

**Comhairle Ceantair an Iúir, Mhúrn agus an Dúin**

**Newry, Mourne and Down District Council**

**2016**



Comhairle Ceantair  
**an Iúir, Mhúrn  
agus an Dúin**

**Newry, Mourne  
and Down**  
District Council

**Standing Orders**

**Revised  
December 2016**

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## Newry, Mourne and Down District Council

### STANDING ORDERS

#### Definitions

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

“budget” means the expenditure authorised by a Council under section 3 of the Local Government Finance Act (Northern Ireland) 2011;

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

“Clerk” means the Clerk of a Council appointed under section 41 of the Local Government Act (Northern Ireland) 1972;

“Committee” means a Committee appointed under section 7 of the 2014 Act;

“delegated authority” means the discharge of a function under authority fixed by a Council under section 7 of the 2014 Act;

“decision maker” means the body or person making an executive decision, a decision under delegated authority or a key decision;

“Member” means a Councillor on that Council;

“nominating officer” means

- (a) the person registered under the Political Parties, Elections and Referendums Act 2000 as the party’s nominating officer; or
- (b) a Member of the Council nominated by that person for the purposes of Schedule 1 to the 2014 Act;

“party” means a party registered under the Political Parties, Elections and Referendums Act 2000 in the Northern Ireland register (within the meaning of that Act);

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

“published” means made available for inspection by Members of the Council;

“Register of Decisions” means a register of decisions maintained by the Council of those decisions agreed by the council;

“section of the inhabitants of the district” means any section of the inhabitants that is clearly identifiable by location, interest or other category;

“special resolution” means a resolution of a Council as defined in section 148 of the Local Government Act (Northern Ireland) 1972; and

“Standing Orders Regulations” means the Local Government (Standing Orders) Regulations (Northern Ireland) 2015.

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## **1. Annual and Monthly Meetings**

- (1) In every year that is not a local election year the Council shall hold an Annual Meeting in the month of **May** or June.
- (2) In any year which is a local election year, the Annual Meeting shall be held within twenty-one days immediately following the election, at such time as the Council may fix, at the offices of the Council or at such other place as the Department may direct.
- (3) A meeting of the Council for the transaction of general business of the Council shall, subject to any deviation which special circumstances may render desirable, be held on the first Monday of every month, except a summer month as determined by the Council. Other meetings of the Council for the transaction of general business shall be held as the Council considers necessary.
- (4) Meetings of the Council shall not take place on a Public or Bank Holiday, a Saturday or a Sunday. Where the day of a meeting falls on one of these days, the meeting shall instead be held on the next following weekday, or such other day as might be agreed by the Council for that meeting.

## **2. Time and place of meetings**

The Annual Meeting and other meetings of the Council shall be held at 6pm in the Council Chamber, except where otherwise fixed by statute or by special summons.

## **3. Convening Special Meetings**

- (1) The Chairperson of the Council may call a meeting of the Council at any time.
- (2) The Chairperson of the Council must call a meeting of the Council if a requisition for such a meeting, signed by not less than five Members of the Council is presented to him/her; and, if he/she refuses to call a meeting on such a requisition or if, without so refusing, he/she does not call such a meeting within the period of seven days from the date of service of the requisition on him/her, not less than five Members may, on that refusal or on the expiration of that period, forthwith call a meeting of the Council.

## **Notice and Summons of Meetings**

- (1) Five days at least before a meeting of the Council, a Committee or Sub-Committee, notice of the time and place of the intended meeting shall be published at the offices of the Council. Where the meeting is called by

Members, the notice shall be signed by them and shall specify the business proposed to be transacted thereat.

- (2) A summons to attend the meeting, specifying the business proposed to be transacted thereat and signed by the Clerk shall be served on every Member at least three days before the meeting. Failure to serve this summons within the correct time shall not affect the validity of a meeting.
- (3) Except in the case of business required by statute or, where in the opinion of the Chairperson at the meeting the business should be considered by the meeting as a matter of urgency, no business shall be transacted at a meeting of the Council, a Committee or Sub-Committee other than that specified in the summons relating thereto.

#### **4. Chair to be taken**

At each meeting of the Council, the Chair shall be taken at the time for which the meeting is convened, and business immediately proceeded with.

#### **5. Chairperson of Meeting**

- (1) At a Meeting of the Council, the Chairperson of the Council, if present, must preside.
- (2) If the Chairperson of the Council is absent from a Meeting of the Council, the Deputy Chairperson of the Council, if present, shall preside.
- (3) If neither the Chairperson nor Deputy Chairperson are present at a Meeting of the Council, a Member of the Council chosen by the Members who are present must preside.
- (4) If discussion arises on the allocation of the position of Chairperson, the Clerk shall exercise the powers of the Chairperson to assist in the regulation of that discussion.
- (5) Any power of the Chairperson of the Council in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

#### **6. Quorum**

- (1) Subject to sub- paragraph (7), no business shall be transacted at a Meeting of the Council unless at least one-quarter of the whole number of Members are present.

- (2) No business shall be transacted at a Committee Meeting of the Council unless at least one-quarter of the whole number of Members of the specific Committee are present, subject to paragraph (3) and paragraph (4).
- (3) No business shall be transacted at an Audit Committee Meeting unless at least one-third of the elected Members of the Committee are present.
- (4) No business shall be transacted at a Planning Committee Meeting unless at least one half of the Members of the Committee are present.
- (5) If during a meeting, the person presiding, after the number of Members present is counted, declares that a meeting is inquorate and it is unlikely that there will be a quorum present within a reasonable time, he/she shall declare the meeting adjourned.
- (6) Any uncompleted business on the agenda of a meeting adjourned under Standing Order 7(5) above, shall be tabled for discussion at the reconvened meeting. No business, other than the uncompleted business on the agenda of the meeting adjourned, may be discussed at the reconvened meeting.
- (7) Where more than one-quarter of the Members become disqualified at the same time then, until the number of Members in office is increased to not less than three-quarters of the whole number of Members, the quorum of the Council shall be determined by reference to the number of Members remaining qualified instead of by reference to the whole number of Members.

## **7. Admission to meetings**

- (1) Subject to the provisions of this Standing Order, every Meeting of the Council shall be open to the public, in accordance with section 42 of the 2014 Act.
- (2) The public and press may attend only in those parts of the Council Chamber provided for their accommodation at meetings of the Council, unless specifically excluded in accordance with the provisions of Standing Order 10; or as required by the Council to comply with provisions in relation to Fire Safety and Health & Safety.
- (3) The admission of the public is upon the understanding that they must continue at all times to be seated, and that no expression of opinion or noise of any kind be allowed from them.
- (4) At all times during which a Meeting of the Council is open to the public, the Council must, so far as is practicable, cause to be made available to duly accredited representatives of newspapers, attending for the purpose of reporting proceedings at the meeting, reasonable facilities for taking reports of

these proceedings and, on payment by those representatives or their newspapers of any expenses which may be incurred, for transmitting such reports to their newspapers.

- (5) Taking photographs of proceedings or the use of any other means by members of the public to enable persons not present to see or hear any proceedings (whether at that time or later) or making of any oral report of any proceedings as they take place shall be prohibited unless expressly permitted by the Council.
- (6) The use of social media by Members of the Council, members of the public or journalists shall be permitted during those proceedings that are open to the public, to the extent that its use does not disrupt proceedings.

### **8. Record of attendances at meetings**

The names of the Members present at a Meeting of the Council must be recorded.

### **9. Exclusion of the public**

- (1) The public shall be excluded from a Meeting of the Council whenever it is likely that, during the transaction of an item of business, confidential information would be disclosed to them in breach of an obligation of confidence.
- (2) The Council may by resolution exclude the public from a Meeting of the Council (whether during the whole or part of the proceedings at the meeting) for such special reasons as may be specified in the resolution being reasons arising from the nature of the business to be transacted or of the proceedings at the Meeting.
- (3) The Chairperson may at any time during the proceedings, if he/she thinks it necessary to secure order, direct the removal of any individual or group of individuals from the Council Chamber, or order the Council Chamber to be wholly cleared of members of the public.
- (4) The Council, having excluded the public, shall only consider the matter referred to it by the resolution. If it should be deemed necessary to consider any matter not included in the resolution, the public shall be re-admitted and the Chairperson may ask leave of the Council to take up the consideration of such additional matters as may be deemed desirable.
- (5) The Council, having excluded the public, shall not have the power to adjourn its own sittings or to adjourn a debate to a future sitting. If the business referred to in the resolution is not transacted, the Council may be resumed and a Member of the Council may move that the Council again exclude the public on a future



day to deal with the business specified in the resolution which was not transacted.

- (6) If the Council, with the public excluded, has transacted part of the business referred to it, without being able to reach a decision on all the business so referred, a Member of the Council may, with leave of the Council, report on the progress to that point and ask the Council's permission to sit again.
- (7) When the Council, having transacted business with the public excluded, submits its report to the Council, a motion for its adoption shall then be moved and put. No questions or discussion shall be permitted on the report or the motion for its adoption.

## **10. Deputations**

- (1) Deputations, from any source, shall only be considered to address the Council or Committee of Council provided the Clerk has received ten clear days notice of the intended deputation and a statement of its objective. The Chairperson shall have the discretion, in cases of emergency, to reduce this period of notice.
- (2) The deputation shall be confined to the presentation of a statement, or copy of resolutions, and shall not make more than two short addresses by any two members of the deputation. The totality of the address shall not exceed ten minutes for the total presentation.
- (3) Deputations should not be repetitive and, where possible, issues of a similar or linked nature should be contained in one deputation. Where a deputation has made a presentation to the Council, the Council may decline to accept another deputation on the same issue from the same individual or group for a period of six months.
- (4) Arrangements for Deputations to Planning Committee are detailed in the Council's Planning Committee Operating Protocol.

## **11. Order of Business**

Subject to any statutory requirements to the contrary, the order of business at every meeting of the Council shall be as follows:

- a) apologies;
- b) declaration of Members' interests;
- c) confirmation of the Minutes of the last stated Meeting and of all adjourned meetings and special meetings held since the last stated Meeting;
- d) deputations;
- e) business required by statute to be transacted at the Meeting;

- f) adoption of the Minutes of the proceedings of any Committees and consideration of reports, if any, from such Committees;
- g) reports of officers, public bodies, agencies etc. if any, may be considered and such orders given thereon as may be deemed necessary;
- h) reports on decisions/recommendations subject to the reconsideration process;
- i) other reports;
- j) correspondence and matters not already dealt with;
- k) sealing of documents;
- l) consideration of motions of which due notice has been given, in the order in which they have been received.

## **12. Minutes of the Council**

### **12.1 Keeping of: as evidence; etc**

- (1) Minutes of the proceedings of a Meeting of the Council, or of a Committee or Sub-Committee, shall be drawn up and entered in a bound book kept for that purpose.
- (2) No discussion shall take place upon the Minutes except upon their accuracy.
- (3) Any minute purporting to be signed as mentioned in sub- paragraph (1) shall be received in evidence without further proof.
- (4) Until the contrary is proved, a Meeting of the Council or of a Committee or Sub-Committee thereof in respect of the proceedings of which a minute has been so made and signed shall be deemed to have been duly convened and held, and all the Members present at the meeting shall be deemed to have been duly qualified, and where the proceedings are proceedings of a Committee or Sub-Committee, the Committee or Sub-Committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the Minutes.

### **12.2 Signing of**

The Minutes of a Meeting of the Council shall be signed at the next ensuing Meeting of the Council by the Chairperson presiding, if approved by the meeting at which they fall to be signed.

## **13. Submission of Minutes**

- (1) In order to give sufficient time for the printing of the Minutes and for their perusal by the Members of the Council, Minutes of meetings of a Committee held later than seven clear days before the meeting of the Council shall not be submitted to that meeting for approval. This may be disapplied where a Committee

considers the matter to be of extreme urgency and records such a decision in its Minutes.

- (2) It shall be the duty of a Committee, through the Chairperson or his/her representative, when its Minutes are submitted for approval, to call the attention of the Council to any resolution or matter of an unusual or special character contained therein.

#### **14. Minutes of Committees**

- (1) A motion or amendment shall not be made or proposed, or any discussion allowed on the proceedings of Committees with reference to any matter within the remit of a Committee which does not appear on the Minutes submitted to the Meeting of the Council.
- (2) Any Member wishing to raise an issue regarding any matters appearing in the Minutes submitted to the Council for approval and who states his/her request in writing to the Chairperson of the Committee twenty-four hours before the commencement of the Meeting of the Council shall be entitled to a reply when the proceedings of the particular Committee are submitted for approval.
- (3) A reply to an issue raised at the Meeting regarding any matter in the Minutes, without written notice, shall be at the discretion of the Chairperson of the Committee.
- (4) Any matter in the Minutes of a Committee on which a request for reconsideration, under section 41 of the 2014 Act, has been lodged with the Clerk of the Council shall be identified, and may not be the subject of discussion at that Meeting.

#### **15. Motions**

- (1) Every motion shall be relevant to some matter:
  - i) in relation to which the Council:
    - a) has power or duties;
    - b) is not prevented from taking action on by other legislation;
  - ii) which directly affects the local government district or its residents; and
  - iii) for which the Council is legally competent.

##### **15.1 On notice**

- (1) Notice of every motion, other than a motion which under Standing Order 16.2 may be moved without notice, shall be given in writing, signed by the Member or Members of the Council giving the notice, to the Clerk not later than at least ten clear days before the next Meeting of the Council. The motion must be clear in

meaning otherwise it shall be rejected until such time as it is resubmitted in clear language, and not later than ten clear days before the meeting. **Motions shall be accepted by email and a hard copy shall then require to be signed prior to the Meeting taking place.**

- (2) A motion shall be rejected if the wording or nature of the motion is considered unlawful or improper.
- (3) All notices shall be dated and numbered as received, and entered in a register to be kept for that purpose. This register shall be open to inspection by every Member of the Council.
- (4) Notices of motion shall be entered by the Clerk in their proper place on the summons paper in the order in which they are received.  
If a motion set out in the summons is not moved either by a Member who gave notice, or by some other Member on his behalf, it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.
- (5) If the subject matter of any motion of which notice has been properly given comes within the remit of any Committee it shall, upon being moved and seconded, stand referred without discussion to that Committee, or to such other Committee, working group or forum as the Council may determine, for consideration and report. The Chairperson presiding may, if he/she considers it urgent and necessary to the dispatch of business, allow the motion to be dealt with at the meeting at which it is brought forward.
- (6) If a notice of motion fails to be considered at a Meeting of the Council, such notice of motion will only be included on the agenda for the following meeting if submitted in writing to the Clerk by the Member concerned not later than ten clear days, at least, before the Council meeting.
- (7) Any notice of motion which fails to be considered at two consecutive meetings will not be accepted for inclusion on the summons paper for a period of six months from the date of the second meeting at which the matter has failed to be considered.

### 15.2 Without notice

The following motions may be moved without notice:

- a) to appoint a Chairperson of the meeting at which the motion is moved;
- b) in relation to the accuracy of the Minutes;
- c) to change the order of business in the agenda;
- d) to refer something to an appropriate body or individual;

- e) to appoint a Committee or Members thereof arising from an item on the summons for the meeting;
- f) to receive reports or adoption of recommendations of Committees or officers and any resolutions flowing from them;
- g) to withdraw a motion;
- h) to amend a motion;
- i) to proceed to the next business;
- j) that the question be now put;
- k) to adjourn a debate;
- l) to adjourn a meeting;
- m) to suspend Standing Orders, in accordance with Standing Order 29.1;
- n) to exclude the public and press in accordance with section 42 of the 2014 Act;
- o) to not hear further a Member named under Standing Order 25.3 or to exclude them from the meeting under Standing Order 25.4.

## **16. Amendments**

(1) When a motion is under debate at any meeting of the Council, an amendment or further motion shall not be received, with the exception of the following:

- a) to amend the proposal; or
- b) that the Council do now adjourn; or
- c) that the debate be adjourned; or
- d) that the question be now put; or
- e) that the Council do proceed to the next business.

### **16.1 To amend the Proposal**

(1) An amendment must be legitimate and within the scope of the notice convening the meeting. It must not be a direct negative; must be relevant to the proposal which it seeks to amend, and not inconsistent with anything already agreed upon at the same meeting. An amendment must relate solely to the proposal which it seeks to amend, and not be, in effect, a new proposition on a different matter, and must not place a greater responsibility on the meeting than the original proposal.

(2) An amendment to a motion shall be either:

- a) to refer a subject of debate to a Committee or to an officer for consideration or re-consideration;
- b) to leave out words;
- c) to leave out words and insert or add others; or
- d) to insert or add words

but such omission, insertion or addition of words shall not have the effect of directly negating the motion before the Council.

- (3) When an amendment upon an original proposal has been moved, the question to be put shall be "That the amendment be made". Where any amendment is agreed, the question to be put shall be "That the proposal, as amended, be agreed". Where any amendment is rejected the question of the substantive proposal shall be put.

#### 16.2 That the Council Do Now Adjourn

- (1) Any Member of the Council who has not already spoken to the proposal or amendment then under debate may move "that the Council do now adjourn". Such a proposal must be seconded, but it need not be reduced to writing. The mover and seconder shall not speak beyond formally moving and seconding the proposal, which shall be put to the vote without debate.
- (2) In the event of the proposal for the adjournment being carried, the Chairperson shall (unless stated in the proposal) fix the date for the adjourned meeting for the continuation of the debate on the proposal or amendment under discussion at the time of the adjournment, and for the transaction of the remaining business (if any) on the Agenda for the meeting so adjourned.
- (3) A second proposal "that the Council do now adjourn" shall not be made within half-an-hour unless, in the opinion of the Chairperson, the circumstances are materially altered.

#### 16.3 That the Debate be Adjourned

- (1) Any Member of the Council who has not already spoken to the proposal or amendment then under debate may move "that the debate be adjourned". Such a proposal must be seconded, but it need not be reduced to writing. The mover and seconder shall not speak beyond formally moving and seconding it.
- (2) Before putting to the meeting a proposal "that the debate be adjourned", the Chairperson presiding shall call on the mover of the proposal or amendment under discussion to reply on the question of adjournment and, after such reply, which will not prejudice the right of the mover of a proposal to reply on the original question, shall put the proposal for adjournment of the debate to the vote without further debate.
- (3) If the proposal be carried, the Council shall proceed to the next business on the agenda, and the discussion of the adjourned debate shall be resumed at the next meeting of the Council unless a special meeting of the Council shall be called for the purpose.

- (4) On resuming an adjourned debate, the Member who moved its adjournment shall be entitled to speak first. A second proposal "that the debate be adjourned" shall not be made within half-an-hour. A Member shall not move or second more than one proposal for the adjournment of the same debate.

#### 16.4 That the Question Be Now Put

- (1) Any Member who has not already spoken to the proposal or amendment then under debate may move "that the question be now put". Such a proposal must be seconded, but it need not be reduced to writing. The mover and seconder shall not speak beyond formally moving and seconding it.
- (2) If the Chairperson is of the opinion that the subject before the Council has been sufficiently discussed, he/she shall put the proposal "that the question be now put" to the vote without debate and if same is carried, the proposal or amendment under discussion shall be put to the Council.
- (3) A second proposal "that the question be now put" shall not be made on the discussion of the same question within half-an-hour.
- (4) A Member shall not move or second more than one proposal "that the question be now put" on the discussion of the same question.

#### 16.5 That the Council Do Now Proceed to the Next Business

- (1) Any Member of the Council who has not already spoken to any proposal or amendment then under debate may move, "that the Council do proceed to the next business". Such a proposal must be seconded, but it need not be reduced to writing. The mover and seconder shall not speak beyond formally moving and seconding the proposal which shall be put to the vote without debate.
- (2) If the Chairperson is of the opinion that the subject before the Council has been sufficiently discussed, he/she shall put the proposal "that the Council do proceed to the next business" to the vote without debate and if same is carried the proposal or amendment under discussion shall be put to the Council.
- (3) When a proposal is carried "that the Council do proceed to the next business", the question under discussion shall be considered as dropped.
- (4) A second proposal "that the Council do proceed to the next business" shall not be made on the same question within half-an-hour.
- (5) A Member shall not move or second more than one proposal "that the Council do proceed to the next business" on the discussion of the same question.

## **17. Amendments to Regulatory Decisions**

- (1) No amendment may be moved to a minute which is a Regulatory Decision.
- (2) For the purposes of these Standing Orders, a Regulatory Decision is a determination of an application for planning permission or any decision, determination, action, direction, order, approval, refusal, or enforcement action in exercise of powers of the Council as the local planning authority or any application for which the Council is the licensing authority.

## **18. Rules of Debate**

### **18.1 Motions and amendments to be reduced to writing and seconded**

- (1) A motion or amendment shall not be discussed unless it has been proposed and seconded and, unless notice has already been given in accordance with Standing Order 16.1, it shall, if required by the Chairperson presiding, be put into writing and handed to the Chairperson presiding before it is further discussed or put to the meeting.
- (2) A Member when seconding a motion or amendment may, if he/she then declares his/her intention to do so, reserve his/her speech until a later period of the debate.

### **18.2 Alteration of motion**

- (1) A Member may alter a motion of which he/she has given notice as proposed with the consent of the meeting. The meeting's consent will be signified without discussion.
- (2) A Member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (3) Only alterations which could be made as an amendment may be made.

### **18.3 Withdrawal of motion**

- (1) A Member may withdraw a motion of which he/she has given notice under Standing Order 16.1 at any time after the meeting has commenced provided that he/she has not moved the motion or spoken on it and has the consent of the meeting. The meeting's consent will be signified without discussion.



(2) A Member may withdraw any other motions which he/she has moved with the consent of both the meeting and seconder. The meeting's consent will be signified without discussion.

(3) No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

#### 18.4 Mode of address

The established mode of address is through the Chairperson, by raising a hand or by use of electronic device, if available. While a Member is speaking, he/she shall not be interrupted by the other Members unless they are speaking to a point of order or in personal explanation. A Member shall direct his/her speech to the question under discussion or to a personal explanation or to a point of order.

#### 18.5 Precedence in speaking

Whenever two or more Members indicate to speak at the same time, the Chairperson shall decide who has precedence.

#### 18.6 Place of Member speaking

A Member, when addressing the Chairperson, shall remain in the place allocated to him/her in the Council Chamber.

#### 18.7 Member called to order

If any Member, while speaking, be called to order, he/she shall cease speaking and shall not again address the Council until the Chairperson has disposed of the question of order.

#### 18.8 Definition of point of order

A point of order shall relate only to an alleged breach of a Standing Order or statutory provision and the Member shall specify the Standing Order or provision and the way in which he/she considers it has been broken.

#### 19.9 Member may raise a point of order

A Member may raise a point of order and shall be entitled to be heard immediately.

#### 19.10 Ruling of Chairperson on point of order

The ruling of the Chairperson on a point of order shall not be open to discussion.

#### 19.11 Member to speak to motion

A Member who speaks shall direct his/her speech strictly to the motion under discussion, or an amendment thereof.

#### 19.12 Member shall not speak more than once

A Member who has spoken on any motion shall not speak again whilst it is the subject of debate until Members who have not previously spoken have done so.

#### 19.13 Duration of speeches

Except with the permission of the Council, a Member, in introducing a motion, shall not speak for more than ten minutes and in replying, for more than five minutes.

#### 19.14 Addressing the Council

The Council during its sitting, shall not, unless with the consent of the Council, be addressed by any person who is not a Member of the Council.

#### 19.15 Only one motion / amendment may be moved and discussed at a time

- (1) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (2) If an amendment is not carried, other amendments to the original motion may be moved.
- (3) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

#### 19.16 When a motion is under debate no other motion shall be moved

When a motion is under debate no other motion shall be moved except the following:

- a) to amend the motion;
- b) to adjourn the meeting;
- c) to adjourn the debate;
- d) to proceed to the next business;
- e) that the question be now put;
- f) that a Member be not further heard;

- g) by the Chairperson under Standing Order 25.4, that a Member do leave the meeting.

19.17 Chairperson rising during debate

Whenever the Chairperson rises or otherwise calls the meeting to order during a debate, a Member then speaking shall cease and the Council shall be silent.

19.18 Chairperson not to receive motion for direct negative

The Chairperson shall not receive a motion for a direct negative to a question but, on the conclusion of the debate, the question shall be put and resolved in the affirmative or negative.

19.19 Mover's right of reply

The mover of a motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment and shall not otherwise speak on the amendment. The mover of the amendment shall have no right of reply to the debate on his amendment.

19.20 Councillors attending Committee meetings of which they are not a Member

Where a Member attends a meeting of a Council Committee of which they are not a Member, that Member shall not have any right to speak at the meeting unless so permitted by the Chairperson.

**19. Voting**

20.1 Majority

Subject to any statutory provisions to the contrary, any matter will be decided by a simple majority of those Members present and voting.

20.2 Chairperson's casting vote

If there are equal numbers of votes for and against, the Chairperson will have a second or casting vote.

20.3 External appointments

If agreement cannot be reached by Members when voting on external appointments where there is more than one post to be filled and the number of nominations

exceeds the number of vacancies, there shall be a ballot of the Members present at the meeting in which each Member of the Council shall vote for as many candidates as there are vacancies to be filled. Vacancies shall then be filled using the single transferable vote system.

This arrangement does not apply to positions which must be filled in accordance with the 2014 Act.

#### 20.4 Qualified majority **[MANDATORY]**

[1] A qualified majority (not less than 80% of the Members present and voting) shall be required in relation to Council's decision on—

- (a) the adoption of executive arrangements or prescribed arrangements as the Council's form of governance, as provided for in section 19 of the 2014 Act;
- (b) the adoption of paragraph 3(2) of Schedule 1 to the 2014 Act as the method for filling positions of responsibility;
- (c) the adoption of Part 2 of Schedule 1 to the 2014 Act as the method for filling positions of responsibility;
- (d) the adoption of paragraph 3(3) of Schedule 2 to the 2014 Act as the method for appointing councillors to Committees;
- (e) a call-in made in accordance with section 41(1)(b) of the 2014 Act; and
- (f) the suspension of standing orders, other than Standing Orders 20.4, 21, 22 and 23, which cannot be suspended.

[2] Any vote on a matter where a qualified majority is required, shall be by way of a recorded vote where the names of the Members voting for and against the question or abstaining from voting shall be taken down in writing and recorded in the Minutes.

#### 20.5 Show of hands

Unless a ballot or recorded vote is demanded under Standing Order 20.6, the Chairperson will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

#### 20.6 Recorded vote

If, before a vote is called, any Member present at the meeting demands it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the Minutes. A demand for a recorded vote will override a demand for a ballot.

#### 20.7 Voting at Planning Committee

Unless a Member has been present at a Planning Committee for an entire item, including officer/s' introduction and update they must not take part in the debate or vote on that item. However the Chairperson of the Planning Committee can use his/her discretion in exceptional circumstances.

## **21 'Call-in' Process [MANDATORY]**

### **21.1 Decisions subject to call-in**

- (1) The following decisions may be subject to call-in in such manner as is specified in these standing orders—
  - (a) a decision of the Council;
  - (b) a key decision taken by an officer of the Council
  - (c) a decision taken by a Committee under delegated authority in accordance with section 7 of the 2014 Act; and
  - (d) a decision taken by a Committee to make a recommendation for ratification by the Council.
- (2) The following decisions shall not be subject to call-in—
  - (a) a decision on a regulatory or quasi-judicial function which is subject to a separate appeal mechanism;
  - (b) a decision where an unreasonable delay could be prejudicial to the Council's or the public's interests;
  - (c) a decision taken by an officer which is not a key decision;
  - (d) a decision which is required to be taken by a special resolution.
- (3) No decision may be subject to call-in more than once for each of the grounds specified in section 41(1) of the 2014 Act.

### **21.2 Call-in procedure**

- (1) A call-in must be submitted in writing to the Clerk by 10am on the fifth working day following:
  - (a) in the case of a decision of the Council, the date of the Council meeting at which the decision was taken; and
  - (b) in the case of a decision of a Committee, the date on which the decision to which the call-in relates was published.
- (2) If a call-in is received after the relevant period specified in paragraph (1), it must be deemed inadmissible.
- (3) A call-in shall—

- (a) specify the reasons why a decision should be reconsidered; and
  - (b) subject to paragraph (6), be deemed to be inadmissible if the reasons are not specified.
- (4) In the case of a call-in submitted under section 41(1)(b) of the 2014 Act, Members must in the reasons specified under paragraph (3)(a) specify—
- (a) the section of the inhabitants of the district that would be affected by the decision; and
  - (b) the nature and extent of the disproportionate adverse impact.
- (5) Within one working day of receipt of a call-in, the Clerk must confirm that—
- (a) it has the support of 15 per cent of the Members of the Council; and
  - (b) the reasons for the call-in have been specified.
- (6) Where the reasons have not been specified on the requisition, the Clerk must notify the Members making the requisition that it must be considered inadmissible if reasons are not specified in writing within the specified period.
- (7) Within two working days of receipt of an admissible call-in submitted under section 41(1)(b) of the 2014 Act, the Clerk must seek the opinion of a practising solicitor or barrister in accordance with section 41(2) of the 2014 Act.
- (8) Where the legal opinion obtained in accordance with section 41(2) of the 2014 Act confirms that the call-in has merit, the Clerk must—
- (a) furnish the opinion to Members; and
  - (b) include the decision on the agenda for the next available meeting of the Council, at which it will be taken by a qualified majority.
- (9) Where the legal opinion obtained in accordance with section 41(2) of the 2014 Act indicates that the call-in does not have merit, the Clerk must—
- (a) furnish the opinion to Members; and
  - (b) make arrangements for the decision to be implemented or tabled for ratification by the Council, as appropriate.

### 21.3 The call-in process: Committee arrangements

- (1) For the purposes of reconsideration of a decision pursuant to a call-in, the Minutes of a Committee which record a decision:
- (a) taken under delegated authority; or
  - (b) for referral for ratification by the Council
- must be published within five working days of the conclusion of the meeting. The date on which the Minutes were published must be regarded as the relevant date for the purposes of a call-in.

- (2) If a call-in is not received within the period specified in Standing Order 21.2 paragraph (1):
  - (a) a decision to which paragraph (1)(a) applies must be implemented; or
  - (b) a decision to which paragraph (1)(b) applies must be tabled for ratification by the Council.
- (3) The tabling for ratification of a decision to which paragraph (1)(b) applies, or the implementation of a decision to which paragraph (1)(a) applies, must be postponed until the decision has been reconsidered. The decision maker may rescind the decision at any time prior to the decision being reconsidered.
- (4) If a call-in is made in accordance with Standing Order 21.2 paragraph (3) and section 41(1)(a) of the 2014 Act, the Council must appoint an ad hoc Committee of the Council, the membership of which will be:  
the Chairpersons and Deputy Chairpersons of the following Council Committees:
  - (i) Enterprise, Regeneration and Tourism Committee
  - (ii) Active and Healthy Communities Committee
  - (iii) Regulatory and Technical Services Committee
  - (iv) Strategy, Policy and Resources Committee
  - (v) Planning Committeeto consider the process adopted by the decision-making Committee.
- (5) The Chairperson and Deputy Chairperson of the Committee which was responsible for the decision which is the subject of the call-in must not have voting rights at a meeting of the Committee appointed in accordance with paragraph (4).
- (6) The Members of the ad hoc Committee who are present shall choose a Member to preside at the meeting.
- (7) The Members who submitted the call-in, or a Member on their behalf, must be invited to attend the meeting at which the decision subject to the call-in is considered and may, upon the request of the Chairperson, address the meeting, but must not have voting rights, unless they are voting Members of the ad hoc Committee.
- (8) A Committee appointed in accordance with paragraph (4) may:
  - (a) refer the decision back to the decision maker;
  - (b) in the case of a decision taken under delegated authority, support the decision; or
  - (c) in the case of a decision for ratification by the Council, refer the decision to the Council.

- (9) Where a decision has been supported in accordance with paragraph (8), that decision must:
  - (a) be approved;
  - (b) be inserted in the Register of Decisions; and
  - (c) become operative from the date of the meeting at which the Committee appointed in accordance with paragraph (4) confirmed support for the decision.

#### 21.4 The call-in process: Council decisions

- (1) If a call-in is not received within the period specified in Standing Order 21.2 paragraph (1) in respect of a decision, that decision may be implemented after that period expires.
- (2) The implementation of a decision must be postponed until the decision has been reconsidered.
- (3) If a call-in is made in accordance with Standing Order 21.2 paragraph (3) and section 41(1)(a) of the 2014 Act, the Clerk must place the call-in on the agenda for the next Meeting of the Council.
- (4) If a call-in is made in accordance with Standing Order 21.2 paragraph (4) and section 41(1)(b) of the 2014 Act, the Clerk must proceed in line with the procedures set out in Standing Orders 21.2 (4 – 9).

#### **22 Positions of responsibility, etc. – Time Limits [MANDATORY]**

- (1) Subject to paragraph (2), in relation to positions of responsibility selected in accordance with paragraphs 2(1) and 2(2) or paragraph 4(1) or paragraphs 6(1) and 6(2) of Schedule 1 to the 2014 Act, the period specified for:
  - (a) the nominating officer to select a position of responsibility and the term for which it shall be held; and
  - (b) the person nominated to accept the selected position is 15 minutes.
- (2) An extension to the period specified in paragraph (1) may be granted subject to the approval of the Council. Such an extension may be requested by:
  - (a) the nominating officer;
  - (b) the person nominated to hold the selected position; or
  - (c) another Member.

#### **23 Appointment of more than one Committee [MANDATORY]**



- (1) Where the Council appoints more than one Committee at the same meeting in accordance with paragraph 5 of Schedule 2 to the 2014 Act, for the purposes of determining the number of places that must be allocated across the parties and independent Members of the Council, it must agree:
  - (a) the number of Committees to be appointed; and
  - (b) the number of Councillors that shall constitute the membership of each Committee.
- (2) The total number of places to which a nominating officer of a party may nominate Members who stood in the name of that party when elected must be calculated in accordance with paragraphs 2 to 4 of Schedule 2 to the 2014 Act and any resolution of the Council made thereunder.
- (3) A nominating officer's function under paragraph 2(1)(b) of Schedule 2 to the 2014 Act must be exercised in such manner as to ensure that:
  - (a) all the Members of a Committee are not nominated by the same nominating officer;
  - (b) a nominating officer of a party may nominate Members who stood in the name of that party to fill the majority of places on a Committee, if the majority of Members stood in the name of that party; and
  - (c) subject to (a) and (b), the number of Members which each nominating officer of a party may nominate, in so far as is practicable, bears the same proportion to the number of places on that Committee as is borne by the number of Members on the Council who stood in the name of that party.
- (4) Nominations made in accordance with paragraph (3) must take into account any positions of responsibility on a Committee held by a Member who stood in the name of a party.

#### **24 Rescission of a preceding resolution**

- (1) No motion to rescind any resolution passed within the preceding six months, and no motion or amendment to the same effect as one which has been rejected within the preceding six months, shall be proposed by a Member unless the notice thereof given in pursuance of Standing Order 16.1 bears the names of at least 15% of the Members of the Council.
- (2) When any such motion or amendment has been disposed of by the Council, it shall not be open to any Member to propose a similar motion within a further period of six months.
- (3) This Standing Order shall not apply to motions moved in pursuance of a recommendation of a Committee or a call-in.

## **25 Members conduct**

### **25.1 Requesting to speak**

When a Member speaks at the Council he/she must address the meeting through the Chairperson. If more than one Member requests to speak, the Chairperson will ask one to speak and the others must remain silent.

### **25.2 Chairperson addressing the meeting**

When the Chairperson addresses the meeting, any Member speaking at the time must stop. The meeting must be silent.

### **25.3 Member not to be heard further**

If at a meeting any Member of the Council, misconducts himself/herself by persistently disregarding the ruling of the chair, or by behaving irregularly, improperly or offensively or by willfully obstructing the business of the Council, the Chairperson or any other Member may move "that the Member named be not further heard". The motion, if seconded, shall be put and determined without discussion.

### **25.4 Member to leave the meeting**

If the Member named continues to behave improperly after such a motion is carried, the Chairperson or any other Member may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

### **25.5 General disturbance**

When the Chairperson is of the opinion that the due and orderly dispatch of business is impossible, he/she in addition to any other powers vested in him/her may, without question put, adjourn the meeting of the Council for such period as he/she in his/her discretion shall consider expedient.

## **26 Disturbance by public**

### **26.1 Removal of member of the public**

If a member of the public interrupts proceedings, the Chairperson will warn the person concerned. If they continue to interrupt, the Chairperson will order their removal from the meeting room.

## 26.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Chairperson may call for that part to be cleared.

## **27 Common Seal**

The Common Seal of the Council shall be kept in a safe place at all times when not in use.

- (a) Every document sealed shall be attested and a record kept in a book containing particulars of the documents sealed.
- (b) The Common Seal shall not be set to any document unless a resolution of the Council shall be passed in that behalf or unless the Council shall have passed a resolution authorising any particular Committee to affix the Common Seal to any particular documents; but a resolution of the Council (or of a Committee approved by the Council) authorising the acceptance of any tender, the purchase, sale, letting, or taking of any property, the issue of any stock, the presentation of any petition, memorial or address, the making of any contract, or any other matter or thing, shall be sufficient authority for the Chairperson or his/her deputy or Clerk to affix the Common Seal to any document necessary to give effect to such resolution.

## **28 Contracts**

In these Standing Orders –

- (a) The expression 'the Council' shall include where appropriate a Committee or person acting in accordance with delegated authority on behalf of the Council.
- (b) 'Chief Officer' shall mean the Director of any Department concerned with any particular contract
- (c) 'the statutory amount' shall mean £30,000 (exclusive of VAT) or such other amount as shall be determined from time to time by the Department of the Environment for Northern Ireland under Section 100 (1) of the Local Government Act (Northern Ireland) 1972.

### 28.1 Compliance

Every contract governed by these Standing Orders shall comply with the relevant requirements of national and European Community legislation and the Council's policy and procedures in relation to contracts.

### 28.2 Tendering

Every contract for the supply of services, goods or materials, or the execution of work, and which is likely to exceed the statutory amount in value shall, subject to permitted exceptions, be made subject to tender in accordance with the Council's policy and procedures in relation to procurement.

### 28.3 Sealing, Damages and Bonds

- (a) Every contract which exceeds the statutory amount in value shall be made under the Common Seal.
- (b) Every written contract shall specify –
  - (i) The work to be done, or the services to be provided, or the goods or materials to be supplied;
  - (ii) The price to be paid, with a statement of discounts or other deductions; and
  - (iii) The time or times within which the contract is to be carried out.
- (c) Every contract which exceeds the statutory amount in value and which is for the execution of works (or the supply of goods or materials by a particular date or series of dates) shall provide for liquidated damages or the making good by the contractor of any loss incurred by the Council in case the contract is not duly performed.
- (d) Where a contract is estimated to exceed a statutory amount in value and is for the execution of works (or for the supply of goods and materials by a particular date or series of dates), a Performance Bond or other adequate security shall not be required unless there are sound commercial reasons for their use.

## **29 Suspension and amendment of Standing Orders**

### 29.1 Suspension

A Member may move a motion for the suspension of one or more of these Council Standing Orders excluding Standing Orders 20.4, 21, 22 and 23 which cannot be suspended. A motion under this Standing Order shall require the support of a qualified majority within the meaning of section 40 of the 2014 Act. Suspension can only be for the duration of the meeting. The Minutes of the Meeting must record the reason for the suspension. Mandatory standing orders, specified in the Standing Orders Regulations, may not be suspended by the Council.

### 29.2 Amendment

Any motion to, add to, vary or revoke these Standing Orders will, when proposed and seconded, stand adjourned without discussion to the next ordinary Meeting of the Council. The mandatory standing orders may not be added to, varied or revoked by the Council.

## **30 Interpretation of Standing Orders**

The ruling of the Chairperson as to the interpretation, construction or application of any of these Standing Orders or as to any proceedings of the Council, shall not be challenged at any Meeting of the Council.

DRAFT



Local Government Policy Division  
Level 4  
Causeway Exchange  
1-7 Bedford Street  
Townparks  
Belfast  
BT2 7EG  
Phone: 028 9082 3355  
email: [lgpdconsultations@communities-ni.gov.uk](mailto:lgpdconsultations@communities-ni.gov.uk)

To all Consultees

Our Ref: CO1-16-14776

Date: 21 December 2016

Dear Consultee,

## **CONSULTATION ON A REVISION OF THE NORTHERN IRELAND LOCAL GOVERNMENT CODE OF CONDUCT**

This is to advise that the Department is conducting a public consultation to seek views on proposed changes to the Northern Ireland Local Government Code of Conduct for Councillors (the Councillors' Code).

A revised Councillors' Code is set out in the consultation document and reflects the recommendations of an independent Code of Conduct Review Working Group (the Review Group) which was established to consider whether any changes should be made to Parts 3 and 8 of the Councillors' Code.

The consultation document is accompanied by the Report of the Review Group which provides more information on the establishment of the Review Group and its proposals and recommendations about the Councillors' Code and the ethical standards framework.

The Department is now seeking views about the revised Councillors' Code and would also welcome any views or comments regarding the Review Group's Report.

The consultation document and the Report of the Review Group have been placed on the Department for Communities website and can be accessed through the following link:

<https://www.communities-ni.gov.uk/consultations/review-northern-ireland-local-government-code-conduct-councillors>

### How to Respond

Responses to this Consultation should be sent by **28<sup>th</sup> February 2017** to

[lgpdconsultations@communities-ni.gov.uk](mailto:lgpdconsultations@communities-ni.gov.uk)

Alternatively, responses can be sent to the address above marked for the attention of Tommy McCormick.

Yours sincerely,

A handwritten signature in black ink that reads "Mylee Ferguson". The signature is written in a cursive style.

M. Ferguson (Mrs)  
Local Government Policy Division



Department for

**Communities**

[www.communities-ni.gov.uk](http://www.communities-ni.gov.uk)

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# **Review of the Northern Ireland Local Government Code of Conduct for Councillors**

Public Consultation

DECEMBER 2016



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## **1. Introduction**

This consultation sets out proposals to amend the current Northern Ireland Local Government Code of Conduct for Councillors (the Councillors' Code). These proposals have been put forward following a review of Parts 3 and 8 of the Councillors' Code carried out by the independent Code of Conduct Review Group (the Review Group). The Review Group, in considering whether to make recommendations for a revised Code, sought the views of councillors, groups representing councillors and councils, the Northern Ireland Commissioner for Complaints and the Local Government Auditor.

## **2. About this consultation**

### **2.1 Who this consultation is aimed at**

This consultation is seeking views on the proposals to amend the Councillors' Code, in particular, from councillors and those persons who interact with councillors and councils. The Department also welcomes the views of the general public.

### **2.2 Purpose of the consultation**

The Department proposes to amend the Councillors' Code in line with the recommendations of the Review Group and seeks comments on the proposed amendments.

### **2.3 Scope of consultation**

This consultation applies to Northern Ireland.

## 2.4 Duration of the consultation

The consultation period shall run **until 28<sup>th</sup> February 2017**.

## 2.5 How to respond to this consultation

Please email your consultation response to:

[lqpdconsultations@communities-ni.gov.uk](mailto:lqpdconsultations@communities-ni.gov.uk)

Please ensure your response reaches us **by 28<sup>th</sup> February 2017**.

When responding, please state whether you are doing so as an individual or representing the views of an organisation. If you are responding on behalf of an organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled. We will acknowledge your response.

## 2.6 Consultation response

We will consider the responses received and publish a synopsis of those responses and the Departmental response on the Department's website.

In line with good practice and sustainable development this document has been published electronically.

## 3. How we consult

### 3.1 Consultation principles

This consultation is being conducted in line with the Fresh Start Agreement – (Appendix F6 – *Eight Steps to Good Practice in Public Consultation – Engagement*). These eight steps give clear guidance to Northern Ireland Departments on conducting consultations.

### 3.2 Freedom of information

The information you send us may need to be passed to colleagues within the Department for Communities in Northern Ireland (“the Department”).

Following the end of the consultation we shall publish a summary of responses received. Information provided in response to our consultations, including personal information, may be disclosed in accordance with the Freedom of Information Act 2000 and the Data Protection Act 1998. If you want the information that you provide to be treated as confidential, please tell us, but be aware that we cannot guarantee confidentiality.

To find out more about the general principles of Freedom of Information and how it is applied within the Department, please contact Information Management Branch (IMB):

Email: [foi@communities-ni.gsi.gov.uk](mailto:foi@communities-ni.gsi.gov.uk)

IMB cannot advise on specific consultation exercises, only on Freedom of Information issues. Read more information about the [Freedom of Information Act](#).

## 4. Overview

This consultation sets out proposals to amend the current Northern Ireland Local Government Code of Conduct for Councillors. We would welcome views on the proposed amendments. Any amendment to the Councillors' Code will require the approval of the Assembly.

### 4.1 Background

The current Councillors' Code is underpinned by 12 principles of conduct which are intended to promote the highest possible standards of behaviour for councillors and which mirrored the principles contained in the code of conduct for Members of the Legislative Assembly (the MLA Code) which was in place at the time the Councillors' Code was being developed.

The Councillors' Code was approved by the Assembly on 28<sup>th</sup> May 2014. At this time, a review of the MLA Code was underway and the then Minister with responsibility for local government undertook to consider whether any changes should be made to the Councillors' Code in light of the review of the MLA Code.

Some concerns had also been raised regarding Part 8 (decision making) of the Councillors' Code and the then Minister appointed an independent review working group to review both the Principles in Part 3 of the Councillors' Code (taking account of the changes made to the MLA Code) and the rules on decision-making in Part 8.

## 4.2 The Work of the Review Group

The Review Working Group (Review Group) considered the changes made to the principles contained in the MLA Code and the issues raised concerning Part 8 of the Councillors' Code. This work commenced in November 2015 and finished in April 2016, when the Review Group presented its report to the then Minister with responsibility for local government.

To enable the Review Group to understand fully the issues regarding the Councillors' Code, the group decided to hold information gathering events to provide political parties, councillors, chief executives/senior officers, local government representative bodies, the Northern Ireland Ombudsman and the Local Government Auditor with an opportunity to provide their views in person; written submissions were also sought.

## 5. The Review Group's Proposals

A copy of the Review Group's Report, which contains more details on the establishment of the Review Group, and its proposals and recommendations in relation to the Councillors' Code and ethical standards framework, is being issued along with this consultation document.

The Department would like to hear any views or comments regarding the Review Group's Report.

### 5.1 Summary of Recommendations of the Review Group

#### Part 3 - Principles

The Review Group, taking account of the views of stakeholders, considered that the principles in the Councillors' Code should be



amended to reflect the principles and supporting descriptors provided for in the revised MLA Code. The Review Group also indicated that it would be advantageous to have as much consistency between the Councillors' Code and the MLA Code, as this would help to build both the public and elected members' understanding of the requirements placed on all elected representatives (see page 20 of the Review Group Report).

The Review Group made five recommendations in respect of the Principles of Conduct (see Annex A for full details):

**Recommendation 1** - The principles of conduct in the Councillors' Code should be revised to reflect, as far as possible, those revised principles and descriptors provided in the MLA Code approved by the Assembly in June 2015.

**Recommendation 2** - Consideration should be given to making the current principle of "Public duty" an enforceable rule in the Councillors' Code.

**Recommendation 3** - The Review Group recommends the following wording for the new Rule of Public Duty –

***"Public Duty***

*You shall uphold the criminal law. You fail to uphold the law only if you are convicted of, or admit formally, an offence committed when acting in your capacity as a Councillor."*

**Recommendation 4** - The principles of conduct in the Councillors' Code should be considered aspirational, in line with the revised principles in the MLA Code approved by the Assembly in June 2015.

**Recommendation 5** - The Review Group recommends that paragraph 3.2 in Part 3 of the current Councillors' Code should be revised as follows –

*“Councillors should observe the following principles of conduct. Whilst these principles will be taken into account when considering the investigation and determination of any potential breaches of the rules of conduct, the Principles are not themselves enforceable.”*

#### Part 8 – Decision Making

The Review Group heard a number of views expressed with regard to Part 8 of the Councillors' Code (see pages 29 to 35 of the Review Group Report). These views highlighted areas of a councillor's work which seemed to be hindered by the application of some of the decision-making rules in Part 8 of the Code and the need for consistency in its application and clarity for councillors to determine how they should work within their council and serve their constituents.

The Review Group made two recommendations to address these issues :

**Recommendation 6** - The wording of Rule 8.1 in the Councillors' Code should be revised, so that:

- Rules 8.1(a) to (h) apply to all decisions; and

- Rules 8.1(i)-(l) apply to quasi-judicial decisions (e.g. planning, licensing, etc.), to decisions on appointments and the awarding of contracts.

**Recommendation 7** - The Review Group recommends that Part 8 of the Councillors' Code should be revised *in accordance with the previous recommendation* (see Annex A or page 36 of the Review Working Group Report for the revised wording).

## 6. Proposed amendments to the Councillors' Code

The Department has produced a revised version of the Councillors' Code (see attached Annex B) incorporating the proposals of the Review Group and would be grateful for any comments you may have on it and, in particular, any response to the questions set out below on the specific changes.

### 6.1 Amendments to Part 3 (the Principles)

In summary, the Principles have been amended as follows-

#### Principles

- The principles have been amended to reflect the content and wording of the MLA Code;
- The current Principle of "Public Duty" has been removed. Public Duty is now an additional rule (see Rule 4.2 of the revised Councillors' Code);
- Paragraph 3.2 of the Councillors' Code is amended to clarify that the Principles are now considered to be aspirational and not enforceable on their own, in line with the MLA Code.

**Question 1. - Do you agree with the changes made to the Principles contained in the Councillors' Code?**

**Question 2. – Do you agree that the Principle of “Public Duty” should be replaced with an enforceable rule?**

**Question 3. – Do you agree that the Principles should be aspirational rather than enforceable on their own?**

**Please provide any additional information which may support your view.**

## **6.2 Amendments to Part 8 (Decision-Making)**

Part 8 (Decision-Making) of the Councillors' Code has been amended to clarify that Rules 8.1(a) to (h) will apply to all council decisions and that, in addition, Rules 8.1(i) to (l) will apply to quasi-judicial decisions (for example, planning and licensing) and to decisions on making appointments and the awarding of contracts.

**Question 4. – Do you agree that Rules 8.1 (a) to (h) in Part 8 should be applied to all decisions?**

**Question 5. – Do you agree that Rules 8.1 (i) to (l) should only apply to**

- (a) quasi-judicial decisions;**
- (b) making appointments; and**
- (c) the awarding of contracts?**

**Please provide any additional information which may support your views.**

## **7. Additional recommendations of the Review Group**

The Review Group, during its evidence gathering sessions, also heard concerns from the participants on matters which were outside the remit of the Review Group and not part of the Councillors' Code i.e. Training, Advice and Procedures. The Review Group considered it important to highlight in its Report those concerns which were consistently raised – these have been set out in the Review Group Report as Emerging Issues together with recommendations for consideration.

The Department would welcome any comments you may have on these Emerging Issues and the recommendations of the Review Group (see page 38 of the Review Group Report). The Department will consider these comments as part of its development of any future changes to the Ethical Standards Framework in councils and its delivery and effectiveness.

## **8. Way forward**

The Department will consider all responses to this consultation and issue a report summarising the responses and replying to any issues raised. Any proposed change to the current code of conduct for councillors will require the Department to lay a copy of the revised Councillors' Code in the Assembly for its approval.

## Annex A

### Recommendations of the Review Working Group

#### Part 3 – Proposed Principles of Conduct

##### Recommendation 1

The principles of conduct in the Councillors' Code should be revised to reflect, as far as possible, those revised principles and descriptors provided in the MLA Code approved by the Assembly in June 2015. See proposed revised principles below:

#### **PROPOSED REVISED PRINCIPLES OF CONDUCT FOR THE COUNCILLORS' CODE**

##### **Selflessness**

You should act solely in terms of the public interest.

##### **Integrity**

You must avoid placing yourself under any obligation to people or organisations that might try inappropriately to influence you in the performance of your duties as a councillor. You should not act or take decisions in order to gain financial or other material benefits for yourself, your family, or your friends. You must declare and resolve any interests and relationships.

##### **Objectivity**

You must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias

##### **Accountability**

You are accountable to the public for your decisions and actions and must submit yourself to the scrutiny necessary to ensure this.

**Openness**

You should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

**Honesty**

You should be truthful.

**Leadership**

You should exhibit these principles in your own behaviour. You should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

**Equality**

You should promote equality of opportunity and not discriminate against any person, treating people with respect regardless of race, age, religion, gender, sexual orientation, disability, political opinion, marital status and whether or not a person has dependents.

**Promoting Good Relations**

You should act in a way that is conducive to promoting good relations by tackling prejudice, promoting understanding and respect and encouraging participation between people on the grounds of different religion, political opinion, race, gender, age, sexual orientation and disability.

**Respect**

You should show respect and consideration for others at all time.

**Good Working Relationships**

You should work responsibly with other councillors for the benefit of the whole community. Your working relationship with council staff should at all times be professional, courteous and based on mutual respect.

### Recommendation 2

Consideration should be given to making the current principle of “Public duty” an enforceable rule in the Councillors’ Code.

### Recommendation 3

The Review Group recommends the following wording for the new Rule of Public Duty

“Public Duty

You shall uphold the criminal law. You fail to uphold the law only if you are convicted of, or admit formally, an offence committed when acting in your capacity as a Councillor”.

### Recommendation 4

The principles of conduct in the Councillors’ Code should be considered aspirational, in line with the revised principles in the MLA Code approved by the Assembly in June 2015.

### Recommendation 5

The Review Group recommends that paragraph 3.2 in Part 3 of the current Councillors’ Code should be revised as follows –

“Councillors should observe the following principles of conduct. Whilst these principles will be taken into account when considering the investigation and determination of any potential breaches of the rules of conduct, the Principles are not themselves enforceable.”



## Part 8 – Proposed Decision-Making Rules

### Recommendation 6

The wording of Rule 8.1 in the Councillors' Code should be revised, so that:

- Rules 8.1(a) to (h) apply to all decisions; and
- Rules 8.1(i)-(l) apply to quasi-judicial decisions (e.g. planning, licensing, etc.), to decisions on appointments and the awarding of contracts.

### Recommendation 7

The Review Group recommends that Part 8 of the Code should be revised as follows:

#### **“8. RULES RELATING TO DECISION-MAKING**

8.1 It must be acknowledged that councillors fulfil different roles at different times.

For example, they can sit as a council member, committee chair, member of a committee or of their party political group, representing a district electoral area or their constituents or as a council-appointed member of an outside body.

Some of these roles can cause members to be in conflict.

However, it is up to each individual member to decide which role they are carrying out at any time and observe the rules accordingly.

## **General Rules – Applicable when making all decisions**

When participating in meetings or reaching decisions regarding the business of your council, you must

- (a) do so objectively, on the basis of the merits of the circumstances involved, and in the public interest;
- (b) have regard to any relevant advice provided by your council's officers, in particular, by the chief executive, the chief financial officer (where appropriate) or the council's legal advisers;
- (c) take into account only relevant and material considerations and discount any irrelevant or immaterial considerations;
- (d) give reasons for your decisions, when required to do so, in the interests of fairness, openness and accountability and in accordance with any statutory requirements;.
- (e) act in accordance with any relevant statutory criteria;
- (f) act fairly and be seen to act fairly;
- (g) ensure that all parties involved in the process are given a fair hearing (insofar as your role in the decision making process allows);
- (h) not prejudge or demonstrate bias, or be seen to prejudge or demonstrate bias, in respect of any decision;

## **Additional Rules – Decisions regarding quasi-judicial issues, making appointments and awarding contracts**

In addition to the general rules which relate to all decisions, for decisions in relation to quasi-judicial issues, making appointments and awarding contracts, you must also:

- (i) not organise support for, or opposition against, a particular recommendation on the matter being considered;
- (j) not lobby other councillors on the matter being considered;
- (k) not comply with political group decisions on the matter being considered, where these differ from your own views; and
- (l) not act as an advocate to promote a particular recommendation in relation to the matter being considered.”

# The Northern Ireland Local Government Code of Conduct for Councillors



Department for  
**Communities**  
[www.communities-ni.gov.uk](http://www.communities-ni.gov.uk)

2<sup>nd</sup> Edition

Approved by the Northern Ireland  
Assembly on [ ] [ 2017 }

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## 1. **INTRODUCTION**

### **Effective Date of the Northern Ireland Local Government Code of Conduct for Councillors (the Code)**

- 1.1 The mandatory Code of Conduct for councillors in Northern Ireland has been in force since May 2014, following its approval by the Northern Ireland Assembly on 27 May 2014. Parts 1 to 8 came into force on 28 May 2014 and Part 9 (Planning) came into force on 1 April 2015. From November 2015 to April 2016, a review of the Code was carried out and a revised Code was approved by the Assembly on [insert date]. The re-issued Code (2<sup>nd</sup> Edition) has effect from [insert date]. The requirements of the previous version of the Code still apply to the conduct of councillors during the time that it was in place.

### **Background**

#### The Local Government Act (Northern Ireland) 2014 (the 2014 Act)

- 1.2 As a consequence of decisions taken by the Northern Ireland Executive on the future shape of local government, the 2014 Act contains a number of provisions for the reform of local government. These include a new ethical framework for local government in Northern Ireland, a key element of which is the introduction of a mandatory code of conduct for councillors. Previously, councillors were guided by the non-mandatory Northern Ireland Code of Local Government Conduct which issued in April 2003.
- 1.3 The 2014 Act:-
- provides for the introduction of a mandatory Northern Ireland Local Government Code of Conduct for Councillors;
  - imposes a requirement for councillors to observe the Code; and
  - establishes mechanisms for the investigation and adjudication of written complaints that a councillor has failed, or may have failed, to comply with the Code.

- 1.4 The 2014 Act requires the Department to consult councils and such associations and bodies representative of councils and council officers and such other persons as appear to it to be appropriate, before issuing or revising the Code.

### **Public expectations**

- 1.5 The Northern Ireland public has the right to expect high standards of behaviour from councillors and the manner in which they should conduct themselves in undertaking their official duties and in maintaining working relationships with fellow councillors and council employees. As a councillor, you must meet those expectations by ensuring that your conduct complies with the Code. The Code details the principles and rules of conduct which you are required to observe when acting as a councillor and in conducting council business. Therefore your behaviour will be judged against these standards of conduct.

### **Guidance**

- 1.6 To assist you in understanding your obligations under the Code, you should read the guidance available from:
- the Northern Ireland Local Government Commissioner for Standards, on the application of the Code and the complaints procedure,
  - the Department for Infrastructure, on planning matters, and
  - the Equality Commission for Northern Ireland on section 75 obligations.

Information on where you can find this guidance and additional contact details are provided at Annex A.

## 2. **REQUIREMENT TO COMPLY WITH THE CODE**

### **Who does the Code apply to?**

- 2.1 The Code applies to councillors of councils established in accordance with section 1 of the Local Government Act (Northern Ireland) 1972 Act (the 1972 Act) as amended by the Local Government (Boundaries) Act (Northern Ireland) 2008.
- 2.2 The 1972 Act requires a councillor to serve on the Chief Executive of their council, a declaration of acceptance of office before they can act in the capacity of councillor. This declaration includes an undertaking that the councillor has read and will observe the Code (as revised from time to time).
- 2.3 The 2014 Act requires that a person who is not an elected person, but who becomes a member of any committee of a council, may not act as such unless they have given a written undertaking to the Chief Executive of the council and, in the case of a joint committee, to each of the Chief Executives of the councils constituting the committee. This includes an undertaking that they have read and will observe the Code (as revised from time to time).
- 2.4 In summary, the Code applies to the following persons-
- (a) any person who is elected to office within a council,
  - (b) any person chosen under section 11(4b) of the Electoral Law Act (Northern Ireland) 1962 to fill a casual vacancy,
  - (c) any person treated as a non-voting member by section 17 of the 2014 Act, and
  - (d) any person who is a member of an overview and scrutiny committee of a council but who is not an elected representative as mentioned in section 28(4) of the 2014 Act.

Throughout the Code, where the term “councillor” is used, it shall refer to those persons mentioned in sub-paragraphs (a) to (d) above.

- 2.5 **As a councillor, it is your responsibility to make sure that you are familiar with the provisions of the Code and that you comply with those provisions.**

## When does the Code apply?

- 2.6 You must observe the Code:
- (a) whenever you conduct the business, or are present at a meeting, of your council;
  - (b) whenever you act, claim to act or give the impression you are acting in the role of a councillor; and
  - (c) whenever you act, claim to act or give the impression you are acting as a representative of your council.
- 2.7 You must also observe the Code if you are appointed or nominated to represent your council on another body **unless**:
- (a) that body has its own code of conduct relating to its members, in which case you must observe that code of conduct; or
  - (b) compliance with the Code conflicts with any other lawful obligations to which that body may be subject. (You must draw such conflict to the attention of your council and to the other body as soon as it becomes apparent to you.)
- 2.8 In addition to the circumstances stipulated in paragraphs 2.6 and 2.7, you must observe the Code at all times in relation to:
- (a) conduct which could reasonably be regarded as bringing your position as councillor or your council into disrepute (including such conduct that relates to your appointment to another body, even if that appointment did not arise from your position as a councillor);
  - (b) conduct relating to the procuring, advocating or encouraging of any action contrary to the Code;
  - (c) conduct relating to the improper use, or attempted use, of your position to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage; and
  - (d) conduct relating to the use, or the authorisation of the use by others, of the resources of your council.

## Enforcement of the Code

- 2.9 The 2014 Act, as amended by the Public Services Ombudsman Act (Northern Ireland) 2016, places the responsibility for the operation of the enforcing mechanisms of this Code on the Northern Ireland Public Services Ombudsman in his/her role as the Northern Ireland Local Government Commissioner for Standards (the Commissioner). The 2014 Act extends the functions of the Commissioner's Office to include the investigation of, and adjudication on, alleged failure to comply with the Code.
- 2.10 The Commissioner may investigate written complaints from any person that a councillor (or former councillor) has failed, or may have failed, to comply with the Code. The Commissioner may also investigate cases of alleged failure to comply with the Code which come to his/her attention as a result of an investigation of a written complaint.
- 2.11 Where the Commissioner, following an investigation, determines that he/she should make an adjudication on the matters investigated, he/she will decide whether or not there has been a failure to comply with the Code. Where the Commissioner decides that there has been such a failure, he/she will decide whether no action should be taken or whether he/she should-
- (a) censure the person found to have failed to comply with the Code;
  - (b) suspend, or partially suspend, the person from being a councillor for a period of up to one year; or
  - (c) disqualify the person for being, or becoming, a councillor for a period of up to five years.

### 3. **PRINCIPLES OF CONDUCT**

- 3.1 This Code is based on 11 principles of conduct (the Principles), which are intended to promote the highest possible standards of behaviour for councillors. The Principles draw on the seven principles of conduct that the Committee on Standards in Public Life believed ought to underpin public life<sup>1</sup>, and the four further principles of conduct that have been adopted by the Northern Ireland Assembly in their revised Code approved on 23 June 2015.
- 3.2 Councillors should observe the following principles of conduct. Whilst these principles will be taken into account when considering the investigation and determination of any potential breaches of the rules of conduct, the Principles are not themselves enforceable.
- 3.3 The 11 principles of conduct are:

#### **Selflessness**

You should act solely in terms of the public interest.

#### **Integrity**

You must avoid placing yourself under any obligation to people or organisations that might try inappropriately to influence you in the performance of your duties as a councillor. You should not act or take decisions in order to gain financial or other material benefits for yourself, your family, or your friends. You must declare and resolve any interests and relationships.

#### **Objectivity**

You must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias

#### **Accountability**

You are accountable to the public for your decisions and actions and must submit yourself to the scrutiny necessary to ensure this.

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<sup>1</sup> Committee on Standards in Public Life, Members of Parliament, ministers, civil servants and quangos (First Report) May 1995

**Openness**

You should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

**Honesty**

You should be truthful.

**Leadership**

You should exhibit these principles in your own behaviour. You should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

**Equality**

You should promote equality of opportunity and not discriminate against any person, treating people with respect regardless of race, age, religion, gender, sexual orientation, disability, political opinion, marital status and whether or not a person has dependents.

**Promoting Good Relations**

You should act in a way that is conducive to promoting good relations by tackling prejudice, promoting understanding and respect and encouraging participation between people on the grounds of different religion, political opinion, race, gender, age, sexual orientation and disability.

**Respect**

You should show respect and consideration for others at all time.

**Good Working Relationships**

You should work responsibly with other members of the council for the benefit of the whole community. Your working relationship with council staff should at all times be professional, courteous and based on mutual respect.

## 4. **RULES OF GENERAL CONDUCT**

### **Your obligations as a councillor**

- 4.1 You hold public office under the law and must act:
  - (a) in accordance with the Code; and
  - (b) in accordance with the standing orders of your council.
- 4.2 You shall uphold the criminal law. You fail to uphold the law only if you are convicted of, or admit formally, an offence committed when acting in your capacity as a councillor.
- 4.3 You must not conduct yourself in a manner which could reasonably be regarded as bringing your position as a councillor, or your council, into disrepute.
- 4.4 You must review regularly (at least annually and when your particular circumstances change) your personal circumstances and take steps to mitigate any conflict of interest in relation to your functions as a councillor. Such conflict may arise as a result of circumstances such as a change of business interests, a change in direct or indirect pecuniary interests required to be declared under section 28 of the 1972 Act or involvement on a new committee.
- 4.5 You must report, either through your council's own reporting procedure or directly to the proper authority, any conduct by any other person which you believe involves, or is likely to involve, criminal behaviour.
- 4.6 You must not, at any time, whether in the course of your duties as a councillor or in private, procure, advocate or encourage any action contrary to the Code.
- 4.7 You must comply with any request of the Commissioner in connection with an investigation conducted in accordance with the Commissioner's statutory powers.
- 4.8 You must not make vexatious, malicious or frivolous complaints against other councillors or anyone who works for, or on behalf of, your council.



- 4.9 You must maintain and strengthen the public trust and confidence in the integrity of your council. You must promote and support the Code at all times and encourage other councillors to follow your example.
- 4.10 You must co-operate with your council with regard to providing the necessary information to be included in the annual accounts of the council.
- 4.11 You must assist your council to act, as far as possible, in the interests of the whole community. Although individuals are entitled to pursue their own personal concerns about local issues, you must not represent their views over the wider public interests.
- 4.12 You must ensure that you are aware of your council's responsibilities under equality legislation, and that you are familiar with the relevant legislative statutes and provisions, in particular, with the obligations set out in your council's equality scheme.

This will enable you to have due regard to the need to promote equality of opportunity on grounds of age, marital status, disability, political opinion, race, religious belief, sex, sexual orientation, and whether or not people have dependants; and to have regard to the desirability of promoting good relations between people of different racial groups, religious belief or political opinion.

- 4.13 You are entitled to legally express any political opinion that you hold. In doing so, however, you should have regard to the Principles of Conduct and should not express opinions in a manner that is manifestly in conflict with the Code.

### **Behaviour towards other people**

- 4.14 You must:
- (a) show respect and consideration for others;
  - (b) not use bullying behaviour or harass any person; and
  - (c) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your council.

- 4.15 You must work responsibly and with respect, with others and with employees of councils. The Local Government Employee and Councillor Working Relationship Protocol (issued October 2014) which is included as Appendix 2 in the Code of Conduct for Local Government Employees, is available on the Local Government Staff Commission's website

<http://www.lgsc.org.uk/fs/doc/Section%206.1.pdf>

### **Disclosure of information**

- 4.16 You must not disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required to do so by law.

### **Use of your position**

- 4.17 You must not:
- (a) use, or attempt to use, your position improperly to confer on, or secure, an advantage for yourself or any other person;
  - (b) use, or attempt to use, your position improperly to seek preferential treatment for yourself or any other person; or
  - (c) use, or attempt to use, your position improperly to avoid a disadvantage for yourself or any other person, or to create a disadvantage for any other person.

These provisions apply both to your actions in your official capacity, including as a member of a body to which you are appointed by the council, and to any dealings you may have with the council on a personal level (for example, as a council ratepayer, tenant, or recipient of a council service or as an applicant for a licence or consent granted by the council).

- 4.18 You must avoid any action which could lead members of the public to believe that preferential treatment is being sought.

**Use of council resources**

- 4.19 You must not use, or authorise others to use, the resources of your council:
- (a) imprudently;
  - (b) in breach of your council's requirements;
  - (c) unlawfully;
  - (d) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of your council or of the office to which you have been elected or appointed;
  - (e) improperly for political purposes; or
  - (f) improperly for private purposes.

**Expenses and allowances**

- 4.20 You must observe the law and your council's rules governing the claiming of expenses and allowances in connection with your duties as a councillor.

**Acceptance and registration of gifts and hospitality**

- 4.21 You must:
- (a) in accordance with any standing orders of your council and within 28 days of receipt of any gift, hospitality, material benefit or service, which is above a value specified in a resolution of your council, provide written notification to your chief executive of the existence and nature of that gift, hospitality, material benefit or service;
  - (b) not accept from anyone gifts, hospitality, material benefits or services for yourself or any other person, which might place you, or reasonably appear to place you, under an improper obligation; and
  - (c) discourage gifts and offers of hospitality to any family members which might place you, or reasonably appear to place you, under an improper obligation.

## 5. **RULES RELATING TO THE REGISTRATION OF INTERESTS**

### **The role of the Chief Executive**

- 5.1 Section 62 of the 2014 Act requires every Chief Executive to ensure that their council has established and maintains a register of member's interests. The Code recommends that a register for gifts and hospitality should also be established and maintained and that procedures are in place for dealing with relevant declarations of interests.

### **Interests**

- 5.2 Subject to paragraphs 5.4 and 5.6, you must, within 28 days of your election or appointment to office (if that is later), register your **personal interests (both financial and otherwise)** where they fall within a category mentioned below, in your council's register by providing written notification to your Chief Executive.

### Categories of interests

- a) any employment or business carried on by you;
- b) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated or non-remunerated director;
- c) any person, other than your council, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a councillor;
- d) any corporate body which has a place of business or land within your council's district, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
- e) any contract for goods, services or works made between your council and you or a firm in which you are a partner, an unincorporated body (i.e. Industrial & Provident Society), a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (d) above;

- f) any land in which you have a beneficial interest and which is within your council's district;
- g) any land where the landlord is your council and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in subparagraph (d) above;
- h) any body to which you have been elected, appointed or nominated by your council;
- i) any —
  - (aa) public authority or body exercising functions of a public nature;
  - (bb) company, industrial and provident society, charity, or body directed to charitable purposes;
  - (cc) body whose principal purposes include the influence of public opinion or policy;
  - (dd) trade union or professional association; or
  - (ee) private club, society or association operating within your council's district,  
  
in which you have membership or hold a position of general control or management; and
- j) any land within your council's district in which you have a licence (alone or jointly with others) to occupy for 28 days or longer.

### **Registration of financial and other interests and memberships and management positions**

- 5.3 You must, within 28 days of becoming aware of any interest that falls within a category mentioned in paragraph 5.2 or any change to an interest already registered, register that interest or change by providing written notification to your Chief Executive.

**Sensitive information**

- 5.4 Where you consider that the information relating to any of your personal interests is sensitive information, and your Chief Executive agrees, you need not include that sensitive information when registering that interest or, as the case may be, a change to the interest.
- 5.5 In the Code, “sensitive information” means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.
- 5.6 You must, within 28 days of becoming aware of any change of circumstances which means that sensitive information previously excluded from your council’s register of members interests due to it being sensitive is no longer sensitive, notify your Chief Executive asking that the information be included in the register.

## **6. RULES RELATING TO THE DISCLOSURE AND DECLARATION OF INTERESTS**

### **Pecuniary interest**

- 6.1 Section 28 of the 1972 Act requires you to declare any pecuniary interest, direct or indirect, that you may have in any matter coming before any meeting of your council. Such interests will be recorded in the register kept by your council for this purpose.
- 6.2 You must not speak or vote on a matter in which you have a pecuniary interest. If such a matter is to be discussed by your council, you must withdraw from the meeting whilst that matter is being discussed.

### **Private or personal non-pecuniary interest**

- 6.3 You must also declare any significant private or personal non-pecuniary interest in a matter arising at a council meeting. In addition to those areas set out in paragraph 5.2, an interest will also be significant where you anticipate that a decision on the matter might reasonably be deemed to benefit or disadvantage yourself to a greater extent than other council constituents. Any sensitive information mentioned in paragraphs 5.4 to 5.6 is not required to be given.
- 6.4 You must declare any significant private or personal non-pecuniary interests in a matter as soon as it becomes apparent. You must then withdraw from any council meeting (including committee or sub-committee meeting) when the matter is being discussed. It is your own personal responsibility to determine, having regard to council advice and guidance, whether you have any such interest.

### **Dispensations**

- 6.5 In exceptional circumstances, you may be able to get a dispensation to speak and vote at a council meeting in spite of a pecuniary interest. The Department may grant such a dispensation under section 29 of the 1972 Act.

6.6 On occasions, you may feel that it would be to your council's benefit if you were to remain in a council meeting when a matter in which you have a significant private or personal non-pecuniary interest is to be debated. Before doing so, you must consider whether your interest is so significant that it would be wrong in any circumstances for you to remain. Your council may have specific guidance on such matters. Subject to this, you may speak and vote on such a matter if **(but only if)**:

- at least half of the council or committee would otherwise be required to withdraw from the debate due to their personal interests in the matter; or
- your withdrawal, together with that of other councillors of the council or committee who are required to withdraw due to their personal interests in the matter, would leave the council or committee without a quorum.

6.7 In those circumstances outlined in the preceding paragraph, you should take advice on the matter from a relevant senior council employee. If you decide to remain in the meeting, you must declare that decision and your reasons for doing so.

6.8 In the case of a sub-committee which is very small and where a large proportion of councillors declare a personal interest in the matter, it will usually be more appropriate for the matter to be referred to the parent committee.

6.9 It would, however, be appropriate for you to remain at a council meeting and speak and vote on a matter in which you have declared a significant private or personal non-pecuniary interest if your interest arises because you are:

- a member of a public body; or
- a member or supporter of a charity, voluntary body or other organisation formed for a public purpose (i.e. not for the personal benefit of members).

However, except where you have been appointed by your council as a representative on the organisation, you must not vote (although you may speak) on any matter directly affecting the finances or property of the



organisation if you are a member of the organisation's management committee or governing body.

- 6.10 Section 30 of the 1972 Act requires you to disclose to the council, in writing, any relevant family relationship, as set out in paragraph (6) of that section, known to exist between you and any person you know either holds, or is a candidate for appointment to, any office in the council.
- 6.11 The requirement to make your relevant interests known on matters, in council and committee meetings, also applies in your dealings with council employees and in your unofficial relations with fellow councillors.

## **7. RULES RELATING TO LOBBYING AND ACCESS TO COUNCILLORS**

- 7.1 In order for a council to fulfil its commitment to being open, accessible, and responsive to the needs of the public, it should encourage appropriate participation by organisations and individuals in the decision-making process. Clearly, however, the desire to involve the public and other interest groups in the decision-making process must take account of the need to ensure transparency and probity in the way in which the council conducts its business.
- 7.2 As a councillor you will need to be able to consider evidence and arguments advanced by a wide range of organisations and individuals in order to perform your duties effectively. Some of these organisations and individuals will make their views known directly to individual councillors or council committees. The rules in this Code set out how you should conduct yourself in your contacts with those who seek to influence you.
- 7.3 You may be lobbied by a wide range of people including individuals, organisations, companies and developers. As a general rule, it is an essential element of the democratic system that any individual should be able to lobby the council or a councillor.

### **Rules of Conduct regarding lobbying**

- 7.4 If you are lobbied on matters such as applications made under regulatory powers or matters of a quasi-judicial nature, such as the determination of certain licence applications, and you will have a role in the council's decision on that matter, you must:
- (a) make it clear that you are not in a position to lend support for or against any such application; and
  - (b) direct any such representations, to the appropriate department of the council.

This does not prevent you from seeking factual information about the progress of the case.

- 7.5 If you are asked to decide on such matters, you must not:

- (a) organise support for, or opposition against, a particular recommendation on the matter;
- (b) lobby other councillors about the matter;
- (c) comply with political group decisions on the matter where these differ from your own views; or
- (d) act as an advocate to promote a particular recommendation in relation to the matter.

7.6 Paragraphs 7.4 and 7.5 also apply in relation to individual staffing matters such as the appointment or discipline of employees.

## 8. **RULES RELATING TO DECISION-MAKING**

8.1 It must be acknowledged that councillors fulfil different roles at different times.

For example, they can sit as a council member, committee chair, member of a committee or of their party political group, representing a district electoral area or their constituents or as a council-appointed member of an outside body.

Some of these roles can cause members to be in conflict. However, it is up to each individual member to decide which role they are carrying out at any time and observe the rules accordingly.

### **General Rules – Applicable when making all decisions**

When participating in meetings or reaching decisions regarding the business of your council:

- (a) you must do so objectively, on the basis of the merits of the circumstances involved, and in the public interest;
- (b) you must have regard to any relevant advice provided by your council's officers, in particular, by the chief executive, the chief financial officer (where appropriate) or the council's legal advisers;
- (c) you must take into account only relevant and material considerations and discount any irrelevant or immaterial considerations;
- (d) you must give reasons for your decisions, when required to do so, in the interests of fairness, openness and accountability and in accordance with any statutory requirements;
- (e) you must act in accordance with any relevant statutory criteria;
- (f) you must act fairly and be seen to act fairly;

- (g) you must ensure that all parties involved in the process are given a fair hearing (insofar as your role in the decision making process allows);
- (h) you must not prejudge or demonstrate bias, or be seen to prejudge or demonstrate bias, in respect of any decision.

**Additional Rules – Applicable when making decisions regarding quasi-judicial issues, making appointments and awarding contracts.**

In addition to the general rules which relate to all decisions, the following additional rules apply to decisions in relation to quasi-judicial issues, making appointments and awarding contracts:

- (i) you must not organise support for, or opposition against, a particular recommendation on the matter being considered;
- (j) you must not lobby other councillors on the matter being considered;
- (k) you must not comply with political group decisions on the matter being considered, where these differ from your own views; and
- (l) you must not act as an advocate to promote a particular recommendation in relation to the matter being considered.

## 9. **APPLICATION OF THE CODE OF CONDUCT WITH REGARD TO PLANNING MATTERS**

- 9.1 The following section relates to the application of the Code of Conduct in relation to planning matters. This section should be applied in conjunction with the Principles and Rules of the Code.
- 9.2 Care must be taken when dealing with planning matters. All councillors will have contact with planning issues, either as advocates for or against planning applications, as members of the planning committee, or as members of the full council. Your specific role will vary depending on whether you are on a planning committee or not.
- 9.3 Your role as a councillor is to represent the views and aspirations of your community through development of the local development plan, discussions with developers and council planning officers or deciding on planning applications. This Code (and any associated guidance) is intended to assist you in balancing the interests of developers and interest groups with taking planning decisions, by applying your local knowledge and the advice and guidance of planning officers, in a fair, impartial and transparent way, for the benefit of the whole community. This Code applies to councillors at all times when involving themselves in the planning process, including taking part in the decision-making meetings of the council or when involved in less formal occasions, such as meetings with officers or the public. It applies equally to local plan development and planning enforcement as it does to planning applications.

### **Development management**

- 9.4 As a councillor your involvement in the development management process is crucial. Whether you sit on a planning committee or not, you can encourage developers and others to engage with the council and residents in the planning process. It is important that you represent the needs of your community in discussions with developers. Lobbying is therefore a normal and perfectly proper part of the political process.

- 9.5 However, particular considerations apply if you are a member of the decision-making planning committee, as lobbying can lead to the impartiality and integrity of a councillor being called into question. Given that a decision on a planning application cannot be made before the planning committee meeting has been held, when all relevant information relating to the application is available and has been considered, you must not make public statements about a pending decision or state your intention to vote in a particular way before the committee meeting has taken place. However, other councillors who are not part of the decision-making process can make representations and address the relevant committee
- 9.6 It is entirely appropriate for councillors, including those who will have a decision-making responsibility, to make known to planning officers what representations from constituents and prospective developers they have received on a planning application, to attend public meetings/events and to assist constituents in making their views known to the relevant planning officer. While planning committee members are free to attend public meetings/events they must not express a 'for' or 'against' view by advocating a position in advance of the decision-making meeting.
- 9.7 If you are a member of the planning committee and an approach is made to you by an applicant, agent or other interested party in relation to an existing or proposed planning application, you should restrict yourself to either giving procedural advice (e.g. advising those who are lobbying that they should contact the relevant planning officer so their opinions can be included in the officer's report to the committee) or advise them to write or speak to a member who is not on the planning committee. This does not mean that members who are on planning committees should not listen to the views the lobbyist wishes to express.
- 9.8 If, however, as a planning committee member, you decide you cannot remain impartial and wish to make representations on behalf of constituents or other parties, you may attend a committee meeting and make representations, after which you must leave the room while the members consider it and not take part in the voting.

### **Decisions contrary to officer recommendation**

- 9.9 You must not seek to apply undue pressure towards planning officers to provide a particular recommendation on any planning decision. If you propose, second or support a decision contrary to an officer's recommendation, you must only do so on the basis of sound planning considerations which must fairly and reasonably relate to the application concerned. These considerations include planning policy, landscaping, impact on the neighbourhood, planning history, etc.

### **Decisions contrary to the local development plan**

- 9.10 If you propose, second or support a decision contrary to the development plan, you must only do so on the basis of sound planning considerations, which must fairly and reasonably relate to the application concerned, *and you must clearly demonstrate how these considerations justify overruling the development plan.*

### **Policy and strategic issues**

- 9.11 Councillors have a vital role in facilitating engagement with their communities in the production of planning policy by encouraging them to express their views on the plan-making process. In your key role in establishing planning policies for the area, you are fully entitled to express your views or advocate proposals for the making, approval or amendment of the development plan, including supplementary planning guidance published by the council.
- 9.12 Planning legislation requires councillors of a council to determine all planning applications in accordance with the development plan, unless material considerations indicate otherwise. You must undertake this responsibility without undue influence or personal interest.

### **Other interests**

- 9.13 If you have substantial land, property or other interests which would prevent you from voting on a regular basis, you must not sit on a decision-making committee that deals with planning applications.



- 9.14 You must not act on behalf of, or as an agent for, an applicant for planning permission with the council other than in the course of your professional role which you have registered.
- 9.15 You must not take any further part in the development management process following submission of an application for yourself or for a family member, friend or close personal associate. You have the same rights to explain your proposal to an officer but you must not seek to improperly influence the decision.
- 9.16 If you work as a lobbyist for a developer, you must declare this as an interest and you should not then be involved in any decision-making process relating to or potentially affecting that developer.

### **Unauthorised development**

- 9.17 If you are made aware of an unauthorised development and you refer the matter to the council for possible enforcement action, you must advise all subsequent inquirers to deal directly with the relevant department/officer, and you should not lobby for a particular outcome. This does not prevent you from seeking factual information about the progress of the case.
- 9.18 Where you have an interest in the outcome of a planning committee decision on enforcement action, you must disclose that interest and not take part in, or seek to influence, the decision.

## SOURCES OF GUIDANCE RELATING TO THE CODE

<u>The Northern Ireland Local Government Commissioner for Standards</u>	<u>Equality Commission for Northern Ireland</u>
<p>Telephone : 028 902 33821</p> <p><b>OR</b></p> <p>Text phone : 028 908 97789</p> <p><b>OR</b></p> <p>Email : <a href="mailto:nipso@nipso.org.uk">nipso@nipso.org.uk</a></p> <p><b>OR</b></p> <p><b>Via Post</b></p> <p>Freepost NILGCS</p> <p><b>OR</b></p> <p>The Northern Ireland Local Government Commissioner for Standards 33 Wellington Place Belfast BT1 6HN</p> <p>Website: <a href="http://www.nipso.org.uk">www.nipso.org.uk</a></p>	<p>Equality House 7 - 9 Shaftesbury Square Belfast BT2 7DP</p> <p>Telephone : 028 90 500 600 Textphone : 028 90 500 589 Fax : 028 90 248 687 Email : <a href="mailto:information@equalityni.org">information@equalityni.org</a></p> <p>Website: <a href="http://www.equalityni.org">www.equalityni.org</a></p>

**The Department for Communities**

Local Government Policy Division

Level 4

Causeway Exchange

1-7 Bedford Street

Town Parks

Belfast, BT2 7EG.

**Website:** [www.communities-ni.gov.uk](http://www.communities-ni.gov.uk)

**E-mail:** [lgpdconsultations@communities-ni.gov.uk](mailto:lgpdconsultations@communities-ni.gov.uk)

**Textphone 028 905 40642**

**The Department for Infrastructure**

Planning Division

Clarence Court

Adelaide Street

Belfast

**Tel:**

## Annex B

## GLOSSARY

In this Code:

**“the 1972 Act”** means the Local Government Act (Northern Ireland) 1972;

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

**“Councillor”** for the purposes of this Code means-

- (a) any person who is elected to office within a council,
- (b) any person chosen under section 11(4b) of the Electoral Law Act (Northern Ireland) 1962 to fill a casual vacancy,
- (c) any person treated as a non-voting member by section 21 of the 2014 Act, and
- (d) any person who is not an elected representative as mentioned in section 32(4) of the 2014 Act;

**“council”** means the district council of a local government district established under section 1(1) of the Local Government Act (Northern Ireland) 1972;

**“Chief Executive”**, means a person appointed as clerk of a council; and

**“meeting”** means any meeting—

- (a) of the relevant council or of a committee or sub-committee of the relevant council,
- (b) of the executive of the relevant council or of a committee or sub-committee of the executive of the relevant council,
- (c) of a joint committee or sub-committee of a joint committee which includes the relevant council, or
- (d) where members or officers of the relevant council are present, including circumstances where a member of an executive or officer of the council, acting alone exercises a function of the council.



## **SANCTIONS APPLIED BY THE COMMISSIONER**

Under section 62(3) of the Local Government Act (Northern Ireland) 2014, where the Commissioner decides that a person has failed to comply with the Code, the Commissioner must decide whether no action should be taken or whether the nature of the failure is such that the Commissioner should-

- a. censure the person in such terms as the Commissioner thinks appropriate;
- b. suspend or partially suspend the person from being a councillor for such a period, and in the way, as the Commissioner thinks appropriate. However, that period shall not exceed one year or, if shorter, the remainder of the person's term of office; or
- c. disqualify the person for being, or becoming (whether by election or otherwise) a councillor, for such a period as the Commissioner thinks appropriate but not exceeding five years.

## **ALTERNATIVE ACTION**

Under section 55(2) of the 2014, the Commissioner may take action instead of, or in addition to, conducting an investigation in dealing with a written allegation that there has or may have been a breach of the Code.

The Commissioner has published the "Northern Ireland Code of Conduct for Councillors: Alternative Action Policy" which may be accessed at-

<https://nipso.org.uk/site/wp-content/uploads/2016/02/FINAL-Alternative-Actions-Policy-launched-on-21-June-2016.pdf>



**LOCAL GOVERNMENT CODE OF CONDUCT  
REVIEW WORKING GROUP REPORT**

**2016**





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## EXECUTIVE SUMMARY OF RECOMMENDATIONS

### The Principles (Part 3)

1. All stakeholders who made representations to the Code of Conduct Review Group (the Review Group) indicated their support for amending the principles in Part 3 of the Northern Ireland Code of Conduct for Councillors (the Councillors' Code), to align them with the principles contained in the revised Members of the Legislative Assembly Code and Guide (the MLA Code) which was approved by the Assembly in June 2015.
2. Stakeholders considered that it would be helpful for all elected representatives to have a common approach in respect of principles.
3. The Review Group concluded that the principles should be amended to reflect this, using the revised wording as outlined in Figure 2 (Recommendation 1 see page 20).

### The Principle of "Public Duty"

4. The revised MLA Code removes "Public Duty" from the list of principles and makes it an enforceable rule. The descriptor has also been revised. The Assembly Standards and Privileges Committee, when reviewing the MLA Code had decided that this new rule would only be broken if an MLA was convicted of, or admitted to an offence committed whilst acting in their elected capacity.
5. The Review Group also sought the views of stakeholders on making the principle of Public Duty an enforceable rule in the Councillors' Code and the majority of stakeholders agreed. The Review Group recommends that the principle of Public Duty should become an enforceable rule in the Councillors' Code (Recommendation 2 see page 24).
6. The Review Group also recommends that the wording of the new rule of Public Duty should be worded as set out. (Recommendation 3 see page 24).

### Principles: Aspirational or Enforceable

7. The principles in the Councillors' Code are enforceable, whereas the principles in the revised MLA Code are aspirational. All stakeholders who commented on this issue, with one exception, considered that the principles should be amended to reflect the aspirational approach taken in the revised MLA Code.
8. In considering this issue, the Review Group also looked at the findings of the Assembly Committee on Standards and Privileges which conducted the review of the MLA Code. In reviewing the MLA Code, the Standards and Privileges Committee took note of the report from the Committee on Standards in Public Life's publication "Standards Matter"<sup>1</sup> which states that principles should be broadly expressed and aspirational to form part of the basic elements of a strong ethical framework.
9. The Review Group also noted that codes of conduct applicable to other tiers of elected representatives in the UK also contain principles that are aspirational.
10. The Review Group concluded that principles and Rules should be viewed as complementary in that, if a person had not breached the rules, they were unlikely to have breached a principle. The Standards Matter report indicated that principles, however, are broadly defined and open to interpretation, which could lead to them exceeding the requirements of the Rules. Behaviour can be within rules set out in a code yet may still offend against underlying principles and values as judged by others, which can include other councillors or the general public. However, opinions can vary as to what should be considered as "acceptable behaviour".
11. Taking these factors into account, the Review Group recommends that the principles in the Councillors' Code should be considered aspirational in line

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<sup>1</sup> Committee on Standards in Public Life's 14th report, Standards Matter: a review of best practice in promoting good behaviour in public life.

with the revised principles in the MLA code approved by the Assembly in June 2015 (Recommendation 4 see page 27).

12. To clarify this, the Review Group recommends that the wording of paragraph 3.2 in Part 3 of the Councillors' Code should be revised (Recommendation 5 see page 28).

### **Rules on decision-making - Part 8**

13. Stakeholders generally supported the application of Rules 8.1(a) to (h) to all council decisions as it was considered that this would ensure a fair, open and impartial approach to the decision-making in councils.
14. Any difficulties raised in relation to Part 8 of the Councillors' Code were in respect of Rules 8.1(i) to (l) (see Chapter 6 page 28). Most stakeholders, when commenting on these rules, provided evidence relating to planning committee scenarios. It was from their experience of either being a member of, or interacting with, a council planning committee that stakeholders were able to offer examples to support their concerns.
15. Some stakeholders who were planning committee members (see paragraph 6.6) indicated that they were unsure under Rules 8.1(i) to (l) whether, prior to planning meetings, they could participate in informal planning discussions and offer opinions, whether with other councillors, their constituents or potential planning applicants. However, most stakeholders indicated to the Review Group that they were aware that, during planning meetings, they would be able to address the committee on behalf of their constituents etc., but then would not be able to take part in the final decision-making process.
16. Some stakeholders who were not planning committee members also raised concerns about these rules, indicating that they were unsure whether it was acceptable to routinely engage with the committee, if required, to offer opinions or seek clarity from committee members on behalf of their

constituents. One stakeholder was under the impression it was not acceptable to have such discussions, while another stakeholder informed the Review Group that they considered it was acceptable to approach the planning committee on tabled matters.

17. In addition, whether a planning committee member or not, most stakeholders considered that the rules were unclear with regard to whether it would be appropriate for councillors to react to approaches by the public to provide them with assistance on planning matters generally.
18. The Review Group considers that clarity is required for all councillors on what is deemed acceptable engagement with either constituents or other councillors prior to planning matters coming before the planning committee, or in some instances, the full council, for agreement.
19. The Review Group recommends that, in order to provide clarity for councillors, the wording of Rule 8.1 should be revised so that:
  - Rules 8.1(a) to (h) would apply to all decisions; and
  - Rules 8.1(i) to (l) would apply to quasi-judicial decisions, (eg planning, licensing, etc) and to decisions on appointments and the awarding of contracts (Recommendation 6 see page 35).
20. The Review Group recommends that the wording of Rule 8 should be revised to provide clarity (Recommendation 7 see page 35).

## CHAPTER 1 - INTRODUCTION

### Background - The Ethical Standards Framework

- 1.1 Part 9 (sections 53 to 65) of the Local Government Act (Northern Ireland) 2014 (the 2014 Act) establishes the new ethical standards framework for councillors in Northern Ireland. This consists of a mandatory code of conduct for councillors with supporting mechanisms for investigation, adjudication and appeal.
- 1.2 Section 53 of the 2014 Act enables the Department of the Environment (the Department) to issue a code of conduct for councillors, and this provision was commenced on 20 May 2015. The remaining sections in Part 9 were commenced on 2 June 2014.

### Code of Conduct

- 1.3 Section 53 of the 2014 Act makes provision:
  - for the Department to issue, revise or withdraw a code of conduct;
  - that any code must be consulted on prior to its issue, and
  - that any draft of a code must be subject to the approval, by resolution, of the Northern Ireland Assembly.
- 1.4 The Northern Ireland Local Government Code of Conduct for Councillors (the Councillors' Code) was subject to public consultation before being laid and approved by resolution of the Northern Ireland Assembly on 27 May 2014. Parts 1-8 of the Councillors' Code came into force on 28 May 2014 following the local government elections. Part 9, which deals with planning matters, came into force on 1 April 2015, when the 11 new councils took over responsibility for a range of planning control powers including defining development and setting the framework for the processing and determination of planning applications.



## The Commissioner for Complaints (the Commissioner)

- 1.5 The Northern Ireland Commissioner for Complaints (the Commissioner) has responsibility for the investigation and adjudication functions under the 2014 Act. The Commissioner has delegated the authority to investigate alleged breaches of the Councillors' Code to the Deputy Commissioner and a dedicated team, known as the Local Government Ethical Standards Directorate (LGES Directorate), which has been established within the Commissioner's office specifically to deal with ethical standards cases under the Councillors' Code. The LGES Directorate receives, assesses and investigates code of conduct complaints, while the Commissioner undertakes the adjudication function.

### Commissioner's Guidance

- 1.6 Section 54 of the 2014 Act provides that the Commissioner may issue guidance on matters relating to the conduct of councillors. The Commissioner issued guidance on 20 March 2015. <http://www.ni-ombudsman.org.uk/niombudsmanSite/files/05/058c7c9d-a343-4ccf-9751-e0c8668a5159.pdf> The Guidance is intended to assist councillors to meet their obligations under the new ethical standards framework i.e. the Councillors' Code. It makes extensive use of case study examples from other jurisdictions, to help councillors to develop their understanding of the code of conduct as well as explaining how the Commissioner's office will undertake its work on the investigation and adjudication of complaints.

### Minor Breaches of the Code and Alternative Action

- 1.7 Section 55(2) of the 2014 Act makes provision for the Commissioner to take action instead of, or in addition to, conducting an investigation when dealing with an alleged breach of the Code (ie "alternative action").
- 1.8 The objective of alternative action is to bring about a satisfactory resolution of the complaint in the most effective, efficient and proportionate manner

and without the cost and resource implications of an investigation and/or an adjudication. It is envisaged that the alternative action procedure would apply to more minor breaches of the Code where the failure to comply with the Code is unlikely to result in a significant sanction. A decision to take alternative action in any particular case would be made by the Deputy Commissioner

1.9 The Commissioner recently consulted on proposals for dealing with alleged breaches of the Code as an alternative to conducting an investigation. The Commissioner's "Consultation on the NI Local Government Code of Conduct for Councillors: Alternative Action" was issued in November 2015, seeking comments on proposed options for alternative action by 15 January 2016.

1.10 The types of alternative actions put forward in the consultation included:

- Deputy Commissioner to write to a councillor to remind them of their obligations under the Code;
- councillor expected to issue an apology;
- rectification to put right a failure to comply (e.g. where there has been a minor and inadvertent failure to register an interest);
- councillor to receive training on the Code;
- mediation;
- matter to be disclosed to another relevant body ( e.g. Information Commissioner) with the specialist skills or expertise on the issue of the complaint.

### Guidance on Planning

1.11 The Planning Act (Northern Ireland) 2011, which provides for the transfer of responsibility for the majority of planning functions from central government to the new councils, took effect on 1 April 2015. Part 9 of the Code, which deals with planning and which came into force on 1 April 2015, sets out what is expected of councillors in their new roles and responsibilities in relation to planning.

1.12 Advice and guidance was prepared on a wide variety of planning related matters. This includes the guidance “Application of the Councillors’ Code of Conduct with regard to Planning Matters” [http://www.planningni.gov.uk/index/common-about-doe-planning/about-reform/guidance\\_on\\_planning\\_element\\_of\\_code\\_of\\_conduct.pdf](http://www.planningni.gov.uk/index/common-about-doe-planning/about-reform/guidance_on_planning_element_of_code_of_conduct.pdf) and an associated “Summary of Dos and Don’ts”, [http://www.planningni.gov.uk/index/common-about-doe-planning/about-reform/summary\\_of\\_dos\\_and\\_don\\_ts\\_planning\\_element\\_of\\_councillors\\_code\\_of\\_conduct.pdf](http://www.planningni.gov.uk/index/common-about-doe-planning/about-reform/summary_of_dos_and_don_ts_planning_element_of_councillors_code_of_conduct.pdf) which were issued in February 2015. The aim of this guidance is to advise councillors how they should apply the principles and rules of the Code when it comes to dealing with planning. It also provides protection for councillors by advising them of what they can and cannot do in relation to planning decisions. This guidance is supplementary to the Code, which takes precedence.

1.13 The Department also issued a ‘Protocol for Planning Committees’ in January 2015, highlighting what is considered to be best practice with regards to the operation of planning committees. <http://www.planningni.gov.uk/index/common-about-doe-planning/about-reform/best-practice-protocol-operation-planning-committees-ni.htm>

## Training

1.14 During 2014/2015 a training programme for councillors on ethical standards was rolled out which included training on planning issues. The training was commenced prior to the new councils coming fully into operation in April 2015 as the new mandatory Code applied during the transition period to councillors of both the 26 outgoing councils and the 11 new councils. The main emphasis of the training was to prepare councillors for the new ethical standards framework and for the additional functions which councils and councillors would be taking on from 1 April 2015.

## CHAPTER 2: PURPOSE OF THE REVIEW

- 2.1. The principles contained in Part 3 (Principles) of the Councillors' Code mirrored the principles that were contained in the Members of the Legislative Assembly Code and Guide (the MLA Code) prior to its revision in 2015. During the policy development stage of the Councillors' Code, a significant number of MLAs were also serving councillors, and it was then considered appropriate that the same principles should apply to both groups of elected representatives.
- 2.2. In 2013, the Assembly Standards and Privileges Committee (the Assembly Committee) started their work on reviewing the MLA Code. As a result of that review, the Assembly Committee made recommendations for changes to be made to the MLA Code, which included a revision of the principles.
- 2.3. As previously mentioned, before a Councillors' Code may be issued by the Department, it must be approved by the Assembly. The draft Councillors' Code was approved by the Assembly on 27 May 2014.
- 2.4. During the Assembly debate on the motion to approve the Councillors' Code, the Minister for the Environment, Mark H. Durkan (the Minister) had indicated that, following the outcome of the then ongoing review of the MLA Code, consideration would be given as to whether any changes to the Councillors' Code would be needed. The revised MLA Code was debated and approved by the Assembly on Tuesday 23 June 2015. The Assembly agreed that the new MLA Code would come into effect following a review of Assembly Standing Order 69<sup>1</sup>.
- 2.5. Since the Councillors' Code came into effect in May 2014, a number of concerns have been raised in relation to Part 8 of the Councillors' Code (Rules on decision-making) (see page 28), and in particular Rules 8.1(i) to (l), which deal with organising support/opposition to a recommendation on a

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<sup>1</sup>New Standing Order 69 - 14/03/16

<http://www.niassembly.gov.uk/assembly-business/standing-orders/recent-amendments/>

matter under consideration, lobbying, complying with political group decisions and acting as an advocate. Some elected representatives have indicated that these particular rules appear restrictive and may prevent a councillor from being a politician.

- 2.6. The main concerns which were expressed about Part 8 were that Rules 8.1(i) to (l), seemed to be more applicable to decisions on regulatory or quasi-judicial matters, rather than all council decisions.
- 2.7. The Minister, following his consideration of the changes to the MLA Code and the concerns raised about the Rules in Part 8, indicated that there should be an independent review of Part 3 and Part 8 of the Councillors' Code.

## CHAPTER 3 – CODE OF CONDUCT REVIEW WORKING GROUP

### Terms of Reference and Membership

- 3.1. The Minister appointed an independent working group, to be known as the Code of Conduct Review Working Group (the Review Group), to carry out the review of Part 3 and Part 8 of the Councillors' Code. The Review Group includes a Chairperson with local government experience in Northern Ireland, an elected representative from a council in Scotland and a senior officer from a council in Wales.
- 3.2. The Review Group therefore has both knowledge and experience of local government in Northern Ireland and practical experience of how the ethical framework and codes of conduct work in other jurisdictions.

### Membership of the Code of Conduct Review Working Group

- 3.3. Membership of the Review Group is as follows:

Liam Flanigan (Chair)	Former Town Clerk and Chief Executive of the former Limavady Borough Council
Christopher Thompson	Councillor, South Lanarkshire Council, Scotland
Pauline Elliott	Head of Regeneration and Planning, Caerphilly County Borough Council, Wales.

### Secretariat

- 3.4. The Review Group was supported in its work by:

Julie Broadway	Secretariat, DOE
Mylene Ferguson	Secretariat, DOE
Tommy McCormick	Secretariat, DOE

3.5. The terms of reference of the Review Group were as follows:

*“To review Part 3 (the principles) and Part 8 (Rules relating to decision making) of the existing Northern Ireland Local Government Code of Conduct for Councillors (the Code), taking into account other relevant information contained in mandatory Codes of Conduct maintained and promoted within other administrations.*

*To conduct a pre-consultation exercise with relevant stakeholders, to gain feedback and input, as well as any other evidence as required.*

*To explore any options for change and, as necessary, make recommendations regarding any possible revisions, which will take into account the need for efficiency, effectiveness, accountability and openness.*

*All recommendations and options identified to be submitted to the Minister for the Department of the Environment for consideration.”*

3.6. The Review Group started work in November 2015 and finished in April 2016, when it presented this report to the Minister.

### **Acknowledgements**

3.7. The Review Group received views, both orally and in writing, from a number of councillors, councils, local government bodies and organisations and we are grateful to those who took time to contribute to this review.

#### Councillors/Councils

5 individual councillors

Antrim and Newtownabbey Borough Council

Armagh City, Banbridge and Craigavon Borough Council

Belfast City Council

Derry City and Strabane District Council

Fermanagh and Omagh District Council

Lisburn and Castlereagh City Council

### Local Government Representative Bodies

National Association of Councillors (NAC)

Northern Ireland Local Government Association (NILGA)

Society of Local Authority Chief Executives (Northern Ireland) (SOLACE (NI))

### Other Stakeholders

Council Chief Executives

Local Government Auditor

Northern Ireland Commissioner for Complaints

Ulster Unionist Party



## CHAPTER 4 – INFORMATION GATHERING EVENTS

- 4.1. To ensure that as many views as possible could be obtained, the Review Group issued invitations to all councillors in Northern Ireland, to local government representative bodies and other relevant stakeholders, inviting them to attend an information gathering event held in December 2015, when they could make individual short presentations of their views. This invitation exercise was repeated for additional events that took place in January 2016.
- 4.2. Stakeholders were invited to provide :
- views on whether the principles in Part 3 of the Councillors' Code should be amended and, if so, how they should be amended;
  - experiences or examples that could demonstrate that the decision-making aspects of the Councillors' Code may have hindered or appear to hinder the work of a council; and
  - any personal experiences and/or concerns regarding Part 8 of the Councillors' Code.
- 4.3. In addition, the invitation indicated that stakeholders may wish to take the opportunity to provide any additional views on the Councillors' Code in general. Although comments on any issues relating to the Councillors' Code other than those relating to Parts 3 and 8 were not specifically within the remit of the Review Group, it was considered a useful exercise to note these comments as emerging issues for future information.
- 4.4. The Review Group held 3 events as follows:
- |                    |                    |
|--------------------|--------------------|
| 9-10 December 2015 | Antrim;            |
| 13 January 2016    | Belfast; and       |
| 14 January 2016    | Derry/Londonderry. |
- 4.5. In addition to these stakeholder events, the Review Group also indicated that it would also be happy to receive any written views.

## CHAPTER 5 – PART 3: PRINCIPLES

- 5.1. The Councillors' Code, is based on 12 principles of conduct (the Principles), which are intended to promote the highest possible standards of behaviour by councillors. The Principles draw on the seven principles of conduct that the Committee on Standards in Public Life consider ought to underpin public life<sup>1</sup> (the Nolan Principles), and five further principles of conduct that were adopted by the Northern Ireland Assembly under the MLA Code in October 2009 (until the Code was reviewed in 2015).
- 5.2. The Nolan Principles are-
- Selflessness
  - Integrity
  - Objectivity
  - Accountability
  - Openness
  - Honesty
  - Leadership.
- 5.3. The additional principles of conduct adopted by the Assembly (and also included in the Councillors' Code) are:
- Public Duty
  - Equality
  - Promoting Good Relations
  - Respect
  - Good Working Relationships.
- 5.4. Part 3 of the Councillors' Code sets out these principles, along with their descriptors (see Figure 1 below):

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<sup>1</sup> Committee on Standards in Public Life, Members of Parliament, ministers, civil servants and quangos (First Report) May 1995

**Figure 1**

## **PRINCIPLES OF CONDUCT IN THE CURRENT COUNCILLORS' CODE**

The Code is based on 12 principles of conduct (the Principles), which are intended to promote the highest possible standards of behaviour for councillors. The Principles draw on the seven principles of conduct that the Committee on Standards in Public Life believed ought to underpin public life<sup>1</sup>, and the five further principles of conduct that have been adopted by the Northern Ireland Assembly. As a councillor, you must observe these Principles.

The rules of conduct set out in the Code (the Rules) are the specific application of the Principles. Your compliance with the Rules, which is required under the Code, will help you meet the high standards of conduct promoted by the principles.

The 12 principles of conduct are:

### **Public Duty**

You have a duty to uphold the law and to act on all occasions in accordance with the public trust placed in you.

You have a general duty to act in the interests of the community as a whole.

You have a special duty to your constituents and are responsible to the electorate who are the final arbiter of your conduct as a public representative.

### **Selflessness**

You should act in the public interest at all times and you should take decisions solely in terms of the public interest. You should not act in order to gain financial or other material benefits for yourself, your family, friends or associates.

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<sup>1</sup> Committee on Standards in Public Life's 14th report, Standards Matter: a review of best practice in promoting good behaviour in public life.

**Integrity**

You should not place yourself under any financial or other obligation to outside individuals or organisations, which might reasonably be thought by others to influence you in the performance of your duties as a councillor.

**Objectivity**

In carrying out council business, including considering public appointments, awarding contracts or recommending individuals for rewards and benefits, you should make choices on merit.

**Accountability**

You are accountable to the public for your decisions and actions and for the way that you carry out your responsibilities as a councillor and must submit yourself to whatever scrutiny is appropriate to your responsibilities.

**Openness**

You should be as open as possible about the decisions and actions that you take. You should give reasons for your decisions when required and restrict information only when the wider public interest clearly demands it.

**Honesty**

You should act honestly. You have a duty to declare any private interests relating to your public duties. You should take steps to resolve any conflicts between your private interests and public duties at once and in a way that protects the public interest.

**Leadership**

You should promote and support these principles by leadership and example in order to establish and maintain the trust and confidence of your constituents, and to ensure the integrity of your council and its councillors in conducting business.

**Equality**

You should promote equality of opportunity and not discriminate against any person by treating people with respect regardless of race, age, religion, gender, sexual orientation, disability, political opinion, marital status and whether or not a person has dependants.

**Promoting Good Relations**

You should act in a way that is conducive to promoting good relations by providing a positive example for the wider community to follow and that seeks to promote a culture of respect, equity and trust and embrace diversity in all its forms.

**Respect**

It is acknowledged that the exchange of ideas and opinions on policies may be robust but this should be kept in context and not extend to individuals being subjected to unreasonable and excessive personal attack. You should keep in mind that rude and offensive behaviour may lower the public's regard for, and confidence in, councillors and councils. You should therefore show respect and consideration for others at all times

**Good Working Relationships**

Between councillors – You should work responsibly with other councillors for the benefit of the whole community. You must treat other councillors with courtesy and respect. You must abide by your council's standing orders and should promote an effective working environment within your council.

Between councillors and council employees - The relationship between councillors and employees must at all times be professional, courteous and based on mutual respect. You should show respect and consideration for council employees at all times and ensure that your actions do not compromise their impartiality.

## Assembly Review of the MLA Code

- 5.5. As the Principles in the Councillors' Code were aligned to those in the MLA Code, the Review Group considered the findings of the Assembly Committee who carried out a wholesale review of the existing MLA Code in 2014/2015

## Background to the Assembly Review

- 5.6. In March 2014, as part of its review of the MLA Code, the Assembly Committee produced an Issues Paper<sup>1</sup>. With regard to the principles set out in the MLA Code, the Issues Paper highlighted the UK Committee on Standards in Public Life's publication "Standards Matter"<sup>2</sup> which reported on the relationship between principles and codes of conduct. The Principles in the revised MLA Code are based on those in the Standards Matter publication.
- 5.7. The revised MLA Code of Conduct and Guidance, contained in the Assembly Committee's "Report on the Review of the Code" which included the proposed revised principles (see **Annex** - page 45), was approved following the Assembly debate held on 23 June 2015. It was agreed at that debate, that Assembly Standing Order 69 should be reviewed to determine whether it should be amended to reflect the provisions of the revised MLA Code. The Assembly agreed on 14 March 2016 that Standing Order 69 should be amended thus giving effect to the new MLA Code and Guide.

## Review Group Findings: Principles

- 5.8. The Review Group asked stakeholders to provide views on whether the current principles in the Councillors' Code should be amended and, if so, how they should be amended.

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<sup>1</sup> <http://www.niassembly.gov.uk/globalassets/documents/standards-and-privileges/report/agreed-issues-paper.pdf>

<sup>2</sup> Committee on Standards in Public Life's 14th report, Standards Matter: a review of best practice in promoting good behaviour in public life.

5.9. In general, stakeholders considered that the principles were an important element of the Councillors' Code. When asked about any amendments that should be applied to this Code, all local government stakeholders considered that it would be advantageous to have as much consistency as possible between it and the revised MLA Code.

5.10. Reasons given for this approach were that this would help to build both public and elected members' understanding of the requirements placed on all elected representatives in Northern Ireland, both in the Assembly and at council level. All stakeholders who provided views on this issue indicated that the principles in the Councillors' Code should be amended to reflect the principles and supporting descriptors as provided for in the revised MLA Code.

### Recommendation 1

**The principles of conduct in the Councillors' Code should be revised to reflect, as far as possible, those revised principles and descriptors provided in the MLA Code approved by the Assembly in June 2015.**

**(See Figure 2 for proposed revised principles below:)**

Figure 2

**PROPOSED REVISED PRINCIPLES OF CONDUCT FOR THE COUNCILLORS' CODE****Selflessness**

You should act solely in terms of the public interest.

**Integrity**

You must avoid placing yourself under any obligation to people or organisations that might try inappropriately to influence you in the performance of your duties as a councillor. You should not act or take decisions in order to gain financial or other material benefits for yourself, your family, or your friends. You must declare and resolve any interests and relationships.

**Objectivity**

You must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias

**Accountability**

You are accountable to the public for your decisions and actions and must submit yourself to the scrutiny necessary to ensure this.

**Openness**

You should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

**Honesty**

You should be truthful.

**Leadership**

You should exhibit these principles in your own behaviour. You should



actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

### **Equality**

You should promote equality of opportunity and not discriminate against any person, treating people with respect regardless of race, age, religion, gender, sexual orientation, disability, political opinion, marital status and whether or not a person has dependents.

### **Promoting Good Relations**

You should act in a way that is conducive to promoting good relations by tackling prejudice, promoting understanding and respect and encouraging participation between people on the grounds of different religion, political opinion, race, gender, age, sexual orientation and disability.

### **Respect**

You should show respect and consideration for others at all time.

### **Good Working Relationships**

You should work responsibly with other councillors for the benefit of the whole community. Your working relationship with council staff should at all times be professional, courteous and based on mutual respect.

## **The principle of “Public Duty”**

5.11. In the revised MLA Code, the principle of “Public Duty” (which includes the statement “members have a duty to uphold the law”) has been removed from the list of principles and has now become an enforceable rule. This new Rule states:

*“You shall uphold the criminal law. You fail to uphold the law only if you are convicted of, or admit formally, an offence committed when acting in your capacity as a Member.”*

5.12. The Assembly Committee report identified that the duty to uphold the law has been interpreted in the past by complainants in different ways. Some had interpreted it as limiting a MLAs' ability to express their opinions. However, this interpretation could be inconsistent with the right to freedom of expression provided for by Article 10 of the European Convention on Human Rights (ECHR).

5.13. The Assembly Committee stated that it would be entirely inappropriate for the Assembly to seek to prevent or limit the lawful expression by a Member of any political opinion (including opinions on social or moral issues), even when such opinions could be regarded as offensive or inappropriate, and therefore, the duty should become an enforceable rule. The rule would be breached only if a Member is convicted of, or admits, an offence committed whilst acting in his or her capacity as a Member.

#### Review Group Findings: Public Duty

5.14. The Review Group considered that, as there was overwhelming support to align, as far as possible, the principles of the revised MLA Code with the Councillors' Code, there was also merit in mirroring the approach taken by the MLA Code by removing the principle of Public Duty and making it an enforceable rule in the Councillors' Code.

5.15. The Review Group considered that the arguments presented by the Assembly Committee could also be applied to elected representatives at council level. It was reasonable to expect all elected representatives, no matter which tier of government under which they carry out their functions, to have the freedom to lawful expression, and their duty to uphold the law should only be breached if they were convicted of or admitted to such an offence in their capacity as a councillor.

#### Recommendation 2

**Consideration should be given to making the current principle of "Public duty" an enforceable rule in the Councillors' Code.**

### Recommendation 3

**The Review Group recommends the following wording for the new Rule of Public Duty**

**“Public Duty**

You shall uphold the criminal law. You fail to uphold the law only if you are convicted of, or admit formally, an offence committed when acting in your capacity as a Councillor.”

### Principles: Aspirational or Enforceable

5.16. The principles in the current Councillors’ Code are enforceable, whereas the principles in the revised MLA Code are aspirational. The distinction between those matters which are aspirational and those matters which are enforceable in a code of conduct differentiates between the ideals and goals to which someone should aspire and the rules by which they must abide. All stakeholders, with one exception, considered that the principles should be amended to reflect the aspirational approach taken in the revised MLA Code.

### Review Group Findings: Aspirational or Enforceable

5.17. The Review Group considered the findings of the Assembly Committee who conducted the review of the MLA Code. The Assembly Committee took into account evidence from the report from the Committee on Standards in Public Life’s publication “Standards Matter”<sup>1</sup>

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<sup>1</sup> Committee on Standards in Public Life’s 14th report, Standards Matter: a review of best practice in promoting good behaviour in public life.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/228884/8519.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/228884/8519.pdf) . That report includes a statement from the paper “Public Ethics and Political Judgement”

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/336977/2902536\\_CSPL\\_PublicPoliticalEthics\\_acc.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/336977/2902536_CSPL_PublicPoliticalEthics_acc.pdf) commissioned in 2014 by the Committee on Standards in Public life which states that *“Principles alone are often not enough as a guide for behaviour in everyday life. Research undertaken with the public demonstrates that there can be genuine disagreement about what they imply in specific circumstances”*. The paper also states that *“many members of the public think of principles such as honesty and integrity as referring to personality traits, thereby confusing the person with the office holder, so that it was difficult to distinguish between making a judgement about what sort of a person an elected representative is and what sort of office holder they may be”*.

5.18. The Assembly Committee looked at the relationship between principles and rules in codes of conduct of other legislatures (at Parliamentary level) and noted<sup>1</sup> *“that at the House of Commons, the House of Lords and the Scottish Parliament the principles are both aspirational and used for guidance when applying the rules but are not in themselves enforceable.”*.

5.19. This relationship between aspirational principles and rules at Parliamentary level is replicated in local government codes of conduct within certain jurisdictions in the UK. In Wales, the Public Services Ombudsman has produced guidance relating to the Welsh local government Code of Conduct. This guidance states that *“the principles are not part of the Model Code, and failure to comply with the Principles is not of itself, therefore, indicative of a breach of the Code.”* The Scottish local government code of conduct states that *“the general principles upon which the Code of Conduct is based should be used for guidance and interpretation only”*. In England, however, the local government ethical standards framework which is provided for in the Localism Act 2011, simply provides that a council must

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<sup>1</sup> Paragraph 46 of the Committee on Standards and Privileges Review of the Code of Conduct – issues Paper.

ensure that any adopted code of conduct, when viewed as a whole, is consistent with the 7 Nolan Principles.

- 5.20. In considering the different relationship between the principles and the rules in the Councillors' Code compared to codes in other jurisdictions, the review group, during their information gathering events, asked stakeholders whether they considered that the principles should be enforceable in themselves or aspirational. One respondent considered that while principles may have an aspirational element they are also clear behavioural standards in themselves that are universally accepted. They suggested that if a councillor follows the principles as the basis for their conduct, they would be less likely to behave in a way that would constitute a breach of the rules.
- 5.21. One stakeholder, when asked if it is right that someone could be found in breach of a principle, considered that it might be difficult to establish and that the principles should be regarded as the spirit of the Councillors' Code rather than as rules. Another stakeholder believed that it would be difficult to prove (or disprove) that a councillor had failed to display, for example, the principle of "Leadership", as people's perceptions can vary.
- 5.22. Another stakeholder considered that in some instances it could be argued that the principles work against the rules. For example, taking into account the concerns relating to Part 8 of the Councillors' Code (namely Rule 8.1(i) to (l), - see Chapter 6 page 28), it is difficult to show "leadership" when councillors are nervous or hesitant in relation to such issues as quasi-judicial decisions (e.g. planning matters).
- 5.23. The Review Group concluded that, if the application of the principles and the enforcement of the rules were clearer, stakeholders would feel more confident in the Councillors' Code.
- 5.24. The Review Group also noted that in the MLA Code and in relation to local government Codes in other jurisdictions, the principles of conduct are aspirational.

#### Recommendation 4

**The principles of conduct in the Councillors' Code should be considered aspirational, in line with the revised principles in the MLA Code approved by the Assembly in June 2015.**

5.25. Paragraph 3.2 of the current Councillors' Code states that:

*"The rules of conduct set out in the Code (the Rules) are the specific application of the Principles. Your compliance with the Rules, which is required under the Code, will help you meet the high standards of conduct promoted by the Principles."*

5.26. To give effect to Recommendation 4 and clarify that the principles are considered to be aspirational, this paragraph of the Councillors' Code will need to be amended.

#### Recommendation 5

**The Review Group recommends that paragraph 3.2 in Part 3 of the current Councillors' Code should be revised as follows -**

*"Councillors should observe the following principles of conduct. Whilst these principles will be taken into account when considering the investigation and determination of any potential breaches of the rules of conduct, the Principles are not themselves enforceable."*

**CHAPTER 6 - PART 8: RULES RELATING TO DECISION MAKING**

- 6.1. Part 8 of the Councillors' Code sets out the rules for councillors when they are conducting the business of the council (see Figure 3 below):

**Figure 3****RULES RELATING TO DECISION-MAKING IN THE CURRENT COUNCILLORS' CODE**

- 8.1 When participating in meetings or reaching decisions regarding the business of your council, you must:
- (a) do so objectively, on the basis of the merits of the circumstances involved, and in the public interest;
  - (b) have regard to any relevant advice provided by your council's officers, in particular, by the chief executive, the chief financial officer (where appropriate) or the council's legal advisers;
  - (c) take into account only relevant and material considerations and discount any irrelevant or immaterial considerations;
  - (d) give reasons for your decisions, when required to do so, in the interests of fairness, openness and accountability and in accordance with any statutory requirements;
  - (e) act in accordance with any relevant statutory criteria;
  - (f) act fairly and be seen to act fairly;
  - (g) ensure that all parties involved in the process are given a fair hearing (insofar as your role in the decision making process allows);
  - (h) not prejudge or demonstrate bias, or be seen to prejudge or demonstrate bias, in respect of any decision;
  - (i) not organise support for, or opposition against, a particular recommendation on the matter being considered;
  - (j) not lobby other councillors on the matter being considered;
  - (k) not comply with political group decisions on the matter being considered, where these differ from your own views; and
  - (l) not act as an advocate to promote a particular recommendation in relation to the matter being considered.

- 6.2. Some concerns have been raised about the provisions in Part 8 of the Councillors' Code, with some elected representatives indicating that some of the rules in Part 8 may hinder a councillor from behaving fully as a politician or public representative.
- 6.3. When inviting representations on Part 8 of the Councillors' Code, the Review Group asked stakeholders for details of any experiences or examples that could demonstrate that the decision-making rules in the Councillors' Code may have hindered or appear to hinder the work of a council and provide any views or share any personal experiences and/or concerns regarding Part 8 of the Councillors' Code.
- 6.4. The Review Group established from the views expressed that, when undertaking day to day business, councillors do not find the application of the rules in Part 8 straightforward. Some stakeholders indicated that they considered there was a lack of suitable training or the availability of a recognised point of contact/person for advice or clarification.
- 6.5. Any difficulties raised in relation to Part 8 of the Councillors' Code were in respect of Rules 8.1(i) to (l) (see Figure 3 page 28). Most stakeholders, when commenting on these rules, provided evidence relating to planning committee scenarios. It was from their experience of serving on, or interacting with, a planning committee, that stakeholders were able to offer examples to support their concerns. The main issues stakeholders identified were whether it was correct or not to:
- participate in informal discussions;
  - offer opinions; and
  - react to approaches by the public to provide assistance.
- 6.6. Stakeholders indicated to the Review Group that, when councillors were being approached by the public or by other councillors regarding a matter to be raised at a planning committee or a general issue of concern within their area, councillors were unsure how to react due to uncertainty in the application of the Councillors' Code. Some councillors indicated that they



either refrained from undertaking certain actions (e.g. participating in informal planning discussions, offering opinions and reacting to approaches by the public to provide assistance), as they feared that, as a result of taking such action, they might be in breach of the Councillors' Code.

- 6.7. While most councillors were clear in their roles in relation to planning, one stakeholder advised that they were under the impression that councillors could not make representations to the planning committee on issues that had an impact on their district electoral area. The Review Group was also advised by stakeholders that some councillors were either ignoring the Councillors' Code or using it as a guidance document only due to the uncertainty about some of the rules in Part 8. This uncertainty had led to some councillors acting on matters and making decisions in the hope that they were acting within the rules so as not to be accused of inaction.
- 6.8. Inconsistencies were also conveyed to the Review Group regarding site visits relating to planning applications. Councillors, whilst mindful of the rules relating to objectivity, fairness, bias, lobbying and organising support for/against issues (Rules 8(a), (f), (h), (j) and (i) respectively) were unsure of their application on site visits. Some stakeholders considered that site visits were an extension of the planning committee meeting whereas others did not. Some councils regularly conducted a large number of site visits whereas some only did so as required. Clarity was also required on the journeys to and from the site locations, which were usually undertaken on a coach organised by the council. Some stakeholders considered it inappropriate to discuss issues with other committee members during these journeys, whereas others were unclear if it was acceptable to do so or not.
- 6.9. Some stakeholders considered that the correct behaviour required by Part 8 of the Councillors' Code would only become clear once a formal complaint was raised on these issues and decided upon. They considered that this would provide welcome clarity on such matters, as there was an apparent lack of consistency of approach across the 11 councils.

### Rule 8.1 (a)-(h)

6.10. Stakeholders generally supported the application of Rules 8.1(a) to (h) to all council decisions as it was considered that this would ensure a fair, open and impartial approach to the decision-making in councils.

6.11. Some stakeholders stated that they were not confident in what they could or could not do when approached about issues within their district electoral area or on matters tabled on the committee agenda. The evidence also highlighted that there is a need for specific training in relation to all quasi-judicial committees (e.g. planning and licensing). The Review Group sought, and obtained, further evidence to support this.

### Rule 8.1(i)

6.12. Rule 8.1(i) states that when a councillor is participating in meetings or reaching decisions regarding the business of the council he/she *“must not organise support for or opposition against, a particular recommendation on the matter being considered”*.

6.13. Some stakeholders considered that Rule 8.1(i) was anti-democratic in that it restricted local representatives from acting on behalf of their constituents, whether in support or opposition to a particular matter. For example, if a telecommunications mast was being considered and residents were not in favour, the rule seemed to prevent their local councillor from presenting those negative views on the issue. Another stakeholder considered that it got in the way of democracy at a local level.

6.14. In addition to the above mentioned uncertainty, some councillors considered that they were being curtailed by this rule on what they could or could not do in relation to the needs of their constituents. Representations to the Review Group indicated that this rule was considered to prevent a councillor leading, for example, a public initiative against closure of a local hospital, or gathering support from their own or another party ahead of a council meeting to ensure a particular view is understood, or to press for a specific

outcome to a decision. Other stakeholders considered that it prevented them from lending support to public protests against a proposed council policy or to seek the backing of their own political party. The Review Group noted that there were difficulties arising from the uncertainty regarding the level of representations which could be provided by both those councillors representing views of their constituents and those councillors who were members of committees making decisions.

- 6.15. The Review Group were informed that citizens expected a high level of communication from councillors regarding the protection of communities and services in their area and to voice their constituents' concerns about issues. Stakeholders considered that Rule 8.1(i), in stipulating that a councillor should not organise support for or opposition to a matter, was at odds with a councillor's ability to adequately represent their constituents.
- 6.16. Some councillors considered that it created grey areas on what exactly a councillor could or could not do, depending on whether they were a member of the council committee in question. For example, some stakeholders considered if they had been approached by their constituents complaining about a proposed planning application, it was not clear whether they could discuss the matter with councillors at the planning committee or speak on their behalf to the planning committee. This was the case whether they sat on the planning committee or not. Other stakeholders, however, considered that they could approach their planning committee to discuss a tabled matter if they were not members of the committee. Equally, some stakeholders knew that they could put forward the views of their constituents but there seemed to be no consensus on whether they could then vote on the matter.
- 6.17. In conclusion, the Review Group established from the evidence that there is generally a difference of approach across councils to how this rule would apply. Stakeholders were conscious of their duty to address the needs of their constituents but this inconsistency across councils when applying Rule 8.1(i) to the different roles undertaken by a councillor was causing problems.

### Rule 8.1 (j)

- 6.18. Rule 8.1(j) states that when a councillor is participating in meetings or reaching decisions regarding the business of the council “*he must not lobby other councillors on the matter being considered*”.
- 6.19. Some stakeholders considered that, if they had been elected on a particular mandate that included either supporting or rejecting a proposal, it would be expected that they would get involved in influencing and actively promoting the cause on behalf of their constituents. The rule would appear to be at odds with the kind of action councillors would consider helpful and justifiable when aiming to promote and resolve an issue.
- 6.20. One stakeholder queried how agreements could be reached if councillors were prohibited from participating in this type of discussion, as some decisions are based on compromise and at times, what happens outside of a meeting to consider and decide on a matter is where the work is done.
- 6.21. It also came to light that there appeared to be confusion over what a councillor could or could not do in these circumstances. It was generally assumed that the only option open was to either take action and then, if needs be, have to face the consequences (i.e. a formal complaint) or else do nothing for fear of doing something wrong.
- 6.22. The Review Group were informed by stakeholders that clarity was lacking on the correct parameters within which a councillor could operate without breaching Rule 8.1(j). This uncertainty applied whether a councillor was acting as a council member, a committee member or acting on an outside body on behalf of the council. One stakeholder gave the example that, if a councillor were involved in a church committee and was approached by that committee seeking advice or information on a planning issue, it was difficult to know, in that type of instance, whether it was a breach if information to assist was provided by the councillor.

### Rule 8.1 (k)

6.23. Rule 8.1(k) states that when councillors are participating in meetings or reaching decisions regarding the business of the council they *must not comply with political group decisions on the matter being considered, where these differ from their own views.*

6.24. Stakeholders also raised concerns about this rule. Some considered that when there were a number of councillors from the same political party in a council, political party influence would be applied to those councillors on a regular basis, (i.e. party whip). This rule would seek to prevent such party influence so that those councillors would be required to act more like independents.

6.25. One stakeholder stated that while they would listen to the views of their political party on an issue, they would still consider it right to assess all the facts before making their decision on a particular issue. They would make a final decision based on all the available evidence presented at the meeting. Some other stakeholders indicated that this was not always the approach taken by councillors.

### Rule 8.1 (l)

6.26. Rule 8.1(l) states that when a councillor is participating in meetings or reaching decisions regarding the business of the council "*he must not act as an advocate to promote a particular recommendation in relation to the matter being considered*".

6.27. Similar comments were made to those expressed in relation to 8.1(i) and 8.1(j). Stakeholders indicated that the Rules in the Councillors' Code were unclear on what they could actively promote on behalf of a constituent, or on how they could lobby on topics that they may have canvassed on prior to an election. They considered that they had to remain silent or neutral on the matter as this is what would appear to be required by this rule.

6.28. Another stakeholder queried how anything could be changed if a council was expected to just rubber stamp everything. The benefits of networking with other councillors to try to find common ground on matters was considered by one stakeholder as a best practice approach as it could assist in resolving matters to a satisfactory conclusion.

6.29. The Review Group, recommends that clarity should be provided in relation to the Rules set out in Part 8 of the Councillors' Code:

### Recommendation 6

**The wording of Rule 8.1 in the Councillors' Code should be revised, so that:**

- **Rules 8.1(a) to (h) apply to all decisions;**
- **Rules 8.1(i)-(l) applies to quasi-judicial decisions (e.g. planning, licensing, etc) and to decisions on appointments and the awarding of contracts.**

### Recommendation 7

**The Review Group recommends that Part 8 of the Code should be revised as follows**

#### **“PROPOSED REVISED RULES ON DECISION-MAKING**

#### **8. RULES RELATING TO DECISION-MAKING**

8.1 It must be acknowledged that councillors fulfil different roles at different times.

For example, they can sit as a council member, committee chair, member of a committee or of their party political group, representing a district electoral area or their constituents or as a council-appointed member of an outside body.

Some of these roles can cause members to be in conflict. However, it is up to each individual member to decide which role they are carrying out at any time and observe the rules accordingly.

### **General Rules – Applicable when making all decisions**

When participating in meetings or reaching decisions regarding the business of your council, you must

- (a) do so objectively, on the basis of the merits of the circumstances involved, and in the public interest;
- (b) have regard to any relevant advice provided by your council's officers, in particular, by the chief executive, the chief financial officer (where appropriate) or the council's legal advisers;
- (c) take into account only relevant and material considerations and discount any irrelevant or immaterial considerations;
- (d) give reasons for your decisions, when required to do so, in the interests of fairness, openness and accountability and in accordance with any statutory requirements;
- (e) act in accordance with any relevant statutory criteria;
- (f) act fairly and be seen to act fairly;
- (g) ensure that all parties involved in the process are given a fair hearing (insofar as your role in the decision making process allows);
- (h) not prejudge or demonstrate bias, or be seen to prejudge or demonstrate bias, in respect of any decision;

### **Additional Rules – Decisions regarding quasi-judicial issues, making appointments and awarding contracts**

In addition to the general rules which relate to all decisions, for decisions in relation to quasi-judicial issues, making appointments and awarding contracts, you must also:

- (i) not organise support for, or opposition against, a particular recommendation on the matter being considered;
- (j) not lobby other councillors on the matter being considered;

- (k) not comply with political group decisions on the matter being considered, where these differ from your own views; and
- (l) not act as an advocate to promote a particular recommendation in relation to the matter being considered.”



## CHAPTER 7: COUNCILLORS' CODE: EMERGING ISSUES

- 7.1. During evidence gathering, the Review Group established that there was overwhelming support for the Councillors' Code and the majority of people/organisations who made representations considered that it provided suitable protections for councillors and their council.
- 7.2. However, the collective evidence from stakeholders highlighted an ongoing lack of clarity on the correct interpretation of the Councillors' Code, how the rules should apply and a lack of understanding of parts of the ethical training already provided. The Review Group recognised a need for further training and the provision of day to day support and guidance on the Councillors' Code. This lack of such important resources has created a negative impact for some councillors and/or councils.
- 7.3. Although these issues lay outside the remit of the Review Group, the Group considered it important to highlight those issues consistently raised, so that they can be noted for the future review of the ethical standards framework that will be carried out.

### Training (and Mandatory Training)

- 7.4. The Review Group noted the concerns raised by stakeholders on the level of training that they considered should be delivered to enable councillors to have a better understanding of the requirements of the Councillors' Code. This was evident from stakeholder concerns regarding Part 8, and in relation to the clarity needed to ensure that, as councillors, they would be confident in the actions they could take. Stakeholders identified that this training should also include the dos and don'ts of the Councillors' Code. As a result, the Review Group recommends that consideration should be given to the following.
  - All councils should consider drawing up specific training plans and making arrangements for ongoing training provision on the Councillors' Code and the ethical standards framework for all councillors. Regular

training of all aspects of planning should also be considered. An overall uniform approach to this training by all councils should be considered as a priority with the possibility of councils sharing sessions to encourage networking and uniformity of approach.

- This training should include the dos and don'ts of the Councillors' Code that apply to every day duties and to the different roles that councillors may occupy, both within the council environment and any obligations within their community. This would include clarification on the rules relating to their public and private life and when the code would apply in these instances.
- Councils should develop on-going ethical training plans to target individual councillors who may be co-opted onto councils at any time or for new councillors elected in future years;
- Training about quasi-judicial committees is vital for councillors and should be mandatory, especially for those councillors who are appointed to positions on these committees. Chairpersons of these committees should clarify before any meeting that all councillors have been trained before they can take any part in proceedings. This would act as a protection for those councillors and build ongoing confidence in understanding the requirements of their role if they are serving on these committees as well as confidence for those councillors who have to interact with these committees;
- Provision for re-training or refresher training should be an element of the training plans for the ethical standards.

**A source for Advice/Support/Guidance (i.e. Critical Friend/ Monitoring Officer/ Legally Qualified person)**

- 7.5. Stakeholders indicated to the Review Group that it would be helpful to have some resource who could give day to day practical advice, guidance and/or clarification on the Councillors' Code, should an issue require it. From the

evidence provided, there was an apparent lack of consistency of approach to the Councillors' Code across the 11 councils and there is currently no reference point to provide assistance in the correct application of the Councillors' Code to relevant matters. The Review Group recommends that consideration should be given to the appointment of a person, or using an existing resource within a council, who would be tasked with providing advice and guidance and who may also alert any councillor who may be erring towards breaching the Councillors' Code.

- 7.6. In the rest of the UK, Monitoring Officers are responsible for calling members to account when they breach or are in the process of appearing to breach the code of conduct. Evidence suggests that in the vast majority of cases, a breach is an error of judgement due to lack of experience – and this would seem a likely scenario in Northern Ireland, due to the new arrangements and powers available to councillors and councils as a result of local government reform.
- 7.7. Monitoring Officers have the ability to have a quiet word in instances of minor breaches – resolving the issue quickly and discreetly, and thus avoiding any embarrassment, prior to any formal written complaint. They also ensure that a uniform approach is applied to queries and guidance, which is advantageous to progress.
- 7.8. This role should be regarded as an additional support for councillors, helping, guiding and supporting councillors and officers in ethical matters. As the position is usually allocated to the Head of Legal Services in those councils, they can also attend critical meetings in their professional as well as ethical capacity which removes any pressure and/or vulnerability to proceedings. A uniform approach should be applied.

#### **Uniformity of Roles of Councillors – job descriptions – Includes Quasi Judicial Committee Requirements**

- 7.9. Stakeholders had indicated to the Review Group that from their experience of serving on or interacting with committees in councils, there was a lack of

confidence in what they could or could not do when approached about issues within their district electoral area or on matters tabled on a committee agenda (see paragraph 6.6). The Review Group noted that the stakeholder evidence highlighted the inconsistency in how these matters were dealt with by councillors and councils. The Review Group recommends that the following paragraphs should be considered when developing policies in relation to the Councillors' Code.

7.10. As indicated the evidence provided suggests that some councillors are unaware of the responsibilities they have, how they should operate in that role or what is expected of them. This was very apparent for newly elected councillors, who were unsure of the different roles and how they should interact with them.

7.11. Councillors perform different roles and consideration should be given to drawing up outline job descriptions (with relevant associated training) – for example, the role of –

- party group leader,
- party member,
- committee chair,
- committee member, and/or
- councillor representing a district electoral area.

7.12. The specific training outlined in paragraph 7.4 above should align with these roles and how the Councillors' Code impacts on the duties – those who have a position of responsibility need to be aware of all the dos and don'ts that would apply to them and to those that they may come into contact with as a direct result of that position.

### Register of Interests

7.13. During the evidence gathering a number of stakeholders indicated that there was some confusion over the declaration and registration of interests. The Review Group was informed that stakeholders were often unclear on when

certain interests should be declared and registered and also what action should be taken by a councillor following their declaration of an interest i.e. could they then speak on a topic or vote on a related decision?

7.14. The Review Group would suggest that people in public life must avoid situations in which private interests may have an effect on their public duties. Councillors should always be mindful that public confidence in the decision-taking process of a council and its councillors may be affected where there appears to be a conflict of interest. The integrity of the councillor and the council may be called into question where the non-disclosure of a relevant interest is revealed at a later stage.

7.15. The Review Group recommends that councils put in place procedures to ensure that the requirement for councillors to declare/register all relevant interests is upheld. The following actions should be considered-

- training should be provided on a council's procedures for declaring interests and the subsequent level of councillor involvement in discussions/votes;
- a council's register of interests should be regularly reviewed to ensure it is kept up to date;
- councillors should be asked, at regular intervals, to update the details about their interests; and
- as part of a council's risk management strategy, a robust approach should be taken to manage the risk of the non disclosure of interests and this should be subject to internal audit by councils.

### **Quasi-Judicial Committee Requirements i.e. Planning Committees**

7.16. The examples provided to the Review Group related mainly to planning committee issues, however, the Review Group considers that the same issues would also extend to other quasi-judicial committees and that similar considerations should be applied to these committees also.

7.17. The Review Group would therefore suggest that consideration should be given to the following:

- an optimum size for planning committees should be considered;
- uniform training should be a mandatory requirement (see paragraph 7.4 above);
- site visit protocols should be introduced and the roles of all possible interested parties clarified, together with clear roles on when the committee is “in committee”;
- a clear understanding of the role of councillors who may deal with planning matters in their area but who do not sit on council planning committee is required;
- the presence of an informed Monitoring Officer/legally qualified person who can provide immediate guidance and/or advice (see paragraph 7.5 above).

### Complaints Procedure

7.18. Some stakeholders indicated that they considered the complaints process was too secretive and the confidentiality requirements surrounding the investigative process prevented both councillors and their legal representatives from revealing any details of the investigation and the final outcome.

7.19. In addition, some stakeholders considered that there was a need for a frank analysis of the approach and impact of investigations of alleged breaches, around the methods, timescales and proportionate (or disproportionate) impact of the process, regardless of the outcome.

7.20. Several stakeholders considered that there should be a screening out exercise which would rule out vexatious, mischievous or trivial complaints and the introduction of a shorter, less formal process alongside the current process that could be operated within the council. This would resolve simpler complaints quickly and reduce the level of anxiety and apprehension that is caused.

7.21. The Review Group concluded that it is evident that councillors are not fully conversant with the requirements of the complaints procedure, or the role expected of them when an allegation of a breach of the code is aimed at them or if they decide to make a formal complaint that an alleged breach had occurred. Clarity on the steps taken within the complaints procedure and clarity on the role expected of any parties involved would be helpful.

7.22. The Review Group recommends that consideration should be given to the following:

- education/training in the complaints process, from when a written complaint is submitted until resolution, and the timespend expected;
- clarity on what a councillor's role would/should be when they are a complainant or a person accused of an alleged breach; and
- clarity on when/if the process can be communicated, and how the outcome can be reported.

### **The Principles of Conduct**

Members should at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the Assembly and should never undertake any action which would bring the Assembly into disrepute. The Assembly encourages and expects Members to observe the following principles of conduct.

Whilst these principles will be taken into account when considering the investigation and determination of any potential breaches of the rules of conduct, the principles are not themselves enforceable.

### **The Seven Principles of Public Life**

**Selflessness:** Members should act solely in terms of the public interest.

**Integrity:** Members must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

**Objectivity:** Members must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

**Accountability:** Members are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

**Openness:** Members should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

**Honesty:** Members should be truthful.



**Leadership:** Members should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

### **The Additional Assembly Principles of Conduct**

**Equality:** Members should promote equality of opportunity and not discriminate against any person, treating people with respect regardless of race, age, religion, gender, sexual orientation, disability, political opinion, marital status and whether or not a person has dependents.

**Promoting Good Relations:** Members should act in a way that is conducive to promoting good relations by tackling prejudice, promoting understanding and respect and encouraging participation between people on the grounds of different religion, political opinion, race, gender, age, sexual orientation and disability.

**Respect:** Members should show respect and consideration for others at all time.

**Good Working Relationships:** Members should work responsibly with other Members of the Assembly for the benefit of the whole community. Members' working relationship with Assembly staff should at all times be professional, courteous and based on mutual respect."



<b>Report to:</b>	Council Meeting
<b>Date of Meeting:</b>	9 January 2017
<b>Subject:</b>	Consultation on Criteria for Reconfiguring Health and Social Care Services
<b>Reporting Officer (Including Job Title):</b>	Liam Hannaway Chief Executive
<b>Contact Officer (Including Job Title):</b>	Aisling Rennick Investing for Health Officer

**Decisions required:**

- (1) Approval of draft response on Criteria for Reconfiguring Health and Social Care Services.
- (2) Approval to include a summary of the issues raised by both Downe and Daisy Hill Health Fora as an appendix to the Consultation Response Questionnaire.

<b>1.0</b>	<b>Purpose and Background:</b>
1.1	The Department of Health is currently consulting on changes to the Health and Social Care system as proposed by the Bengoa Report. As part of this consultation the Council have been invited to comment on the Criteria for Reconfiguring Health and Social Care Services.
<b>2.0</b>	<b>Key Issues</b>
2.1	<p>In order to allow full consideration of the document and the issues it raises meetings of both the Downe and Daisy Hill Health Fora took place in December 2016.</p> <p>Both Fora considered the document and the draft Council response and have made amendments to the draft response as per the attached Questionnaire response.</p> <p>Members of the Daisy Hill Forum expressed particular concern regarding the proposed closure of the stroke unit at Daisy Hill and the impact any closure or reduction in Emergency Department services at the hospital would have on the proposal to provide initial clot busting treatment for strokes at Daisy Hill followed by transfer to the proposed hyper acute unit at Craigavon. To ensure that this treatment is given within the necessary time limit it would be essential that Daisy Hill can provide the necessary scanning and emergency treatment.</p> <p>The Daisy Hill Community Group asked that the Council give a clear and unambiguous statement of support for the retention of the Stroke Unit at Daisy Hill.</p> <p>The Downe Forum was concerned about the rural nature of the area and was clear that there is a need to consider the impacts of any changes on ambulance response times. It is widely recognised that NI's road infrastructure means distances to services cannot be considered on pure mileage terms only but rather consideration must be taken of the delays caused by the quality of roads.</p> <p>Both Fora expressed significant concern regarding the drift to centralisation of</p>

	<p>services as suggested in the proposals and the particular impact this would have on the people of rural areas which is particularly relevant to large parts of our District</p> <p>There are substantial differences between the issues which cause concern in the parts of our District that are served by the South Eastern and Southern Trust and the reports of the concerns raised during these separate engagements are reflected within the body of the response questionnaire. The Council can also include a summary of comments from both Foras as an appendix to the Consultation Response Questionnaire.</p> <p>The development and implementation of the Community Plan provides the Council, Statutory Partners and the local community ways of working which would improve the lives and health of residents in the District. This is an important issue for the reconfiguration of Health &amp; Social Care Services.</p>
<b>3.0</b>	<b>Recommendations:</b>
3.1	<p>(1) The Council approve the draft response to the consultation on Criteria for Reconfiguring Health and Social Care Services.</p> <p>(2) Agree to include a summary of the issues raised by both Downe and Hill Health Fora as an appendix to the Consultation Response Questionnaire.</p>
<b>4.0</b>	<b>Resource implications</b>
4.1	N/A
<b>5.0</b>	<b>Equality and good relations implications:</b>
5.1	N/A
<b>6.0</b>	<b>Appendices</b>
	Appendix I: Draft response to consultation on Criteria for Reconfiguring Health and Social Care Services

**HEALTH AND  
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2026**

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## **CONSULTATION RESPONSE QUESTIONNAIRE**

# **Consultation on Criteria for Reconfiguring Health and Social Care Services**



Department of  
**Health**

An Roinn Sláinte

Máinnystrie O Poustie

[www.health-ni.gov.uk](http://www.health-ni.gov.uk)

## CONSULTATION RESPONSE QUESTIONNAIRE

### RESPONDING TO THE CONSULTATION

You can respond to the consultation document by e-mail, letter or fax using this questionnaire. The questions in the Questionnaire Response Form may help you in providing your views on the Criteria, but are not intended to limit your comments.

If this document is not in a format that suits your needs, please contact us and we can discuss alternative arrangements.

Before you submit your response, please read Annex A about the effect of the Freedom of Information Act 2000 on the confidentiality of responses to public consultation exercises.

Responses should be sent to:

E-mail: [Reconfig.criteria@health-ni.gov.uk](mailto:Reconfig.criteria@health-ni.gov.uk)

Written: Reconfiguration Criteria Consultation

Department of Health

Room C3.6

Castle Buildings

Stormont Estates

Belfast, BT4 3SQ

Tel: (028) 905 20020

Fax: (028) 905 22335

**The closing date for responses is 20 January 2017**

**PERSONAL DETAILS**

I am responding:    as an individual                                

                                 as a health and social care professional                                

                                 on behalf of an organisation                                

(please tick a box)

**Name:**                             Aisling Rennick

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**Job Title:**                         Investing for Health Officer

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**Organisation:**                     **Newry, Mourne and Down District Council**

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**Address:**                            **Council Offices, Monaghan Row, Newry, BT35 8DJ**

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**Tel:**                                         **02830313066**

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**Fax:**

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**e-mail:**                                 **Aisling.rennick@nmandd.org**

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**Views are sought on Criterion 1:****Criterion 1**

- There is evidence that the outcomes for patients using these services are below acceptable levels either in the services as a whole or in particular hospitals, or where there are safety concerns.

**Question 1. Do you agree with Criterion 1 as an appropriate factor to assess the sustainability of health and social care services?**

Yes  No

**If 'no' please feel free to comment below, providing evidence to support any alternative proposal.**

Outcomes for patients should always be the primary focus of services. However, it is the Council's belief that centralising services should not be the starting point. In the first instance, every attempt should be made to correct problems in the location in which they occur.

The fundamental principle should be accepted that services should be delivered as locally as possible.

Bench marks for services for patients from rural areas must be taken from the point at which they leave home rather than at the point at which they reach hospital.

There is concern that the proposed criterion will fail to achieve improvements in that it does not consider the ability to move people around the health system.

**If 'yes' please feel free to comment further below.**



**Views are sought on Criterion 2:**

**Criterion 2**

- There is a clear clinical pathway for the patient population. Co-created with patient groups.

**Question 2. Do you agree with Criterion 2 as an appropriate factor to assess the sustainability of health and social care services?**

Yes  No

**If 'no' please feel free to comment below, providing evidence to support any alternative proposal.**

Clinical pathways must be designed in close collaboration with patients and local communities. Services must be accessible to all individuals.

There is no inclusion or reference to the need to focus on co production models of delivering HSC services. It is only accurate for clinical services however many patients of clinical services rely on community based interventions, support models and co referral agencies.

Clinical pathways are often only one part of a two or three stage programme of care which draws on community based interventions, support, referral.

Clinical pathways should be incorporating co production models with equal importance shown to community based support.

There is a need to remember that for many conditions there are multiple care pathways and the pathway chosen must be the most appropriate for the patient need and not on a "one size fits all" basis.

It is essential to take account of the demographics of Northern Ireland where

approximately 70% of the population do not live in the Greater Belfast area.

In addition, it is estimated that by 2030, approximately 50% of the population will be over 65 and this will have a profound impact on clinical pathways. The overwhelming majority of conditions of the elderly are best delivered on a decentralised basis either through clinical teams in the community or through hospital services close to home, enabling older people to retain that contact with family and friends that is essential to recovery,

There is a concern that a shortage of GPs is having a negative impact on the availability of appropriate pathways, particularly in rural areas and there is a need for any reconfiguration decisions to be rural proofed.

The Council would stress the importance of the development of any new pathways having real and meaningful participation by patients and carers. It would be helpful if the document explained in more detail with examples how the Department would envision this process of co-creation to work in practice.

**If 'yes' please feel free to comment further below.**

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**Views are sought on Criterion 3:**

**Criterion 3**

- The service cannot meet professional standards or minimum volumes of activity needed to maintain expertise.

**Question 3. Do you agree with Criterion 3 as an appropriate factor to assess the sustainability of health and social care services?**

**Yes**

**No**

**If 'no' please feel free to comment below, providing evidence to support any alternative proposal.**

The possibilities of using hospital networks and technology should be explored as viable options for ensuring minimum volumes of activity and professional expertise. For example the successful networking and use of the telepresence robot between Craigavon Area Hospital and the High Dependency Unit at Daisy Hill Hospital. These methods can be used to address the issue of minimum volumes of activity. The fundamental criterion should be what is best to meet the patient need. There is a need to find more flexible and imaginative delivery methods.

In addition, the Council understands SE Trust contracts allow staff to move between hospitals in the networked area. This type of flexible contract should be used to ensure that professional staffing standards are maintained.

There is a need to consider the impacts of any changes on ambulance response times. It is widely recognised that NI's road infrastructure means distances to services cannot be considered on pure mileage terms only but rather consideration must be taken of the delays caused by the quality of roads. For example, there is not a single metre of dual carriageway within the part of the Newry, Mourne and Down District which lies within the South Eastern Trust boundaries. It is notable for Northern Ireland, that in 2014, approx. 26% of category A ambulance calls took more than 21 minutes. Further interrogation of these figures shows that these calls which did not meet the required benchmarks are disproportionately located outside of the greater Belfast area. This inequality can only be increased by the document's proposal to look at services on an individual basis, hospital by hospital rather than looking at the system as a whole.

The South Eastern Trust has successfully address service volume issues by devolving clinics in services including ophthalmics, audiology and bowel cancer screening to the Downe Hospital which in turn are able to be used to relieve pressure on Belfast services.

It is worth exploring if some of the volume of activity is experienced by HSC because other services are not offered, available, resourced. GP surgeries are the main gateway to many HSC services, but could this be shared? GP surgeries should be based within a hub of a range of services, interventions, community led projects, health programmes etc.

For hospitals in border areas, every effort should be made to look at cross border solutions. For example, Daisy Hill Hospital is ideally placed to cater for patients from North Louth and Monaghan who currently have to travel longer distances to hospitals within the Republic.

**If 'yes' please feel free to comment further below.**



**Views are sought on Criterion 4:****Criterion 4**

- The permanent workforce required to safely and sustainably deliver the service is not available/cannot be recruited or retained, or can only be secured with high levels of expensive agency/locum staff.

**Question 4. Do you agree with Criterion 4 as an appropriate factor to assess the sustainability of health and social care services?**

Yes       No

**If 'no' please feel free to comment below, providing evidence to support any alternative proposal.**

In the first instance, all steps should be taken to attract and retain the relevant staff before any consideration is given to centralising services. Experience has shown where some services have been reconfigured due to difficulties in retaining staff; the centralised service has struggled to cope with the additional volume. We understand that recently a patient spent over 2 hours in an ambulance at the Ulster Hospital as the service could not find space for her to be treated. Consideration should first be given to addressing the causes of recruitment and retention difficulties.

The numbers of both junior doctors and nursing staff in Northern Ireland is limited by the numbers in training. The Council understands that approximately 2/3 of applicants to QUB medical school, who meet the appropriate criteria are not able to obtain a place and a similar situation exists with regard to nursing training places. A long term approach needs to be taken to this issue. The Executive should explore the possibility of providing training scholarships which are non-repayable if the holder agrees to work in the NHS in Northern Ireland for a fixed period of time following graduation. We also understand that UK universities are accepting students from outside the EU for medical training but visa requirements mean once qualified they cannot remain. This issue should be raised with the UK Government

It is also essential that consideration is taken of the recent trend towards feminisation of the health service workforce with consequent need to allow for more flexible working patterns for those with parental responsibilities.

Decisions regarding services should be first and foremost based on clinical need and where this need has been identified every effort should be made to attract staff to those

locations. For example the clinical need has been identified by the SE Trust for 24 hour A & E provision in Downpatrick due to the geographical issues which make it impossible to delivery an equitable service to patients in Down from Belfast. On one recent occasion, the Council understands that due to patient transfers and protocols, the closest available ambulance to Downpatrick was based in Cookstown.

In addition, more use should be made of referrals between all trusts, not solely to the Belfast Trust. For example, referrals from the Southern area for cataract surgery could be made to the SE Trust unit in the Downe rather than to a private clinic under a Belfast Trust contract. NHS solutions must be considered before going to the private sector.

Councils and other agencies could partner with Trusts to emphasise the quality of life issues in their areas which could help to attract the relevant staff to an area

**If 'yes' please feel free to comment further below.**

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**Views are sought on Criterion 5:****Criterion 5**

- The training of Junior Doctors cannot be provided to acceptable levels.

**Question 5. Do you agree with Criterion 5 as an appropriate factor to assess the sustainability of health and social care services?**

Yes  No

**If 'no' please feel free to comment below, providing evidence to support any alternative proposal**

More use of inter-hospital networking could be made to ensure that junior doctors receive the training and experience they require whilst still retaining services close to patients. This would enable hospitals not currently designated as training hospitals to share the necessary junior staff with other units within the network. Smaller hospitals could be deemed as being part of a networked training centre.

The South Eastern Trust allows for flexibility of location in its contracts for medical staff and this could enable all its hospitals to be networked for training purposes.

**If 'yes' please feel free to comment further below.**

**Views are sought on Criterion 6:****Criterion 6**

- There is an effective alternative 'out of hospital' care model or an alternative 'shared care' delivery model.

**Question 6. Do you agree with Criterion 6 as an appropriate factor to assess the sustainability of health and social care services?**

Yes  No

**If 'no' please feel free to comment below, providing evidence to support any alternative proposal**

**If 'yes' please feel free to comment further below.**

Whilst most patients would prefer to remain at home, any "out of hospital" or shared care alternative must have the same or improved outcomes for patients and should not place an unreasonable burden on family carers. Any alternative models of care must be properly resourced and not simply be used as a cheaper option to hospital treatment. Any alternative models of care provided through the Community Sector must be on a full cost recovery basis. The health service cannot simply pass on costs to this Sector.

Alternative models of care should be delivered as closely as possible to the patient and not require ill people to travel substantial distances.

The lack of intermediate and step down care needs to be addressed. This issue has been compounded, in the last few years, by the closure of statutory residential homes, which in the past could have provided this care. This has led to costly "bed blocking" whilst patients have to wait for suitable care to be found.



“Out of hospital and alternative models of care need to be backed up with the support of appropriate and timely emergency care. Difficulties with access to Out of Hours GP services, closures of Emergency Departments and overstretched ambulance resources have led to a lack of confidence among patients and the community with regard to out of hospital care. In particular, people in rural areas fear not being able to access emergency treatment in time should something go wrong and are therefore reluctant to accept alternative models of care. What is appropriate for Belfast is not necessarily the same as for more dispersed parts of Northern Ireland.

Again the Council would stress the demographic trend towards increases in the age profile of the population with consequent need to consider devolution of services for a group that is not as mobile as the rest of the population.

However, we note that the Health Service in Northern Ireland has reduced the numbers of acute beds available from 7400 in 2009 to 6200 in 2014, but the full range of alternative services to compensate has not been fully developed.

A range of staff with diversity of experience and expertise is required, joint approaches, partner agencies. The ethos of paying for outcomes is core, what is being done, how much of it and does it make any difference? The community planning model of using Outcomes based accountability and turning the curve workshops would be useful. Are we paying for expertise in the wrong places, what value do we place on kindness and patience?

**Views are sought on Criterion 7:****Criterion 7**

- The delivery of the service is costing significantly more than that of peers or of alternative 'out of hospital' alternatives due to a combination of the above factors.

**Question 7. Do you agree with Criterion 7 as an appropriate factor to assess the sustainability of health and social care services?**

Yes  No

**If 'no' please feel free to comment below, providing evidence to support any alternative proposal**

Whilst cost must be a factor in any reconfiguration decision, it cannot be the only determining factor. Whilst smaller hospitals may incur higher costs due to the smaller volumes of patients, they may in fact be providing more responsive care and equal or better outcomes for patients. Costs to patients and carers in respect of travel to centralised services must also be considered.

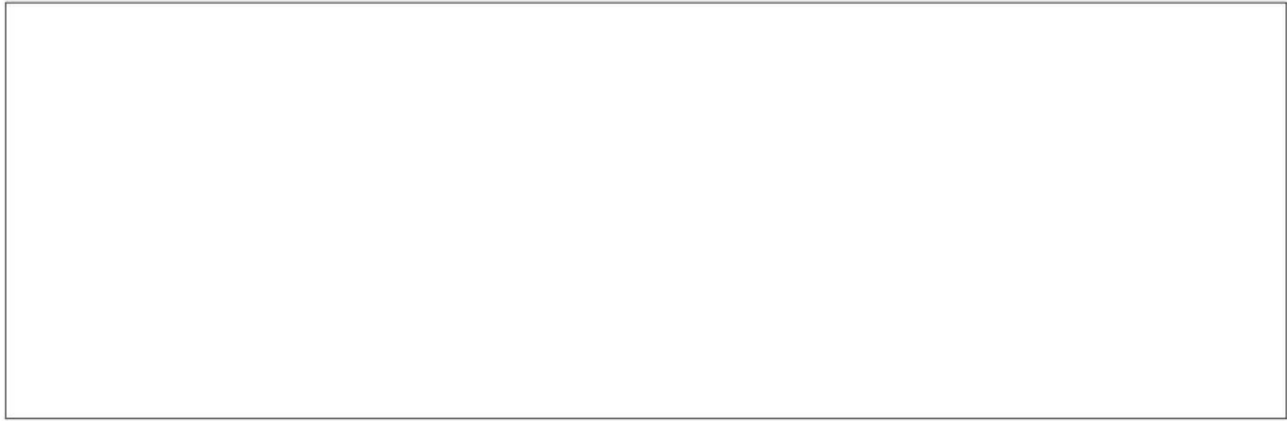
Any comparison with peers must be "like for like" and not simply comparison of smaller units against those in major hospitals or simply the "UK average." Cost comparison must take full account of the costs of "bed blocking" in centralised services.

A full exploration of the tendering process and the criteria applied to assessing service providers should be carried out. Are we matching need with provision in all cases,

The new Cavendish Group has recently stated that it is necessary to recognise that "a premium should be paid to smaller costs to recoup the costs of running sustainable services for more rural local geographies", in contrast to the historical pattern of providing top-ups to major teaching hospitals.

The Council would have concerns regarding the existing over concentration of services in the Greater Belfast area which works to the disadvantage of 70% of the Northern Ireland population that live in the arc reaching from North Antrim, through the west to South Down.

**If 'yes' please feel free to comment further below.**



**Please use the text box below for any additional comments you wish to provide regarding the proposed Criteria as appropriate factors to assess the sustainability of health and social care services.**

Whilst improved patient outcomes must be the primary consideration of any design of services, it is also vital to take consideration of patient wishes and of the practical difficulties many rural patients have in accessing services. There is a need to take account of the costs to patients. Northern Ireland's regional cancer services are widely acknowledged to provide excellent care. However, many patients from rural areas struggle to access the service due to lack of transport. For example, for an elderly patient from Kilkeel to attend the city hospital in Belfast by public transport is a round trip of a minimum of 4 hours whilst taxi costs of £90 are beyond the reach of most. Should further services be regionalised or reconfigured consideration needs to be given to how patients and carers can access them. A recent pilot Home to Hospital volunteer driver scheme in the Kilkeel area has demonstrated the need for this type of service is constantly increasing.

Northern Ireland Ambulance Service is already stretched by current bypass protocols and centralisation of services. The transfer of patients over longer distances to hospitals can mean that rural areas such as Downpatrick are without ambulance cover for several hours.

There is a danger that examining and reconfiguring services on an individual basis and without taking a whole system approach will lead to additional stress in other areas of health services. It is therefore essential that the cumulative impacts on services, such as ambulance services, are carefully considered on a wider basis rather than on an individual service level. A piecemeal approach to reconfiguring causes alarm amongst communities. Every part of government needs to be included in decision making in order that communities are confident holistic solutions will be found. For example the Department of Infrastructure needs to be seen to be cooperating to ensure the public have confidence that they will be able to access services.

Specific consideration needs to be given to Mental Health Services and in particular, crisis services need to be provided at a local level and on a round the clock basis in order that we can address the high rate of suicide and self harm in Northern Ireland

The Council feels the biggest weakness of the proposals and indeed of the Bengoa report is its failure to address the inequalities in access to services experienced by the population living in more dispersed parts of Northern Ireland. This should have been an opportunity to address these inequalities and to provide more equitable services across NI.

From a Community Planning perspective :

The new responsibilities of Local Government and leadership in community planning should underpin and deepen a culture of partnership and accountability alongside a citizen based approach to policy design and delivery with an outcome focus. N Ireland has been transformed in the last two decades however we have deeply intrinsic social, economic and cultural issues that have allowed poverty and inequality to become epidemic.

The Health service is under immense financial pressure to meet the demand of services and has a focus on making their delivery of service as robust as possible targeting resources for best value and impact. The Bengoa report has suggested a Transformation Table that includes a ring fenced transformation fund, identifying and scaling up innovative projects, accountable care systems and a long term vision. There is a strong ethos of building a system underpinned by active patients, continuity of care, coordination of services, services in the right place, paying for outcomes, eradicating silo's and moving towards system leadership.

There are many internal challenges to be addressed however there are an abundance of external factors that will impact on the landscape within which the transformed service will seek to do business such as:

- A growing ageing population
- A population with high levels of disability and mental health problems
- A rise in the number of chronic conditions people are living with
- Unhealthy lifestyles contributing to increases in obesity and diagnoses of type 2 diabetes
- Development in medical technologies and medicines which, whilst opening up new developments for treatment, are pushing up costs
- Suicide
- Low educational attainment

Community Planning provides the space to seek agreement on a shared wellbeing narrative and a set of outcomes. Organisations can plan together for single outcome agreements and ask that finance is agreed with no ring fencing, a joint approach to making the solutions happen. Wellbeing is part of every transformative conversation for N Ireland and within that conversation there is opportunity for support for the internal transformation of the Health and Social Care Service.

Health is everyone's business. The sustainability of health and Social Care services is everyone's business and contributing to that sustainability is a core focus of community planning.

The Bengoa report suggests a Transformation Board it is integral that this board is linked to Community Planning structures. The Transformation of services in any locality will be underpinned by the scope of external factors of that locality for example, clean safe accessible outdoor spaces, quality housing, opportunity for meaningful employment, work life balance, choice in education and addressing discriminations,

isolation, fear.

Local government is providing through community planning the framework for collaboration across all needs and services. To implement effective transformation it cannot take place within its own silo. Transformation is overarching and there is a clear core desire to make service users and staff core to the process, they are the people that drive the systems and also the people that populate the organisations that are the voice of community planning.

Sustainability is about effective internal core systems, it is also equally about a robust ethos of collaboration to draw on all resources and opportunity to achieve its goals.

Newry Mourne and Down District Council would urge the department to use the community planning structures in each council district to create and drive the external factors necessary to make the Transformation of the Health and Social Care service sustainable.

**EQUALITY OF OPPORTUNITY QUESTIONS**

The Department aims to advance equality of opportunity for a range of groups in respect of the proposed criteria for assessing the reconfiguration of Health and Social Care services. Under Section 75 of the NI Act 1998; nine groups of people are identified and consideration of their different needs is important. These groups are:

1. Age (older and younger people);
2. Gender (including transgender and men and women generally);
3. Marital Status (including Civil Partnership);
4. Religion;
5. Ethnicity;
6. Political Opinion;
7. Dependant Status;
8. Disability; and
9. Sexual Orientation.

**Question 8. Based on belonging to any of the Section 75 groups, do you have any particular requirements with regard to the proposals?**

Yes  No

Comments:

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**Question 9. Generally, do you think there are any particular requirements for any of the Section 75 groups? If so, what would you consider as a potential solution?**

Yes  No

Comments:

As older people tend to be the most significant users of health services, the impact on this group should be particularly considered in any process

Consideration should also be given to other Section 75 service users who report barriers to service such as

Members of the travelling community

Gay men

Gay women, members of the LGB&T community

People with gender identity histories

Families supporting members of section 75 groups and carers



## ANNEX A

### FREEDOM OF INFORMATION ACT 2000 – CONFIDENTIALITY OF CONSULTATIONS

The Department will publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances.

**Before** you submit your response, please read the paragraphs below on the confidentiality of consultations and they will give you guidance on the legal position about any information given by you in response to this consultation.

The Freedom of Information Act gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity should be made public or be treated as confidential.

This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:

- The Department should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided;
- The Department should not agree to hold information received from third parties "in confidence" which is not confidential in nature;
- Acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

For further information about confidentiality of responses please contact the Information Commissioner's Office (or see their website at: [www.ico.org.uk](http://www.ico.org.uk))

**Policy Forum for Northern Ireland Keynote Seminar: Planning reform in Northern Ireland: progress, economic development and forward strategy**

Timing: Morning, Thursday, 23<sup>rd</sup> March 2017

Venue: Belfast



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POLICY FORUM  
FOR NORTHERN  
IRELAND

Draft agenda subject to change

- 8.30 - 9.00 Registration and coffee
- 9.00 - 9.05 **Chair's opening remarks**  
**William Humphrey MLA**, Chair, Committee for Infrastructure, Northern Ireland Assembly
- 9.05 - 9.15 **Planning in Northern Ireland: the current state of play**  
Senior commentator
- 9.15 - 10.10 **Local authority planning powers: lessons and next steps**  
*What should be the priorities for strategy, organisation and best practice going forward, and what can be learned from the way local authorities have addressed the challenges they have faced since the transfer of powers, including in relation to meeting statutory enforcement case and planning applications targets, approval rates, and issues with major developments such as in renewable energy? How far have Local Development Plans helped to set out a clear vision for how local authorities shape development in each area, and how might they be refined? What are the priorities for those submitting applications? What measures - including collaboration, adapting best practice from other areas, and providing further training - show the most promise for local authorities and the Department for Infrastructure as they seek to improve these outcomes and improve delivery of service? What improvements could be made to the way that local authorities are engaging with communities and other stakeholders, and in ensuring that those voices are considered fully when assessing planning applications and implementing wider planning policies? How should planning departments within local authorities go about increasing public engagement in the planning process? Where do the barriers to improvement persist, and what will be needed from increased Departmental performance management and guidance for local authorities to help tackle them?*  
**Diana Fitzsimons**, Royal Institute of Chartered Surveyors  
**Maura Fox**, Head of Planning, Derry City and Strabane District Council  
**Brendan Martyn**, Partner, Pinsent Masons  
Senior representative, communities  
Questions and comments from the floor with senior commentator
- 10.10 - 10.35 **A new role for the Department for Infrastructure: ensuring oversight and providing strategic direction in regional planning**  
**Angus Kerr**, Director, Planning Policy Division, Department for Infrastructure, Northern Ireland Executive  
Questions and comments from the floor
- 10.35 - 10.40 **Chair's closing remarks**  
**William Humphrey MLA**, Chair, Committee for Infrastructure, Northern Ireland Assembly
- 10.40 - 11.10 Coffee
- 11.10 - 11.15 **Chair's opening remarks**  
**Jenny Palmer MLA**, Member, Committee for Infrastructure, Northern Ireland Assembly
- 11.15 - 11.35 **The role of the Planning Appeals Commission: ensuring a fair appeals process**  
**Trevor Rue**, Deputy Chief Commissioner, Planning Appeals Commission  
Questions and comments from the floor
- 11.35 - 12.05 **Comparative case studies: planning in other jurisdictions**  
**James Miller**, Senior Planning Services Manager, North Ayrshire Council  
**Eunan Quinn**, Senior Planner, Donegal County Council  
Questions and comments from the floor
- 12.05 - 12.55 **Economic development and regeneration: the role and impact of local planning powers**  
*What is the progress in local authorities engaging with communities to ensure that public and grassroots input is accounted for in Local Development Plans? To what extent has the transfer of planning powers to local authorities created a uniform and consistent planning process for applicants across councils? How can councils secure a balance between scrutiny of applications and the speed in doing so to ensure the plans of businesses and other applicants are not unduly delayed? Will proposed reforms to permitted development and the renewables sector help promote investment and growth in those respective areas, and facilitate wider economic growth? How can economic diversity be encouraged within local retail strategies and town centre regeneration? Can further assistance be given to small and medium enterprises to help navigate the planning process? How far will 'Brexit' have an effect on cross-border collaboration and economic development, especially in border regions?*  
**Glyn Roberts**, Chief Executive, Northern Ireland Independent Retail Trade Association  
**Alison McCullagh**, Director of Regeneration and Planning, Fermanagh and Omagh District Council  
**Dr Tom Woolley**, Architect and Educational Consultant, Rachel Bevan Architects  
Senior commentator  
Questions and comments from the floor
- 12.55 - 13.00 **Chair's and Policy Forum for Northern Ireland closing remarks**  
**Jenny Palmer MLA**, Member, Committee for Infrastructure, Northern Ireland Assembly  
**Sean Cudmore**, Deputy Editor, Policy Forum for Northern Ireland