

**CONSULTATION SCHEDULE – Corporate Policy & Resources Committee 22 February 2022**

	RECEIVED FROM	TITLE	SUBMISSION BY
1.	NILGA	THE NORTHERN IRELAND LOCAL GOVERNMENT ASSOCIATION CONSTITUTION (Draft Amendments February 2023)	9 March 2023
	<p><b>Update summary</b></p> <p>NILGA has been undertaking a review of its Constitution to ensure the Association is enabled for success in the 2023-2027 local government mandate. Feedback from your Council on the proposed amendments no later than Thursday 2 March 2023, further extended to 12 noon on 9 March 2023.</p>		

Appendix 1 correspondence dated 14 February 2023

Appendix 2 consultation THE NORTHERN IRELAND LOCAL GOVERNMENT ASSOCIATION CONSTITUTION (Draft Amendments February 2023)

Mr David Jackson  
Chief Executive  
Causeway Coast and Glens Borough Council  
Cloonavin  
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COLERAINE  
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14<sup>th</sup> February 2023

Dear David,

You will be aware that NILGA has been undertaking a review of its Constitution to ensure the Association is enabled for success in the 2023-2027 local government mandate.

Steve Thomas, the previous Chief Executive of the Welsh Local Government Association was responsible for undertaking this review on our behalf. Survey consultation was undertaken with NILGA Office Bearers, the NILGA Executive and NILGA Policy Network Members. This was followed up with direct engagement with NILGA Office Bearers, the NILGA Executive and Council Chief Executives.

At the NILGA Executive meeting on 10 February 2023, it was approved that the proposed amendments to the NILGA Constitution following the review would be issued to Councils for feedback. Accordingly, please find attached the NILGA Constitution with proposed amendments highlighted in red for your convenience.

It is the wish of the NILGA Executive that any amendments to the NILGA Constitution are ratified at a Special Meeting of the Association which will take place on 10 March 2023, adjacent to the already scheduled NILGA Executive meeting on this date.

I would therefore be grateful if you could provide any feedback from your Council on the proposed amendments no later than Thursday 2 March 2023 to enable papers to be issued in advance of the Special Meeting.

Yours sincerely,



**Alison Allen**  
**Chief Executive**



**THE NORTHERN IRELAND LOCAL GOVERNMENT ASSOCIATION  
CONSTITUTION (Draft Amendments February 2023)**

- 1. Name**
- 2. Aims**
- 3. Objectives**
- 4. Membership**
- 5. Representation**
- 6. Meetings**
- 7. Full Members Group**
- 8. Executive**
- 9. Office Bearers**
- 10. Finances**
- 11. Audit and Risk Management Committee**
- 12. Resignation of Individual councils**
- 13. Dissolution**
- 14. Chief Executive and Staff**
- 15. Appointments**
- 16. Policy Structures**
- 17. Amendment of the Constitution**

**1. NAME**

- 1.1 The name of the Association will be the “Northern Ireland Local Government Association”. (NILGA).
- 1.2 The Association shall consist of all councils in Northern Ireland who agree to be in membership and contribute to its aims and objectives. Full membership is awarded to such members (thereafter ‘member councils’).

**2. AIMS**

- 2.1 To be the inclusive and collective voice of councils in Northern Ireland.
- 2.2 To promote, enable and develop local government in Northern Ireland.
- 2.3 To convene and engage on matters relating to national, regional, and local policy and the financing of local government services as it affects the delivery of local services and outcomes for local people and as the organisation deems appropriate.
- 2.4 To ensure that local government and the Northern Ireland Executive work together in partnership based on principles of mutual respect and interdependency whilst recognising the legitimacy of the roles each play in Northern Ireland governance.

### **3. OBJECTIVES**

The objectives and powers of the Association will be:

- 3.1 To seek to involve every councillor across Northern Ireland in the work of the Association and support councillors in their role as democratically elected local representatives, including in partnership with the National Association of Councillors.
- 3.2 To provide member councils with full access to a range of cost-effective services in accordance with their membership entitlement.
- 3.3 To formulate strategies and policies enabling the development of local governance, collaboration between councils, transformation and improvement of the local government sector and the enhancement of local democracy in Northern Ireland
- 3.4 To represent the interests of member councils to the Northern Ireland Executive, Assembly, government departments, parliaments, international institutions, and other bodies.
- 3.5 To promote and enable the case for councils throughout public affairs in Northern Ireland in print, media, and social networks when it links to NILGA's aims and communications strategy.
- 3.6 To promote the policies of the Association and to provide information on local government issues and concerns to the public, strategic partners, and outside organisations.
- 3.7 To uphold and promote equality, diversity, and human rights in all of its work with member organisations, partners, the public, and staff; this will also include promoting diversity in the work of the Association and in local democracy.
- 3.8 To ensure that members of different political groups contribute to the Association's work and to the development of policies that seek, if possible, consensus between the political groups and between groups of member councils.
- 3.9 To ensure all councillors and any professional association of local government officers in Northern Ireland can proactively contribute to the Association's policies and actions.
- 3.10 To represent as required the interest of member councils as employers and engage directly with the National Joint Council (NJC) for local government services.

### **4. MEMBERSHIP**

- 4.1 Membership of the Association shall be open to all district, borough, and city councils in Northern Ireland with all councillors in Northern Ireland welcomed as members of the Association.
- 4.2 Councillors will be invited to participate in and be nominated for relevant regional bodies from the full membership as co-ordinated by the Association.
- 4.3 All councillors will be able to offer views at all times, attend an annual review and an annual conference of the Association.

4.4 All councillors can participate in all other regional, sub-regional events co-ordinated by NILGA, including elected member development and training.

## 5. **REPRESENTATION**

5.1 Each council shall be entitled to be represented at meetings of the Association on the following principles -

- a) Full Members Group - Eight members per council to sit on the Full Members Group with Belfast City Council granted an additional two members reflecting population size.
- b) The Executive - The number of members per political group to sit on the Executive will be determined on d'Hondt principles as determined by the outcomes of local government election which commenced the electoral period (see also Section 9 on Office Bearers) and ensuring 11 council representation and political balance

5.2 Representatives of any council shall not be entitled to attend meetings after May in each year unless the council has paid its subscription in full.

5.3 The Chief Executive of each council or their senior designate shall be encouraged to attend in an ex officio capacity at such meetings.

5.4 Each political party having five or more representatives on the Association shall appoint a "nominating officer" and identify that person to the Chief Executive of the Association during the calendar month following each local government election.

5.5 It shall be the duty of each nominating officer to convey to the Chief Executive of the Association the names of the party's appointees to the Executive Committee and to act for the party in the distribution of appointments to other bodies (see also section 15 on appointments).

5.6 Each nominating officer will serve for an electoral period. If a party wishes to change the nominating officer, the alteration can be made at any time by informing the Chief Executive but must be reported to the next Association meeting.

## 6 **MEETINGS**

6.1 The Annual Meeting of the Association shall be held each year in the month of June at such place and at such time as may be decided by the Association.

6.2 The full membership of the Association will meet at least twice yearly.

6.3 The Executive Committee will meet at least 10 times per year.

6.4 Special meetings may be summoned at any time on the direction of the President and shall be summoned within twenty-one days of a requisition being delivered to the Chief Executive of the Association, signed by at least ten representatives.

6.5 At any meeting of the Association (or any Committee or Sub-Committee thereof) no resolution shall be introduced, or debate permitted on any issue **which bears no relation** to the existing functions of, or any possible additional functions of, district councils.

## **7. FULL MEMBERS GROUP**

7.1 A Full Members' Group shall be formed from members formally nominated by the councils to attend meetings of the Association.

7.2 The Full Members' Group will comprise eight 'full' members sought from each council aside from Belfast, from which ten members shall be sought. These members will be brought together by the Association at least twice per annum to discuss issues affecting councils and/or the role of a councillor.

7.3 Engagement with the Full Members Group in each specific council area will also occur at least twice yearly. This will be open to all councillors and senior officers from that area.

7.4 At least one meeting per year will take place between the NILGA Office Bearers and Chief Executive, and the Chief Executive of each member council.

7.5 The purpose of the Full Members Group is to provide a politically balanced regional 'pool' of members from which NILGA will draw representatives for the NILGA Executive Committee, policy structures, and 'outside bodies'. Members of the Full Members Group will also be key points of communication for NILGA within their member council.

## **8. EXECUTIVE COMMITTEE**

8.1 It shall be the function of the Executive Committee:

- (i) To agree, following debate and reports, the four-year Corporate Plan, all operations, and a yearly key action plan of the Association.
- (ii) To apply strategic, policy, investment, and other relevant matters on behalf of member councils and receive and act upon initiatives and proposals derived from them.
- (iii) To consider and advise the Association on any matter which the Chief Executive of the Association presents to the Committee.
- (iv) To agree appointments to outside bodies with reference to direction of the nominating officers
- (v) To make recommendations to the Association on any proposal to change the Association's constitution.
- (vi) The two mentor Chief Executives, and the invited PPP members shall be entitled to attend meetings.

- 8.2 The Executive Committee shall be composed of –
- (i) The Office Bearers, Office Bearer alternates, and 23 ordinary members, derived from Full member nominations from member councils.
  - (ii) The Association shall, in conjunction with the regional d’Hondt process and political parties, ensure that two members from each council (three from Belfast) are represented on the Executive (see also clause 5.1)
  - (iii) No less than two Chief Executives drawn from the 11 councils are encouraged to attend in an advice-giving capacity.
- 8.3 Each political party holding at least five seats on the Association shall be entitled to appoint ordinary members to the Executive Committee
- 8.4 The representative principle is that in proportion to the number of seats which are held on the Association that all councils (in accordance with the relevant clause) shall have no less than two members represented.
- 8.5 Representatives on the Political Partnership Panel (PPP) as determined by the relevant statutory instrument, and who are not already NILGA Executive members, shall be invited to attend NILGA’s Executive meetings. It also applies to those on an appropriate alternative central/local government forum. This ensures communication in councils’ interests, at times determined by the Executive & member councils.
- 8.6 In exceptional circumstances, the Association may create the position of President Emeritus for a notable past President. The President Emeritus will be entitled to attend any NILGA meeting, in perpetuity.

## **9. OFFICE BEARERS**

- 9.1 Any political party with five or more representatives on the Association shall nominate an Office Bearer of the Association whose duties will include regional, political leadership and being consulted on issues relevant to the management and policy direction of the Association.
- 9.2 The Office Bearers shall be consulted by officials to facilitate decision making in urgent circumstances or to clarify policy intent.
- 9.3 Public statements made in the name of the Association by the Office Bearers will represent the views of the Association as a whole and not those of any one political group.
- 9.4 An annual meeting shall occur between NILGA Office Bearers and Chairs/Mayors and Chief Executives of constituent councils collectively to seek comments and feedback they may have in relation to any aspect of the ongoing work of NILGA.
- 9.5 The Office Bearers of the Association shall be the President and the Vice-Presidents. They shall continue in office until the appointment of Office Bearers at the next Annual Meeting following local government elections, provided that they relinquish office:
- i. Upon ceasing to be councillors, or
  - ii. Upon ceasing to be representatives of a council on the Association, or

- iii. As the result of a decision by their party, or
- iv. A casual vacancy thus created shall be filled at any meeting of the Association.

9.6 Once they have served 9 years (or two electoral mandate terms), it is best practice that the recommendations of the UK Corporate Governance Code apply, and Office Bearers stand down. The Association will seek to operate this principle other than in the most exceptional circumstances and in consultation with each party nominating officer.

9.7 The Nominating Officer of each party shall designate another Executive member of the Association as a substitute Office Bearer, who shall represent their party in regard to clauses 9.1-9.4 in place of the nominated office-bearer, when required. These members shall represent their party for the electoral period and an alteration can be made as long as it is reported to the next Association meeting.

9.8 Office Bearers and their substitutes must be councillors selected from the full membership of the Association.

9.9 These nominations shall be formally endorsed by the Association at the Annual Meeting.

9.10 At each Annual Meeting one of those so nominated as Office Bearers shall be elected President, with each President serving for one year only within the electoral period, in accordance with the local government electoral cycle.

9.11 The Presidency shall rotate among the political parties and to that end (a) no party may hold the Presidency more than once in any period of four years unless the office has been offered to, and refused by, another party; and (b) each party shall be offered the Presidency in descending order of seat numbers on the Association, as determined in the local government election which commenced the electoral period.

## 10. **FINANCES**

10.1 Before the end of each calendar year the Chief Executive of the Association shall submit to a meeting of the Association an estimate of net expenditure for the next financial year.

10.2 The Association's financial year shall end on 31st March following which a statement of accounts, and the Auditor's report thereon, shall be submitted to a meeting of the Association.

10.3 Subscriptions to the Association shall be based on a banded population model, using the most recent NISRA population estimates figures for each council, with subscription amounts specified in February each year.

10.4 Each council shall pay its subscription in full to the Association before the end of April in each year.

10.5 If a council chooses to withdraw from the Association, it will be required to give at least one full year's notice of its intention to do so. (see 12.1 of this constitution for supporting principles and process).



10.6 The Chief Executive of the Association will be the designated Accounting Officer and an Office Bearer selected on an annual basis will be designated as the Treasurer of the Association.

## **11. AUDIT AND RISK MANAGEMENT COMMITTEE**

11.1 Each council shall be entitled to participate in the audit and risk management work of the Association, including an Audit and Risk Management Committee which shall meet at least twice yearly.

11.2 Membership will consist of 5 councillors drawn from the 11 councils on a cross-party basis. The NILGA Treasurer and Chief Executive will also be in attendance and there should be an independent member recruited in line with recent best practice.

11.3 The purpose of the Audit and Risk Management Committee is 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 governance processes.

## **12. RESIGNATION OF INDIVIDUAL COUNCILS**

12.1 Any member council wishing to terminate its membership of the Association shall give not less than 12 months' notice, in writing, to the Chief Executive of the Association, to expire on 31st March in any year. If a member council intimates notice to terminate its membership in any financial year, the 12-month period of notice will not commence until the first day of the next financial year.

12.2 At the expiration of the period of notice the member council shall cease to be a member of the Association and shall become a past member. At any time until ceasing to be a member council, the member council can withdraw its notice of termination, in which case it shall continue to be a member council.

12.3 Any past member shall, upon ceasing to be a member of the Association: -

(a) Forfeit all right to and claims upon the Association and its property and funds; and

(b) Lose any entitlement to any share in the assets of the Association whether on a dissolution or otherwise.

12.4 Any past member shall remain liable for its share of the liabilities of the Association for a period of five years from the date when the past member ceased to be a member of the Association provided this liability was incurred or entered into prior to the date of their termination, the proportion of such liability to be calculated in the same proportion which the subscription paid by that past member bears to the total subscription of the Association in the financial year immediately preceding the date of termination.

12.5 Any liabilities associated specifically with officers and/or employees of the Association in relation to their contractual terms and conditions arising as a result of the dissolution of the Association are explained in 13.3

### **13. DISSOLUTION**

- 13.1 If at any meeting of the full membership a motion for the dissolution of the Association shall be passed by at least two thirds of members from the member councils, where at least seven of such member councils are represented at the meeting, the NILGA Executive, Chief Executive upon request and up to four appointed senior officers from member councils shall realise the assets and pay the liabilities of the Association as a dissolution group. The group shall make arrangements whereby the member councils, both existing and past, shall distribute / discharge the Association's net assets / liabilities.
- 13.2 All member councils shall be entitled to a share in the Association's assets and liabilities on a proportionate basis, to be determined in a schedule drawn up, owned, and agreed by the eleven councils and administered by the group, defining the outcomes associated with any investment coming to the Association and / or its potential cessation.
- 13.3 Any sums which are or may in the future become due and payable specifically to officers and/or employees of the Association, in accordance with the local government terms and conditions of such officers, as stated in the relevant policies of the Association and local government existing at the date of the passing of the motion for dissolution, shall be paid from the Association's assets. Any outstanding balance shall be met by the member councils and administered by the group, in accordance with 13.1 and 13.2 above, and apply to all member councils who are members on or who join the Association after 1<sup>st</sup> April 2015, including past members.

### **14. CHIEF EXECUTIVE AND STAFF**

- 14.1 There shall be a Chief Executive of NILGA to be appointed with appropriate terms and conditions set by the Association and recruited in line with the principles of equality and diversity. The appointment must be ratified by the Executive Committee.
- 14.2 The Chief Executive can appoint on behalf of the Association other staff as required for the purpose of implementing the Association's aim and objectives upon such terms and conditions as the Chief Executive deems appropriate following consultation with Office Bearers. The Association will be proactive and give due regard to the need to eliminate discrimination and promote equality of opportunity in how it performs all its functions.
- 14.3 The Association will produce a Pay Policy Statement that will be submitted to the Executive and published on an annual basis.
- 14.4 The staff of the Association will be politically impartial. They will adhere to the principles of integrity, honesty, and objectivity. They and will give all groups and members groups equivalent advice, assistance, and support, as resources allow. All staff will ensure that the rules and conventions governing the Association's work are implemented fully and fairly.
- 14.5 Political groups may, with the agreement of the Chief Executive, invite officers of the Association to attend Group meetings to provide information, advice, or confidential briefings on particular matters.
- 14.6 The Association will adopt a Pre-Election Publicity Protocol to ensure the period between the notice of an election and its commencement should avoid proactive publicity in all its forms of candidates and other politicians involved directly in the election. Publicity in this period

should not deal with controversial issues or report views, proposals, or recommendations in such a way that identifies them with individual members or groups of members.

## **15. APPOINTMENTS**

- 15.1 The Chief Executive shall maintain a register of outside bodies to which the Association has a right of appointment, and shall record in it, details of appointments made.
- 15.2 The distribution of appointments by the nominating officers shall be on the d'Hondt system.
- 15.3 Appointments to outside bodies will be for an electoral period. Casual vacancies may be filled at any meeting of the Association.

## **16. POLICY STRUCTURES**

- 16.1 The Association can establish sub groups, networks and/or task and finish groups as it sees fit to consider issues of importance to local government at any time ensuring appropriate regional and cross party political representation so far as is possible.
- 16.2 Any Chair and Vice Chair of any groups identified at 16.1 will be determined using the d'Hondt system and appointed by NILGA.
- 16.4 The work of all sub groups, networks and/or task and finish groups should be reported back to councils and the NILGA Executive Committee on a regular basis and all substantive decisions will be brought forward as recommendations to councils and NILGA as appropriate.
- 16.5 Regular review of any sub groups, networks and/or task and finish groups will take place on an annual basis to ensure that they are relevant, timely and add value.

## **17. AMENDMENT OF CONSTITUTION**

- 17.1 This Constitution may be amended at any time by the Association on the recommendation of the Executive Committee if the recommendation is passed by at least two-thirds of the representatives present and voting at the quorate meeting of the Association, including formal consultation with all member councils.
- 17.2 Amendments to the constitution can only be considered at the Annual Meeting of the Association or a Special Meeting of the Association in accordance with clauses 6.1 and 6.4.