

Causeway Coast & Glens

Shadow Council

Governance Committee 20th November 2014

Table of recommendations

| No | Item | Recommendation |
|-----|--|---|
| 3. | Minutes of meeting held 14 th August 2014 | <i>Confirmed</i> |
| 4. | Notice of Motion – Councillor R Watton | <i>Write to DHSSPS</i> |
| 5. | Notice of Motion – Councillor S Quigley | <i>Deferred next meeting</i> |
| 6. | Preparation for the Reconstitution of the Policing & Community Partnership | <i>Appoint 10 Elected Members by January 2015; add Libraries NI to designated organisations</i> |
| 7. | Draft Equality Scheme and Draft Disability Action Plan | <i>Approve</i> |
| 8. | Proposed Response to Consultation on the Draft Local Government (Community Partners) Order (NI) 2014 | <i>Approve with addition of Libraries NI to partner organisations</i> |
| 9. | Audio Recording | <i>Implement trial period from January 2015</i> |
| 10. | Governance Arrangements | <i>Consider traditional committee structure at SC meeting 18th December</i> |
| 11. | Location of Civic Headquarters | <i>Approve location of Civic HQ & Chamber in Coleraine</i> |
| 12. | Twinning | <i>Approve transfer of legacy council arrangements for 2015/16.</i> |
| 13. | Local Government (Indemnities for Members and Officer) (Amendment) Order (Northern Ireland) 2014 Circular No LG 44/2014 | <i>Noted</i> |
| 14. | Guidance on Filling Positions of Responsibility and Appointing Councillors to Committees Circular No LG 45/2014 | <i>Noted</i> |
| 15. | Local Government Forum | <i>Nominate 1 DUP; 1 UUP; 1 SDLP; 1 SF and 1 other – names to be confirmed at SC meeting 18th December</i> |
| 16. | Partnership Panel | <i>Include NAC on Panel</i> |
| 17. | Consultations <ul style="list-style-type: none"> • Proposed Local Government (Transitional, Incidental, Consequential and Supplemental Provisions) Regulations 2014 • Draft Guidance on the Making of Bye Laws • Draft Guidance on Executive Arrangements and the Draft Council Constitution Framework. | <i>Noted</i> |

Governance Committee

Minutes of the Meeting of Causeway Coast & Glens Shadow Council Governance Committee, held in the Council Chamber, Ballymoney Borough Council on Thursday 20th November at 7.00pm.

In the Chair: Councillor Cole

Members present: Councillors Baird, Blair, Clarke, Fielding, Finlay, Fitzpatrick, Hickey, Hillis, Hunter, King, McCorkell, McGlinchey, McKillop (Margaret Ann), Mulholland, Robinson, Watton

In attendance: Mr D Jackson, Chief Executive
Mr S McMaw, Head of Convergence
Mr D Wright, Head of Finance
Mrs E Beattie, Head of Policy
Mr R Baker, Leisure & Development Lead
Mrs P Donaghy, Committee Administrator

1. Apologies

Apologies were recorded from Councillors Harding, McShane C, McShane P, and Quigley.

2. Declarations of Interest

No declarations of interest were reported.

3. Minutes of meeting held 14th August 2014

The minutes of the meeting held on 14th August were confirmed as a correct record. The Chair advised that these had been ratified by Council on 25th September 2014.

4. Notice of Motion – Councillor R Watton

Councillor Watton presented the motion deferred from Shadow Council meeting on 28th August 2014.

“That this Council calls for the practice of individual GPs charging for postal vote applications to be directed to the Department of Health, Social Services & Public Safety with a view to it being discontinued.”

Speaking in support of the motion Councillor Watton pointed out that the practice of charging varies in that some GPs impose a charge while others do not. He explained that the charge places an additional financial burden on those members of the

electorate who, in some cases are already struggling financially due to illness, disability or who are elderly.

Seconding the motion, Councillor Hickey recorded her support and stated that the practice of charging should be brought to the attention of the Assembly.

Councillor Hillis commented on the timely nature of Councillor Watton's motion, following immediately after the recent elections to local Councils and added his support stating that the charging practice is effectively an attack on democracy.

Councillor Mulholland added his support to the motion stating that no-one should have to pay to vote and that Council should look at other ways that it is made difficult for people to vote.

Councillor Fielding stated that the practice of charging went against the spirit of democracy and that it prevented people from using their postal votes.

Following the discussion Committee **AGREED: to recommend that Council writes to the Department of Health, Social Services & Public Safety copying the correspondence to the Electoral Office, outlining Council's concerns with the practice of some GPs charging for postal vote applications.**

5. Notice of Motion – Councillor S Quigley

In the absence of Councillor Quigley it was requested by Councillor McKillop and **AGREED: that the notice of motion be deferred to the next meeting of the Governance Committee.**

*Councillor Finlay joined the meeting at 7.10pm.

6. Preparation for the Reconstitution of the Policing and Community Safety Partnership

The Lead Officer Leisure & Development presented the report, previously circulated, as undernoted.

Introduction

Policing and Community Safety Partnerships (PCSPs) are statutory bodies established under the Justice Act (Northern Ireland) 2011 (the Act), specifically sections 20 to 34 and Schedules 1 and 2.

Under the Act, Councils are obliged to establish a PCSP structure in their locality. At 1 April 2015 and following the reorganisation of Local Government, there will be 11 PCSPs – one for each of the District Council areas in Northern Ireland.

What are PCSPs?

The overall purpose of the Partnerships is to help make communities safer, and to ensure that the voices of local people are heard on policing and community safety issues. The aim is to empower communities to help develop solutions that will help to tackle crime, fear of crime and anti-social behaviour.

Many of the issues which PCSPs deal with cannot be solved in isolation. PCSPs bring together partners from statutory agencies and other groups to discuss, agree and coordinate actions in response to areas of concern in a more holistic, streamlined and joined up way.

Each PCSP operates a Policing Committee, comprising its elected and independent members. The Policing Committee carries out functions in relation to identifying priorities for consideration in the development of the local Policing Plan, monitoring police performance and gaining the co-operation of the public with the police in preventing crime and enhancing community safety in the district.

PCSP Membership

PCSPs have a membership consisting of elected members, independent members and designated representatives of other organisations who can have a positive impact upon policing and community safety. PCSPs are made up of:

- *8, 9 or 10 political members (Councillors) as determined by the Council;*
- *7, 8 or 9 independent members (i.e. one less than the number of political members) appointed by the Policing Board; and representatives of the following 7 designated organisations:*
- *The Police Service of Northern Ireland;*
- *The Northern Ireland Housing Executive;*
- *The Probation Board for Northern Ireland;*
- *The Youth Justice Agency of Northern Ireland;*
- *Health and Social Care Trusts;*
- *Education and Library Boards; and*
- *The Northern Ireland Fire and Rescue Service*
- *PCSPs can also designate groups or organisations at a local level, which would make a contribution to the work of the PCSP.*

What do PCSPs do?

The functions of the PCSPs and their constituent parts are outlined in Sections 21 and 22 of the Justice Act. In summary, PCSPs, as a whole, or through the Policing Committee:

- *Consult and engage with local communities, the statutory and voluntary sectors, and other relevant organisations in order to identify issues of concern in relation to policing and community safety, and to improve co-operation with the police. The Policing Committee has a distinct responsibility for providing views to the relevant police Commander and the Policing Board on policing matters.*
- *Identify and prioritise particular issues of concern and prepare plans for how these can be tackled. The Policing Committee advises the PSNI Commander and the Policing Board on priorities for policing that have arisen from continuous consultation and engagement.*

- **Monitor performance to ensure delivery against the Partnership Plan. The Policing Committee monitors the performance of the police to ensure that local policing services are delivering for local communities.**
- **Deliver a positive difference to communities, contributing to a reduction in crime and enhancing community safety in their district, directly through their own interventions, through the work of their delivery groups or through support for the work of others.**
- **The Partnerships aim to contribute, at a strategic level, to the achievement of targets set in the Programme for Government, the Northern Ireland Policing Plan, the Community Safety Strategy, and to wider justice issues. They also aim to help set the local agenda for community safety in their Council areas, supporting the delivery of services to tackle policing and community safety priorities identified through consultation.**

Governance and Accountability

PCSPs are statutory bodies established under the Justice Act and are therefore separate and distinct from committees of Council.

The work of the PCSPs is overseen by the Joint Committee, a body consisting of representation from DOJ and NIPB. The Joint Committee assesses the level of public satisfaction with the performance of PCSPs and the effectiveness of PCSPs in performing their functions.

The PCSPs report to the Joint Committee quarterly against the objectives set out in their Partnership Plans.

The work of the Policing Committee is overseen by, and subject to, strategic direction from the Policing Board. The Board must assess public satisfaction with the performance of Policing Committees and assess the effectiveness of Policing Committees in performing the restricted functions of PCSPs.

Each PCSP is responsible for ensuring the successful delivery of its Partnership Plan and should monitor its performance against the Plan. All relevant partners are expected to show how they have contributed to this. The PCSP must ensure that its functions are carried out in accordance with the provisions in the Justice Act and within the Council governance and financial framework.

The Policing Committee has specific statutory authority for monitoring police performance, providing views to the PSNI Commander and Policing Board on policing, and gaining the cooperation of the public with the police in preventing crime and enhancing community safety.

It is the function of the Council to establish the PCSP.

The Joint Committee funds the PCSP/DPCSP through the Council, and the Council Chief Executive is the Accounting Officer for the funding provided by the Joint Committee.

Appointment of Councillors to the CCG PCSP.

Under the auspices of Paragraph 3 of Schedules 1 and 2 to the Justice Act, Councils have a statutory obligation in appointing political members to

ensure that, so far as practicable, the political members reflect the balance of parties prevailing in the council immediately after the last local general election.

At this stage Council is therefore required to make a number of decisions relevant to the new body.

a) The size of the PCSP,

b) The proportional membership of Councillors.

It should be noted that these decisions do not take effect until the establishment of the PCSP, effective from the 1st April 2015.

Council is asked to decide on the number of elected members to be appointed to the PCSP – the number may be 8, 9 or 10 political members.

As a guide, if Members choose to apply the D'hondt system the breakdown of parties would be as follows:

| Number of places | DUP | UU | SF | SDLP | TUV |
|-------------------------|------------|-----------|-----------|-------------|------------|
| 8 | 3 | 2 | 2 | 1 | 0 |
| 9 | 3 | 3 | 2 | 1 | 0 |
| 10 | 3 | 3 | 2 | 1 | 1 |

Whichever of these numbers is chosen, the number of political members will exceed the independent members by one. The maximum size of the PCSP in terms of Elected Representatives and Independent members cannot exceed 19, with an additional 7 organisations, designated by the Department.

Legislation states that ‘as far as practicable’ political members should reflect the balance of the parties in Council. Council is asked to decide which mechanism for appointment they wish to use to ensure this balance.

Recruitment of Independent Members

The Northern Ireland Policing Board (NIPB) has initiated the recruitment process for Independent PCSP Board Members to sit on the new Policing & Community Safety Partnerships, commencing April 2015.

The Northern Ireland Policing Board are seeking to appoint up to 119 independent positions members to sit on the newly formed Partnerships across Northern Ireland.

The recruitment process was officially launched at the Policing Board meeting in Derry / Londonderry on Thursday 6 November 2014, with the closing date for applications by no later than Friday 28 November 2014.

A number of Information Evenings have been planned, each will run from 7pm – 9pm, and the details are outlined below:

| | |
|------------------|---|
| 11 November 2014 | <i>Bawnacre Centre, Castle Street IRVINESTOWN</i> |
| 13 November 2014 | <i>Aurora Centre Aquatic and Leisure Complex, Valentine Road BANGOR</i> |
| 17 November 2014 | <i>Lodge Hotel, Lodge Road Roundabout COLERAINE</i> |
| 19 November 2014 | <i>Glenavon Hotel, Drum Road COOKSTOWN</i> |
| 25 November 2014 | <i>Banquet Room, Belfast City Hall, Donegall Square BELFAST</i> |

The Code of Practice Appointment of Independent Members to Policing and Community Safety Partnerships

The Department of Justice has revised and published the Code of Practice on the Appointment of Independent Members to Policing & Community Safety Partnerships in advance of the exercise to recruit independent members to the Partnerships, effective from 1 April 2015.

The Code of Practice gives guidance to District Councils and the Northern Ireland Policing Board on their respective roles in the nomination and appointment of independent members to Policing and Community Safety Partnerships. It has been drawn up by the Department of Justice in line with the Code of Practice for Ministerial Public Appointments in Northern Ireland issued by the Commissioner for Public Appointments Northern Ireland.

This Code is issued under the provisions of paragraph 6(2) of Schedule 1 and paragraph 6(2) of Schedule 2 to the Justice Act (Northern Ireland) 2011 (“the Justice Act”) which enable the Department of Justice to issue and, from time to time, revise, a Code of Practice containing guidance on the exercise, by Councils and the Policing Board, of their functions in the nomination and appointment of independent PCSP and DPCSP members.

A copy of the revised Code is attached for information.

Appointment Panel

Following a decision by the Shadow Council in August 2014, a panel comprising of four Councillors, including a Chairperson has been appointed. The Panel will meet to shortlist and interview independent PCSP candidates. The panel is broadly representative in terms of gender and community background, as per Joint Committee correspondence. The panel members are:

- *Councillor Cole DUP.*
- *Councillor Chivers SF.*
- *Councillor M McKillop. SDLP*
- *Councillor King, UUP*

It was recommended that:

- A. The Committee agrees the size of the PCSP determined by the number of elected Members, i.e. 8, 9, or 10.
- B. Appoint, by January 2015, by a method deemed to be acceptable, elected members to the new PCSP, taking account of the requirement in the Justice Act that, so far as practicable, the political members reflect the balance of parties prevailing in the Council immediately after the last local general election.

*Councillor Baird joined the meeting at 7.16pm.

Councillor Robinson proposed that the number of elected members is 10, appointed by January 2015 and that Libraries NI is included in the designated organisations.

Councillors Hillis and Hickey supported the proposal, following which Committee AGREED to recommend that:

- A. the size of the PCSP in terms of the number of elected Members is 10.**
- B. appoint, by January 2015, by a method deemed to be acceptable, elected members to the new PCSP, taking account of the requirement in the Justice Act that, so far as practicable, the political members reflect the balance of parties prevailing in the Council immediately after the last local general election;**
- C. add Libraries NI to the designated organisations.**

7. Draft Equality Scheme and Draft Disability Action Plan

The Head of Policy presented the report, previously circulated, as undernoted.

The Causeway Coast and Glens Council is subject to the full range of Section 75 statutory duties under the Northern Ireland Act 1998 as well as the Disability Duties under Section 49 of the Disability Discrimination (NI) Order 2006. Under these two pieces of legislation Causeway Coast and Glens Council are obliged to prepare and submit an Equality Scheme and a Disability Action Plan to the Equality Commission within six months of the establishment of the Council.

The draft Equality Scheme and draft Disability Action Plan were brought to the Council's Corporate Policy and Resources Committee on 11th September 2014 when elected members adopted the two draft documents and permitted the documents to be issued for public consultation as required by the legislation.

Comments on the two draft documents have been solicited from a wide range of relevant local and regional organisations with 440 organisations contacted directly using e-mail and by post. Comments from the public were also be sought using press releases and the Council website. The consultation period closed on Friday 14th November 2014. The final versions of the Council's Equality Scheme and Disability Action Plan are required to be submitted to the Equality Commission by 28th November 2014.

Following the adoption of the Equality Scheme, the Council will be expected to screen any new policies in relation to Section 75 requirements and will also

be expected to develop a timetable for conducting any Equality Impact Assessments that may result from this screening process.

A Section 75 Action Plan is required to be developed to support the effective implementation of the Section 75 duties and this will be based on the findings of an audit of inequalities. The Equality Commission expects this Action Plan to be finalised within six months of 1st April 2015, the date the Council takes on responsibility for its full functions.

It was recommended that the Governance Committee approve the submission to the Equality Commission of the final versions of the Council's Equality Scheme and Disability Action Plan which will incorporate any amendments suggested by the Governance Committee and approved by Council.

It was proposed by Councillor McCorkell, seconded by Councillor King and AGREED: **to recommend that Council approves the submission to the Equality Commission of the final versions of the Council's Equality Scheme and Disability Action Plan**

8. Proposed Response to Consultation on the Draft Local Government (Community Planning Partners) Order (Northern Ireland) 2015

The Head of Policy presented the report, previously circulated, as undernoted.

The Local Government Act (Northern Ireland) 2014 ("the Act) sets out a high level framework for the operation of community planning, a new duty conferred on Councils in Northern Ireland from 1st April 2015.

This duty requires Councils to "initiate, facilitate and manage the process of community planning" and, according to section 66 Local Government Act 2014, community planning is a process by which a Council and its community planning partners:

- Identify long term objectives for improving the social well-being of the district, the economic well-being of the district and the environmental well-being of the district.***
- Identify long-term objectives in relation to the district for contributing to the achievement of sustainable development in Northern Ireland, and***
- Identify actions to be performed and functions to be exercised by the Council and its community planning partners for the purpose of meeting these objectives.***

The Act also states that every community planning partner of a Council must:

- Participate in community planning for the district to the extent that such planning is connected with the partner's functions, and***
- Assist the Council in the discharge of its duties.***

The Act enables the Department of the Environment to specify the bodies or persons who are to be the statutory community planning partners of a Council and the Department has now issued a consultation paper which contains proposals in relation to the naming of these statutory community planning partners.

The Department of the Environment recognises that there are a wide range of businesses, voluntary organisations, community and other groups which make vital contributions to promoting the social, economic and environmental well-being of an area but they contend that there are a number of public sector organisations which provide key services to citizens that will be required for community planning to be successful.

Their rationale for selecting these statutory partners was to select organisations that:

- ***Delivered significant services that promoted the economic, social and environmental well-being of a district, and***
- ***Provided services across the whole region and which were likely to be of equal importance across all 11 new Council areas.***

The organisations selected by the Department, and proposed as statutory partners for the community planning process, are:

- ***The Education and Library Boards***
- ***The Health and Social Care Trusts***
- ***Public Health Agency***
- ***Health and Social Care Board***
- ***Police Service of NI***
- ***NI Housing Executive***
- ***NI Fire and Rescue Service***
- ***Invest Northern Ireland***
- ***Northern Ireland Tourist Board***

These proposals are now being consulted upon and the consultation period will last until 12th December 2014. The consultation document asks for responses to two questions:

- ***Do you agree with the list of bodies to be named as community planning partners?***
- ***Do you think that other organisations should be named as community planning partners and, if so, why?***

A suggested response to the questions posed in the consultation document was tabled, Appendix 1 and it was recommended that the Council adopts this response.

It was proposed by Councillor Hickey, seconded by Councillor Cole, with the addition of Libraries NI as a partner organisation, and AGREED: **to recommend that the suggested response to the questions posed in the consultation document, as**

tabled at Appendix 1, be adopted by Council with the addition of Libraries NI to the partner organisations.

9. Audio Recording

The Head of Policy presented the report, previously circulated, as undernoted.

Article 47 (1) of the Local Government Act (Northern Ireland) 2014 states that:

“So far as is reasonably practicable, a Council must make an audio recording of so much of any meeting of the Council as is open to the public and the recording must be available to the public at the offices of the Council until the expiration of the period of six years from the date of the meeting and published on the Council website until the expiration of the period of two years from the date of the meeting.”

Article 47 (2) states that “This section does not apply in relation to meetings of any Committee or Sub-Committee of the Council”. The audio recording of meetings therefore only applies to Council meetings. Article 47 (1) as outlined above does not formally come into effect until 1st April 2015. In order to ensure the requirements of Article 47 (1) could be met an audio recording system was installed in the revamped Council Chamber in Coleraine Borough Council Offices.

The audio recording system has been tested and appears capable of performing all the required functions in relation to audio recording of meetings. However, in order to ensure that officers are fully familiar with the system and that as many issues as possible with operating the system are ironed out before 1st April 2015, it is suggested that the Council implement a trial period of recording meetings of the Shadow Council from January 2015 with formal audio recordings commencing on 1st April 2015, as required by the Local Government Act 2014.

It is recommended that the Council implement a trial period of recording meetings of the Shadow Council from January 2015 with formal audio recordings commencing on 1st April 2015, as required by the Local Government Act 2014.

During discussion Councillor Mulholland asked if officers could look at the issues and costs surrounding ‘live streaming’ of Council meetings, which Councillor Hickey supported. Councillor Baird enquired if the audio recordings would be transcribed.

The Chief Executive advised that the priority was to fulfil Council’s legal obligations with regard to the audio recording of Council meetings, but that the others issues raised would be considered and further information on any resource implications and costs would be provided to Members.

It was proposed by Councillor Fielding, seconded by Councillor Fitzpatrick and **AGREED: to recommend that the Council implement a trial period of recording meetings of the Shadow Council from January 2015 with formal audio**

recordings commencing on 1st April 2015, as required by the Local Government Act 2014.

10. Governance Arrangements

The Head of Convergence presented the report, previously circulated, attached Appendix 2.

Councillor Hillis proposed, seconded by Councillor McGlinchey to recommend: **that Council gives consideration to the traditional committee structure as outlined in the report.**

He added that as a party group leader he had found the monthly Party Leads' meetings useful.

Councillor Hickey supported Councillor Hillis' proposal and added that she had also found the Party Leads' meetings useful.

Councillor Fielding proposed, seconded by Councillor Finlay to recommend: **that the matter be deferred to the January meeting of Committee.**

Councillor Finlay added that representation on the Party Leads group was unbalanced and should be reviewed.

The Chair put the amended proposal to the vote.

5 Members voted for and 8 against. The Chair declared the amended proposal lost.

The original proposal was carried: **to recommend that, at its meeting on 18th December 2014, Council gives consideration to the traditional committee structure as outlined in the report tabled.**

11. Location of Civic Headquarters

The Head of Convergence presented the report, previously circulated, as undernoted.

There is a requirement to develop an estates plan to rationalise future service delivery options for the Council. Many factors will impact upon the decision making process. Until such time as resourced plans and associated structures are agreed by Council there is insufficient analysis available for Councillors to consider their overarching estates strategy. However a decision is required in relation to the location of the Civic Headquarters from 1st April 2015.

The Civic Headquarters is traditionally the Political hub of the Council. It is the location of the Council chamber, Mayor's / Chair's Parlour and Members' facilities. It is also by association the location for the Democratic Services unit responsible for servicing Councillors and other related civic activities. Currently the Shadow Council Chamber is located

in Coleraine. This interim decision by the Statutory Transition Committee was based on available chamber space for 40 councillors, cost control, car parking, and relative geographic centrality.

Designating one location as the Civic Headquarters will not preclude civic activities taking place across other Council locations but will act as a Political focal point for the newly constituted Council. It is envisaged that all four main council offices will be required for staff for the foreseeable future although services areas may reconfigure into new hubs once Council is content with structural design and the associated estates plan.

It is recommended that the Causeway Coast and Glens Shadow Council approves the location of the Civic Headquarters and Council Chamber in Coleraine from 1st April 2015.

It was proposed by Councillor King, seconded by Councillor McCandless and **AGREED: to recommend that Council approves the location of the Civic Headquarters and Council Chamber in Coleraine from 1st April 2015.**

Councillor Mulholland stated that he would be in favour of Committee meetings being held across the Council's area as they had been doing in Shadow mode. Councillor McCorkell pointed out that some of the venues are unsuitable in terms of accommodating Committees. The Chief Executive advised that the accommodation restrictions of some of the venues might be a consideration for Members when deciding on the size of Committees in the new structure.

Following a query from Councillor Finlay the Chief Executive confirmed that a report on the Council's Shadow Planning Committee would be brought to the Transferring Functions and Group Committee Meeting on 11th December.

12. Twinning

The Head of Convergence presented the report, previously circulated, as undernoted.

Each of the four Legacy Councils has a Twinning relation with other towns, aimed at promoting friendship and understanding. The relationships are managed through Twinning Associations. The Legacy Councils offer varying degrees of Financial, Officer and Elected Member support as detailed in the table below:

| <i>Legacy Council</i> | <i>Twinning Town(s)</i> | <i>Financial contribution</i> | <i>Other Support</i> |
|--|--|--------------------------------------|--|
| <i>Limavady Borough Council</i> | <i>Vigneux Sur Seine (France)</i> | <i>£2,700</i> | <i>Mayor and 2 Elected Members sit on the</i> |

| | | | |
|-----------------------------------|--|---------------|--|
| | Westport Co Mayo | | Twinning Association |
| Coleraine Borough Council | Municipality of La Roche-Sur-Yon (France) | £5,000 | One Officer and 4 Elected Members sit on the Twinning Association |
| Ballymoney Borough Council | Vanves (France) Isle of Man | £5,000 | 4 Elected Members sit on the Twinning Association |
| Moyle District Council | Pourrieres (France) Ballinasloe | £2,000 | None |

The Causeway Coast and Glens Council (the Council) will be required to review the Twinning arrangements of the Legacy Councils and decide on how this will be taken forward in future years. It is therefore proposed that the current Twinning arrangements and financial contributions, transfer into the 2015/2016 financial year and that a report be brought back regarding future options.

It is recommended that the Causeway Coast and Glens Shadow Council approve the transfer of the Legacy Council Twinning arrangements into the 2015/2016 financial year.

It was proposed by Councillor King, seconded by Councillor Baird, speaking of the benefits of Twinning arrangements and **AGREED: to recommend that Council approves the transfer of the Legacy Council Twinning arrangements into the 2015/2016 financial year.**

Following concerns raised by Councillor Watton, supported by Councillor McGlinchey regarding twinning funding and lack of funding for groups for other activities, the Chief Executive advised that Council would have the opportunity to consider all contributions and offer its views on how "fairness" could be balanced and applied to all.

13. The Local Government (Indemnities for Members and Officers) (Amendment) Order (Northern Ireland) 2014 Circular No LG 44/2014

Committee noted the information contained in the circular and order, previously circulated.

14. Guidance on Filling Positions of Responsibility and Appointing Councillors to Committees Circular No LG 45/2014

Committee noted the information contained in the circular and guidance, previously circulated.

15. Local Government Forum

Committee considered correspondence, previously circulated, from the Chairperson of the Local Government Forum, a partnership between the Northern Local Commissioning Group, the Northern Health and Social Care Trust and the 10 Councils in the Northern area.

Council was invited to nominate three representatives who would have an interest in the issues pertaining to health and social care in the Northern LCG area.

It was proposed by Councillor Hickey, seconded by Councillor Mulholland **that Council nominates four representatives ((1 DUP, 1 UUP, 1 SF and 1 SDLP).**

Following discussion an amendment was proposed by Councillor Clarke, seconded by Councillor McCorkell: **that 5 Members should be nominated, names to be provided at the Shadow Council meeting on 18th December 2014.**

Councillor Hickey and Councillor Mulholland supported this amendment and it was therefore, AGREED: **that 5 Members should be nominated, names to be provided at the Shadow Council meeting on 18th December 2014.**

16. Partnership Panel

Committee considered correspondence, previously circulated from the DoE Minister seeking confirmation of Council's nomination to the Panel and its views on which representative bodies or associations that should be represented.

The Chief Executive advised that Councillor Baird has already been nominated by Council as its representative on the Panel and Councillor Baird provided Members with an update.

On Councillor Fitzpatrick's suggestion Committee AGREED: **that the National Association of Councillors should be represented on the Panel**

17. Consultations

- **Proposed Local Government (Transitional, Incidental, Consequential and Supplemental Provisions) Regulations 2014**
- **Draft Guidance on the Making of Bye Laws**
- **Draft Guidance on Executive Arrangements and the Draft Council Constitution Framework**

The Chief Executive drew Members' attention to the Draft Guidance on Executive Arrangements.

The meeting closed at 8.25pm.

Appendix 1 Proposed Response to Consultation on the Draft Local Government (Community Planning Partners) Order (Northern Ireland) 2015

Appendix 2 Governance Arrangements Report

SUGGESTED RESPONSE TO THE CONSULTATION ON DRAFT LOCAL GOVERNMENT (COMMUNITY PLANNING PARTNERS) ORDER (NORTHERN IRELAND) 2015

Dear Sir/Madam

CONSULTATION ON DRAFT LOCAL GOVERNMENT (COMMUNITY PLANNING PARTNERS) ORDER (NORTHERN IRELAND) 2015

The Council recognises that community planning is a new duty placed on councils in Northern Ireland from 1st April 2015 which requires Councils to initiate, facilitate and manage the process. The Council believes that an effective, statute-based community planning process, led and facilitated by the new councils, will involve councils working with statutory bodies, agencies and the wider community to develop and implement a shared vision for promoting the well-being of an area and improving the quality of life of its citizens.

Causeway Coast and Glens District Council welcomes the opportunity to respond to the above consultation paper and would make the following comments with regard to the proposals contained in this document:

- The Council agrees with the list of bodies to be named as community planning partners, as far it goes, and welcomes the inclusion in the proposed legislation that, in addition to the named statutory partners, individual Councils can invite other support partners to join their community planning process according to the priorities and needs of their particular area.
- In relation to the proposed list of statutory partners, however, the Council would point to the difficulty in considering the proposed organisations in the absence of any statutory guidance on community planning and find it disappointing that the consultation document on this community planning guidance has not yet been issued.
- The Council is of the view that specifying a number of statutory partners, on its own, will not guarantee the successful delivery of community planning and that the forthcoming statutory guidance will play a critical role in helping to clarify and strengthen partnership working and process. This also means that the subordinate legislation on statutory partners cannot sit in isolation of the guidance.
- The Council would ask that a review of the list of statutory partners take place in the first half of 2015 in conjunction with the publication of any statutory guidance, to ensure these two critical building blocks are a) complementary, and b) sufficient to meet the needs of the community planning process.
- The Council would also wish to see a clear understanding of the purpose and role of the statutory community planning partners rather than a simple list of proposed organisations. The consultation sets out the rationale for naming statutory partners as partners but the

Council strongly believes that this will need more detailed development within the statutory guidance and widened to help inform the development of 'partnership' generally.

- The Council would support the rationale used by the Department for selecting the statutory partners, as far as it goes, but it is clear from the proposed list that there are some obvious gaps in this list of proposed partners. For example, there does not appear to be any statutory input in relation to:
 - Further and Higher Education
 - Jobs and Skills
 - Transport, Roads and other Public Infrastructure
 - Probation and Youth Justice
 - Arts, Culture and Heritage
- The Council is of the view that it is imperative consideration is given to the involvement of the public sector bodies responsible for service provision in these areas of work in Northern Ireland. In some cases, this could be through the involvement of Colleges of Further Education and Universities and the Youth Justice Agency, but in some cases, it will be critically important to include government departments as partners. For example, the Council would question how the 'skills gap' in an area could be fully addressed without the involvement of the Department for Employment and Learning.
- In light of this the Council would challenge the position taken by the Department in relation to the omission of government departments from the list of statutory partners.
- The Council notes that the document states that Government Departments have a specific role in the delivery of community planning: *that they are required to promote and encourage community planning, and have regard to the implications of community plans, in exercising their functions in so far as it is reasonably practicable to do so*. The Council further notes that it is considered in the document that this role is distinct but complementary to that of statutory partners and, in a reflection of these separate roles, Government Departments are not included in the draft statutory partners list.
- The Council would advocate the inclusion of Government Departments in the community planning process as statutory partners. The Council recognises that there may be existing legal or other constraints in relation to this but would suggest that it may be useful, in the short-to-medium term, to explore, for example, the potential for a system of Service Level Agreements between key departments and the 11 Councils, to further expand on the Department's duty to 'promote and encourage'.

The Council believes that community planning, if implemented correctly, can help make a material difference to the lives of the citizens of our area but the Council are of the view that right from the outset, the right people who can make key decisions need to be at the table. This consultation, and any forthcoming consultation on statutory guidance on community planning, are critically important building blocks in this process and will set the direction of travel for community planning in the immediate future.

The Council trusts that the Department will address the issues raised in this response with the energy that it requires and we look forward to the production of the necessary legislation and statutory guidance in the near future.

Yours faithfully

Governance Arrangements

| | |
|----------------------------------|---|
| Linkage to Corporate Plan | |
| Strategic Priority | Transition and Transformation |
| Objective | Successful implementation of the convergence plan |
| Lead Officer | Stephen McMaw |
| Cost: (If applicable) | Allowed for under Elected Members Allowances |

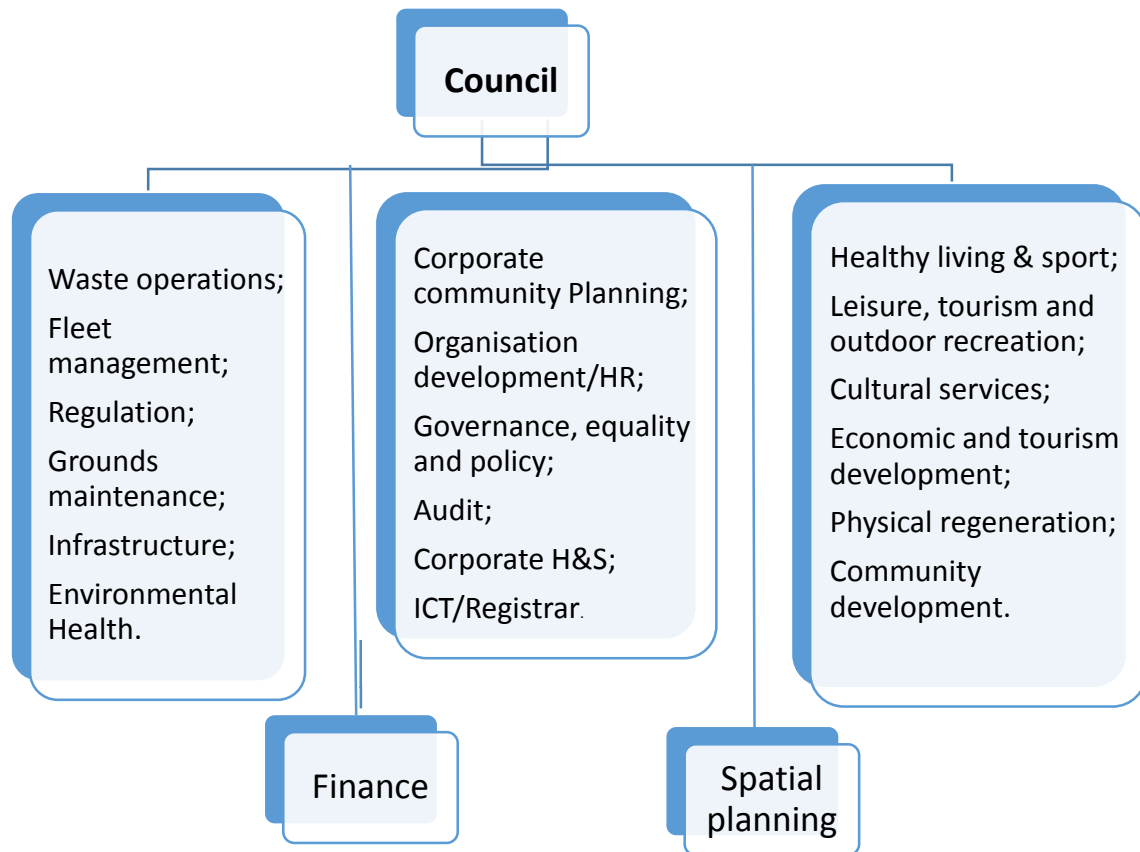
1.0 Background

1.1 The Causeway Coast and Glens Shadow Council (the Council) is required, under the Local Government Act (Northern Ireland) 2014 (the Act), to decide upon its form of governance for the new Council post 1st April 2015.

1.2 Three of the four Cluster Legacy Councils govern via a Traditional Committee System. The various Committees tend to reflect the Departmental Structure of the Council. A Traditional Committee System, with the exception of Planning, results in the final decision making being made by the full Council. There may be particular circumstances when delegated powers can be given to Committees for decision making purposes by the Council.

1.3 The Shadow Council has opted for a Traditional Committee System of governance during the Shadow Council period and also introduced an informal arrangement involving a Party Leads/Nominating Officers group.

1.4 At the Causeway Coast and Glens Shadow Council meeting held on 25th September 2014, Elected Members approved a new Departmental structure for the Council. The approved structure is illustrated below.



1.5 The purpose of this report is to appraise the available governance options permitted within the Act and to seek agreement on the preferred method.

2.0 The Local Government Act (Northern Ireland) 2014

2.1 The Act states in s19 (1) that “A Council must operate a Committee System unless the Council decides to operate Executive Arrangements or Prescribed Arrangements. A decision to operate Executive Arrangements or Prescribed Arrangements must be taken by a qualified majority”.

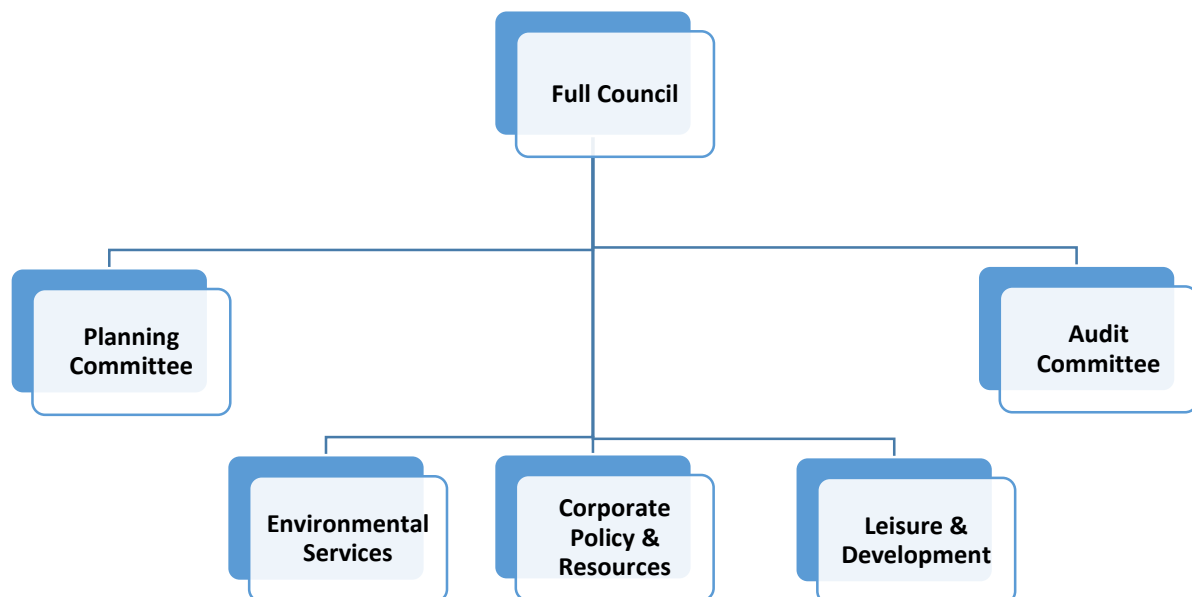
2.2 In the Act a “qualified majority” in relation to a decision of a Council means 80% of the votes of the Members present and voting on the decision.

2.3 The Act states that Executive Arrangements may take three different forms. The first is in the form of a single Committee of the Council, termed “Cabinet Style Executive”, the second involves more than one Committee of the Council, termed “Streamlined Committee Executive” and the third relates to “Prescribed Arrangements” in which the Council may wish to design its

own governance arrangement. In such circumstances the Council must adhere to the regulations set out in Part 5 s20 of the Act and forward a proposal to the Department of the Environment (DoE) for their perusal and approval.

3.0 Option A: Traditional Committee Structure

3.1 The following diagram illustrates how a traditional committee structure arrangement might look, based on the agreed Council Departmental Structure



3.2 Each Committee deals with the reports and issues within its scope of responsibility and terms of reference and its decisions must be ratified by the Council. Part 4 (7) (1) (a) of the Act states that “A Council may arrange for the discharge of its functions by a Committee, Subcommittee or an officer of the Council”. Each committee can be further serviced by a number of sub-committees to facilitate a more intimate, early political consideration of policies, issues and opportunities.

3.3 **Planning Committee.** The transfer of the Planning function from the DoE to the Council will mean that planning decisions will now be made by Elected Members through a Planning Committee. This Committee will have full decision making powers. A separate report will be

presented to the Transfer of Functions and Group Committee regarding the number of Elected Members to sit on the Planning Committee.

3.4 Audit Committee. Regulations 2 and 3 of the Local Government (Accounts and Audit) (Amendment) Regulations (NI) 2006, require the Council to maintain systems of “Internal Audit” in accordance with “Proper Practices”. The Local Government Auditor report dated 2011/2012 had a particular focus on Audit Committees and highlighted that the role of these Committees formed a fundamental part of the continued development of good governance. The Audit Committee will report its findings back to the Council.

3.5 Suggested Advantages and Disadvantages of Traditional Committee System are as follows:

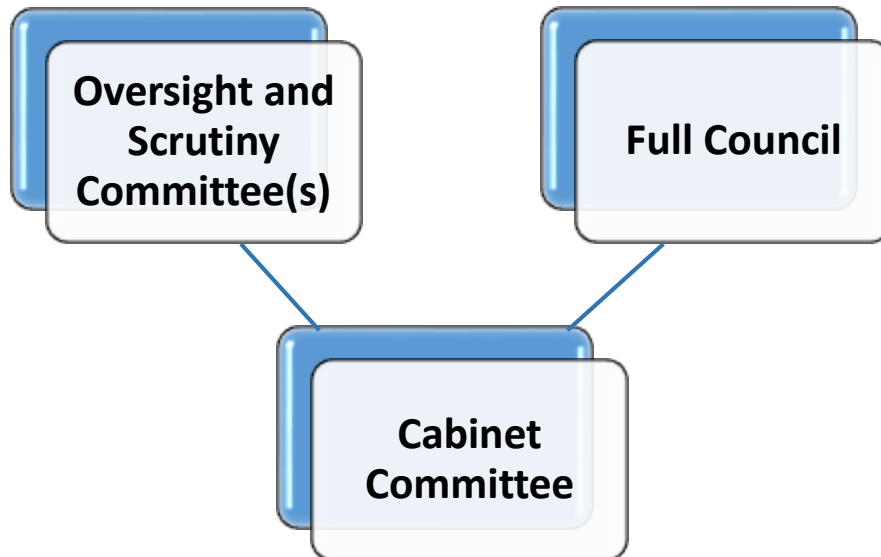
| Advantages | Disadvantages |
|--|--|
| Creates sense of inclusivity in that all Elected Members are involved in the decision making process | Potential for slower decision making and weakened business effectiveness |
| The Traditional Committee is familiar to Elected Members | Potentially over bureaucratic and repetitive |
| It is a proven and tested means of governance | Heavier demands on Elected Members time |
| Stronger link with Communities when all Members are engaged in decision making | |
| Decisions at Full Council are more transparent to the Public | |
| Individual Committees can offer a detailed analysis of reports and issues | |
| The knowledge base of Elected Members is better spread | |

3.6 If the Traditional Committee style arrangement is the preferred governance method selected by Elected Members, a decision on the number and function of Committees and number of Elected Members on each Committee will be required.

4.0 Option B. Executive Arrangements

As highlighted under point 2.3, there are three options available within the Act in relation to Executive arrangements namely, a single Committee Cabinet Style, a Streamlined Committee style and Prescribed Arrangements

5.0 Option B(1) Single Committee (Cabinet Style) Executive Arrangements



5.1 According to the Act, “a Cabinet Style Executive must have at least six Elected Members and not more than ten. The Chair and Deputy Chair shall be non-voting members of the Cabinet” (Part 6 s21 (4) of the Local Government Act).

5.2 In this arrangement the Cabinet does not have to have its decisions ratified by the Council and has full decision making powers. However Executive Arrangements by a Council must include provision for the appointment by the Council of one or more “Overview and Scrutiny Committees”. The role of the Overview and Scrutiny Committee (s) is as follows:

- To review or scrutinise decisions or actions that are the responsibility of the Executive
- To make reports or recommendations to the Council or the Executive with respect to the discharge of any functions which are the responsibility of the Executive
- To review or scrutinise decisions made or actions taken in connection with the discharge of any functions which are not the responsibility of the Executive
- To make reports or recommendations to the Council or the Executive with respect to the discharge of any functions which are not the responsibility of the Executive
- To make reports or recommendations to the Council or the Executive on matters which affect the Council’s District or inhabitants of that District.

5.3 The Overview and Scrutiny Committee does not have any decision making powers as such. The role is likely to focus on:

- (a) Shaping and influencing Council Policy
- (b) Holding decision makers to account
- (c) Challenging Performance
- (d) Representing the views of the public
- (e) Working to maintain Public confidence in the decision making processes

5.4 Powers of an Overview and Scrutiny Committee include provision to review or scrutinise a decision made but not implemented and can then:

- (a) Recommend that the decision be reconsidered by the person who made it; or
- (b) Arrange for its function, as far as it relates to the decision, to be exercised by the Council, that function being *“To review or scrutinise decisions or actions that are the responsibility of the Executive”* (Part 6, s27 (2) (a) of the Local Government Act)

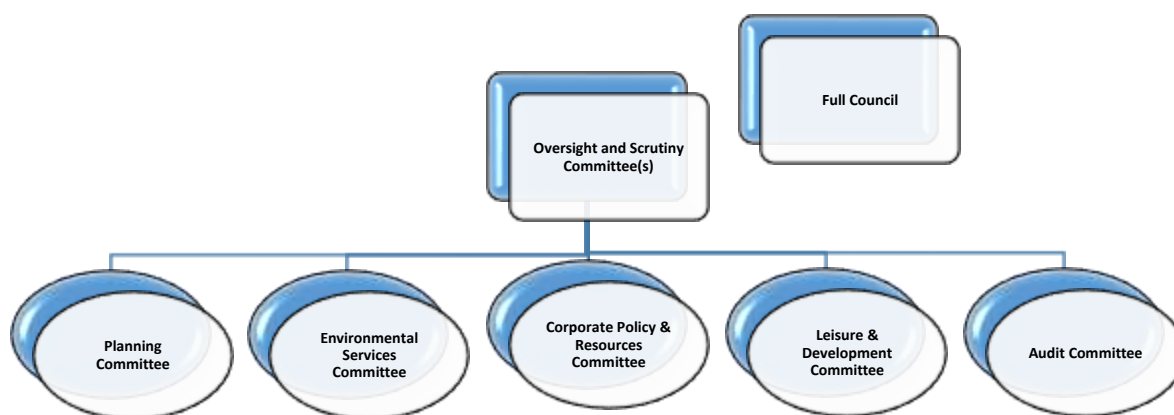
5.5 An analysis of Advantages and Disadvantages of Cabinet Style Executive Arrangements is as follows:

| Advantages | Disadvantages |
|---|--|
| Potential for prompt decision making | Creates a top-tier of decision making which the majority of Elected Members may feel excluded from |
| Development of close working relationships | Can lead to elitism among Cabinet Members which can cause tensions among Members |
| Development of expertise in the decision making group of Elected Members | Relationships with the Council as a whole become uncertain particularly in a period of substantial change. |
| Potential for greater levels of strategic working | The effectiveness of the Overview and Scrutiny Committee becomes a very important factor. Powers appear to be limited. |
| Less meetings and reduced bureaucracy | There is a limited role for those Elected Members not on the scrutiny Committee or Cabinet |
| The full Council can potentially become a forum for Policy Development and strategic planning | |

5.6 If the Single Committee style arrangement is the preferred governance method selected by Elected Members, a decision on the number of Elected Members on the Cabinet Committee will be required. The Act states no less than six and no more than ten.

6.0 Option B(1) Streamlined Committee Executive Arrangements

6.1 The diagram below illustrates a Streamlined Committee System. In this arrangement Elected Members must decide how many Executive Committees are required and similarly the number of Oversight and Scrutiny Committees. The diagram below simply reflects the agreed Departmental structure for the new Council and is for illustration purposes only.



6.2 According to the Act, “a Streamlined Committee Style Executive must have at least six Elected Members in each Committee and not more than ten. The Chair and Deputy Chair shall be non-voting members of the Cabinet” (Part 6, s21 (5) of the Local Government Act).

6.3 In this arrangement, the decision making base is broadened from the Cabinet Style Executive scenario with each individual Committee having full decision making powers. The Council will need to consider how many Committees are required.

6.4 The advantages and disadvantages with a Streamlined Committee Executive Arrangement are suggested as follows:

| Advantages | Disadvantages |
|---|---|
| Potential for prompt decision making | The effectiveness of the Overview and Scrutiny Committee becomes a very important factor. Powers appear to be limited. |
| Development of close working relationships | More meetings to attend than with Cabinet Executive arrangements |
| Wide development of expertise in decision making by Elected Members | Relationships with the Council as a whole become uncertain particularly in a period of substantial change. |
| Potential for greater levels of strategic working | Increased bureaucracy from the Cabinet arrangement but less than the Traditional Committee Executive arrangement |
| The majority, if not all Elected Members will be involved in decision making | There is a limited role for those Elected Members not on the scrutiny Committee or Streamlined Committee (mitigated by larger number of Committees) |
| The full Council can potentially become a forum for Policy Development and strategic planning | More meetings to attend than with Cabinet Executive arrangements |
| Individual Committees will focus on specific aspects of the Council's Function with potentially better understanding of the issues and solutions. | |

6.5 One or more Overview and Scrutiny Committees are also required to be in place in the Streamlined Committee style Executive.

6.6 If the Streamlined Committee style arrangement is the preferred governance method selected by Elected Members, a decision on the number of Oversight and Scrutiny Committees, number of Executive Committees and Elected Members on each Committee will be required. The Act states that the number on each Committee should be no less than six and no more than ten.

7.0 Option B(3) Prescribed Arrangements

7.1 According to the Act, a Council may propose to the Department, a set of governance arrangements which must meet the following conditions:

- The operation by the Council of the proposed arrangements would be an improvement on the arrangements which the Council has in place for the discharge of its functions at the time that the proposal is made to the Department;
- That the operation by the Council of the proposed arrangements would be likely to ensure that the decisions of the Council are taken in an efficient, transparent and accountable way; and
- That the arrangements, if prescribed under part 5 section 20 (1), would be appropriate for all Councils to consider.

8.0 Party Leads/ Nominating Officer Group

8.1 Elected Members may wish to consider the potential future role of the Party Leads/ Nominating Officer Group. The group may stand down from 1st April 2015; maintain the informal role as is; or take the form of a more formal arrangement.

9.0 Summary of Options available to Elected Members

- (a) **Option A.** The Traditional Committee System has historically been the chosen form of governance for the Cluster Legacy Councils. It is generally viewed as a system that promotes inclusivity and transparency and reflects a strong link with communities. It is a tried and trusted method of governance which may be viewed as a low risk option in a time of major transformational change both structurally and politically. However bureaucracy can be cumbersome and decision making slower given the requirement for full Council ratification.

In this option Elected Members are required to decide the number and function of each Committee and the number of Elected Members to attend.

- (b) **Option B(1).** The Single Committee Cabinet Executive Style arrangement has the potential for prompt decision making and greater levels of strategic thinking given it will have the full power to make decisions. There will be reduced bureaucracy and meetings. The Committee will be comprised of no less than six Elected Members and no more than ten. However there is a limited role for those Elected Members not on the scrutiny Committee or the Cabinet. There is the possibility of creating a top-tier of decision making which the majority of Elected Members may feel excluded from. The effectiveness of the Overview and Scrutiny Committee will become a very important factor and it appears from the Act that Powers of control and direction are limited.

In considering this option, Elected Members are required to vote, and a successful positive outcome will require a Qualified Majority as described in

sections 2.1 and 2.2 of this report. Following a successful outcome, Elected Members will need to decide on the number of Elected Members to attend the committee and that of the Oversight and Scrutiny Committee. The Act states the Cabinet should have no less than six and no more than ten Members.

- (c) **Option B(2).** The Streamlined Committee Executive style arrangement is similar to the Cabinet arrangement in that the Committee have the powers of decision making and will have in place Oversight and Scrutiny Committee(s). The number of Elected Members in each Committee can be no less than six and no more than ten. The Council can decide the number of Streamlined Committees and indeed could align them with the Departmental structure if so desired. With a larger number of Committees and potentially Oversight and Scrutiny Committees, there is the opportunity for more Elected Members, if not all, to participate in the decision making processes. As with the Cabinet arrangement, there is likely to be a more effective decision making culture. However the level of bureaucracy will be relatively high compared to the Cabinet Executive but not to the extent of the Traditional Committee governance arrangements.

In considering this option, Elected Members are required to vote, and a successful positive outcome will require a Qualified Majority as described in sections 2.1 and 2.2 of this report. Following a successful outcome, Elected Members will need to decide on the number of Executive Committees, the function of each Committee, the number of Elected Members to attend the Committees. There can be more than one Oversight and Scrutiny Committee with Streamlined arrangements and Elected Members will be required to decide on this also. The Act states each Executive Committee should have no less than six and no more than ten Members.

- (d) **Option B (3).** The Council has the option to consider its own prescribed governance arrangements and present them to the DoE for perusal and approval. If the Council should wish to consider this, workshops will need to be organised and advice sought to explore how such arrangements could be developed.

In considering this option, Elected Members are required to vote, and a successful positive outcome will require a Qualified Majority as described in sections 2.1 and 2.2 of this report. The Council will need to undertake a process of developing its own governance arrangements to be submitted to the DoE for perusal and approval.

10.0 In terms of process, the following is proposed:

- (1) Elected Members consider the options for Executive Arrangements and if there is a proposal for a Cabinet, Streamlined or Prescribed arrangement, a Qualified Majority vote is required
- (2) If the proposal fails, the default is the Traditional Committee Style arrangement. Elected Members should then consider the decisions required under point 9.0((a) of this report.
- (3) If an Executive proposal is successful, Elected Members must consider the range of decisions highlighted under point 9.0 (b) (c) (d) of this report.

11.0 Recommendation

It is recommended that the Causeway Coast and Glens Shadow Council decides on:

1. The preferred governance arrangement for the Council from 1st April 2015;
2. The number and functions of the Committees;
3. The number of Elected Members to attend each Committee (Not including Planning);
4. The future role of the Party Leads/ Nominating Officer Group.

