a decision must be by agreement of 80% of the members of the council who are present and voting at the meeting of the council at which discussed. Provision is also made for 15% of the members of a council to request that a decision be reconsidered on either or both of the following grounds:
- that the decision was not arrived at after a proper consideration of all the relevant facts and issues;
 - that the decision would disproportionately affect adversely any section of the inhabitants of the local government district.
7. Schedule 1 to the Act makes provision about the filling of positions of responsibility, (for example the position of chair of the council, deputy chair of the council, or chair or vice chair of any committee). It provides that a council may use either the d'Hondt or Sainte-Laguë formula methods for appointments to positions of responsibility or the single transferrable vote method to elect councillors to these positions. The Schedule sets out the method that must be used in applying the d'Hondt or Sainte-Laguë process to ensure a consistent approach is adopted across all councils.

8. Schedule 2 to the Act makes provision in relation to making appointments to committees to provide for the sharing of membership across the political parties. This will ensure that the membership of a committee reflects, as far as is practicable, the political balance of the council.

Standing Orders

9. Section 37 of the Act requires a council to make standing orders for the regulation of the proceedings and business of the council. A council's standing orders will include elements that the Act states they must include, elements that the Regulations state must be included and other elements which a council may consider should be included when drafting its own standing orders. The Model Standing Orders, which are attached at Annex B, provide a framework comprising each of these elements to help each council to develop the standing orders that it will adopt for how it will conduct meetings and transact business at those meetings.

The Draft Regulations

10. Section 38 of the Act provides the Department with an enabling power to make Regulations about standing orders.
11. The proposed Regulations will make more detailed provision in relation to:
 - decisions that will require a qualified majority vote;
 - the operation of the process for the reconsideration of a decision;

- the timescales in which the appointment of a councillor to hold a position of responsibility must take place; and
- the procedure for appointing members of committees, where the council wishes to appoint more than one committee at a time.

Qualified Majority

12. The Act provides that the following decisions must be taken by a qualified majority (i.e. 80% of councillors present and voting)

- the adoption of executive arrangements or prescribed arrangements (see paragraph 5 above) for the governance of the council (Section 19(2) of the Act);
- the method to be used for the allocation of positions of responsibility i.e. d'Hondt, Sainte-Laguë or Single Transferrable Vote (Schedule 1 to the Act); and
- the method to be used for appointing the membership of committees (Schedule 2 to the Act).

13. Section 40 of the Act provides that standing orders must specify decisions which are to be taken by a qualified majority. In addition to the decisions identified in paragraph 12 above, the Department proposes to specify in the Regulations that the following decisions must also be taken by a qualified majority:

- the proposed use by a council of its general power of competence (i.e. the general power will allow the council to take any action it considers necessary for the discharge of its functions, unless it is prevented from doing so by other legislation). The requirement for a qualified majority will ensure

- that the power is not used to take an action that could result in an adverse impact on a minority community;
- the adoption of a decision that has been the subject of a request for the reconsideration of a decision on the grounds specified in section 41(1)(b) of the Act (disproportionate adverse impact); and
 - a motion to suspend one or more standing orders.

14. The Department would welcome the views of consultees on whether other strategic decisions of a council should be specified as requiring a qualified majority.

The Call-in Process

15. As indicated above, the Act introduces the facility for 15% of the members of a council to request the reconsideration (also known as “call-in”) of a decision of the council or a decision of a committee of the council. A decision of a committee could be either a decision to implement an action or to make a recommendation on a course of action, for ratification by the council. This means that the call-in procedure will apply irrespective of whether the council adopts a committee system of governance or executive arrangements. Section 41 of the Act provides that standing orders must make provision in relation to the reconsideration process.
16. The Department, in partnership with senior officers from local government, has developed the arrangements, to be specified in standing orders, that a council must put in place in relation to both the request for a call-in and the processing of such a request. The arrangements are designed to ensure that the appropriate balance

is struck between providing the required protection for the interests of minority communities in decision-making and not unduly delaying the transaction of council business.

17. The proposed arrangements will specify those decisions that are subject to a request for reconsideration covering all the circumstances in which a decision may be taken and those decisions that may not be the subject of such a request. The latter covers decisions in respect of the regulatory or quasi-judicial functions of a council (such as planning or licencing applications) which are subject to separate procedures for appeal against a decision and those where the decision needs to be implemented as a matter of urgency.

Positions of Responsibility

18. In making provision in respect of the application of either the d'Hondt or Sainte-Laguë method for allocating positions of responsibility, paragraph 2(3) of Schedule 1 to the Act also makes provision in relation to the time limits within which the nominating officer of a political party is to select a position of responsibility and the term for which it will be held by a member of his or her party. Provision is also made in relation to the time limit within which the person nominated is to accept the nomination to the position.
19. The Regulations make provision for these actions to take place within 15 minutes of the nominating officer being required to make a nomination and for the person nominated to accept the position. The Department considers that this should provide a sufficient period for the exercise of these functions.

Appointment of Committees

20. Schedule 2 to the Act makes provision in connection with the appointment of members of committees using one of the formulas specified in the Schedule. These formulas relate to the Quota Greatest Remainder and Droop Quota methods of calculating relative shares of positions. This is to ensure that the membership of a committee, as far as is practicable, reflects the political balance of the council. The application of the methods, as specified in the Schedule, is in respect of the appointment of single committees.

21. Paragraph 5 of Schedule 2 to the Act provides that standing orders must make provisions for circumstances where a council decides to appoint more than one committee at the same time. The necessary provision is made in Part 4 of the Schedule to the Regulations to ensure that the process for making appointments to a single committee is, as far as is practicable, replicated if more than one committee is appointed. This will ensure that, in these circumstances, the membership of each committee reflects, as far as practicable, the political balance of the council.

Model Standing Orders

22. As indicated in paragraph 10 above, a council must make standing orders for the regulation of its proceedings and business. The Department proposes issuing Model Standing Orders to assist the new councils in the development of their own bespoke standing orders.

23. The draft Model Standing Orders have been prepared in conjunction with senior officers from local government, including councils, to cover all aspects connected with the conduct of a meeting of a council and the transaction of its business. The model draws significantly on the standing orders currently in operation in the councils, taking account of new requirements introduced by the Act.
24. For completeness and ease of use in councils, by both councillors and officers, the Model Standing Orders include the text of the mandatory standing orders to take account of matters provided for in the Act and the additional mandatory standing orders to be specified in the Local Government (Standing Orders) Regulations (Northern Ireland) 2014.

Human Rights

25. The Department believes that the proposals are compatible with the Human Rights Act 1998.

Equality

26. Under the terms of section 75 of the Northern Ireland Act 1998, the Department carried out screening for equality impact and is satisfied that the proposed legislation will not lead to discriminatory or negative differential impact on any of the section 75 groups. A copy of the screening form can be viewed on the Department's website: http://www.doeni.gov.uk/index/information/equality_unit/policies_screened_out_-_april_to_june_2014.htm

Regulatory Impact Assessment

27. The Department has not conducted a regulatory impact assessment as the proposed legislation does not give rise to any associated costs or savings on business, charities, social economy enterprises or the voluntary sector.

Rural Proofing

28. The Department has assessed the proposed measures and considers that there would be no differential impact in rural areas or on rural communities.

Freedom of Information Act 2000 – confidentiality of consultations

29. The Department may publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read Annex C on the confidentiality of consultations. It gives guidance on the legal position about any information given by you in response to this consultation.

Alternative format

30. This document is available in alternative formats. Please contact us to discuss your requirements.

Comments

31. Comments on the draft Local Government (Standing Orders) Regulations (Northern Ireland) 2014 and the Model Standing Orders should be sent by 15 August 2014 to the address below or by e-mail to LGPDConsultations@doeni.gov.uk.

32. If you have any queries in relation to the proposals, you should contact:

John Murphy

john.murphy@doeni.gov.uk

Tel: 028 9082 3353

or

Christine Horner

christine.horner@doeni.gov.uk

Tel: 028 9082 3354

33. This Consultation Document is being circulated to persons and bodies listed in Annex D and is also available to view at:

http://www.doeni.gov.uk/index/local_government/local_government_consultations.htm

Local Government Policy Division

Causeway Exchange

4th Floor

1-7 Bedford Street

Belfast

BT2 7EG

Textphone: 028 9054 0642

Regulations laid before the Assembly under section 127 of the Local Government Act (Northern Ireland) Act 2014, and subject to affirmative resolution procedure of the Assembly

STATUTORY RULES OF NORTHERN IRELAND

2014 No. ****

LOCAL GOVERNMENT

The Local Government (Standing Orders) Regulations (Northern Ireland) 2014

Made - - - - - ***

Coming into operation - - - - - ***

The Department of the Environment, in exercise of the powers conferred by section 38 of the Local Government Act (Northern Ireland) 2014⁽¹⁾, makes the following Regulations:

In accordance with section 127 of that Act, the Department has consulted councils, such associations or bodies representative of councils, such associations or bodies representative of officers of councils and such other persons and bodies as appeared to the Department to be appropriate.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Local Government (Standing Orders) Regulations (Northern Ireland) 2014 and shall come into operation on ****.

(2) In these Regulations—

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

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

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

Incorporation of provisions in standing orders

2. A council must incorporate the provisions in the Schedule in its standing orders for regulating its proceedings and business.

Modification of standing orders

3. A council must refrain from modifying its standing orders for regulating its proceedings and business to enable provisions incorporated under regulation 2 in those standing orders to be amended or disappplied unless those provisions so permit.

⁽¹⁾

Sealed with the Official Seal of the Department of the Environment on ***

(L.S.)

Name

A senior officer of the Department

SCHEDULE 1

Regulation 2

PART 1

Voting

Standing Order – Decisions to be taken by a qualified majority

1. A qualified majority shall be required in relation to a council's decision on—
 - (a) the exercise of the general power of competence in accordance with section 79 of the 2014 Act;
 - (b) a call-in made in accordance with section 41(1)(b) of the 2014 Act; and
 - (c) the suspension of standing orders.

PART 2

Call-in Process

Interpretation

2. In this Part—

“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 of the council 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 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;

"policy framework" means the policies and procedures agreed by the council in relation to the delivery of a function or functions of the council;

Standing Order – Decisions subject to call-in

3.—(1) The following decisions may be subject to call-in and in such manner as is specified in these standing orders—

- (a) a decision of the executive;
- (b) an executive decision taken under joint arrangements in accordance with section 26 of the 2014 Act;
- (c) a key decision taken by an officer of the council;
- (d) a decision taken by a committee under delegated authority in accordance with section 7 of the 2014 Act; and
- (e) 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 on a regulatory or quasi-judicial function which is subject to a separate appeal mechanism;
- (b) a decision which is deemed to be a case of special urgency in accordance with regulation 26 of the 2014 Regulations;
- (c) a decision where an unreasonable delay could be prejudicial to the council's or the public's interests;
- (d) a decision taken by an officer or officers which is not a key decision;
- (e) a decision by the executive which serves only to note a report from or the actions of an officer or officers.

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

Standing Order – Call-in admissibility

4.—(1) A call-in must be submitted in writing to the clerk by 10am on the fifth working day following publication of the decision to which the call-in relates. If a call-in is received after the specified deadline, it must be deemed inadmissible.

(2) 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.

(3) 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.

(4) 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 council; and
- (b) the reasons for the call-in have been specified.

(5) 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.

(6) Within one 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.

(7) 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 the members; and
- (b) include the decision on the agenda for the next available meeting of the council, at which it must be taken by a qualified majority.

(8) Where the legal opinion obtained in accordance with section 42(1) of the 2014 Act indicates that the call-in does not have merit, the clerk must—

- (a) furnish the opinion to the members; and
- (b) make arrangements for the decision to be implemented or tabled for ratification by council, as appropriate.

Standing Order – The call-in process: committee arrangements

5.—(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 two 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 a 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 chairpersons of all committees of the council; and
- (b) the deputy chairpersons of all committees of the council

to consider the process adopted by the decision-making committee.

(5) The chairperson and deputy chairperson 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 chairperson, 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.

Standing order – The call-in process: executive arrangements

6.—(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 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 sub-paragraph (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 chairperson presiding at the meeting; and
- (b) the chairperson 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 chairperson, 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.

PART 3

Positions of Responsibility

Standing Order – Positions of responsibility: time limits

7.—(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 shall 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.

PART 4

Appointment of Councillors to Committees, etc.

Interpretation

8. In this Part —

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

“member” means councillor;

“nominating officer” means—

- (a) the person registered under the 2000 Act as the party’s nominating officer; or
- (b) a member of the council nominated by that person 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);

Standing Order - Appointment of more than one committee

9. Where a 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 that 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.

Nomination

10.—(1) 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.

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

- (a) all the 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 heads (a) and (b), the number of members which each nominating officer of a party, in so far as is practicable, bears the same proportion to the number of places on that committee as is borne by the number of members who stood on in the name of that party.

(3) Nominations made in accordance with sub-paragraph (2) must take into account any positions of responsibility on a committee held by a member who stood in the name of a party.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 38 of the Local Government Act (Northern Ireland) 2014 (“the 2014 Act”) provides for regulations to require councils to incorporate such provisions as may be prescribed by the Department in standing orders for regulating their proceedings and business. These regulations prescribe those provisions.

Regulation 2 provides that the standing orders specified in the Schedule to the regulations must be incorporated in a council's standing orders.

Regulation 3 provides that a council may not modify its standing orders to enable the standing orders specified in the Schedule to be amended or disapplied.

The Schedule specifies the standing orders that must be incorporated in a council's standing orders.

MODEL STANDING ORDERS FOR COUNCILS

Definitions - General

“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 [*to be determined by the Council*] of every month, except [*month to be determined by the Council*]. 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 [*time to be determined by the Council*] in the Council Chamber, except where otherwise fixed by statute or by special summons.

3. Convening Special Meetings

- (1) The Chairperson of the Council may call a meeting of the Council at any time.
- (2) The Chairperson of the Council may call a meeting of the Council if a requisition for such a meeting, signed by five members or one-fifth of the whole number of members, whichever is the greater, is presented to him/her; 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 or one-fifth of the whole number of members, whichever is the greater, may on that refusal or on the expiration of that period forthwith call a meeting of the Council.

4. Notice and Summons of Meetings

Three days at least before a 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 left at, or sent by ordinary post, to the usual place of residence of every member. 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 chairperson 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. Chairperson of Meeting

- (1) At a Meeting of the Council, the Chairperson of the Council, if present, shall preside.
- (2) If the Chairperson of the Council is absent from a Meeting of the Council, the Deputy Chairperson of the Council, if present, shall preside.
- (3) If both the Chairperson and Deputy Chairperson are absent from a Meeting of the Council, the nominating officer of the political party whose member is Chairperson of the Council shall nominate a member to preside in their absence.
- (4) If discussion arises on the allocation of the position of Chairperson, the Clerk shall exercise the powers of the Chairperson to assist in the regulation of that discussion.
- (5) Any power of the Chairperson 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 9; 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 Chairperson 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 chairperson 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 [*period of notice to be determined by the Council*] 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 [*duration to be determined by the Council*].
- (3) Deputations should not be repetitive and, where possible, issues of a similar or linked nature should be contained in one deputation. Where a deputation has made [*number to be determined by the Council*] presentations to the Council, 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;
- l) consideration of motions of which due notice has been given, in the order in which they have been received;
- m) any other relevant business.

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 Chairperson 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 chairperson 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 Chairperson of the committee twenty-four 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 Chairperson 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 in writing, signed by the member or members of the Council giving the notice, 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 chairperson 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 Chairperson 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 27.1;
- 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 23.3 or to exclude them from the meeting under Standing Order 23.4.

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 Chairperson 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 Chairperson 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 Chairperson 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 Chairperson presiding, be put into writing and handed to the Chairperson 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

The established mode of address is to stand (if able to do so) when addressing the Council's Chairperson. 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 Chairperson shall decide who has precedence.

19.6 Place of member speaking

A member when addressing the Chairperson shall stand 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 Chairperson 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 Chairperson on point of order

The ruling of the Chairperson 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 19.19;
- 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 Chairperson under Standing Order 23.4, that a Member do leave the meeting.

19.17 Chairperson rising during debate

Whenever the Chairperson 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 Chairperson not to receive motion for direct negative

The Chairperson 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 Chairperson's casting vote

If there are equal numbers of votes for and against, the Chairperson 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) the exercise of the general power of competence in accordance with section 79 of the 2014 Act;
- (e) a call-in made in accordance with section 41(1)(b) of the 2014 Act; and
- (f) the suspension of standing orders..

20.4 Show of hands

Unless a ballot or recorded vote is demanded under Standing Order 20.5, the Chairperson 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 executive;
 - (b) an executive decision taken under joint arrangements in accordance with section 26 of the 2014 Act;
 - (c) a key decision taken by an officer or officers of the council;
 - (d) a decision taken by a committee under delegated authority in accordance with section 7 of the 2014 Act; and
 - (e) 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 on a regulatory or quasi-judicial function which is subject to a separate appeal mechanism;
 - (b) a decision which is deemed to be a case of special urgency in accordance with regulation 26 of the 2014 Executive Arrangements Regulations;

- (c) a decision where an unreasonable delay could be prejudicial to the council's or the public's interests;
 - (d) a decision taken by an officer or officers which is not a key decision;
 - (e) 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 admissibility

- (1) A call-in must be submitted in writing to the clerk by 10am on the fifth working day following publication of the decision to which the call-in relates. If a call-in is received after the specified deadline, it must be deemed inadmissible.
- (2) 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.
- (3) 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.
- (4) 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.
- (5) 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.
- (6) Within one 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.
- (7) Where the legal opinion obtained in accordance with section 42(1) 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.
- (8) Where the legal opinion obtained in accordance with section 42(1) of the 2014 Act indicates that the call-in does not have merit, the clerk must—
- (a) furnish the opinion to members; and
 - (b) make arrangements for the decision to be implemented or tabled for ratification by the council, as appropriate.

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 councilmust be published within two 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 chairpersons of all committees of the council; and
 - (b) the deputy chairpersons of all committees of the councilto consider the process adopted by the decision-making committee.
- (5) The chairperson and deputy chairperson 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 chairperson, 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 sub-paragraph (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 chairperson presiding at the meeting; and
 - (b) the chairperson of the executiveagree 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 chairperson, 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 17.1 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 Standing to speak

When a member speaks at the Council they must stand (if able to do so) and address the meeting through the Chairperson. If more than one member stands, the Chairperson will ask one to speak and the others must sit.

25.2 Chairperson standing

When the Chairperson 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 Chairperson 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 Chairperson 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 Chairperson 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 Chairperson will warn the person concerned. If they continue to interrupt, the Chairperson 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 Chairperson may call for that part to be cleared.

27 Suspension and amendment of Standing Orders

27.1 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.

27.2 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.

28 Interpretation of Standing Orders

The ruling of the Chairperson 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.

E

Subject: Environmental Health & Building Control Group Structures

Reporting Officer: Chief Executive

1	Purpose of Report
1.1	To seek Members approval on the future direction for group structures in Environmental Health and Building Control.

2	Background
2.1	Members may be aware that the Department of Environment introduced legislation in 1973 to establish Group Structures for Environmental Health and Building Control. The group system excluded Belfast City Council.
2.2	In 1995 the Group system was substantially modified and the legislation amended accordingly. The Group Committee arrangement was retained, but the Committees had reduced powers and functions, being now responsible for the co-ordination and monitoring of the service in the Councils in the Group and between Groups. The employment of staff at District level reverted to the respective Councils, and these staff were no longer responsible to the Group for the day-to-day operation of the service.

3	Key Issues
3.1	The Department have sought direction from Local Government on the future of the current group structures beyond April 2015. An urgent decision is required to enable the Department to make changes to the current legislation.
3.2	Mid Ulster District Council contributes approximately £300k per annum to Group Environmental Health and Building Control. As the existing councils in Mid Ulster are not employer councils under the legislation none of the group units serving Mid Ulster are based within the district.
3.3	The matter has been discussed at officer level, consensus has been reached on the way forward and a report prepared on the proposed direction for the future of group structures within councils and transferring functions. The report is attached at Appendix A for Members consideration.

4	Resource Implications
4.1	<p><u>Financial</u></p> <p>Currently councils within Mid Ulster spend approximately £300k on group Environmental Health and Building Control. It is considered that there will be efficiency savings in bringing the work of the existing group units into the 11 Councils.</p>
4.2	<p><u>Human resources</u></p> <p>Staff currently working in group Environmental Health and Building Control will transfer into the 11 Council model. Staff will transfer under the arrangements provided for in the local government transfer scheme.</p>
4.3	<p><u>Assets and other implications</u></p> <p>No group assets will transfer to councils</p>

5	Other Considerations
5.1	<p>The paper notes that in respect of the Property Certificate and Houses in Multiple Occupation functions that the costs should be shared across councils on the basis of population.</p>
5.2	<p>This suggestion is not considered appropriate given the low numbers of HMO's in Mid Ulster and it is important that the cost of the service is apportioned based on usage and not population.</p>

6	Recommendations
6.1	<p>Members agree with the suggested approach for the future of group structures for Environmental Health and Building Control.</p>
6.2	<p>Members agree with the suggested approach for Property Certificates and Houses in Multiple Occupation on the basis that these functions will be dispersed across councils as soon as possible and until then costs of these functions be apportioned based on usage of the service not population.</p>
6.3	<p>A further paper be brought to Council on arrangements for the delivery of Animal Welfare and Emergency Planning within an 11 council model.</p>

7	Documents Attached
7.1	Appendix A : Paper on the proposed direction for group structures

Proposed direction of travel for the resolution of Group Structures within Councils and Transferring Functions

1. Introduction

In 1994 the Department of Environment introduced legislation which established Group Structures for Environmental Health and Building Control to co-ordinate and monitor Environmental Health Services and Building Control within the areas of the Councils, in the group of Councils, and between the groups of Councils. This excludes Belfast City Council. This arrangement was within the context of 26 Councils.

After 1 April 2015 there will be 11 Councils and the need for such Groups is now redundant given the size of the new Councils and the wider range of functions, in particular the transfer of Regeneration and Planning.

However some functions undertaken by Groups and Transferring Functions, which are also clustered for efficiency and economy of scale, may still need to be undertaken on a shared basis.

This paper has been developed to establish a direction in terms of how these functions will be delivered post 1 April 2015. The following are the principal functions (i.e.) Group activities and Transferring Functions. These are not exhaustive.

Building Control	Environmental Health
Sound/Acoustics	Food Control
Disability/Accessibility	Consumer Protection
Energy & Building Services	Environmental Protection
Fire Safety	Health & Safety
Structures	Emergency Planning
	Animal Welfare
	Public Health

(Public Health Improvement initiatives are delivered on behalf of the Public Health Agency (PHA) and will be considered in consultation with the Public Health Agency as part of the development of Community Planning. Issues such as tobacco control need to be agreed with parent department).

The Transferring Functions which are currently grouped and delivered on a sub regional basis are:-

- Houses in Multiple Occupation, delivered in Belfast for the Belfast area and in Coleraine for the rest of Northern Ireland.
- Property Certificate Functions relating to Planning, Roads, Water Sewerage and Environment issues, delivered for all of Northern Ireland from offices in Enniskillen.

2. Design Principles

The following design principles were established for the purpose of making recommendations in relation to the functions previously outlined.

- (a) Quality of service delivery remains high and that we fulfil all Environmental Health and Building Control Functions fully in line with legislation.
- (b) Autonomy and accountability for service delivery rests with the 11 individual Councils.
- (c) Centralised support functions and resources are minimised for the new structures.
- (d) Political oversight of service delivery is maintained by the 11 Councils.
- (e) The legislation currently in place should enable any position agreed.
- (f) The regional design supports effective and efficient regional and sub-regional service delivery and coterminosity.
- (g) Staff are treated fairly and consistently and arrangements are available for career and development opportunities in specialist areas.
- (h) Staff specialisms and experiences are maintained and grown within and across the 11 Councils.

These principles when applied to the functions identified above would suggest the following approach to the delivery of these functions post April 2015.

3. Proposed approach to service delivery of grouped functions within current Group Structures and Transferring Functions

- (a) Functions within each service are reviewed to analyse what can now be delivered in an eleven Council model by the eleven Councils.
- (b) Functions which are specialised and cannot be delivered efficiently by one Council should be considered on a joint Council approach between two neighbouring Councils. This would in most instances mirror the geographical remit of the current Group arrangements.

For example:

- Council A could provide an officer with specialist expertise in Sound and Acoustics for Councils A & B, and Council B could provide specialist expertise for Fire Safety for Councils A & B.

- Other specialist functions like Food Safety in shell fish production could be provided by one Council for all Councils with fishing ports.
- (c) It may not be economical to deliver a small number of functions by each Council or jointly between two Councils. These are Animal Welfare and Emergency Planning. The need for responsive service delivery would also indicate that one single delivery model is also unsuitable. Consideration should therefore be given to 3-4 Councils clustered together with one lead Council for the delivery of this service. Fit for purpose, Environmental Health and Building Control teams should be established in the 11 Councils which will see the transfer of some of the group staff directly into these teams.
- (d) Liaison, monitoring and consistency role in terms of Environmental Health and Building Control can be carried out through the professional officers groups - e.g. CEHOG.
- (e) Consideration was given to the co-ordination of Regulations using one Council to deliver these for Building Control and Environmental Health. It is suggested that co-ordination can now be delivered in a less cumbersome way because of the smaller number of Councils, and the larger units within each Council. Central Government could also provide regional co-ordination in regard to many of these functions (e.g.) Food Standard Agency and Health & Safety Executive etc.
- (f) There are primarily two Transferring Functions which are delivered on a regional or sub-regional basis. They have centralised computer systems, co-ordinated delivery and a relatively small number of staff.
- Houses in Multiple Occupation are delivered by 15 staff in Belfast and 11 staff outside Belfast from the Coleraine office (see attached paper).
 - Property Certificates Unit in Planning Service in Enniskillen which contains 8 staff (2 full time and 6 part-time) (see attached paper).

Given the size of these units, there is potential risk to service delivery if these units were dispersed at this time. It is proposed to retain these units in their current location and make them part of their host Council area staff compliment (i.e.) Belfast, Causeway Coast & Glens, and Fermanagh Omagh Councils.

This would provide a smooth transfer on 1 April 2015. However, within 12 months Councils would reconsider these functions with regard to the revised Council organisational design, and better alignment of all functions in Councils. This should also consider any changes in housing policy since the transfer. As this arrangement would be a shared service for all Councils, any costs/profits would be shared across the 11 Councils on the basis of population.

4. Next Steps

When agreement is achieved from all 11 Councils it is proposed that Councils begin negotiations with the Groups within their relevant areas to implement the transfer of Group staff and to establish shared arrangements for some of the Group Functions. This will also require the resolution of liabilities of Groups and the dispersal of resources. In regard to Property Certificates and Houses in Multiple Occupation, the Councils directly responsible, begin discussions with the transferring agencies to enable the transfer of staff.

5. Recommendation

That Councils agree to proceed as outlined in the report, and begin to consider implementing the next steps.

Failure to agree an approach within the sector will result in this issue being referred to the Minister of Environment for direction.

F

Subject	Scheme of Transfer for Local Government Staff
Reporting Officer	Lead HR Officer

1	Purpose of Report
1.1	To consider and approve the Scheme of Transfer for Local Government Staff, as agreed by the Local Government Reform Joint Forum (LGRJF).

2	Background
2.1	Members are advised that the Scheme of Transfer for Local Staff has been agreed by the LGRJF and is promulgated under the authority of the Local Government Staff Commission under Section 4(4) (f) of the Local Government Act (NI) 1972.
2.2	It is therefore issued by the Local Government Staff Commission as a statutory recommendation for adoption by Councils.
2.3	This scheme complements a suite of schemes and key guidance documents for use by Council. They are being used to guide and inform the transition process throughout the transitional period. Mid Ulster Statutory Transition Committee previously received same and deal with the Application of Vacancy Controls; Secondment Opportunities to the new Council; Procedures for Filling Posts in the new Council structures; and the Staff Severance Scheme.

3	Key Issues
3.1	This Scheme covers those staff employed on 31 March 2015 who will transfer on 1 April 2015 to a new or different local government organisation as a result of the reform of Local Government and in accordance with Local Government Act (Northern Ireland) 2014.
3.2	This Scheme of Transfer for Local Government Staff is made under Schedule 10 of the Local Government Act (NI) 2014 and sets in place the arrangements for the transfer of staff to the 11 new council structures. It confirms that existing contractual terms and conditions will be protected in accordance with current employment legislation such as TUPE.

4	Resource Implications
4.1	<u>Financial</u> N/A
4.2	<u>Human resources</u>

4.3	<p>HR must ensure application of Scheme of Transfer for all staff.</p> <p><u>Assets and other implications</u></p> <p>N/A</p>
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5	Other Considerations
5.1	N/A

6	Recommendations
6.1	Members are requested to approve the proposed Scheme of Transfer for Local Government Staff

7	List of Documents Attached
7.1	Appendix A: Cover Letter and Circular LGRJF/07 June 2014 Scheme of Transfer for Local Government Staff



facilitating local government reorganisation

COVER LETTER TO: CIRCULAR LGRJF/07 – JUNE 2014

To: Chief Executives of District Councils and arc21

Cc: DoE Local Government Division, Public Service Commission


Dear Colleague

1. The attached circular detailing the Scheme of Transfer for Local Government Staff has been agreed by the Local Government Reform Joint Forum (LGRJF) and is promulgated under the authority of the Local Government Staff Commission under Section 40(4) (f) of the Local Government Act (NI) 1972.
2. It is therefore issued by the Local Government Staff Commission as a statutory recommendation for adoption by councils from 04 June 2014.
3. In accordance with the Northern Ireland Executive's Guiding Principles all employing authorities should immediately engage with their local NIJC recognised Trade Unions to consider application and implementation arrangements.
4. Schemes of Transfer for Staff from Central Government and other bodies (NIHE) are being produced by the relevant Departments and bodies. The Joint Forum will ensure that there is consistency across all Transfer Schemes.
5. Further advice will be issued as necessary.
6. This Scheme covers those staff employed on 31 March 2015 who will transfer on 01 April 2015 to a new or different local government organisation as a result of the reform of Local Government and in accordance with the Local Government Act (Northern Ireland) 2014.

7. It includes provisions to:
- Enable the transfer of staff employed by the existing 26 councils (including Environmental Health and Building Control Group Committees) to the new 11 council structures.
 - Enable the transfer of staff employed in arc21, SWaMP 2008 and North West Region Waste Management Group, etc to the 11 new council structures.
 - Enable the transfer of staff employed by the Local Government Staff Commission.
8. In the event that interpretation matters arise or clarification is necessary contact should in the first instance be made with the Staff Commission, or the Joint Forum Side Leads.
9. An Awareness Seminar will be provided for councils in mid to late November in order that real examples can be considered and the usefulness of the procedure in practice can be examined.



A KERR
LGSC



B GRAHAM
LGRJF TUS Lead



R WILSON
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04 June 2014

LGRJF

facilitating local government reorganisation

CIRCULAR LGRJF/07 - June 2014

**SCHEME OF TRANSFER
FOR LOCAL GOVERNMENT STAFF**

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1. SCOPE

This Scheme covers those staff employed on *31 March 2015* who will transfer on *01 April 2015* to a new or different local government organisation as a result of the reform of Local Government and in accordance with the Local Government Act 2014. It includes provisions to:

- Enable the transfer of staff employed by the existing 26 councils (including Environmental Health and Building Control Group Committees) to the new 11 council structures
- Enable the transfer of staff employed in arc21, SWaMP 2008 and the North West Region Waste Management Group, etc to the new council structures.
- Enable the transfer of staff employed by the Local Government Staff Commission.

Schemes of Transfer for staff from Central Government and other bodies (e.g. NIHE, NICS) are being produced by the relevant Departments and bodies. However existing councils and new Councils should immediately make every effort to secure information on the implications of such transfer schemes, particularly the numbers and levels of staff that might transfer with the additional functions.

2. INTRODUCTION

This Scheme of Transfer for Local Government Staff is made under Schedule 10 of the Local Government Act (Northern Ireland) 2014 and sets in place the arrangements for the transfer of staff to the 11 new council structures. It confirms that existing contractual terms and conditions will be protected in accordance with current employment legislation such as TUPE¹ and the Acquired Rights Directive on which TUPE is based as detailed in paragraph 2, Schedule 10 of the Local Government Act and the Northern Ireland Executive's Guiding Principles.

This Scheme has been developed in accordance with the following:

- the NI Executive's Third Guiding Principle and associated recommendations on Staff Transfers (RPA Circular 1/2007) as recommended by the Public Service Commission (PSC) (Copy attached at Appendix 1).
- the Addendum to the Third Guiding Principle - Selection of Staff for Transfer (RPA Circular 10/2007) as recommended by the PSC (Copy attached at Appendix 2). It confirms that existing contractual terms and conditions will be protected in accordance with current employment and equality legislation such as Transfer of Undertakings TUPE and the Acquired Rights Directive on which TUPE is based. These transfers are relevant under the terms of TUPE.
- the NI Executive's RPA Code of Practice: 3rd Guiding Principle - Staff Transfers.

It is likely that the new councils will need to restructure their internal arrangements and implement Local Government Reform Joint Forum (Joint Forum) agreements to deliver the agreed vision for local government and to meet service needs. Nonetheless it is envisaged that the majority of staff will retain their current jobs, however in a small number of situations staff may be redeployed to a different post and/or location.

TUPE¹ The Transfer of Undertakings (Protection of Employment) Regulations 1981 and 2006 are designed to protect the rights of employees when a transfer occurs from one employer to another. This Scheme of Transfer relies on the TUPE 2006 Regulations as applied at 04 June 2014.

Some may also avail of voluntary early retirement under the provisions of the RPA Staff Severance Scheme (Circular LGRF/05, accessible at the Joint Forum section of the Local Government Staff Commission website - www.lgsc.org.uk).

Where changes are proposed to roles and responsibilities which impact on posts, individuals and their trade union representatives will be consulted. In recognition of the importance of retaining valuable skills and experience, it is anticipated that a balance of vacancy controls, suitable alternative employment, early retirements and voluntary severance schemes will be sufficient to effect restructuring.

Staff who undertake new roles and responsibilities as a result of the transfer to a new or different organisation will be provided with appropriate training and support.

3. SCHEME OF TRANSFER FOR STAFF

This Scheme fully reflects the NI Executive's Third Guiding Principle on Staff Transfers and the addendum as recommended by the PSC as well as the elements identified in the RPA Code of Practice on Staff Transfers. The contents are as follows:

- Identification of staff
- Date of transfer, substantive post/grade and location
- Contractual terms and conditions
- Pension arrangements
- Dispute resolution arrangements
- Provision of payment of compensation for actual loss
- Recognition of Trade Unions

Councils will adhere to the NI Executive Principles and associated recommendations as recommended by the Public Service Commission in relation to staff transfer matters.

Where staff consider they have experienced a material detriment to their existing terms and conditions they will have access to the internal grievance procedure and ultimately the RPA Independent Third Party Dispute Resolution as outlined in Section 3.5.

3.1 Identification of Staff

Details of staff transferring from the 26 councils, specified joint committee structures and Local Government Staff Commission to the new 11 council structures under the provisions of Schedule 10 of the Local Government (Northern Ireland) 2014) will be updated/available not less than 14 days prior to the date of transfer. A proforma template for completion is attached at Appendix 3.

Details of staff transferring will be provided to the NIJC recognised trade unions through the medium of summarised computerised records no later than 14 days before the date of transfer. Any changes subsequent to the provision of this information, which occur prior to the effective date of transfer on 01 April 2015, will also be notified. All other necessary information being transferred under the TUPE arrangements, such as liabilities arising from employment contracts, will transfer at this time.

3.2 Date of Transfer, Substantive Post/Grade and Location

The effective date of transfer is 01 April 2015.

All staff will initially transfer in their current location and post in existing organisations except for those staff who have already been appointed to posts in the new council structure. The latter group will be covered by the arrangements pertaining to those posts.

It is envisaged that the majority of staff will remain in their current locations. However for some staff the initial location and post on transfer may be a temporary measure until decisions by the new organisations are made on the location of the new councils' headquarters and other services and full organisational design.

Longer term decisions on the location of councils' headquarters, etc will be subject to service requirements and will take account of relevant statutory and policy requirements including the NI Executive's Seventh Guiding Principle on Location and equality considerations in line with the requirements of the Northern Ireland Act 1998.

Where staff have disputes about initial or future location as a result of the reform of local government they will have access the internal grievance procedure and ultimately to the Independent Third Party Disputes Resolution Procedure as outlined in Section 3.5.

3.3 Contractual Terms and Conditions

The new councils and any joint committee structures will take over the existing contracts of employment, (including those on Fixed Term Contracts that go beyond 01 April 2015) in accordance with TUPE regulations, of all staff identified in the detailed transfer arrangements and transferred on 01 April 2015.

This Scheme of Transfer confirms that the contract of employment of each individual will be operational from the date recognised by the current employer as if originally made between him/her and the new council or joint committee structure.

The new organisations will take over all rights and obligations arising from the contracts of employment of transferred staff except for criminal liabilities, this includes all liabilities in respect of equal pay claims.

3.4 Pension Provision

All existing staff who are members of the scheme administered by the Northern Ireland Local Government Officers Superannuation Committee (NILGOSC) will transfer as members of the Local Government Pension Scheme for Northern Ireland. Those who are not existing NILGOSC members will be eligible to join the Scheme.

The Local Government Pension Scheme for Northern Ireland will continue within the new councils.

3.5 Dispute Resolution Arrangements

3.5.1 Disputes arising from the implementation of the RPA (excluding disputes about pension provision)

The new councils will operate an internal dispute resolution procedure (internal grievance procedure which relates to the individual's terms and conditions of service) which complies with the Labour Relation Agency's Code of Practice on Disciplinary and Grievance Procedures and the RPA Code of Practice: 3rd Guiding Principle - Staff Transfers. Staff will have access to these internal arrangements if they have a grievance about:

- Non-adherence to this scheme of transfer associated with the transfer of functions
- A change in workplace location which has been made as a result of the implementation of the RPA decisions
- Designated employer.

Staff accessing the internal grievance procedure will have a right to be accompanied by a trade union representative recognised by the Northern Ireland Joint Council for Local Government Services (NIJC) or by a work colleague.

Staff accessing the internal grievance procedure will also be advised that they have a right to access the RPA Independent Third Party Dispute Resolution Procedure.

Where a council has an external, independent final stage of appeal built into its grievance procedure the RPA Independent Third Party Dispute Resolution Procedure will replace the existing external final stage.

Staff will have access to the RPA Independent Third Party Dispute Resolution Procedure in the event of disputes in relation to:

- Non-adherence to this scheme of transfer associated with the transfer of functions
- A change in workplace location which has been made as a result of the implementation of the RPA decisions
- Designated employer.

Staff accessing the RPA Independent Third Party Dispute Resolution Procedure will have a further right to be accompanied by a work colleague or trade union representative recognised by the NIJC. Appendix 4 details an extract from the RPA Code of Practice: 3rd Guiding Principle - Staff Transfers: RPA Independent Third Party Dispute Resolution: non pension matters

Staff will be advised that they are expected to utilise and exhaust the internal stages of the internal grievance process before progressing to the RPA Independent Third Party Dispute Resolution.

Staff should be advised that accessing the RPA Independent Third Party Dispute Resolution Procedure does not affect their statutory right to lodge a claim with the Office of the Industrial Tribunals and Fair Employment Tribunal.

3.5.2 Time Limit for RPA Dispute Resolution Arrangements

In respect of non-pension related disputes staff will be made aware that any appeal lodged under the RPA Independent Third Party Dispute Resolution Procedure must be received by the Labour Relations Agency (LRA) within six weeks from the date of conclusion of the internal grievance procedure. If an appeal is received by the LRA which is outside this time limit, the matter will be referred to an arbitrator who may extend the time limit if it is concluded, in all the circumstance of the case, that it was not reasonably practicable to lodge the appeal in time.

3.5.3 Payment of Compensation for Actual Loss

Where a complaint is upheld, the RPA Independent Third Party Dispute Resolution Panel will make a determination to the employing council to remedy any deficiencies found.

If the deficiencies cannot be remedied, transferred staff who experience a material detriment to their existing terms and conditions and who can demonstrate actual loss will be entitled to the payment of compensation.

The level of compensation, which will reflect actual loss incurred, will be determined by the Panel upon consideration of the individual facts of the particular case. In some cases compensation is already provided for in existing terms and conditions and these will be followed when they arise.

Any compensation determined by the RPA Independent Third Party Dispute Resolution Panel will be paid by the particular employer involved. The determination will not be subject to any further appeal through the RPA mechanism.

3.6 Disputes about Pension Provision

The Occupational Pension Schemes (Internal Dispute Resolution Procedures) Regulations 1996 require pension schemes to operate an internal dispute resolution procedure for pensions. For members of the Local Government Pension Scheme (NI) Scheme administered by NILGOSC further details about this procedure can be found at www.nilgosc.org.uk

Disputes in respect of maladministration, if unresolved by the internal dispute resolution procedure may be referred to the Pensions Advisory Service. If the dispute remains unresolved it can be further referred to the Pensions Ombudsman.

Staff should be made aware that the Pensions Ombudsman will normally only investigate a complaint within three years of the date the scheme members knew or reasonably ought to have known of it happening.

3.7 Joint Employer and Trade Union Arrangements

The new councils and any joint committee structures will recognise the existing NIJC recognised trade unions in respect of their transferred staff to the same extent and for the same purposes as before the transfer took place.

The new councils and any joint committee structures will establish appropriate employer and trade union arrangements to ensure the effective management of HR issues, as determined by the Joint Forum, following transfer in line with an associated recommendation, made in the Third Guiding Principle recommended by the PSC and accepted by Government.

RPA CIRCULAR 01/2007

**THIRD GUIDING PRINCIPLE AND ASSOCIATED RECOMMENDATIONS****STAFF TRANSFERS**

Introduction

The Commission's role is to safeguard the interests of staff and to ensure their smooth transfer to new organisations established as a consequence of Government decisions on the Review of Public Administration, taking into account statutory obligations, including those arising from Section 75 of the Northern Ireland Act 1998.

In pursuance of that role, the Commission's position in relation to staff transfers is represented in the Guiding Principle and associated recommendations described below. In formulating the Guiding Principle and associated recommendations, the Commission has also had due regard to the Secretary of State's commitment, as set out in his statement of 22 November 2005, that "Every possible effort will be made to avoid redundancies."

The Public Service Commission has consulted Government, employers in the RPA Affected Group, the sectoral Staff Commissions and NIC/ICTU about the most appropriate way to effect staff transfers. This is part of a wider set of arrangements which will be required to achieve the Secretary of State's commitment of making every possible effort to avoid redundancies in bodies affected by RPA, safeguard the interests of staff and ensure their smooth transfer into new organisations.

Guiding Principle

The Public Service Commission recommends that:

Government make statutory provision for staff transfers, which is fully consistent with domestic and European legislation, for all those employees, in the RPA Affected Group, who will move to a new or different organisation as a result of decisions following the Review of Public Administration. The wording of the statutory provision should be replicated consistently in all relevant legislation in order to ensure fair and equitable treatment for all staff in the RPA Affected Group.

The Transfer of Undertakings (Protection of Employment) Regulations 2006 shall apply to all transfers arising from the Review of Public Administration and, to ensure certainty, Government should declare that all such transfers are relevant transfers for the purposes of those regulations. The Government should ensure the statutory provision puts beyond doubt that no employing authority will have the right to challenge or limit the determination by the Government that the transfer is a relevant transfer so as to prevent or restrict the protection of continuity of staff rights under such a transfer.

Any pension scheme, into which an employee is transferred must, in the opinion of a professionally qualified actuary, provide benefits that are no less favourable taken as a whole than those provided by the pension scheme of which that employee was a member on the day before transfer. The actuarial assessment will include all benefits in respect of old age, invalidity and survivors' benefits arising from their occupational pension scheme membership.

Government should make statutory provision for independent third party resolution processes for dealing with disputes arising uniquely from the implementation of the RPA. The effect of such provision will be to provide for compensation for actual loss where there is material detriment to existing terms and conditions.

Associated Recommendations

The Public Service Commission recommends the following actions be taken by Government:

The preparation, in consultation with the Public Service Commission, relevant public service employers and the relevant trade unions, of an RPA Code of Practice, which would establish the key principles for statutorily- based staff transfer schemes and transfer arrangements, including pensions provision and independent third party resolution processes. The RPA Code of Practice should reflect statutory provisions and be prepared and promulgated well in advance of the proposed transfer date.

Ensure the development, well in advance of the proposed date of transfer, of written statutorily-based staff transfer schemes which are compliant with all relevant statutory obligations and the RPA Code of Practice, which should be the subject of established consultation and negotiation arrangements.

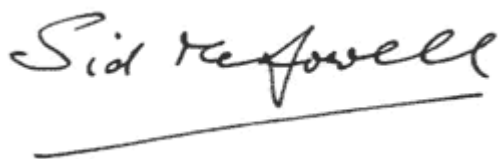
The setting up of appropriate joint employers and trade union arrangements to ensure the effective management of HR issues following transfer and which would complement the already established Central Joint Forum.

The Public Service Commission also recommends that Government should require from employers:

Implementation of the policies and practices as detailed in the written statutorily-based staff transfer scheme.

Commentary

While this Guiding Principle deals with a number of significant core issues in relation to safeguarding the interests of staff and ensuring their smooth transfer to new organisations, the Commission is mindful that there are a number of other HR issues, including for example redundancy provisions, which may be the subject of future Public Service Commission Guiding Principles and Recommendations.

A handwritten signature in cursive script that reads "Sid McDowell". The signature is written in black ink and is positioned above a horizontal line that serves as a separator.

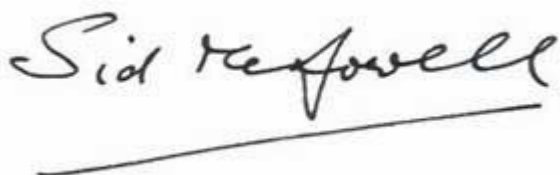
SID McDOWELL
CHAIRMAN
PUBLIC SERVICE COMMISSION
04 12 2006

RPA CIRCULAR 10/2007

SELECTION OF STAFF FOR TRANSFER

ADDENDUM TO THIRD GUIDING PRINCIPLE - STAFF TRANSFERS

1. An employee should transfer to the organisation which is taking over the functions on which s/he is engaged immediately before the transfer of functions. Where, however, a decision on an assignment for transfer is required, a range of factors including the preferences and circumstances of the employee and the needs of the business will be taken into consideration. Any decision will be taken in consultation with the relevant trade union and the receiving organisation. Management should consult with the relevant trade unions and other representatives of staff before advising individuals of their designated employer.
2. If an individual member of staff wishes to appeal against his/her designated employer or a change in the location of his/her workplace, this should be made in accordance with the provisions for third party resolution of disputes.
3. The implementation of the Review of Public Administration decisions may provide an opportunity for management to consider personal preferences of staff in respect of location, working patterns etc and to minimise hardship/domestic disruption for individual staff. Initially such consideration should be given within each sector, but Government should ensure that arrangements are set up for cross sector co-operation. Individual decisions will be dependent on business need. If staff take on new roles and or responsibilities, as a result of the transfer, adequate training and support should be provided.
4. Where the transfer gives rise to a surplus of staff, employers should deal with this, as appropriate, by using mechanisms such as the offer of suitable alternative employment, by internal competition, employment in another organisation, or voluntary severance schemes.

A handwritten signature in black ink, reading "Sid McDowell", with a horizontal line underneath it.

SID McDOWELL
CHAIRMAN
PUBLIC SERVICE COMMISSION
12 October 2007

Extract RPA Code of Practice on Staff Transfers

RPA Independent Third Party Dispute Resolution: non-pension matters

Interpretation

- .1 This guidance applies to all employees in the RPA Affected Group, who will move to new organisations or to a new employer as a result of decisions on the Review of Public Administration.
- 5.2 This guidance applies in cases where there is either a claim of non-adherence to the transfer scheme associated with the transfer of functions, a dispute against the designated employer or in the case of a dispute in relation to a change in workplace location which has been made as a result of the implementation of Review of Public Administration decisions.
- 5.3 This guidance does not apply to the handling of RPA disputes in respect of pension provision. The handling of such disputes is outlined separately at paragraph 6.
- 5.4 Individual employers are reminded that they are required to operate an **internal** dispute resolution procedure which complies with statutory obligations including the statutory right of accompaniment. To facilitate a speedy resolution, employers are asked to ensure that RPA disputes relating to non-adherence to the transfer scheme associated with the transfer of functions, disputes against designated employer or disputes in relation to a change in workplace location which has been made as a result of the implementation of RPA decisions are dealt with by a decision making authority.
- 5.5 Employers are required to inform employees of their additional right of appeal to the RPA Independent Third Party Procedure as well as their right to be accompanied by a work colleague or represented by a trade union representative to the RPA third party procedure. **Employers are reminded that the RPA Independent Third Party Procedure does not replace internal dispute resolution and all of the principle requirements of the internal process must continue to be met. Internal dispute procedures are to be exhausted before appeal to the RPA independent procedure.**

In organisations where grievance/dispute resolution procedures include a final stage which is independent/external, this final stage would be replaced by the RPA Independent Third Party Dispute Resolution Procedure.

- 5.6 Employees must be advised that the implementation of these procedures does not affect their right to lodge a claim with the Industrial Tribunal or Fair Employment Tribunal.
- 5.7 At the first stage of the internal dispute resolution procedure employees are required to indicate either:
- A**
- i) if and why they believe that their dispute relates to:
 - a) non-adherence to the transfer scheme associated with the transfer of functions; or
 - b) a change in workplace location which has been made as a result of the implementation of Review of Public Administration decisions;
 - ii) what they consider would resolve the dispute; and

- iii) what they consider their material detriment to their existing terms and conditions to be; and, give an indication of their actual loss.

or:

B

- i) if and why they believe their dispute relates to designated employer;
- ii) what they consider would resolve the dispute; and
- iii) whether they consider that there is material detriment to their existing terms and conditions, and if so, give an indication of their actual loss.

Employers must indicate to employees whether they consider a dispute fulfils the above criteria and thus can be taken to the RPA Independent Third Party Dispute Resolution. The employee may appeal an employer's decision, including appealing ultimately to the RPA Independent Third Party Dispute Resolution Procedure, in this regard.

- 5.8 The model for the RPA Independent Third Party Procedure is drawn from the principles applying to the Procedural Arbitrations provided by the Labour Relations Agency (LRA) for a range of public sector bodies together with the good practice elements of the statutory arbitration schemes. The RPA Independent Third Party Dispute Resolution Procedure will be a three person panel procedure; the Chair will be provided by the LRA, wing members will be nominees from public service employers and trade unions who will be trained through the LRA.
- 5.9 Where a complaint is upheld, the panel will make a determination to the employer to remedy any deficiencies found. If the deficiencies cannot be remedied, the panel will fix an amount of compensation which reflects actual loss incurred. Employers will implement the panel's determination.
- 5.10 Employers must make employees aware that the LRA must receive their appeal within six weeks from the date of conclusion of internal dispute resolution. If an appeal is received by the LRA which is outside this time limit, the matter will be referred to an arbitrator who may extend the time limit if it is concluded, in all the circumstances of the case, that it was not reasonably practicable to lodge the appeal in time. The appeal will follow the process set out at paragraph 5.11 below.
- 5.11 The key features of the RPA Independent Third Party Dispute Resolution Procedure for non-pension matters are outlined below:
 - i) the employee notifies the LRA and the employer, in writing, of the decision to appeal to the RPA Independent Third Party Dispute Resolution Procedure within the time limit outlined at paragraph 5.10
 - ii) both parties send to the LRA Arbitration Secretary all relevant correspondence;
 - iii) the LRA appoints the panel who determines whether the appeal is within time, and that internal grievance/dispute resolution procedures have been exhausted;
 - iv) if the appeal fulfils the above criterion, the LRA Arbitration Secretary fixes a hearing date and the case is scheduled to be heard within six weeks from the date of conclusion of the internal dispute resolution;
 - v) if the appeal does not meet the criteria as set out in iii) above the LRA will notify both parties;
 - vi) written statements from both the employer and the employee must be submitted to the LRA Arbitration Secretary at least 2 weeks before the date of the hearing; and

- vii) the case is heard and the panel's determination is sent to both parties within 10 working days of the hearing. This constitutes the end of the process and there is no further appeal through this mechanism.

G

Subject:	Procurement of a Content Management Solution - Intranet and Council Website
Reporting Officer:	Michael Browne

1	Purpose of Report
1.1	To inform members of a key project that enables the Council to design and implement a new website, Intranet and content management system (CMS) to Mid Ulster Council.

2	Background
2.1	The Mid Ulster council will require a system where its internal website (Intranet) and the new council website and potentially others will be managed internally through a central system called a content management system. People across the organisation will be contributing and updating each site as required to keep information and communication up to date as a vital aspect to maintaining communications and services across Mid Ulster Council for visitors, citizens, businesses and councillors to the site and the internal staff .

3	Key Issues
3.1	<p>Procurement: As part of developing and implementing a communication plan the development of a new website and intranet were recognised as key solutions in developing good communication practices across the organisation. The procurement of a system is required to enable the council to achieve that goal through a competitive process.</p> <ul style="list-style-type: none"> • Provision of a CMS accessible via a browser interface for min 50 users. • Implementation of an Intranet to facilitate internal collaboration ,news, events and internal applications, documents policies and communications • Implementation and design of a fully responsive website presence for Mid Ulster Council.(responsive means compatible with phones, tablets and computers within a single design that adapts intelligently to the device being used) • Training and on-going support.

4	Resource Implications
4.1	<p>Financial Two working groups have combined to bring required solutions and outcome together i.e. Content Management System (CMS), Intranet and Website design</p>

	and implementation for Mid Ulster Council Estimated cost is £30,000
4.2	<p><u>Human resources</u></p> <p>A minimum of 50 users will have access to and be required to contribute and manage the intranet, council website (when branding and design etc. are agreed) as well as developing a workflow to allow the Marketing & Communications Manager control and authorisation of the changes and consistency of published material. The project will require all staff to be trained as a part the project. The projects will be managed and deployed using existing staffing resources.</p>
4.3	<p><u>Assets and other implications</u></p> <p>The suggested solution will be hosted and accessible from anywhere with internet access and secure logon across all sites with Mid Ulster Council. There will be an ongoing cost to managing and supporting the chosen CMS which will provide support and updates to the system for the Council.</p>

5	Other Considerations
5.1	There is potential to investigate and consider buying and sharing the systems with other councils in order to bring better value to Council in functionality and cost. These have not yet been explored but could potentially present significant benefits and reduction of costs if possible.

6	Recommendations
6.1	It is recommended that Council authorise the procurement of the system. It is also recommended that Council investigate and explore the potential to share the cost with other Councils to achieve the same and report on the investigation.

7	List of Documents Attached
7.1	Draft procurement specification attached together with suggested Intranet designs

SPECIFICATION FOR

Hosted CMS and Intranet system

SPECIFICATION PREPARED BY

**Mr. Michael G Browne
Magherafelt District Council**

REFERENCE NUMBER

**QUERIES REGARDING THE
CONTENT OF THIS SPECIFICATION
SHOULD BE DIRECTED TO**

Procurement Manager
Linda.ferguson@cookstown.gov.uk
The Procurement Unit,
Council Offices, 15 Circular Road,

**SUBMISSIONS TO BE RETURNED
NO LATER THAN**

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- 8.0 Return of Submission**
- 9.0 Form of Tender**
- 10.0 Terms & Conditions of Contract**
- 11.0 Fair Employment Declaration**
- 12.0 Data Protection Declaration**
- 13.0 Non-Collusion Certificate**
- 14.0 Freedom of Information Statement**

1.0 INTRODUCTION

The Mid Ulster Council transition committee wishes to appoint a company to provide and host a fully hosted non-proprietary highly secure Content Management System (CMS) which provides a flexible API architecture for integration to third party systems. It must also provide a range of pre-programmed modules/functions which can be easily deployed to meet the Councils online objectives.

The proposed CMS must have a defined product pathway with a Strategic Product development plan and have an extensive delivery partner network with the existence of multiple suppliers/partners/consultants within Ireland & UK. It must also be highly secure and adhere to current online security best practice.

Together with the CMS the Council requires the setup and implementation of a highly secure Intranet and public website for the new entity. The Council coming together to form the new Mid Ulster Council. –

Cookstown District Council (CDC)
Dungannon and South Tyrone Borough Council (DSTBC)
Magherafelt District Council (MDC)

CONTACT POINTS:

The main Council contact for all technical queries relating to this tender are:

Name : Ciaran McKeown (Dungannon) Email: ciaran.mckeown@dungannon.gov.uk

Name: Barry O'Hagan (Cookstown) E:barry.ohagan@cookstown.gov.uk

Name : Fred Greer (Cookstown) E : fred.greer@cookstown.gov.uk

Name : JJ Tohill (Magherafelt) E: jjtohill@magherafelt.gov.uk

Name: Michael Browne (Magherafelt) E: mgbrowne@magherafelt.gov.uk

Name: Jason Curran (Magherafelt) E: JasonCurran@magherafelt.gov.uk

2.0 SCOPE OF WORK/SERVICE REQUIRED

The approach is to be discussed and agreed with the successful tenderer on award; however, tenderers are asked to outline their proposals for project implementation within their tender submission. Maximum Budget Available is ~~£20,000~~ (Subject to approval)

3.0 BACKGROUND

As a consequence of Local Government reform the three Councils, CDC, DSTBC and MDC are preparing to merger systems and processes to deliver a coordinated and effective modern ICT service.

The cluster requires a web presence solution which will be provide flexibility & manageability. The solution will present a full CMS (Content Management System) which incorporates the secure publishing, editing and modifying of content as well as maintenance from a central interface/dashboard. The Mid Ulster Council will also require the CMS platform to have an integrated Intranet/Extranet solution with the ability to accommodate E-Commerce transactions in the future.

The CMS platform must have a configurable workflow and approval function to manage workflow and approval in a collaborative working environment spread across multiple locations where multiple web authors submit, edit and manage content before final approval for publishing.

4.0 SERVICE CONDITIONS AND ENVIRONMENTAL FACTORS

The project will be managed via a small project team made up of communications and ICT working group members. In terms of local government reform this project must deliver a high standard of communication, usability and access to services. The public facing interface is crucial to its emerging communication strategy with citizens, businesses and visitors to the district.

Council are currently working on a developing an identity for the Council through a brand developing exercise. Once this has finished this will used for the website and intranet interface.

Out of Scope

The design of the user interfaces for the intranet will be supplied by Mid Ulster Council. However the chosen provider will be expected to feed into the design process on what is available and achievable functionality wise within the chosen CMS platform.

5.0 STATEMENT OF REQUIREMENTS

The installation and configuration has been broken down into the following tasks

- Task 1. Provision of a non-proprietary, highly secure .NET based CMS accessible via a browser interface for up to 50 users as minimum.
- Task 2. Implementation of an Intranet.
- Task 3. Implementation and design of a fully responsive website presence for Mid Ulster Council.
- Task 4. Training and on-gong support.

We would like to highlight that we require a high quality and secure product. Suppliers must have in place and provide details on quality standards and information security standards which they currently have in place, for example ISO 9001 & 27001 Quality & Information Security Standards.

Task 1 Provision of a non-proprietary, highly secure .NET based (or equivalent) CMS accessible via a browser interface for up to 50 users as minimum. Design and install a web presence for the Mid Ulster Council with full CMS which is robust, scalable and portable across Computers, Laptops Tablets devices,- smart phones smart connected TV's. etc .

WYSIWYG and CMS functionality editor's requirements

The proposed system must provide the following functionality as a minimum

The built-in editor needs to provide tools needed to create and update content, including:

- Text formatting (bold, italics, colour, font, headings, etc.)
- Insert image
- Insert movie
- Insert YouTube video
- Create link
- Insert on-line form, poll or other dynamic object
- Spell checker
- Content locking
- Media and document library management.
- Multilingual Content management
- Page templates
- Standard workflow tags
- Image editor
- Version control and archiving of information
- Banner management

- Social media integration of all key social media channels
- RSS/XML Feeds
- Secure log in permissions, definitions of roles and access.
- Windows integration

The CMS must include:

- The ability for Administrators to add and remove user logins and set passwords in line with the permissions below: General Editors, who can change documents on all departments, add news to the Local Government Reform page, add/edit/delete the Noticeboard news and events and the “What’s on calendar” etc.
- Department Editors, who can add/edit/delete documents within their department only.
- Staff Directory - Editor who can add and change all contact information.
- Services Directory with A-Z functionality
- Previews function when uploading news.
- Ability to rename and add home screen links.
- Maintain audit logs.

Scalable and Expandable

The CMS must have the capability when required of expanding to support a larger audience as and when Mid Ulster Council require. The solution (CMS) must also be able to facilitate multiple websites with a clone capability for the delivery of specific customizable campaign websites as and when required.

Note

Ability to both setup client side forms (preferably with ability to drag and drop elements onto form rather than code in HTML and with client side validation of form elements via javascript or similar) and process said forms ‘server side’ and either store results locally in a mysql (or similar) database to be queried and/or ability to send results to a specified email address.

Task 2 Implementation of an Intranet.

From the conceptual design supplied (chosen CMS provider will be involved in the interface design process) configure and implement a highly secure Intranet/Extranet solution for Mid Ulster Council.

The intranet will serve five key purposes:

- To allow access to key documents, training and learning repository and searchable staff databases, folders and forms e.g. Leave request forms and Health and Safety policies.
- To be the hub for internal communications rolling out news and announcements e.g. key a calendar of events and personnel changes.
- To provide access and linkage to key internal applications and resources e.g. Flexi time website, Expenses website and IT helpdesk etc.
- Must be departmental and workgroup allocated

To provide an internal communications zone providing discussion forms, blogs, messaging boards and ability to customise the intranet interface to users own personal layout preferencesThe Council requires the intranet site to have a combination of all intranet-related features, including the following:

- content management
- document libraries
- project management
- workgroup and collaborative workspace
- internal social networking features e.g. Forums, Blogs, Groups, Message Boards, and where applicable social media integration
- booking system and event calendaring
- Image gallery
- User polls
- Searchable
- Ability to assign and send information to public facing website if required

Task 3 Implementation and design of a responsive website presence for Mid Ulster Council.

The Council will require the solution to provide a fully responsive website and as part of the project the Mid Ulster Council will require the solution to comply with the following: -

- The development of CSS responsive templates for an agreed branded Mid Ulster Website which is compatible with iPhones, and Android phones as well as all browsers testing ensuring it complies with DDA 1995, W3C, WAI, WCAG 2.0 and will allow the Council to populate the entire web estate.
- Conformance to level AAA
- Provision of high contrast style sheets for individual with visual impairments
- Ability to increase and decrease font size
- A current approach to accessibility, particularly for mobile 20.

| Provision of a printer friendly style sheet

- Code will need to be well structured, modular, compatible with HTML5, CSS and Java/Action Script as necessary.
- Need to consider download time – we need this to be fast for mobile devices 23. Image optimisation for small screen devices 24. HTML iFrame for video.(Check)

Analytics

The delivered solution must include analytical information for administrators of user's access and behavior on the web site including but not limited to;

- page views
 - file downloads
 - visits
 - referrals
 - conversions
 - countries
 - browser types
 - invalid pages
 - aggregated views of RSS feeds
- We would accept integration of Google Analytics or equivalent inbuilt functionality with associated dashboard system
- All tenders must demonstrate how the above will be achieved.

Task 4. Training and on-going support.

The proposed CMS platform must have full user manuals and technical documentation. Training will be required for a range of staff with varying skills. As we are located in a number of locations please provide from previous experience you proposed approach to meeting or training requirements and detail what the training would include.

6.0 EVALUATION/ASSESSMENT CRITERIA

Tender submissions will be evaluated on the quality and costs of the service with certain scores and weightings applied to achieve the most economically advantageous tender. Criteria as follows: -

Stage 1 – Pre qualification

Stage 2 – Award Criteria

FORMAT OF RESPONSE: Stage 1 Pre-Qualification

The structure of the document should follow the relevant evaluation criteria i.e. –

Stage 1 – Pre qualification include:	
Cost	Pass/Fail
Insurances	Pass/Fail
Organisational Experience	Minimum score of 2 required
Team Experience	Minimum score of 2 required
Appropriate Quality and Security Standards in place	Pass/Fail

▪ Stage 2: 'Tender bid'

Details should be provided as outlined under 'Stage 2 Award Criteria'.

- Quality Response
- Cost
-

STAGE 1: – Pre qualification

Applicants must successfully pass all questions in this stage to enable their submission to progress to the next stage of assessment. No marks will be carried forward to Stage 2.

Responses to Stages 1 must be from the lead organisation. Identify the project lead in any combined approach.

Tenders which do not provide the documentation as requested below or provide responses which do not meet the requirements outlined will fail and not progress to the next Stage of the process.

MANDATORY EXCLUSION

1.1	Cost: Ability to deliver within Budget (Max £00,000)	Pass/Fail
1.2	Insurances	Pass/Fail
1.3	ISO 9001 & 27001 Quality & Information Security Standards. Certifications must be supplied with response. Statements such as “working towards” will not be accepted.	Pass/Fail

This will be assessed based on responses to **Appendix C**. Please complete, attach the relevant documents and include along with your tender submission.

The Contractor shall hold, and continue to hold during the contract period £10m of Employers Liability Insurance and £5m of Public Liability. Please note insurances must be current at the time of application and the successful applicant will be required to hold these levels of insurance throughout the Contract and as specified thereafter.

Where the Applicant's current insurance provision, at any of the above types, is lower than the values required, the Applicant MUST attach confirmation (to be provided by the Applicant's current insurance broker) that the Applicant is capable of obtaining insurance to the applicable values stipulated.

STAGE 2: EXPERIENCE CRITERIA

RELEVANT EXPERIENCE

Please provide a response to this Section using a **maximum of SIX sides A4 pages**. Applicants will be assessed against the areas outlined below.

Please note:

- **The personnel noted in Stage 1 must be the same as those included under Stage 2 .**
- **After the Contract is awarded, no personnel can be changed without the prior written approval of the Council.**

Selection Criteria	Score
Lead Organisation Experience	
<p>1. Experience of Organisation (including all partner companies, if applicable) Provide details of at least 2 similar projects delivered in the past 3 years that demonstrate the organisation's ability to undertake and complete this project.</p>	<p>At least a score of 2 is required Max 1 A4 page per project</p>
Team Experience	
<p>2. Please demonstrate the proposed team's (lead and 3rd parties) experience in the past 3 years in each of the following work areas –</p> <ul style="list-style-type: none"> ▪ Management of similar projects <i>The proposed Team must be able to demonstrate experience in all of the areas above. Methodology and delivery processes for the project.</i> 	<p>At least a score of 2 is required Max of 3 A4 pages</p>

Please note: Tenderers should note that 'within 3 years' refers to within 3 years from Dec 2013 date of this tender competition.

Responses should be set out as below

Examples of projects for the delivery team members must include the project title, project duration (mm/yyyy – mm/yyyy), the project value (£), the individual's role within the project and the methodology used and detail how each example is relevant to the current work required by the Council.

Please note:

Tenderers will be assessed on the information submitted within Stage 1 of their tender proposal. Failure to provide sufficient evidence to satisfy pre-qualification criteria, with dates, to demonstrate compliance with each of the above requirements may lead to exclusion from the tender competition at this stage.

All Tenderers who have demonstrated that they meet the minimum standards required will proceed to Stage 2 of the evaluation. Tenderers who have failed to meet all of the minimum standards required will be eliminated from the tender competition.

To ensure consistency, the evaluation team will mark each selection category according to this scale: -

Assessment	Score 0-3	Reasons to award this score based on evidence provided and against the criteria include
Unacceptable	0	<ul style="list-style-type: none"> ▪ The response in this category fails to meet the requirement. ▪ There is a high risk that this service provider, in this sub category, could jeopardise the success of a project if awarded. ▪ No evidence provided against this sub category
Reservations	1	<ul style="list-style-type: none"> ▪ The response in this category is compliant, but with reservations. ▪ Weakness and/or risks in this sub category outweigh strengths.
Compliant	2	<ul style="list-style-type: none"> ▪ Compliant response in this category, but lacks sufficient detail to award a higher mark. ▪ Strengths in this sub category outweigh weaknesses.
Good	3	<ul style="list-style-type: none"> ▪ Indicates a convincing response in this category with no weaknesses. ▪ Proposal demonstrates that in this subcategory the service provider will provide good quality products/ services.

Organisations must obtain at least a score of 2 (i.e. compliant) in each selection category listed above. Failure to meet this score in any of the selection criteria will result in the tender being rejected and not progressing to Stage 3.

CVs are not to be included and will not be considered. Only information contained within Stage 2 will be considered when assessing this element of your submission.

Qualitative Assessment Criteria (QAC)

Criteria	Score
Programme delivery	
Task 1	20
Task 2	20
Task 3	20
Task 4	10
Project Management	10
Total Qualitative Score	80

Price Assessment Criteria

Criteria	Score
Cost	20

Stage 2 Submission

<p>Methodology: Programme Delivery</p> <p>Provide a detailed programme methodology on how you propose to deliver the following elements.</p> <p>Task 1 : Task 2 : Task 3 : Task 4 :</p> <p>Each element will be assess individually and awarded a score in accordance with the qualitative assessment criteria.</p> <p>This statement will detail the inventory, tools and techniques you will employ for same</p>	<p>Max 8 A4 SINGLE PAGE (2 per task)</p>
<p>Methodology: Project management</p> <p>Provide a detailed methodology for the project outlining how you propose to manage the entire project. Your response as a minimum should reference the following</p> <ol style="list-style-type: none"> i. Quality Control ii. Communications with client an administration <p>The statement will detail how and what tools will be used to examine and monitor the network; the personnel and experience of the people to be assigned the task, how the information will be quality assured.</p>	<p>Max 2 A4 SINGLE PAGE</p>

7.0 TIMESCALE

TIMESCALE

The following timescale is anticipated:

Last date for receipt of queries: (-To procurement manager Dungannon Council:
linda.ferguson@dungannon.gov.uk)

Tender closing date:

Tender award:

Project implementation:

8.0 RETURN OF SUBMISSION

Full documentation must be returned to the Chief Executive in a plain sealed envelope endorsed ICT Audit and Analysis Tender to be received at the Council Offices, Circular Road, Dungannon, BT71 6DT, no later than

2014 @ 12 NOON

FORM OF TENDER – Part 1

Reference Number

Tender for

Hosted CMS and Intranet system

I/we hereby offer to provide the above mentioned goods/services as detailed in the attached specification and invitation to Tender for the sum of £ (exclusive of VAT).

I/we have read and understand the Terms and Conditions of Contract and the supplementary statements and policies and agree: -

To the terms and conditions set in this Tender, to any additional terms and conditions set out in the specification, that having completed this form a binding contract shall be made by this Tender and our acceptance thereof.

Signature		Date
Address		
Telephone Number		
Fax Number		
Email		
VAT Registration Number		

Notes/instructions to Tenderers

Tender prices must reflect all circumstances affecting, or likely to affect, the provision of the goods/services.

Completed Tenders should be addressed to the Chief Executive at, The Council Offices, 15 Circular Road, Dungannon, Co. Tyrone, BT71 6DT in a plain sealed envelope endorsed

To be received no later than 12 noon

Tenders received after the specified date and time will not be considered.

The Council are not bound to accept the lowest or any Tender.
SCHEDULE OF QUANTITIES AND PRICES – Part 2

Description of Goods	Quantity of days	Unit Cost (Exc Vat)	Total Cost (Exc Vat)
Task 1			
Task 2			
Task 3			
Daily Rate for additional Consultancy days			
TOTAL COST (Excl Vat)		£	

OFFICE USE ONLY

Opened by

Date

Time

TERMS & CONDITIONS FOR QUOTATIONS/TENDERS



PLEASE READ THE FOLLOWING TERMS AND CONDITIONS CAREFULLY BEFORE YOU SUBMIT A TENDER/QUOTATION TO THE COUNCIL

DEFINITIONS

1. In this agreement the following terms shall have the following meanings:

“Contract”	means the contract to provide the services goods detailed in this document and specifications
“Contractor”	means _____ and/or their representatives
“Contractor Representative”	means the person or persons from time to time nominated by the Contractor and notified in writing to the Supervising Office, and authorised to act in the capacities stated on behalf of the Contractor.
“Council”	means Dungannon & South Tyrone Borough Council.
“Person”	means any natural or juristic person or individual, firm, partnership or body corporate.

2. LEGISLATION

The Contractor shall note and make himself aware of all legislation that relates to this contract. It is a requirement of this contract that the services are carried out in accordance with all relevant legislation. Failure to comply with current and future relevant legislation shall lead to the determination of this contract.

3. HEALTH AND SAFETY AT WORK

3.1 The Contractor shall at all times take such precautions as are necessary to protect the health and safety of his own employees, other employees including the Council's employees, and all other persons including members of the public, and shall comply with the requirements of the Health and Safety at Work (NI) Order 1978, and any amendment or re-enactment thereof, and of any other Acts, Regulations or Orders pertaining to the health and safety of employed persons.

32 The Council shall be empowered to suspend the provision of the Service or part thereof in the event of non-compliance by the Contractor with Condition 3 or with his legal duties in health and safety matters. The Contractor shall not resume provision of the Service or such part until the Supervising Officer is satisfied that the non-compliance has been rectified.

4 CONTRACTOR'S EMPLOYEES

The Contractor shall employ only persons who are careful, skilled, honest, experienced, and suitable qualified for the work required in terms of this contract.

5 DELIVERY OF GOODS/SERVICES

The Contractor shall be responsible for any expenses incurred to deliver any incorrectly delivered (subject matter) to the correct delivery point or return any items delivered in excess of the quantity specified in the order.

The Goods shall be delivered by the Contractor, carriage paid in such quantities, in such manner, at such times and to such places as the Council named in the Contract may order in writing from time to time, being times and places within the period and localities specified in the Contract. Delivery dockets must always be produced and signed for by a member of staff from Dungannon & South Tyrone Borough Council.

The Contractor shall adequately pack and protect the (subject matter) against damage and deterioration and deliver them not earlier or later than the time or

times specified in the order at the delivery point or points specified in the order or as the council directs.

6 PAYMENT FOR GOODS/SERVICES/INVOICES

Payment for materials supplied shall be made upon Verification of receipt of goods/ services to the specification indicated in the tender. Payments will be issued monthly on the second Tuesday following the month end. Invoices, quoting official Order Numbers, should be submitted by Contractors/Suppliers not later than one week prior to the month end. The Council reserves the right to withhold payment of any Invoice where further details, checking, etc. are required before payment can be certified.

Invoices should be submitted to the: -

Finance Department, Dungannon & South Tyrone Borough Council, Circular Road, Dungannon, Co Tyrone, BT71 6DT

The Council reserves the right to require production of copies of Supplier's Invoices for any materials supplied under this Contract. The Council may also request timesheets to validate labour claims.

7 BS STANDARDS

All materials must comply with the latest BS where applicable, and the Contractor/Supplier shall be deemed to warrant and guarantee in his tender document that the latest BS has been considered in the tender price. Certificates, samples and tests for the various materials shall be deposited and/or carried out as directed by the Purchasing Officer at the Contractors/Supplier's expense. Any materials not conforming to BS and appropriate tests will be rejected and the Purchasing Officer shall have the power to make a compensating reduction in the contract price for any materials already used, which are found not to be in accordance with these tests.

8 SPECIFICATION

The Goods shall be of the quantity and kinds described and equal in all respects to the descriptions, specifications, patterns and Contractors samples which form part of the Contract or are otherwise relevant for the purpose of the Contract. No inspection or test or failure to inspect or test shall constitute acceptance of

the (subject matter).

9 FAILURE TO SUPPLY GOODS IN GOOD CONDITION

The supply of materials, etc. in accordance with the Specification and to the satisfaction of the Council's Purchasing Officer shall be deemed to be the essence of the contract and should the contract fail in that respect the Purchasing Officer may obtain the necessary amount of material from any other source and the difference between the price, if any, of the materials so procured and the tender price, shall be paid by the Contractor/Supplier – the amount of the claim to be certified by the Purchasing Officer. Where samples are required they shall be supplied, clearly marked so as to be easily identified, and forwarded as directed.

The Council's representative and any government department shall be entitled on the council's authority to inspect or test the (subject matter) at any reasonable time at the premises of the Contractor. The Contractor shall grant to the council a right of access to the premises for the purpose of understanding such inspection test of the (subject matter).

10 REJECTED GOODS/MATERIALS

If any (subject matter) do not conform to the contract on any grounds at all (including without limitation by reason of quality or being unfit for the purpose for which they are required) the council shall be entitled at its discretion without prejudice to any other remedy to exercise any one or more of the following rights:

- reject the (subject matter) in whole or in part;
- permit the Contractor to replace, repair or reinstate the (subject matter) so that they conform to the contract; and
- carry out or have carried out at the Contractor's expense such work as is necessary to conform the (subject matter) to the contract.

Rejected goods or materials are to be removed by and at the expense of the Contractor/Supplier within seven days after notice of rejection, and if not taken away the Council may cause same to be removed and charge the Contractor/Supplier with all expenses incurred in such removal.

11. LABOUR/WAGES

The Contractor shall not assign or underlet the Contract, and must pay all their employees the standard rate of wages in the district, and must also observe the hours of labour as well as the aforesaid rate of wages recognised by the Association of Employers and the Local Organised Bodies of Workers in the various trades in the district and must adhere to Trades-Union principles in every respect regarding their particular trade or business, and if required must produce satisfactory proof of compliance with said conditions.

12. RACE RELATIONS

The Contractor shall not engage in exploitative practices of vulnerable groups including migrant workers. This includes racial discriminatory practice and racial harassment. In the event of any employment practices by a contractor being deemed by an Industrial Tribunal as unlawful discrimination under the Race Relations (NI) Order 1997 (as amended 2003) the Council reserves the right to refuse, suspend or cancel contracts and not consider further tenders from the said contractors.

13. FREEDOM OF INFORMATION

The Council is Subject to the terms of the Freedom of Information Act 2000. Tenderers should be aware that the information provided in the completed tender and Contractual Documents could be disclosed in response to a request under the Freedom of Information Act. We will proceed on the basis of disclosure unless an appropriate exemption applies. No information provided by Tenderers will be accepted "in confidence" and the Council accepts no liability for loss as a result of any information disclosed in response to a request under the Freedom of Information Act.

14. PASSING OF RISK

Risk in the (subject matter) shall not pass to the council until delivery.

15. CONFLICT OF INTEREST

Tenderers should declare that they do not have any conflict of interest in

connection with the contract, a conflict of interest could arise in particular as a result of economic interests, political or national affinities, family or emotional ties, or any other relevant connection or shared interest.

16. JOINT TENDERS

Joint Tenders or Tenders from consortia will be accepted. The nature and organisation of such Tenders is at the discretion of the Tenderers. In any event, such tenders will be treated no differently from any other type of Tender, each being assessed on its own merits in relation to the evaluation and award criteria contained in these specifications.

17. SUBCONTRACTING

Any intention to subcontract part of the contract must be clearly stated in the Tender. In any case, the main contractor retains sole responsibility for the contract.

18. NON AWARDS

Initiation of a Tendering procedure imposes no obligation in Dungannon & South Tyrone Borough Council to award a Contract. The Council is not liable for any compensation with respect to Tendering parties whose Tenders have not been accepted. Nor shall it be so liable if it decides not to award the Contract.

19. CONTRACTOR TO SATISFY HIMSELF ON MATTERS RELATING TO THE CONTRACT

The Contract shall be deemed to have made all necessary inspections, surveys measurements and enquiries to satisfy himself as to the correctness and sufficiency of his rates and prices to cover all his obligations in terms of this contract.

20. DAMAGE

The Contractor shall ensure that no damage is occasioned to any property by reason of his conduct of the works. Any damage caused by the Contractor to any property shall be made good at the Contractor's expense and that to the reasonable satisfaction of the Council. Failure of the Contractor to repair such damage may mean the Council shall effect such repairs as necessary and deduct the cost of such from any monies owed to the Contractor by the Council.

21. AGENCY

- 21.1 The Contractor is not, and shall in no circumstances hold himself out as being the servant or agent of the Council.
- 21.2 The Contractor is not and shall in no circumstances hold himself out as being authorised to enter into any contract on behalf of the Council, or in any other way to bind the Council to the performance, variation, release or discharge of any obligation.
- 21.3 The Contractor has not and shall in no circumstances hold himself out as having the power to make, vary, discharge or waive any by-law or regulation of any kind.
- 21.4 The employees of the Contractor are not and shall not hold themselves out to be, and shall not be held out by the Contractors as being servants or agents of the Council for any purpose whatsoever.

22. INJURY TO PERSONS AND PROPERTY AND COUNCIL INDEMNITY

- 22.1 The Contractor shall be liable for, and shall indemnify the Council against any expense, liability, loss, claim or proceedings whatsoever arising under any statute or at common law in respect of personal injury to, or the death of, any person whomsoever arising out of or in the course of, or caused by, the carrying out of the contract, and the supply of any goods or services by the contractor unless due to any act of neglect of the Council or of any person for whom the council is responsible.
- 22.2 The Contractor shall be liable for, and shall indemnify the Council against any expense, liability, loss, claim or proceedings in respect of any injury or damage whatsoever to any property heritable or movable, real or personal in so far as such injury or damage arises out of, or in the course of, or by reason of, the carrying out of the contract, and the supply of any goods or services by the

contractor unless due to any act of neglect of the Council or of any person for whom the Council is responsible.

23. INSURANCE AGAINST INJURY TO PERSONS AND PROPERTY

- 23.1 The Contractor shall hold, and continue to hold during the contract period £10m of Employers Liability Insurance and £5m of Public Liability Insurance evidence of which must be produced to the Council prior to the start of the Contract.
- 23.2 Without prejudice to his liability to indemnify the Council in terms of previous conditions, the Contractor shall maintain, and shall cause any domestic sub-contractor to maintain such insurances as are necessary to cover the liability of the Contractor or as the case may be, the sub-contractor, in respect of or arising out of or in the course of or caused by the carrying out of the contract not due to any act or neglect of the Council or of any person for whom the Council is responsible and in respect of injury or damage to property, heritable or movable, real or personal, arising out of or in the contract and caused by any negligence, omission or default of the Contractor, his servants, or agents or, as the case may be, of such sub-contractor, his servants or agents.
- 23.3 The insurance in respect of claims for personal injury to, or the death of, any person under a contract of service or apprenticeship with the Contractor or the sub-contractor as the case may be and arising out of and in the course of such person's employment shall comply with the Employer's Liability (Defective Equipment and Compulsory Insurance) Act 1972 and any statutory orders made there under or any amendment or re-enactment thereof.
- 23.4 As and when he is reasonably required to do so by the Council, the Contractor shall produce and shall cause any sub-contractor to produce for inspection by the Council documentary evidence that the insurances required by this contract are properly maintained, but on any occasion the Council may (but not unreasonably or vexatious) require to have produced for its inspection the policy or policies and premium receipts in question.
- 23.5 Should the Contractor or any sub-contractor make default in insuring or in continuing or in causing to insure as provided for in this contract, the Council may themselves insure against any risk with respect to which the default shall have occurred and may deduct a sum or sums equivalent to the amount paid or payable in respect of premiums from any monies due or to become due to the

Contractor, or such amount shall be recoverable from the Contractor by the Council as a debt.

24. ENCUMBRANCES

The Contractor shall not create any lien, charge, or other encumbrances on any plant, material, or asset which is the property of the Council, nor assign this agreement or any interest therein.

25. PATENT RIGHTS AND ROYALTIES

The Contractor shall not in connection with the contract, use, manufacture, supply or deliver, any process, article, matter or thing, the use of which would be an infringement of any patent or patent rights, and the Contractor shall indemnify the Council from all proceedings, damages, costs, charges, expenses, loss and liability, which the Council may sustain, incur or be put to, by reason or in consequence, directly or indirectly, of any breach of this provision (whether wilful or inadvertent) and against which the payment of any royalties or other monies which the Council may have to make to any person or body entitled to patent rights in respect of any process, article, matter or thing used, manufactured, supplied or delivered by the Contractor in connection with the Contract.

26. GENERAL REQUIREMENT TO PAY TAXES ETC.

The Contractor shall at all times be fully responsible for the payment of all income or other taxes, national insurance contributions, or levies of any kind, relating to or arising out of the employment of any person employed by the Contractor, in terms of this contract, and shall fully and promptly indemnify the Council in respect of any liability of the Council in respect thereof.

27. GENDER, SINGULAR AND PLURAL

The masculine includes the feminine, and in the case of a limited company the indefinite article, and the singular includes the plural and vice versa where the context requires.

28. GOVERNING LAW

This Contract shall be bound by the parties hereto shall comply and act in accordance with E.E.C Directives and the Laws of N.I., and the parties hereto shall accept any ruling of the Courts of Northern Ireland.

29. WARRANTY

The Contractor shall, at its own expense, make good any defects which under proper use appear in the subject matter during a period beginning on their delivery and ending 6 months after their delivery, use or other defects period stipulated by the Council in the Order.

30. LOSS AND INDEMNITY

The Contractor shall compensate the Council in full in demand for all loss, damage, or injury to the Council, any claim in respect of loss, damage, or injury made against the Council by third parties and any costs and expenses including legal and other professional adviser's fees, all economic loss (including loss of profit whether direct or indirect), loss of future revenue, reputation or goodwill or anticipated savings) which result from the Contractor's failure to comply with the Contract (whether negligent or otherwise) and in particular resulting from any defect in the (*subject matter*) or their materials, construction, workmanship or design or any claim that any (*subject matter*) prepared or supplied under the Contract infringe or are alleged to infringe the rights of any third party claimed under or in connection with any patent, registered design, copyright or breach of confidence.

The Contractor / Supplier shall be liable for and shall indemnify the council against loss, liability, claim on proceedings, in respect of any injury or damage whatsoever to any property real or personal in so far as such injury or damage arises out of any negligence, omission or default of the Contractor/Supplier, his servant or agents or of any Sub-Contractor employed by him.

31. STATUTORY AND OTHER REQUIREMENTS

The Contractor undertakes that the (*subject matter*) are safe and without risk to health when properly used and comply in all respects with all legal obligations in force at the date of delivery. The Contractor shall supply in respect of the (*subject matter*) such information about the use of them as is required by the

Legal Obligations and enables the Council to comply with them so far as it is required by law to do so and proper evidence of all tests and examinations and research made in compliance with the Legal Obligations.

32. CONFIDENTIALITY

The Contractor shall both during this Contract and after its termination keep confidential and not (except as authorised or required for the purposes of this Contract) use or disclose or attempt to use or disclose to any person any of the information.

33. TERMINATION

The Council reserves the right to review the contract at any time and obtain further competitive prices for materials or obtain materials from other sources if it is cost effective to do so or is in the interests of the Council. At any time during the contract period the Council may terminate the contract, either totally or partially, by one calendar months notice to the contractor and at the end of the month the Contract or such part thereof as is specified in the notice shall in all respects cease and determine without prejudice, however, either, where partial determination only is affected by the notice to the continuance and validity of the contract for the goods not affected by the notice or generally to the rights or obligations of either party to the Contract which may have accrued prior to the date of determination.

In the event of such termination the Council shall be at liberty to employ any other Contractor to carry out the terms of the Contract, and may deduct from any monies, then or thereafter due to the Contractor by the Council, any sums of money they may pay to such substituted Contractor and all expenses they may be put to by reason of the default of the Contractor in the performance of this Contract. If the council terminates the contract the contract shall return to the council all payments made and if the council rejects any (subject matter) the Contractor shall return all payments already made for the rejected (subject matter). Where on termination the council elects to keep or take any (subject matter) it shall account to the Contractor for them at a proportion of their price

on their value to the council whichever is less but otherwise no compensation shall be payable to the contractor on termination or rejection.

34. COMMERCIAL SENSITIVITY

The Council undertakes to use its best endeavours to hold confidential any commercial sensitive information provided in the Tender submitted, subject to the Council's obligations under law, including the Freedom of Information Act 2000. If a Tenderer considers that any of the information submitted in the Tender should not be disclosed because of its commercial sensitivity or confidentiality, then this should be stated with the reasons for considering the information confidential or likely to prejudice commercial interests if disclosed to the public.

35. INSOLVENCY

The Council may at any time by notice in writing summarily determine the Contract without compensation to the Contractor in any of the following events: -

- If the Contractor has an administrative receiver, as defined in the Insolvency (NI) Order 1989 appointed
- If the Contractor becomes bankrupt or makes a composition or arrangement with his creditors, or has a winding up order made.

If the Contractor defaults in any of its obligations under the contract, becomes insolvent, has receiver appointed of its business, becomes compulsorily or voluntarily wound up, becomes bankrupt or makes a composition or arrangement with his creditors or if the council bona fide believes that any of such events may occur the council shall be entitled at its discretion without prejudice to any other remedy, to suspend the performance of or terminate the contract and in the event of termination to keep or take possession of any (subject matter) or any items belonging to the council any to enter any contractor for that purpose.

36. EQUAL OPPORTUNITIES

Dungannon & South Tyrone Borough Council is an Equal Opportunities employer and applies an Equal Opportunities policy in all Tendering processes. The Council welcomes applications from all sections of the community and considers it essential that all organisations wishing to provide services on behalf of the Council are able to demonstrate that all reasonably practicable steps are taken to allow equal treatment in employment and service delivery for all.

37. DATA PROTECTION

Contractor/Supplier must acknowledge the Data Protection Act 1998. Each party undertakes to abide by and ensure that its employees, representatives and agents abide by the provisions of the Data Protection Act 1998 and warrants that it shall duly observe all its obligations under the Data Protection Act 1998 which arise in connection with its tendering for or performance of its obligations under this agreement.

38. ENVIRONMENTAL MANAGEMENT

The Council have implemented an environmental management system, which is externally certified to the International Standard ISO 14001. As a Contractor working on site or providing a service to the Council, the contractor needs to, support the policy, help the council achieve environmental objectives and targets, follow any procedures in the environmental management system that are relevant to the Contractor's activities and comply with legislative requirements at all times.

39. GENERAL

The Council does not bind itself to accept the lowest or any Tender and accepts no responsibility for lost or incomplete Tenders.

**FAIR EMPLOYMENT AND TREATMENT
(NI) ORDER 1998**



1 The Fair Employment and Treatment (Northern Ireland) Order 1998 (“the order”) provides inter alia that a public authority shall not accept an offer to execute any work or supply any goods or services where the offer is made by an unqualified person in response to an invitation by the Public Authority to submit offers.

It also provides that as the Public Authority are responsible, all such steps shall be taken, to ensure that no work is executed or goods or services supplied by an unqualified person for the purposes of such contracts as are nominated above.

- 2 An unqualified person is either:-
 - (a) An employer who, having been in default in the circumstances specified by the Order, has been served with a notice by the Equality Commission stating non qualification for the purpose of the Order.
 - (b) An employer who, by reason of connection with an employer on whom a notice has been served to that effect, has also been served with such notice.

3 **Contractors executing work for the Council shall not engage in exploitative practices of vulnerable groups including migrant workers. This includes racial discriminatory practice and racial harassment. In the event of any employment practices by a contractor being deemed by an Industrial Tribunal as unlawful discrimination under the Race Relations (NI) Order 1997 (as amended 2003) the Council reserves the right to refuse, suspend or cancel contracts and not consider further tenders from the said contractors.**

4 Dungannon & South Tyrone Borough Council has an obligation under the Order and therefore it shall be a condition of tendering that any contractor must not be an unqualified person within the provisions of the Order.

**DECLARATION & UNDERTAKING TO BE SIGNED BY ALL MAIN
CONTRACTORS AND NOMINATED SUB-CONTRACTORS
TENDERING FOR THE EXECUTION OF WORKS
OR THE SUPPLY OF GOODS AND SERVICES**

I/We _____ hereby declare that I am/we are NOT unqualified for the purposes of the Fair Employment and Treatment (Northern Ireland) Order 1998.

I/We undertake that no work shall be executed or goods or services supplied by an unqualified person for the purposes of any contract with Dungannon & South Tyrone Borough Council to which the above Order applies.

For and on behalf of

Signed _____
Position _____
Date _____

**DATA PROTECTION
DECLARATION**



The Data Protection Act 1998 gives individuals the right to access personal data which is being held by Dungannon & South Tyrone Borough Council. It provides a framework to ensure that personal data is handled in accordance with all the provisions in the Act.

All contractors, consultants, partners or other servants or agents of the Council who are users of personal data supplied by the Council will be required to confirm that they will abide by the requirements of the Act. The Council will require that they enter into a contract, which obliges them to: -

- Ensure that they and all their staff who have access to personal information held or possesses of us on our behalf are aware of their duties and responsibilities under the Act. Any breach of any provision of the Act will be deemed as being a breach of any contract between the Council and that individual, company, partner or organisation.
- Ensure that they only act on our instructions with regard to the processing of personal information we supply them.
- Ensure that they have adequate security around personal information supplied to them, and in particular, will take appropriate organisational and technical steps to ensure that there is no loss, damage or destruction to such information.
- Allow data protection audits by the Council, of information held on its behalf (if requested).
- Indemnify the Council against any prosecutions, claims, proceedings, actions or payments or compensation or damages, without limitation arising out of any breach of the Act by them.

**DECLARATION & UNDERTAKING TO BE SIGNED BY ALL MAIN
CONTRACTORS AND NOMINATED SUB-CONTRACTORS
TENDERING FOR THE EXECUTION OF WORKS
OR THE SUPPLY OF GOODS AND SERVICES**

I/We _____

of

(insert address) _____

hereby declare that I am/we are in acceptance of the requirements of the Data Protection Act 1998 as detailed above.

For and on behalf of

Signed _____

Position _____

NON-COLLUSION CERTIFICATE



The essence of competitive tendering is that the client shall receive bona fide competitive tenders from all firms tendering. In recognition of this principle, we certify that the tenders enclosed are bona fide tender, intended to be competitive, and that we have not fixed or adjusted amounts of the tenders by or under or in accordance with any agreement or arrangement with any other person. We also certify that we have not done and we undertake that we will not do any time before the returnable date for this tender any of the following acts: -

- (a) communicating to a person other than the person calling for these tenders the amount of the tender herewith submitted;
- (b) entering into any agreement or arrangements with any person that he/she shall refrain from tendering or as to the amount of any tender to be submitted, and
- (c) offering or paying or giving or agreeing to pay or give any sum of money or consideration directly or indirectly to any person for doing or having done or causing or having caused to be done in relation to any other tender or proposed tender for the said work any act or thing of the sort described above.
- (d) We accept that any breach of the above is likely to lead to the termination of any Contract with Dungannon & South Tyrone Borough Council should we be successful.

Name: _____
(BLOCK CAPITALS)

Signed: _____

On behalf of: _____

Date: _____

Name of Tender/Quotation: _____

THIS CERTIFICATE MUST BE SIGNED, COMPLETED AND RETURNED WITH THE TENDERS/QUOTATIONS SUBMISSION

FREEDOM OF INFORMATION STATEMENT



The Council undertakes to use its best endeavours to hold confidential and commercially sensitive information provided in the tender submitted, subject to the Council's obligations under law, including the Freedom of Information Act (2000). If a Tenderer considers that any of the information submitted in the Tender should not be disclosed because of its commercial sensitivity or confidentiality, then this should be stated with the reasons for considering the information confidential or likely to prejudice commercial interests if disclosed to the public. The Council will then consult with the Tenderer in considering any request received under the Freedom of Information Act 2000 before reply to such a request.

We endeavour to have a written reply to your request within 20 working days.

As a Tenderer/Contractor to the Council, you should be aware that the Council will have obligations and responsibilities under the Freedom of Information Act to provide on request access to recorded information held by it. One of the consequences of these statutory responsibilities is that information that the Council holds about your organisation may be subject to disclosure, in response to a request, unless one of the various statutory exemptions applies.

If you consider that any of the information submitted/to be submitted in the Tender or Contract documents should not be disclosed because of sensitivity, then that information should be specified in a schedule together with full reasons as to why you consider it to be likely to prejudice the commercial interest of your company of a trade secret or information, the disclosure of which would constitute an actionable breach of confidence, together with a reasonable timescale during which that information should not be disclosed.

Dungannon & South Tyrone Borough Council will consult with Tenderers, where it is considered appropriate, in relation to the release of controversial information. Tenderers will be notified by the Council of any disclosure of information relating to them.



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Over 25,000 people visit Cookstown's first Continental market

Sports Day
Picture Gallery

Continental
Market
Success...

LGR
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Council calendars 2014

May						
30	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31	1	2	3

dates for your diary

council events

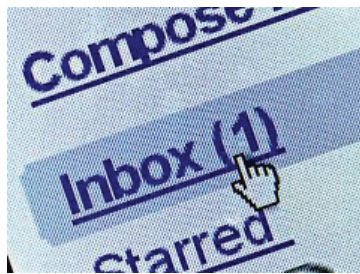
Training Schedules

News and bulletin board



Dungannon Golden Ticket

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Email Upgrade

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Magherafelt Style Festival

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Job Opportunities

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Today's Tweets

- Cookstown Council** @visit_cookstown · 5h
#WIN tickets to see comedian Rich Hall @burnavontheatre as part of #Cookstown's Comedy Festival - here's how to enter on.fb.me/1js3nFT
- RETWEETED BY COOKSTOWN COUNCIL
 Lough Neagh @LoveLoughNeagh · May 12
Download FREE #loveloughneagh visitor #app for #ios & #android goo.gl/HEdhsi @visit_cookstown @magherafeltdc @VisitCraigavon
- RETWEETED BY COOKSTOWN COUNCIL
 bric Programme @bric Programme · May 13
For more information on our series of Village Consultation meetings with @visit_cookstown please contact Samantha at RDC on 028 8676 6980

Documents for Review

- Data protection policy** [view policy](#) review date 12.05.2015
- Data protection policy** [view policy](#) review date 12.05.2015
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Council Websites

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- Burnavon Theatre
- Mid Ulster Sports Arena
- Meadow Bank Sports Arena
- Greenvale Leisure Centre
- Ranfurley House
- Dungannon Leisure Centre
- Cookstown Leisure Centre

Useful Contacts

- Person 1
- Person 2
- Person 3
- Person 4

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Address Line 2
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Tel: 1234 5678 000
Email: midulstercouncil.org.uk



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Council Staff



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News and Bulletin Board



Continental Market comes to town

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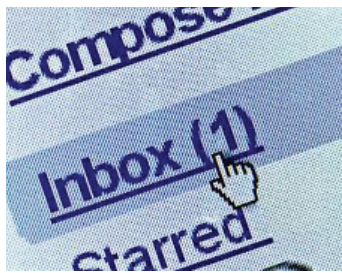
Magherafelt Style Festival

“Lorem ipsum dolor sit amet, consectetur adipisicing elit, sed do eiusmod tempor incididunt ut labore et dolore magna aliqua. Ut enim ad minim veniam, quis nostrud exercitation ullamco laboris nisi ut aliquip ex ea commodo qui officia deserunt mollit anim id est laborum.”



Dungannon's Golden Ticket

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Staff Email Upgrade

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Job Opportunities

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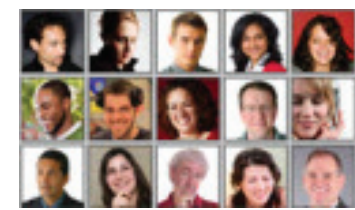
May - June Training Programme

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- Personal Development
- Submit a news item
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- Information Services
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INTRANET DRAFT 3

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Today's tweets



twitter

Starting today, we're rolling out an email notification that lets you know if someone you follow retweets or favorites one of your Tweets.



twitter

The world feels so much smaller when you can participate in a live event right from your couch. Here's one: <http://t.co/6L3GLPo> #MEspeech



twitter

An update to give you more clarity & control with your 3rd party Twitter apps. <http://t.co/A4xMmpp>



twitter

Remember in 2009 when @aplusk and @cnn were racing to be the 1st to reach a million followers? @ladygaga just reached 10 million. Wow!



twitter

Starting today, we're rolling out an email notification that lets you know if someone you follow retweets or favorites one of your Tweets.



twitter

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News and Bulletin Board



Job Opportunities

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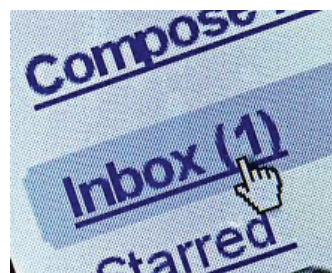
Cookstown Continental Market

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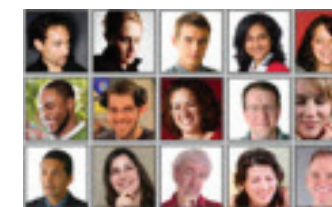
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Subject	Procurement of a Unified Communications System for Mid Ulster Council
Reporting Officer	JJ Tohill

1	Purpose of Report
1.1	To consider and recommend to Council that the officers be authorised to seek tenders from appropriately qualified and experienced contractors for the supply, installation and commissioning of a unified communications system.

2	Background
2.1	Each of the legacy Councils currently maintains their own PABX telephone system. Cookstown and Dungannon District Councils' telephone systems are at "end of life" and require to be replaced as soon as possible. Magherafelt District Council's telephone system, although still supported by the relevant supplier, is incapable of providing a modern, resilient and fit for purpose system (in the context of the new Council).
2.2	The Mid Ulster Council therefore requires to go to tender for an appropriate communications platform, which will service its business needs. Given the rapid uptake of electronic forms of communication, an increasing acceptance of the benefits to be gained from harnessing the potential of video conferencing and the need to build better linkages with central government departments, the officers are recommending that the Council seeks tenders for the provision of a unified communications system, which will service all the Council's communications needs.

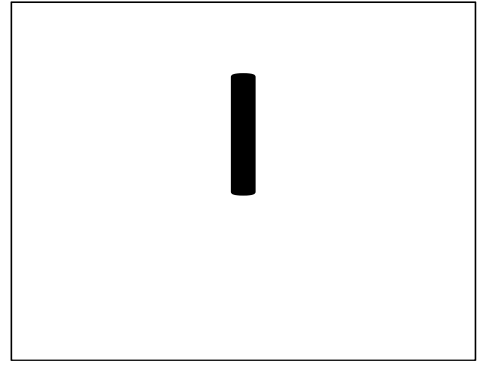
3	Key Issues
3.1	The ICT Transition Working Group has already undertaken a considerable amount of research and received demonstrations of potential system functionality from the providers identified in the Gartner Magic Quadrant. This has been very productive in informing the technology requirement.
3.2	However, one of the biggest decisions to be made will be in relation to whether the Council seeks a hosted or an on-site solution. The officers are still evaluating the pros and cons of the alternatives available and will ensure that the tender requirement will reflect a considered evaluation of the relevant issues.
3.3	Although the officers understand that other Councils are actively following the progress of the Mid Ulster Council procurement exercise there is no appetite for a collaborative approach to this procurement. This is primarily because different Councils have different technologies with different life cycles already in situ and it is practically impossible to gain consensus on an agreed way forward. In addition, a collaborative procurement exercise would significantly extend the time taken to procure an appropriate system – time which neither Cookstown or Dungannon really have.

4	Resource Implications
4.1	<p><u>Financial</u> An estimated cost could be in the region of £100,000 plus VAT. The original ICT convergence budget approved by the Statutory Transition Committee (STC) included a specific budget allocation of £30,000 plus VAT which was based on the anticipated costs of replacing a telephone PABX on a like for like basis. However, further analysis of business needs has identified that a simple replacement PABX will not deliver on the operational requirements and, in particular, will not address the issues associated with transferring (in) staff, who will require access to central government unified communications infrastructure. However, at the time of budget approval the STC recognised the need for potential virement between budget headings and there may also be potential for Cookstown and Dungannon District Councils to contribute some funds from legacy Council budgets which had been previously earmarked for their own telephony upgrades.</p>
4.2	<p><u>Human resources</u> There will be a need for some staff training but this will be addressed within the scope of the tender exercise.</p>
4.3	<p><u>Assets and other implications</u> N/A.</p>

5	Other Considerations
5.1	N/A.

6	Recommendations
6.1	<p>Members are asked to recommend that the Council authorises the officers to:</p> <ol style="list-style-type: none"> 1. Engage in such further research/discussions as are necessary to finalise the specification of an appropriate unified communications system; and 2. Seek tenders from appropriately qualified and experienced contractors for the supply, installation and commissioning of a unified communications system

7	List of Documents Attached
7.1	N/A



Subject	Procurement of Mid Ulster Council Insurances
Reporting Officer	JJ Tohill

1	Purpose of Report
1.1	To consider and recommend to Council the method by which the Mid Ulster Council's insurances (for the year ended 31 March 2016) should be procured.

2	Background
2.1	Each of the legacy Councils currently maintains their own insurances under the authority of section 112 of the Local Government Act (Northern Ireland) 1972.
2.2	The Mid Ulster Council, although only legally obliged to maintain Employers Liability insurance (minimum limit of indemnity £10million), will seek to mitigate its exposure to insurable risks by maintaining appropriate insurances with reputable insurers of sound financial standing.

3	Key Issues
3.1	Insurances are generally provided via a network of insurance brokers. Many insurance brokers are 'tied' to a limited number of potential insurers (of various financial standings – assessed by independent certification thereof).
3.2	The officers' assessment of the Council's likely insurance requirement is such that it is anticipated that the procurement exercise will have to follow EU Procurement Regulations and will require, in particular, publication of the requirement in the Official Journal of the European Union (OJEU).
3.3	The Council will also require the services of an insurance broker.
3.4	The Council will have to decide between the alternatives of going to tender for: <ol style="list-style-type: none"> 1. An insurance broker who will then advertise the Council's requirements in the OJEU – the procurement of the broker could be done by public advertisement; or 2. A combined proposal by a broker, in partnership/conjunction with one or more insurers – the combined requirement will have to be advertised in OJEU

4	Resource Implications
4.1	Financial An estimated combined cost could be in the region of £500,000 plus IPT (or VAT in the case of certain covers/services). It is estimated that the engagement of an

	independent specialist insurance broker (see below) could cost in the region of £5,000 plus VAT.
4.2	<u>Human resources</u> The combined requirement (broker and insurer) may require a higher staff commitment than the broker alone requirement
4.3	<u>Assets and other implications</u> It is recommended that, regardless of the requirement specified by the Council, the Council separately procures the services of an independent specialist insurance broker to assist in the specification of both insurances and broker services required and the assessment of tender returns.

5	Other Considerations
5.1	The officers, having considered the potential to participate in a collaborative approach to insurance procurement (with other Councils in Northern Ireland), have decided not participate in such an exercise at this time.

6	Recommendations
6.1	Members are asked to recommend that the Council commissions: <ul style="list-style-type: none"> 1. An independent specialist insurance broker to assist with the procurement of Council insurances; and 2. Insurances on the basis of advertising a requirement for the combined provision (broker and insurer) of appropriate insurances by way of advertisement in the Official Journal of the European Union

7	List of Documents Attached
7.1	Appendix A: Procurement of Insurances - An Analysis for Members

MID ULSTER COUNCIL: PROCUREMENT OF INSURANCES – AN ANALYSIS FOR MEMBERS

(Submitted to Policy and Resources Committee for consideration at its meeting of 9 July 2014)

There are two alternative ways in which the Council could tender the Insurances:-

Option 1 - Broker & Insurer Services

There is a combined Broker / Insurer competition, where different brokers compete for the business and where they provide suggested Insurance Programmes and Costings which include **both** Broker Fees / Commissions and the actual Insurance Premiums.

The Council would be responsible for the competitive tender process via the Official Journal of the European Union (OJEU). The Council would place the journal notice on the basis of "...Insurance brokers to provide a combined tender for Insurance advisory and placement services. The total cost to include the Insurance premiums".

The advantages of this approach are as follows:

- Price decisions are made on the basis of total cost and not just the (relatively small) broker fee.
- The Council gets the opportunity to see a true comparison of the offerings available from different brokers in a practical way and not just theoretical application forms completed by the competing brokers. The brokers are presenting real terms / options from the Insurance market.
- The Council benefits from different brokers relationships with different Insurers. Under a straight broker only competition, the winning broker may not have access to the entire market and this may be prejudicial to the Council's position.

The main disadvantages of this arrangement are as follows:

- The most competitive Insurer, in terms of price, could have a detrimental impact on the decision making process. The broker working with the Insurer with the best price may not necessarily be the best choice of broker for the Council. There may be flaws in terms of expertise and quality. The Insurer can end up effectively choosing the broker for the Council.
- The Council will receive different offerings from different brokers which may, at times, be contradictory. The Council will have to make a judgement in terms of commentaries / statements from different professional brokers. Will the Council have the expertise to make this decision?

Option 2 - Broker Appointment

The Council will publicly advertise and will go through a selection process to appoint an Insurance broker. The brokers will be scored on a pre-determined formula and the brokers will indicate their fees on the basis that Insurer premiums will be net of any commissions. Insurance premiums will not, at this stage of the process, be priced. After completion of the broker selection process, the successful broker will research the market (and will advertise the tender via OJEU) on behalf of the Council.

The advantages of this approach are as follows:

- The Council appoint a broker to act as their trusted advisor.
- Once this decision is made, the Council do not have to weigh up different statements (regarding Insurers etc) from different brokers. The Council will run with the advice given by the appointed broker.
- The appointed broker will (in theory) have access to the entire market. The broker will go to the market with the full authority of the Council. The market will not be muddied by different brokers trying to obtain a competitive advantage in securing exclusive deals etc.
- The appointed broker will revert to the Council with a clear schedule of options / recommendations etc. The Council's final placement decision will be relatively straight-forward, in that it is fully informed by the advice of the appointed broker.

The disadvantages of this arrangement are as follows:

- The broker fee is a relatively small amount of the total Insurance spend. Variations in the level of broker fee may have a disproportional impact on the decision as to the choice of broker. The broker charging the lowest fee may not necessarily be the broker with the best capability in extracting the most competitive premium from the Insurance market.
- Broker fees are nearly always quoted at artificially low levels. The chosen broker will be open to temptation (once they have been appointed and once they are no longer in a competitive situation) to seek opportunities to enhance their own remuneration in the choice of Insurers etc. This can lead to inappropriate placement decisions which may be to the detriment of the Council.
- It is possible that the appointed broker will not necessarily have access to the entire market. The Council may therefore miss the opportunity available to them from Insurers which may be the most appropriate for the Council.
- The Council's decision (in terms of the quality of the competing brokers) is based on a theoretical form filling exercise. There is limited scope for the competing brokers to properly demonstrate their credentials to the Council.

Advice to the Council in the decision making process

Once the brokers in the competition are selected, it would not be inappropriate for the Council to appoint (after an appropriate procurement exercise) another broker (not part of the tender process) to help the Council analyse the different offerings from the competing brokers. In this way, the Council will have someone, with the necessary expertise, to properly inform them as part of the decision making process.

The annual premium spend for the new Council will be significant (potentially £400,000 plus). A small additional fee (approx. £5,000), in helping the Council make the right decision, could be money well spent.

Excess / Deductible

There may be considerable potential for savings, within the new Council, in return for an increased excess / deductible.

The bigger base, in terms of the Council's size etc, should mean that the Council will have the capability of bearing a higher amount of the loss themselves.

Having said that, bigger discounts, in return for large deductibles, are generally available in circumstances where there is an adverse claims experience.

In other words, a risk with a good claims experience has less to gain (in terms of premium saving) in return for an increased excess.

Collective Procurement

Comment on the possibility of the eleven Councils procuring their Insurances collectively:

- Each Council, in its own right, will be of a significant size and will be paying a substantial Insurance premium.

Each Council, therefore, will already achieve economies of scale in relation to the previous regime.

- It is debateable whether significant additional discounts would be available (if all Councils in NI procure collectively) on the basis of a central arrangement.

On the other hand, it is possible that a single collective procurement may, in fact, be a disadvantage to the group as there may be a limit to the number of Insurance Companies or Brokers wanting to participate in this scale of placement.

- Some Insurers who may be interested in Mid-Ulster Council, may not be interested in Belfast City Council or Derry and Strabane Council and, therefore, the opportunity available to the likes of Mid Ulster may be diminished by collective procurement.
- Mid Ulster Cluster Officers' existing knowledge of the previous collective procurement exercise is such that they do not feel that it was conducted on as transparent a basis as might be perceived by those not involved in the process. The exercise was actually conducted on the basis of a hypothetical council seeking insurances. Subsequent tender/quotation exercises were conducted by the appointed broker for each council collaborating – hardly collaborative procurement!
- Mid Ulster Cluster's Officers' perception of the current proposed collaborative insurance procurement is that several of the councils involved have significantly different levels of understanding of the potential alternatives approaches available and different councils have different requirements and expectations. There was also differences (which appeared to be unreconciled at the time of the first meeting to canvass opinion/solicit interest) as to whether to go to tender for a broker or a broker plus insurance.

Recommendation

The Mid Ulster Council should procure its own insurances and not participate in a collaborate procurement exercise at this time.

The Mid Ulster Council should seek tenders for:

- Broker and insurer combined

J

Subject	Response to DFP Rating Policy Division's consultation on Managing Convergence of District Rates
Reporting Officer	JJ Tohill

1	Purpose of Report
1.1	To consider and recommend to Council that it adopts the response to DFP Rating Policy Division's consultation exercise (closing date Tuesday, 19 August 2014) which will be tabled on the night of the meeting (to allow for officers to reflect on and incorporate issues raised at consultation events organised by NILGA and ALGFO (Association of Local Government Finance Officers) being held during week commencing Monday, 30 June 2014).

2	Background												
2.1	Each of the new Councils established as a consequence of the Review of Public Administration (RPA) will strike a District Rate by 15 February 2015 for the year ended 31 March 2016. Due to District Rates previously being struck by 26 district councils, ratepayers in certain areas of the new Council District will, in the absence of any intervention by the Council or the Department, experience a new District Rate that is significantly different from that struck by the legacy Council.												
2.2	Mid Ulster Council is not as significantly affected by the divergence in its three constituent legacy Councils' District Rates as other Councils are. This is because the legacy Councils rates were actually reasonably close together:												
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th style="width: 20%;">Non-Domestic District rate</th> <th style="width: 20%;">Domestic District Rate</th> </tr> </thead> <tbody> <tr> <td>Cookstown</td> <td style="text-align: center;">22.7390</td> <td style="text-align: center;">0.2879</td> </tr> <tr> <td>Dungannon & South Tyrone</td> <td style="text-align: center;">20.8151</td> <td style="text-align: center;">0.2542</td> </tr> <tr> <td>Magherafelt</td> <td style="text-align: center;">21.34313</td> <td style="text-align: center;">0.2693</td> </tr> </tbody> </table>		Non-Domestic District rate	Domestic District Rate	Cookstown	22.7390	0.2879	Dungannon & South Tyrone	20.8151	0.2542	Magherafelt	21.34313	0.2693
	Non-Domestic District rate	Domestic District Rate											
Cookstown	22.7390	0.2879											
Dungannon & South Tyrone	20.8151	0.2542											
Magherafelt	21.34313	0.2693											

3	Key Issues
3.1	The NI Executive has agreed to allocate <u>up to</u> £30million to fund transitional arrangements to manage rates convergence and has developed an outline scheme which will adjust the district rate bills of those ratepayers facing increases as a result of RPA. Land & Property Services will implement the (final) scheme by applying a reduction to the domestic and non domestic District Rates which will be used to calculate

	rates bills. It will not involve grants being made to Councils nor will it require Councils to strike more than one rate for their respective areas.
3.2	The final scheme will have regard to the proposed eligibility for Transitional Relief (TR) for rates convergence, including the need for thresholds and any other conditions to ensure that the scheme works effectively and stays within budget.
3.3	The final scheme will also have regard to the period over which relief will be given, e.g. 4 years, and the level of relief to be given in each year, e.g. Year 1 - 80%, Year 2 - 60%, Year 3 - 40% and Year 4 - 20%

4	Resource Implications
4.1	<u>Financial</u> To be advised
4.2	<u>Human resources</u> N/A
4.3	<u>Assets and other implications</u> N/A

5	Other Considerations
5.1	N/A.

6	Recommendations
6.1	Members are asked to recommend that the Council adopts the officers' draft response to DFP Rating Policy Division's consultation exercise (closing date Tuesday, 19 August 2014) which will be tabled on the night of the meeting (to allow for officers to reflect on and incorporate issues raised at consultation events organised by NILGA and ALGFO (Association of Local Government Finance Officers) being held during week commencing Monday, 30 June 2014).

7	List of Documents Attached
7.1	N/A

K

Subject	Designation of Local Government Auditor
Reporting Officer	Lead Finance Officer

1	Purpose of Report
1.1	To inform members on the designation of the Local Government Auditor and confirmation of the auditor with responsibility to audit the accounts of Mid Ulster District Council.

2	Background
2.1	The Department of the Environment (DoE) has changed the designation of the Local Government Auditor. After consultation with the Comptroller & Auditor General for Northern Ireland the NI Audit Office has now designated a member of staff to perform the function of local government auditor.
2.2	Recent legislative changes have meant that the position of Chief Local Government Auditor no longer exists but the accounts of all local government bodies are required to be audited by a local government auditor.
2.2	The Comptroller & Auditor General of the NI Audit Office has designated Ms Louise Mason as the Local Government Auditor with responsibility to audit the accounts of all local government bodies.

3	Key Issues
3.1	Communication on all audit matters will now be undertaken with the NI Audit Office's designated contact Ms Louise Mason in her capacity as Local Government Auditor. There will no longer be a Chief Local Government Auditor.

4	Resource Implications
4.1	<u>Financial</u> N/A
4.2	<u>Human resources</u>

	N/A
	<u>Assets and other implications</u>
	N/A

5	Other Considerations
5.1	Dungannon & South Tyrone Borough Council, in its capacity as Lead Council on Finance matters for the transitional period, will liaise with the Local Government Auditor in association with the Lead Finance Officer on matters relating to the audit of Statutory Transition Committee and Council accounts.

6	Recommendations
6.1	That members note the above and attached (Appendix A).

7	List of Documents Attached
7.1	Appendix A: Letter on Designation of Local Government Auditor from Head of Finance, Local Government Policy Division 1,



Department of the
Environment

www.doeni.gov.uk

Clerk and Chief Executive of each District Council and New Council,
Finance Officer of each District Council,
Mr D McCallan, Chief Executive, Northern Ireland Local Government Association,
Mr A Kerr, Chief Executive, Local Government Staff Commission,
Mr D Murphy, Secretary, Northern Ireland Local Government Officers' Superannuation Committee,
Ms L Mason, Local Government Auditor
Mr R Allen, Director, NIAO,
Mr J Quinn, Chief Executive, arc21
Mr G Byrne, Chief Officer, SWaMP 2008
Other interested parties

Local Government Policy Division 1
4th Floor
Causeway Exchange
1-7 Bedford Street
Town Parks
Belfast
BT2 7EG

Telephone: 028 90823375
Our ref: DO1-10-3107
Email: Jeff.glass@doeni.gov.uk

Date: 18 June 2014

Circular LG 32/2014

Dear Sir/Madam

DESIGNATION OF LOCAL GOVERNMENT AUDITOR

This circular brings to your attention a technical change in the designation of the Local Government Auditor. In practical terms there is no longer a position of Chief Local Government Auditor but Louise Mason will retain responsibility for auditing the accounts of local government bodies. The detail is set out in the following paragraphs.

Section 108 of the Local Government Act (Northern Ireland) 2014 amended Article 4 of the Local Government (Northern Ireland) Order 2005 (the 2005 Order).

Article 4(1) of the amended 2005 Order provides that the Department may, with the consent of the Comptroller and Auditor General for Northern Ireland (the C&AG), designate a member of staff of the Northern Ireland Audit Office (NIAO) as the local government auditor.

Under Article 4(2) of the amended 2005 Order, the local government auditor may make arrangements with the C&AG for members of the staff of the NIAO to assist in the performance of the local government auditor's functions.

Article 4(3) of the amended 2005 Order further provides that the Department may, with the consent of the C&AG, designate a member of the staff of the NIAO to be known as the deputy local government auditor.

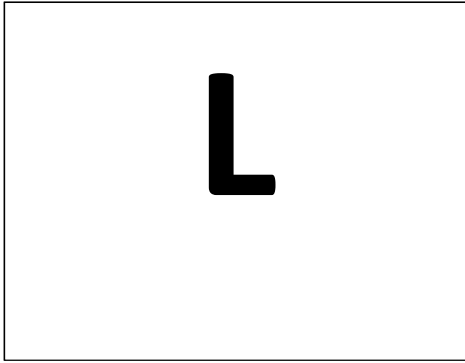
Article 3(1)(b) of the 2005 Order provides that the accounts of every local government body shall be audited by a local government auditor assigned by the Department, after consultation with the C&AG.

The Department has consulted with the C&AG and, with effect from 2 June 2014, has designated Louise Mason as local government auditor and assigned Louise to audit the accounts of every local government body.

Yours sincerely

JEFF GLASS

Head of Finance



Subject	Funding for Change Management Functions
Reporting Officer	Lead Finance Officer

1	Purpose of Report
1.1	This report informs members that the Department of the Environment (DoE) has offered Mid Ulster District Council funding for Change Managers/ Change Management Teams for the period 2014/2015.

2	Background
2.1	The DoE as part of its financial package for the reform of local government set aside financial support of £500,000 as funding towards Change Managers and Change Management functions across each of the eleven clusters for.
2.2	The funding was previously offered to Mid Ulster cluster for the period 2014-15 and entered into by Dungannon & South Tyrone Borough Council, on behalf of the cluster as lead administrative council for the Statutory Transition Committee period.

3	Key Issues
3.1	The Letter of Offer provides examples of change manager activities and change management functions permissible to attract funding on review of which Council will be able to avail of in the undertaking of the local transition and reform programme.
3.2	The Statutory Transition Committee was aware that this funding package would be made available for 2014/ 2015 and took this into account when setting the draft budget for Mid Ulster District Council during the transitional period. This budget was approved by Council at its meeting on Thursday 5 June 2014.

4	Resource Implications
4.1	<u>Financial</u> Acceptance of the Letter of Offer will offset local transition and reform costs by £45,455.
4.2	<u>Human resources</u>

4.3	N/A <u>Assets and other implications</u> N/A
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5	Other Considerations
5.1	N/A

6	Recommendations
6.1	To note that Officers have reviewed the Letter of Offer and intend to accept the offer of £45,455 to offset local reform costs to the Council.

7	List of Documents Attached
7.1	N/A

M

Subject	Council Corporate Risk Register
Reporting Officer	Chief Executive

1	Purpose of Report
1.1	To receive and consider the Mid Ulster District Council Corporate Risk Register for the transitional period to 31 March 2015.

2	Background
2.1	Members will be aware that the Council, during the transitional period, is required to take all steps necessary to make arrangements to allow it to assume full responsibility for the delivery of local government services from 1 April 2015 when Coosktown, Dungannon and South Tyrone and Magherafelt Councils cease to exist.
2.2	<p>The Local Government (Transitional, Supplementary, Incidental Provisions and Modifications) Regulations (NI) 2014 confirms what each of the eleven new councils are mandated to do throughout the. The focus will be on:</p> <ul style="list-style-type: none"> • Preparing for the discharge of its functions after 31 March 2015 • Establishing such committees and sub committees as required • Appointing staffing • Preparing budgets and plans • Liaising with existing councils to ensure continuity in the exercise of its functions on and after 1 April 2015
2.3	In summary, the Council has been empowered to undertake such activities as required to make arrangements for the full establishment of the new Council on 1 April 2015. It will not have responsibility for delivery of local government services in Mid Ulster during transition.
2.4	The corporate risk register has been developed as a business tool to guide Council on the delivery of the transition programme which will ensure seamless transition to the new Council. It should be used as an aid to manage identified risks, significant or otherwise, to this programme.

3	Key Issues
3.1	The Corporate Risk Register identifies the initial risks aligned to a number of key service areas as part of the transition programme throughout the transitional period.

3.2	Risks have been identified within the service areas of HR, Finance, Systems and Governance, Communications and ICT. Risks are not confined to these business areas but they are considered to be areas critical in moving from three councils to one.
3.3	The register is presented with the: <ul style="list-style-type: none"> • Risks • Control Measures in place to minimise identified risk • Risk Ratings • Actions being taken • Progress from one reporting period to the next
3.4	Members should note that this register is a business tool and as such is a fluid document which will be updated as the transition programme develops. It will be managed by the Chief Executive's Office and periodically reported on to the Committee.

4	Resource Implications
4.1	<u>Financial</u>
4.1.1	No direct financial costs will be incurred to administer. The absence of an integrated risk register as part of business planning processes has potential to lead to undetected financial implications for the new council.
4.2	<u>Human resources</u>
4.2.1	None. Being managed from within Chief Executive's office.
4.3	<u>Assets and other implications</u> N/A

5	Other Considerations
5.1	Transition Working Groups will maintain a risk register for their activity which will inform and complement the council wide corporate risk register.

6	Recommendations
6.1	Members are asked to reflect on the above and the attached Corporate Risk Register for June 2014

7	List of Documents Attached
7.1	Appendix A: Mid Ulster DC Corporate Risk Register, June 2014

v.2 Mid Ulster District Council Risk Register: Transitional Period 2014-15

Corp Ref	Service Area	Description of Risk	Existing Control Measures	Consequence	Likelihood	Risk Rating	Assessor	Date	Risk Owner	Actions	Target Date	Progress
MUDC1	Systems & Governance	Failure to establish a robust governance framework : Scope of risk includes: failure to have effective policies and procedures in place to meet legislative requirements; adequate control and management arrangements not established resulting in unclear direction: Risk systems have not yet been embedded. During transitional period D&STBC policies are being following.	Committee structures have been established: Capacity building programme design commenced: Some draft policies/codes have been developed: Insurance cover in place to transfer some of the risk.	4	4	16	TMT	23-Jun-14		Org Design aspects need to be established: Need to identify core essential policies/ procedures and develop. Need to establish agreed risk framework. Training on Governance, Risk Management, directors responsibilities to be delivered.		
MUDC2	Human Resources	Ineffective Workforce Planning : Staff not in place to deliver effective services on 1 April 2015: Effective planning requires more than getting staff numbers right: MUC will require people with sufficient skills and these staff being deployed to right areas to achieve demands of new Council: Council could lose key staff with extensive knowledge/skill:	Transfer scheme agreed; Some guidance from DoE re categorisation has been released; Capacity Building Programme drafted.	3	3	9	TMT	23-Jun-14		Plan to be developed to have staff in key positions to deliver services on 1 April 2015; deliver capacity building programme;		
MUDC3	Finance	Inadequate financial resources being provisioned : Scope of risk extends to meeting capitol demands: contracts and staffing costs:	Budget set, agreed by Council and continuous reviews.	3	3	9	TMT	23-Jun-14				
MUC4	systems & Governance	Failure to develop corporate plan for new Council post 1 April 2015	Workshop scheduled to discuss vision and values with Members, MUDC Officers and cluster council staff.	4	2	8	TMT	23-Jun-14		Timetable of 1st draft Corp Plan to be complete October 2014		
MUDC5	Communications	Ineffective Communication systems Scope of risk extends to key messages not being delivered across organisation, failure to establish vision, values and brand of new Council;	Advertising Marketing & Comms lead. Comms group in place. Appointed design/branding company. Workshops scheduled to discuss vision/values with members/officers	4	4	16	TMT	23-Jun-14		Updates to Policy & Resources Committee: LGR publication continue to be dispersed.		
MUDC6	ICT	ICT systems inadequate for needs : Scope of risk extends to confidentiality, availability, systems convergence and integrity of systems	ICT Working Group established; proper plans and assessment of existing systems is ongoing; ICT lead advertised and appointment imminent:	4	3	12	TMT	23-Jun-14		Assessment of transferring in systems and requirements to be ascertained.		

v.2 Mid Ulster District Council Risk Register: Transitional Period 2014-15

Corp Ref	Service Area	Description of Risk	Existing Control Measures	Consequence	Likelihood	Risk Rating	Assessor	Date	Risk Owner	Actions	Target Date	Progress
MUDC7	Systems & Governance	Not effectively incorporating transferring functions into Council service portfolio; scope of risk extends to DoE Planning, DSD, DCAL, DETI, to include location and	Ongoing discussions with Departments; DoE Due Diligence Report:	4	4	16	TMT	23-Jun-14		Decision on locations urgently needed		
MUDC8	All Services	Not effectively managing contrcats from councils to MUDC : Scope of risk extends to procurement not meeting council & EU thresholds; procurement is complex with myriad rules and regulations	Contracts identified which span from legacy council to MUC; specialist advice sourced when need is identified;	3	3	9	TMT	23-Jun-14		Review contracts list to ensure three Councils have identified existing contracts; consider need for external support		
MUDC9	Systems & Governance	Accommodation requirements inadequate for purpose and service needs: Scope of risk extends to accessibility for staff and service users, adequate space.	Initial Assessment for transition team and members completed;	4	2	8	TMT	23-Jun-14		Audit of existing office accomodation to be completed		
MUDC10	All Services	Failure to effectively deliver Community Planning	Key staff engaged through workshop; plan being developed by project team; statutory agencies engaged;	4	2	8	TMT	23-Jun-14		Timetable of 1st draft to be complete December 2014		
MUC11	Finance	Failure to implement a central finance service and system: resulting in poor budgetary control, ineffective reporting, inaccurate allocation of costs over the district etc.	Lead Finance Officer recruited;	3	3	9	TMT	23-Jun-14				
MUDC12	HR	Losing Staff from MUDC Transition Team		4	2	8	TMT	23-Jun-14				
MUDC13	Systems & Govern	Failing to ensure contuinuity of services to 1st April 2015 : scope of risk to extend to devolpment of Emergency plan.		4	3	12	TMT	23-Jun-14				
MUDC14	Finance	Not being able to deliver capital aspirations of the predecessor council:	Understand cluster capital aspirations and affordability	3	3	9	TMT	23-Jun-14		Predecessor councils provide complete list; MUDC priorituse capital activity		

N

Subject	Business Cases for Severance Payments
Reporting Officer	Lead Human Resources Officer

1	Purpose of Report
1.1	To inform members on guidance issued by the Department of the Environment (DoE) on dealing with business case applications for severance payments by same. This has been provisioned for within the Local Government Act (NI) 2014.

2	Background
2.1	The Local Government Act (NI) 2014, Clause 123 (4) allows for the payment of compensation to local government staff who leave their employment as a direct consequence of the reform process. This applies to any person employed by a local government body. The DoE must satisfy itself that arrangements being offered and in place are reasonable.
2.2	Supplementary guidance on the arrangements to be put in place and followed by each Council has been issued. This guidance has been issued under LG Circular 29/2014 and sets out criteria which must be specified and met within individual business cases to permit the Department to make informed determinations on requests.
2.3	The Minister for the Environment has overall authority for the approval or rejection of business cases submitted.

3	Key Issues
3.1	Council must follow the guidance as provided in Appendix A which details the required content for any business cases submitted to DoE for consideration of approval.
3.2	Members should be aware that opportunities to avail of the redundancy severance will be subject to the criteria as stipulated: <ul style="list-style-type: none"> • It is linked exclusively to the reform of local government • The officer will be surplus to the new structure and cannot be offered suitable alternative employment • All options have been considered, including redeployment/ retraining • Termination is in the financial and managerial interests of Council and the payback period is within 3.25 years • Calculations are on basis of Local Government reform Joint Forum RPA Staff Severance Scheme
3.3	Council has not yet commenced and engaged in a process of organisational

	design to inform the development of its new structure. The emerging structure will determine the eligibility of staff being able to seek a severance payment under the criteria set by DoE.
--	---

4	Resource Implications
4.1	<p><u>Financial</u></p> <p>Should positions be identified for redundancy during and following the process of organisational design Council will have to meet the, to be determined, financial costs associated with the proposed severance payments.</p>
4.2	<p><u>Human resources</u></p> <p>Loss of experienced and skilled staff from the organisation should the organisational design process result in positions being made redundant.</p>
4.3	<p><u>Assets and other implications</u></p> <p>N/A</p>

5	Other Considerations
5.1	N/A

6	Recommendations
6.1	Members review and note the above and appended information from DoE.

7	List of Documents Attached
7.1	Appendix A: LG 29/ 2014 Guidance on business Case Criteria for Departmental Consideration



Department of the
Environment

www.doeni.gov.uk

Local Government Policy Division 1

To all Council Mayors, Chairs and Chairs of
Statutory Transition Committees

Circular LG 29/2014

Level 4
Causeway Exchange
1-7 Bedford Street
Town parks
BELFAST
BT2 7EG

Telephone: (028) 9082 3396

Email: peter.gregg@doeni.gov.uk

Date: 03 June 2014

Dear Mayors, Chairs and Chairs of Statutory Transition Committees

**LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 2014: APPLICATION OF
CLAUSE 123(4) - SEVERANCE**

This circular is to provide Councils with guidance on applications for severance in accordance with Clause 123(4) of The Local Government Act (Northern Ireland) 2014. The attached guidance has been agreed by the Minister and is operational with immediate effect.

Clause 123(4) of The Local Government Act (Northern Ireland) 2014 sets out arrangements for '*compensation for loss of office or diminution of emoluments*'. Subsection (3) of this Clause states compensation shall only be paid in accordance with regulations made for this purpose.

Whilst the Department has commenced the preparation of the aforementioned regulations these are not expected to be made until later this year. However Subsection (4) of Clause 123 enables payment of compensation to local government staff who leave their employment as a direct consequence of the reform process outside the remit of subsection (3), subject to approval by the Department. The attached guidance outlines the content of each business case to be considered for approval. The Minister has overall authority for the approval (or rejection) of business cases.

These should be sent to myself via hard copy to the above address or email, peter.gregg@doeni.gov.uk for consideration.

Yours faithfully

Peter Gregg
Head of HR and Capacity Building
Local Government Policy Division 1

CC:
Dr Adrian Kerr LGSC
Dermot O'Hara LGRJF Secretariat
Zena Kee NILGOSC
All NI Local Government Council Chief Executives

LOCAL GOVERNMENT REFORM

**APPLICATION OF
LOCAL GOVERNMENT ACT (NORTHERN
IRELAND) 2014**

CLAUSE 123 (4)

**GUIDANCE ON BUSINESS CASE CRITERIA FOR
DEPARTMENTAL CONSIDERATION**

LG 29/2014

**DEPARTMENT OF THE ENVIRONMENT
LOCAL GOVERNMENT POLICY DIVISION**

JUNE 2014

APPLICATION OF CLAUSE 123 (4) OF THE LOCAL GOVERNMENT ACT 2014

Background

This circular is to advise Local Government of the required content for business cases to be submitted to the Department of the Environment for consideration, under Clause 123 (4) of the Local Government Act (Northern Ireland) 2014.

APPLICATION OF CLAUSE 123 (4) - GUIDANCE ON BUSINESS CASE CRITERIA TO ENABLE DEPARTMENTAL APPROVAL

- 1.1 Clause 123 of The Local Government Act (Northern Ireland) 2014 sets out arrangements for *'compensation for loss of office or diminution of emoluments'*.
- 1.2 Clause 123 (4) states *'Subsection (3) does not preclude the payment of compensation if it forms part of a severance arrangement which has been sanctioned by the Department. The Department must satisfy itself that the arrangement is reasonable'*.
- 1.3 This guidance outlines the criteria that must be specified within the business case to enable consideration by the Department, under Clause 123 (4).
- 1.4 Each business case must include:-
 - Confirmation that the reason for redundancy is linked exclusively to the reform of local government;
 - confirmation that the officer will be surplus under the new structure and cannot be offered suitable alternative employment;
 - all other relevant options have been considered, including the potential for redeployment/retraining,
 - evidence that the termination meets the criteria of being in the financial and managerial interests of the council (least cost first) and organisational needs (essential skills and expertise are maintained), and that the payback period falls within the 3.25 year timeframe; and

- the calculations of the proposed severance payment have been made under the terms of the Local Government Reform Joint Forum (Circular LRGJF/05 April 2013) RPA Staff Severance Scheme for Local Government.
- 1.5 In order to show that there is no detriment or advantage to releasing the post holder prior to 1 April 2015, the business case must detail the severance payment, at the date requested and what it would have been at 1 April 2015.
- 1.6 Final approval must be sought not only from the relevant Committee within the employing council and the council itself, but also from either the Statutory Transition Committee or the new council, depending on the timing of the application, prior to submission of the business case to the Department.
- 1.7 All applications must be submitted to the Local Government Policy Division, Department of the Environment, Level 4 - Causeway Exchange, 1-7 Bedford Street, Town Parks, Belfast, BT2 7EG or peter.gregg@doeni.gov.uk
- 1.8 Completed business cases must seek approval by the Department prior to any final paperwork being issued to NILGOSC for payment.