

# Causeway Coast & Glens Shadow Council

To: Shadow Council

**Response to consultation on Draft Local Government (Standing Orders) Regulations (Northern Ireland) 2014, Guidance on Filling Positions of Responsibility, and Guidance on Appointing Councillors to Committees.**

For decision

<b>Linkage to Corporate Plan</b>	
<b>Strategic Priority</b>	Transition and Transformation
<b>Objective</b>	Successful implementation of the convergence plan
<b>Lead Officer</b>	David Jackson
<b>Cost: (If applicable)</b>	Associated staff work to consider and prepare a response.

## **1.0 Draft Local Government (Standing Orders) Regulations (Northern Ireland) 2014**

### **1.1 Background**

The Causeway Coast and Glens Shadow Council (the Shadow Council) has considered the draft Local Government (Standing Orders) Regulations (Northern Ireland) 2014. Comments are outlined below in chronological order.

### **1.2 Paragraph 20 - Voting**

Six situations are outlined where the use of Qualified Majority Voting (QMV) will be required:

- The adoption of executive arrangements;
- The method to fill positions of responsibility;
- The method for appointing to committees;
- Exercise of the general power of competence;
- Call-in under section 41(1)(b) of the 2014 Act; and
- Suspension of standing orders

The Shadow Council would support the specification of these items as appropriate for the use of QMV. At this time, the Shadow Council would not identify any further issues for the potential mandatory use of QMV, but believes that this should be kept under review.

### **1.3 Paragraph 21 – ‘Call-in’ Process**

The Shadow Council would suggest that additional definition would be helpful:

- A key decision taken by an officer or officers of the council.

The Shadow Council notes that the primary legislation, the 2014 Act, outlines in section 41.4 that a decision, for the purposes of call-in, is defined as “a decision of the council or a committee of the council and includes a decision to make a recommendation”. The proposed Standing Order makes no reference to a decision of the council. Under a committee system, call-in requests should normally arise prior to council making a final decision on any matter, there are circumstances where council may make decisions on matters which have not been subject to committee discussion. Such circumstances would include:

- Some instances when matters come directly to council
- Summer arrangements where only meetings of full council are held
- Urgent matters, such as approval of tendering outcomes where delay is inappropriate (noting that, in contrast, urgent matters under Executive arrangements are covered in the Standing Order)

### **1.4 Paragraph 21.2 - Call-in admissibility**

Paragraph 21.2.1 indicates that a request must be submitted by 5 working days after the decision is published. A clear definition of “published” would assist in ensuring consistency across councils. There may also be a need to specify a timeframe for the publication of council and committee minutes.

The Shadow Council agrees that the process should move as expeditiously as possible to avoid undue delay in decision making and implementation of decisions.

The Shadow Council would seek clarification of the terms “community” and “disproportionate adverse impact” as mentioned in paragraph 21.2(3) so that elected members fully understand not only the general grounds upon which they can submit a call-in request.

No detail is provided regarding the appropriate format of a call-in request, nor regarding signatures. Clarification of these matters or a template might help.

### **1.5 Paragraph 22 - Positions of Responsibility**

The Shadow Council seeks clarification in relation to the need to nominate specific people to fill roles at the same time as the party is considering its choice of position. For instance, if a party, at the Annual Meeting in 2015 picks the Mayor / Chair of council in year 4, normal practice is that a specific individual is only identified at the actual Annual Meeting in respect of year 4 (by the nominating officer of the party concerned) – and not at the outset of the full 4 year term.

### **1.6 General comments on the draft Model Standing Orders**

The Shadow Council would make several undernoted general comments in relation to the current content:

- Standing Order 3.2 refers to a special meeting of the council being called by “five members, or one-fifth of the whole number of members, whichever is the greater”. References in this paragraph to 5 members are irrelevant in the context of all councils having at least 40. Perhaps 8 would be an appropriate alternative?
- Standing Order 4(2) refers to a summons being left at, or sent to by ordinary post, the residence of members. Is electronic delivery of the summons not acceptable as an alternative?
- Standing Order 6(3) refers to a replacement chair, for a meeting at which both the normal chair and vice-chair are absent, being nominated by the political party whose member is the normal chair. It might be more appropriate for a chair to be chosen simply from those members present in these circumstances. It is assumed that this Standing Order also applies to Committees?
- Standing Order 7.1 refers to a quorum for council meetings but the quorum for committees needs to be stated.
- Standing Order 8(1) requires every meeting of council to be open to the public (with some exceptions identified later). Should this not be extended to Committees and Sub-Committees?
- Standing Order 11(1) states that deputations should only be admitted to address council provided the Clerk has received such notice as council may specify. Council should retain the ability to receive deputations in accordance with its work priorities.
- Standing Order 19(4) states that standing to speak is required, if the member is able to do so. The use of microphones in the Causeway Coast and Glens chamber renders this requirement unnecessary.
- Standing Order 19(12) requires members to speak only once during a debate. It is more acceptable to say that members who have already spoken cannot speak again until members who have not previously spoken have done so.

## **2.0 Guidance on Filling Positions of Responsibility**

### **2.1 Background**

The Causeway Coast and Glens Shadow Council (the Shadow Council) has considered the draft Guidance on Filling Positions of Responsibility. The guidance sets out the process and methods of appointing positions of responsibility. D’Hondt will be default method of appointment.

### **2.2 Response**

The Shadow Council is content with the proposed guidance.

### **3.0 Guidance on Appointing Councillors to Committees**

#### **3.1 Background**

The Causeway Coast and Glens Shadow Council (the Shadow Council) has considered the draft Guidance on Appointing Councillors to Committees. The guidance sets out the process for appointment of councillors to more than one committee. Quota Greatest Remainder will be default method of appointing councillors to Committees.

#### **3.2 Response**

The Shadow Council is content with the proposed guidance.

#### **4.0 Recommendation**

It is recommended that Shadow Council endorses this response.