

# Mid Ulster District Council

## Terms of Reference & Delegation to Committees

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## **1.0 GENERAL**

### **1.1 Introduction**

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

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

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

### **1.2 Amendment**

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

### **1.3 Interpretation**

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

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

## **1.4 Committees**

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

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

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

## **1.5 Working Groups**

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

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

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

## **2.0 Committee Provisions**

### **2.1 Introduction**

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

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

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

### **2.2 Delegated Functions**

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

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

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

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

## **2.3 General**

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

## **3.0 COMMITTEES**

### **3.1 Audit Committee**

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

#### **Purpose**

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

#### **Authority**

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

#### **Membership and Effectiveness**

The audit committee membership is characterised by:

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

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

#### **3.1.2 Chair**

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

#### **3.1.3 Quorum**

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

## Meetings

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

### 3.1.4 Responsibilities

The core functions of an audit committee are to:

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

Possible wider functions of the Audit Committee:

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



## **3.2 Development Committee**

### **3.2.1 Constitution**

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

### **3.2.2 Chair**

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

### **3.2.3 Quorum**

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

### **3.2.4 Functions Referred**

The following functions stand referred to the committee.

1. To consider business and make recommendations to Council on:

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

### **3.3 Environment Committee**

#### **3.3.1 Constitution**

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

#### **3.3.2 Chair**

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

#### **3.3.3 Quorum**

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

#### **3.3.4 Functions Referred**

The following functions are referred to the committee.

1. To consider business and make recommendations to council on:
  - Building Control service delivery matters
  - Environmental Health service delivery matters
  - Capital projects of the council
  - Waste management service delivery matters
  - Street cleansing service delivery matters
  - Council estate management and property portfolio
  - Maintenance and cleansing of public spaces
  - Management of Off-Street Car Parks, transferred from central government
  - Cemeteries and Burial Grants within the control of the Council
  
2. The power to exercise the council's functions in connection with all licensing matters having effect within the Mid Ulster District Council area, unless the licensing issues have been referred to another Committee

## **3.4 Planning Committee**

### **3.4.1 Constitution**

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

### **3.4.2 Chair**

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

### **3.4.3 Quorum**

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

### **3.4.4 Functions Referred**

The following functions are referred to the committee:

1. Consider planning applications made to the council and decide whether or not they should be approved in line with Scheme of Delegation for Planning Applications. Notwithstanding this, the following powers are delegated to the committee:
  - Applications which fall within the Major category of development
  - An application for planning permission where the application is made by the council or an elected member of the council
  - The application relates to land in which the council has an interest/estate
2. Participate in the preparation of the Mid Ulster Local Development Plan
3. Approve the local development plan before it is passed by resolution of the council
4. Monitor Local Development Plan on an annual basis in terms of the availability of housing and economic development land, and that it is reviewed every five years, giving consideration to whether there is a need to change the plan strategy or the zonings, designations and policies as contained in the local policies plan
5. Consider and determine the serving of an Enforcement Notice, Stop Notice, and Listed Building Enforcement Notice.

## **3.8 Policy and Resources Committee**

### **3.8.1 Constitution**

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

### **3.8.2 Chair**

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

### **3.8.3 Quorum**

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

### **3.8.4 Functions Referred**

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

#### 4.0 Monitoring and Review

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

<b>Document Control Summary</b>		
<b>Last Revised</b>	<b>Revised By</b>	<b>Nature of Revision</b>
26 May 2016	Head of Democratic Services	Audit Committee Terms of Reference, section 3.1

## Mid Ulster District Council

### Working Groups Established by Committees: Updated March 2019

Working Groups			Status
<b>Bonfire Working Group</b>	DUP SF SF SDLP UUP	No representative Cllr J O'Neill Cllr B McGuigan Cllr C McFlynn Cllr Walter Cuddy	Active
<b>Broadband Working Group Formed 2018</b>	SF SF SF SF SF DUP DUP UUP UUP SDLP	Cllr S Clarke Cllr M Gillespie Cllr B McGuigan Cllr J McNamee Cllr S McPeake Cllr K Ashton Cllr W Buchanan Cllr M Glasgow Cllr R Mulligan Cllr S McAleer	Active
<b>Civic Recognition Working Group</b>	DUP DUP SDLP SF SF SF SF SF UUP UUP	Cllr Ashton Cllr Burton Cllr Kearney Cllr Bell Cllr Doris Cllr Mallaghan Cllr McGinley Cllr Molloy Cllr Cuddy Cllr Wilson	Wound-up May 2018
<b>Tourism Development Group</b>	DUP SF SF SDLP UUP	Councillor F Burton Councillor Clarke Councillor Doris <i>Councillor Kearney</i> Councillor Cuddy	Active
<b>Good Relations</b>	DUP DUP SF SF SF SF SF SDLP UUP UUP	Councillor Ashton Councillor McLean Councillor Milne Councillor McGinley Councillor McNamee Councillor McPeake <i>Councillor Doris</i> Councillor Mullen Councillor McKinney Councillor Wilson	Active
<b>Regional &amp; Minority Languages Working Group</b>	DUP DUP SF SF SF SF	Councillor Ashton Councillor McLean Councillor Milne Councillor McGinley Councillor McNamee Councillor McPeake	Active

	SF SDLP UUP UUP	<i>Councillor S McGuigan</i> Councillor Kearney Councillor McKinney Councillor Wilson	
<b>Wind Turbine Working Group</b>	DUP SF SF SDLP UUP	Councillor Robinson Councillor Bell Councillor Clarke Councillor Kearney Councillor Glasgow	Active
<b>Elected Member Development Charter</b>	DUP DUP SF SF SF SF SF SDLP UUP UUP	Councillor Ashton Councillor Forde Councillor Doris Councillor Gildernew Councillor Elattar Councillor McGinley Councillor Bell Councillor M Quinn Councillor McKinney Councillor Cuddy	Active
<b>Mid Ulster Skills Forum</b>	DUP SF SF SDLP UUP	Councillor Burton Councillor Molloy Councillor Elattar Councillor McAleer Councillor G Shiels	Active
<b>Planning Forums</b>			Active
<ul style="list-style-type: none"> <li>• <b>Lough Neagh</b></li> <li>• <b>The Sperrins</b></li> <li>• <b>Cross Border</b></li> </ul>	SDLP SF  SF SF  SF SF SF SDLP	Councillor Kearney Councillor McPeake  Councillor Clarke Councillor Mallaghan  Councillor D McPeake Councillor Gildernew Councillor McPeake Councillor McAleer	
<b>Travellers Working Group</b>	DUP DUP SF SF SF SF SF SDLP UUP UUP	Ashton Forde D McPeake Doris Mallaghan McGinley O'Neill McFlynn McKinney Wilson	Active

<b>Brexit Working Group</b>	DUP	McLean	Active
	DUP	Robinson	
	SF	Elattar	
	SF	Gillespie	
	SF	S McGuigan	
	SF	S McPeake	
	SF	Molloy	
	SDLP	Kearney	
	UUP	Cuddy	
	UUP	Wilson	