

# Comhairle Ceantair an Iúir, Mhúrn agus an Dúin

## Newry, Mourne and Down District Council

### Constitution of the Council

April 2015

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# Part 1

## Summary, Explanation and Articles of the Constitution

Please Note Part 1 of Constitution has been approved at the Strategy Policy and Resources Committee 16 April 2015 but requires ratification by Council on 5 May 2015

This applies only to Part 1



## **The Council's Constitution**

Newry, Mourne and Down District Council is required, under Section 2 of the Local Government Act (NI) 2014, to prepare and keep up to date a Constitution. This Constitution sets out how the Council operates, how decisions are made and the procedures the Council follows to ensure that these are efficient, transparent and accountable to local people.

The Constitution is divided into 13 Articles and these set out the basic rules governing the Council's business. More detailed procedures and codes of practice are set out at Parts 2-6 of the Constitution.

### **What's in the Constitution?**

Article 1 sets out the powers of the Council and the purpose of the Constitution. Articles 2 to 13 explain how the key parts of the Council operate, and the rights of our citizens.

These Articles are:

- Members of the Council (Article 2)
- Citizens and the Council (Article 3)
- The Council (Article 4)
- Chairing the Council (Article 5)
- Decision making structures (Article 6)
- Regulatory and other Committees (Article 7)
- Joint arrangements (Article 8)
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### **Our Mission, Vision and Values**

The Council has a population of around 171,500 and it is the third largest Council area in Northern Ireland. Following Local Government reorganisation in Northern Ireland, the Council formally assumed its full powers and statutory responsibilities on 1 April 2015 and its mission is to lead and serve a District that is prosperous, healthy and sustainable.

The Council aims to create opportunities for local people and local communities to thrive by supporting sustainable economic growth over time and helping people to lead fulfilling lifestyles. The Council has adopted 5 core values, which are;

- We will be citizen focused and actively encourage citizen and community engagement, as well as being a listening and responsive Council.

- We will be accountable and make decisions based on an objective assessment of need and operate in a transparent way as well as openly reporting on our performance.
- We will be collaborative and actively encourage and pursue working in partnership, and at all levels, to deliver for our district.
- We will be sustainable and will take into account the social, economic and environmental impacts of our decisions on current and future generations.
- We will be fair at all times and will proactively target actions at those who are marginalised within our community.

### **How the Council operates**

The Council is made up of 41 Councillors who are elected every 4 years and the current Councillors will serve until May 2019.

Councillors have to agree to follow the Northern Ireland Local Government Code of Conduct for Councillors to ensure high standards in the way they undertake their duties and role as a Councillor.

All Councillors meet together as the Council. Meetings of the Council, its Committees and sub Committees are open to the public, except where confidential or exempt information is likely to be disclosed, and it is here that decisions are made on the Council's overall policies.

### **How decisions are made**

The full Council, which is a meeting of the 41 Councillors, is held every month, except on one summer month as determined by the Council. The Council also has 4 standing Committees which meet on a monthly basis, with the exception of July. These Committees make recommendations which must be approved by the full Council before any actions they are recommending can put in place.

The Council also operates a Planning Committee which meets normally on a 4 weekly basis and which has its own decision making powers.

Additionally the Council has an Audit Committee which is chaired by an independent member who has been recruited following a public recruitment exercise.

### **The Council's Employees**

The Council employees, "Officers", give advice to the Councillors, implement decisions and manage the day to day delivery of its services. All Officers must ensure that they act within the law when carrying out the Council's work. The Councillor/Employee Code of Conduct is set out at Part 4 of this Constitution and this governs the relationships between employees and Councillors.

## **Citizen's Rights**

Citizens have a number of rights in their dealings with the Council and in particular in terms of participation, rights to information and complaints. These are set out in more detail in Article 3 and include the right to;

- Vote at local elections if they are registered
- Contact their local Councillors about matters of concern to them
- Obtain a copy of the Constitution
- Attend meetings of the Council and its Committees
- See reports, background papers and records of decisions made by the Council and its Committees
- Complain to the Council about service delivery
- Complain to the Northern Ireland Commission for Complaints if they think the Council has not followed its procedures properly. However they should do this only after using the Council's own complaints process
- Exercise their rights under the Data Protection Act 1998 to request their own personal data/information held by the Council.
- Exercise their rights under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 to obtain information held by the Council.
- Inspect the Council's accounts and make their views known to the external auditor during a statutory period.

The Council always welcomes participation by citizens in our work.

# **Article 1**

## **The Constitution**

### **1.1 Powers of the Council**

The Council will exercise all its powers and duties in accordance with the law and this Constitution. This Constitution complies with the requirements of the Local Government Act (NI) 2014, related Regulations and Government Guidance on constitutional matters.

### **1.2 The Constitution**

This Constitution (including all its appendices) is the Constitution of Newry, Mourne and Down District Council.

### **1.3 Purpose of the Constitution**

The purpose of the Constitution is to:

- a) Enable the Council to provide clear political and managerial leadership to the community, in partnership with citizens, businesses and other organisations;
- b) Support the act of involvement of citizens in the process of Council decision making;
- c) Help Councillors to efficiently and effectively represent and support their constituents;
- d) Enable decisions to be taken efficiently and effectively;
- e) Create a powerful and effective means of holding decision makers to public account;
- f) Ensure that no-one will review or scrutinise a decision in which they were directly involved;
- g) Ensure that those responsible for decision making are clearly identifiable to local people and that the decision makers explain the reasons for decisions;
- h) Provide a means of improving the delivery of services to the community.

### **1.4 Interpretation and Review of the Constitution**

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the statements of purpose in paragraph 1.3 above.

The Council will monitor and evaluate the operation of the Constitution.



## **Article 2**

### **Members of the Council (Councillors)**

#### **2.1 Composition and Eligibility**

The Council comprises 41 members, called Councillors. Councillors are elected by the voters of each of the district electoral areas which make up Newry, Mourne and Down District Council in accordance with a scheme drawn up by the Electoral Office of Northern Ireland.

Where an individual ceases to be a Councillor, whether by resignation or through other circumstances, the vacancy on the Council will be filled by the co-option of an individual nominated by the political party in whose name the previous individual stood, at the last local general election. In the case of Councillors who are Independent Members and not Members of any political part, their vacancy will be filled by the co-option of an individual nominated by them when they stood at the last local general election.

Only registered voters of the district or those living or working there, will be eligible to hold the Office of Councillor.

#### **2.2 Election and terms of Councillors**

The regular election of Councillors will be held on the first Thursday in May every 4 years. The next Local Government election is scheduled to be held in 2019. The term of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

#### **2.3 Role and duties of all Councillors**

##### **Key roles**

- a) All Councillors will have the following key roles:
  - I. Councillors will collectively be the ultimate policy makers and carry out a number of strategic and corporate management functions for the Council;
  - II. Councillors will represent their communities and bring their views into the Council's decision making process;
  - III. Councillors will deal with individual issues and act as an advocate for constituents in resolving particular concerns or grievances;
  - IV. Councillors will balance different interests identified within the district electoral area and represent that area as a whole;
  - V. Councillors will be involved in decision making;

VI. Councillors will be available to represent the Council on other bodies;

VII. Councillors will maintain the highest standards of conduct and ethics

Rights and Duties:

b) All Councillors will have the following rights and duties

- I. Councillors will have such rights of access to such documents, information, lands and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- II. Councillors will not make public, information which is confidential or exempt (as defined in the Access to Information Rules in Part 3 of this Constitution), without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or Officer entitled to know it.

## **2.4 Conduct**

Councillors will at all times adopt high standards of conduct and abide by the NI Local Government Code of Conduct for Councillors issued under Section 53 of the Local Government Act (NI) 2014 and the Local Government Employee and Councillor Working Relationship protocol.

## **2.5 Allowances**

Councillors will be entitled to receive allowances in accordance with the Members' Allowances scheme set out in Part 5 of this Constitution.

## **Article 3**

### **Citizens and the Council**

#### **3.1 Citizens' Rights**

Residents and others who avail of the Council's services have the following rights in relation to the operation of the Council. Their rights to information and to attend meetings of the Council or its Committees are explained in more detail in the Access to Information Rules in Part 4 of this Constitution.

##### Information

- a) Citizens have the right to:
  - I. Attend meetings of the Council and its Committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
  - II. See reports and background papers, and any records of decisions made by the Council.

##### Complaints

- b) Citizens have the right to complain to:
  - I. The Council itself under its Complaints Scheme; or
  - II. The NI Commissioner for Complaints in respect of an allegation that a Councillor (or former Councillor) has failed, or may have failed, to comply with the NI Local Government Code of Conduct for Councillors. Guidance on making a complaint to the Northern Ireland Commissioner for Complaints is available on the website of the Office of the Northern Ireland Commissioner for Complaints.

#### **3.2 Citizens' Responsibilities**

Citizens must not be violent, abusive or threatening to Councillors or Officers and must not wilfully harm things owned by the Council, Councillors or Officers.

## **Article 4**

### **The Council**

#### **4.1 Meanings**

##### **Policy Framework**

- a) The policy framework means the following plans and strategies:
  - I. Those prescribed in legislation to be adopted by the Council:
    - Community Plan
    - Area Development Plan
    - Equality Scheme
    - Disability Action Plan
  - II. Those other plans and strategies which the Council may decide, should be adopted by the Council as a matter of local choice:
    - Corporate Plan
    - Scheme of Delegation

##### **Budget**

- b) The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council rate base, setting the district rate and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the vetting of virement limits.

#### **4.2 Functions of the Council**

Only the full Council will exercise the following functions;

- a) Making a District Rate under the Rates (NI) Order 1977
- b) Making a determination under Section 13 (1) of the Local Government Finance Act (NI) 2001 (Affordable Borrowing Limit) and monitoring an amount determined under that subsection
- c) Borrowing money
- d) Acquiring or disposing of land
- e) All other matters, which by law, must be reserved to Council

#### **4.3 Council Meetings**

There are three types of Council meeting:

- a) the annual meeting;
- b) ordinary meetings and
- c) extraordinary meetings;

and they will be conducted in accordance with the Council's Standing Orders set out in Part 3 of this Constitution.

#### **4.4 Responsibility for functions**

The Council will maintain the tables in Part 2 of this Constitution setting out the responsibilities for the Council's functions.

## **Article 5**

### **Chairing the Council**

#### **5.1 Title of the person chairing the Council meetings**

The Chairperson of the Council will chair Council meetings.

#### **5.2 Role and Function of the Chairperson**

The Chairperson and, in their absence, the Deputy Chairperson will have the following roles and functions:

##### **Ceremonial role**

- a) The Chairperson, as the “first citizen of Newry, Mourne and Down” will uphold and preserve the dignity and honour of the Office. In particular the Chairperson will remain apolitical and attend civic and ceremonial functions as the Council and he/she determines appropriate.

The Chairperson will:

- I. Encourage and support all aspects of life in Newry, Mourne and Down by attending civic and public events;
- II. Receive distinguished visitors to the district;
- III. Act as host on behalf of the Council and the citizens of Newry, Mourne and Down at civic functions;
- IV. Act as a spokesperson to the local, national and international media.
- V. Support and encourage charitable and other appeals;
- VI. Promote Newry, Mourne and Down’s business, commercial, cultural and social life;
- VII. Promote Newry, Mourne and Down as a place of excellence in which to live, invest and create new jobs;
- VIII. Promote Newry, Mourne and Down as a premier tourist destination.

##### **Chairing the Council Meeting**

- b) The Chairperson will be the person presiding over Council meetings.

The Chairperson will have the following responsibilities:

- I. To uphold and promote Newry, Mourne and Down, the Council’s Constitution, and to give rulings on the Constitution and Standing Orders during Council meetings;

- II. To preside over meetings of the Council so that its business can be carried out in an effective, orderly and efficient manner and in the interests of the citizens of Newry, Mourne and Down;
- III. To promote public awareness, knowledge and participation in the business of the Council.

## **Article 6**

### **Decision making structures**

The full Council, which is a meeting of the 41 elected members, takes place monthly, with the exception of one summer month if Council so determines.

The Council also holds an Annual General Meeting every year.

The Council operates a traditional Committee structure.

#### **6.1 Role**

The Council has selected a traditional Committee structure as its form of decision making. The Council organises its business through 4 standing Committees. A standing Committee is a group of Councillors appointed by the Council who meet to review, scrutinise and make recommendations to the Council on a range of functions within its particular remit. These Committees sit monthly, with the exception of July. Each of the Committees consists of 15 Councillors. Officers advise Councillors on issues addressed by Committees. The Standing Committees do not have any decision making powers but they make recommendations which are then considered by the full Council.

The Council operates a Planning Committee which meets normally on a 4 weekly basis and consists of 12 Councillors. The Planning Committee has full decision making powers in the matters that fall within its remit.

The Council also has an Audit Committee which meets at least 3 times per year, the Chairperson of which is an independent person who is not a Councillor. The Audit Committee consist of 10 elected members. It does not have decision making powers and reports to the full Council.

#### **6.2 Form**

The Council has a traditional Committee structure. It operates four standing Committees which are:

Enterprise, Regeneration and Tourism Committee – a 15 member Committee that makes recommendations to the full Council

Active and Healthy Communities Committee – a 15 member Committee that makes recommendations to the full Council



Regulatory and Technical Services Committee – a 15 member Committee that makes recommendations to the full Council

Strategic Planning and Resources Committee – a 15 member Committee that makes recommendations to the full Council

The Council's Planning Committee consists of 12 members and has full decision making powers in relation to the Planning matters that fall within its remit.

It also operates an Audit Committee – a 10 member Committee that reports to full Council

### **6.3 Proceedings of the Committees**

Proceedings of the Committees shall take place in accordance with the Council's Standing Orders set out in Part 3 of this Constitution.

The Council also has the power to establish sub Committees and working groups.

## **Article 7**

### **Policy and other Committees**

#### **7.1 Policy and other Committees**

The Council will appoint the Committees set out in the left hand column of the Table of Responsibility for Council Functions in Part 2 of this Constitution to make recommendations for the functions list described under in the right hand column of that table.

#### **7.2 Regulatory and other Committees**

The Council will appoint the Committees set out in the left hand of the Table of Responsibility for Council Functions in Part 2 of this Constitution to discharge the functions described in the right hand column of that table.

## **Article 8**

### **Joint arrangements**

#### **8.1 Joint arrangements**

The Council may establish joint arrangements with one or more local authorities to exercise functions, or to advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.

Appointment of Members to joint Committees will be made by the Council in accordance with any relevant legislation and in line with the Council's Standing Orders.

#### **8.2 Access to information**

The Access to Information Rules in Part 3 of this Constitution apply.

#### **8.3 Delegation to and from other Councils**

The Council may delegate the discharge of functions to another Council or, in certain circumstances, the executive of another Council.

#### **8.4 Contracting out**

To be completed.

## **Article 9**

### **Officers**

#### **9.1 Management structure**

The management structure of the Council is set out in Part 6 of this Constitution.

#### **9.2 Functions of the Clerk to the Council**

The Chief Executive is the Council's Head of the Paid Service and principal adviser on policy issues.

The Chief Executive has responsibility for implementing the Council's strategic objectives and ensuring the efficient, effective and equitable discharge of responsibilities of the Council as detailed in legislation.

Key Roles:

- To provide the leadership, vision and strategic direction necessary to manage the interface between elected members and officers and work in partnership with them to create the Council's Strategic Plan and develop policies and relationships which will fulfil the Council's objectives.
- To work in partnership with elected members to define the corporate culture of the Council and promote its core values.
- To ensure the Council meets its statutory obligations and that the highest standards of probity and good conduct are maintained at all times.
- To ensure that appropriate governance arrangements, including risk management measures, are in place.
- To actively promote both the Council and its area locally, regionally, nationally and internationally, taking account of the various communities within the area.
- To provide support to the democratic decision making processes at all levels and to promote the active participation of local people and communities in the Council's affairs.
- To lead in ensuring that the Council's strategic plans and policies are matched to a common purpose across the organisation and the area.
- To take overall responsibility for ensuring that the Council's decisions and policies are implemented.

- To promote equality of opportunity and access in service delivery and in the employment of staff.
- To ensure that service planning and delivery reflect the Council's priorities and take account of the views of citizens, communities and all other stakeholders.
- To lead on partnership working through the Community Planning process, ensuring that through this the Council maximises opportunities for the area so that its citizens attain their full potential.
- To actively foster and enhance positive relationships with all local communities, agencies and partners, including the voluntary sector and local business, as well as with other statutory bodies at regional and national levels.

### **9.3 Functions of the Chief Financial Officer**

The Chief Executive of the Council also holds the role of Chief Finance Officer and is responsible for leading and directing a finance function that is resourced and fit for purpose.

#### **Key Roles:**

1. To make arrangements for the proper administration of the Council's financial affairs.
2. To lead the Council in fulfilling its duty to strike a district rate on an annual basis to meet the costs of local services.
3. To keep the Council advised on a regular basis on the robustness of its rate estimates.
4. To develop and implement strategy and to resource and deliver the Council's strategic objectives sustainably and in the public's interest.
5. To ensure immediate and longer term implications, opportunities and risks are fully considered, and aligned with the Council's financial strategy.
6. To lead the promotion and delivery by the Council of good financial management so that public money is safeguarded at all times and used appropriately, economically, efficiently and effectively.

### **9.4 Duty to provide sufficient resources to the Chief Financial Officer**

The Council will provide the Chief Financial Officer with such Officers, accommodation and other resources as, in its opinion, are sufficient to allow their duties to be performed.

## **9.5 Conduct**

Officers will comply with the Officer's Code of Conduct and the Local Government Employee and Councillor Working Relationship Protocol set out in Part 5 of this Constitution.

## **Article 10**

### **Decision making**

#### **10.1 Responsibility for decision making**

- a) The Council will issue and keep up to date a record of what part of the Council or which individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 2 of this Constitution.

#### **10.2 Principles of decision making**

Decisions of the Council will be made in accordance with the following guiding principles;

- a) Legality/power to make decisions
- b) Proportionality (meaning the action must be proportionate to the results to be achieved)
- c) A proper consideration of available options for action and/or inaction.
- d) Due consultation and the taking of professional advice from officers.
- e) Due regard to equality and respect for human rights.
- f) A presumption in favour of openness and transparency in decision making.

#### **Clarity of aims and desired outcomes**

Due consideration to be given to alternative options.

#### **Avoidance of conflicts of interests**

Reasons for the decisions to be given provided there is no breach of confidentiality.

#### **10.3 Decisions to be taken by a qualified majority**

The decisions of a Council that must be taken by a qualified majority – i.e. by 80% of the votes of the members present and voting, are set out in the Council's Standing Orders in Part 3 of this Constitution.

#### **10.4 Decision making by the Council**

The Council meeting will follow the Council's Standing Orders set out in Part 3 of this Constitution when considering any matter.

### **10.5 Decision making by other Committees and sub Committees established by the Council**

Council Committees and sub Committees will follow those parts of the Council's Standing Orders set out in Part 3 of this Constitution as applied to them.

### **10.6 Reconsideration of decisions**

Decisions of the Council or a Committee of the Council will be subject to reconsideration if 15% of the Members of the Council present to the Clerk of the Council a requisition on either or both of the grounds specified in section 41 (1) of the Local Government Act (Northern Ireland) 2014. These are:

- that the decision was not arrived at after a proper consideration of the relevant facts and issues;
- That the decision would disproportionately affect adversely any section of the inhabitants of the district. The procedures to be followed in relation to a requisition for the reconsideration of a decision are set out in the Council's Standing Orders (standing order number 21) in Part 3 of this Constitution.



## **Article 11**

### **Finance, Contracts and Legal Matters**

#### **11.1 Financial management**

The management of the Council's financial affairs will be conducted in accordance with the Financial and Contract Procedure Rules set out in Part 3 of this Constitution.

#### **11.2 Contracts**

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Part 3 of this Constitution.

#### **11.3 Legal proceedings by and against the Council**

The Clerk of Council is duly authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or, in any case where the Council's legal advisors consider that such action is necessary to safe guard and protect the Council's interests. The Clerk of Council may also delegate all or part of this authority to any other Officers responsible for the provision of legal services to the Council or to any legal advisors instructed by the Council to act on its behalf.

#### **11.4 Authentication of documents**

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Clerk of Council or some other person duly authorised by the Council unless any enactment otherwise authorises or requires.

#### **11.5 Common Seal of the Council**

The common Seal of the Council will be kept in a safe place in the custody of the Clerk of Council. A decision of the Council, or any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The common Seal will be affixed to those documents which in the opinion of the Council's legal advisors should be sealed. The affixing of the common Seal will be attested by the Council.

## **Article 12**

### **Review and Revision of the Constitution**

#### **12.1 Duty to keep the Constitution up to date**

The Clerk of Council will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. The Council will reform this role with support of such Officers as the Council considers necessary.

#### **12.2 Changes to the Constitution**

All proposed changes to the Constitution will be debated and agreed by a majority of the Council.

## **Article 13**

### **Publication of the Constitution**

#### **13.1 Suspension of the Constitution**

##### **Limit to suspension**

- a) The Articles of this Constitution may be not be suspended. The Procedure Rules specified below may be suspended by the full Council to the extent permitted within those Procedure Rules and the law.

##### **Procedure to suspend**

- b) A motion to suspend any Procedure Rules will not be moved without notice unless it least one half of the total number of Councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the statements of purpose of the Constitution set out in Article 1.

##### **Procedure Rules capable of suspension**

- c) The following Procedure Rules may be suspended in accordance with Article 12.1.
  - All of Standing Orders with the exception of the following:  
Standing Order 20.3; 21; 22 and 23. Suspension must have the support of a qualified majority vote within the meaning of Section 40 of the Local Government Act (NI) 2014.

#### **13.2 Interpretation**

The ruling of the Chairperson in relation to the interpretation or application of this Constitution, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purpose of this Constitution contained in Article 1.

#### **13.3 Publication**

A printed copy of this Constitution will be given to each Member of the Council upon delivery to the Clerk to the Council of that individual's declaration of acceptance of Office on the Member first being elected to the Council. Copies of the Constitution will be made available at the Council's Headquarters in Downpatrick and Newry and will be published on the Council's website.

## Part 2

# Responsibility for Functions

## Principles of Delegation

### Legislative Provisions

- 1.1 The scheme is made in accordance with Section 7 (arrangements for discharge of functions of Council) of the Local Government (Northern Ireland) Act 2014.
- 1.2 Part 8, paragraph 49(2) of The Local Government (Northern Ireland) Act 2014 requires local authorities to maintain a list:
  - a) Specifying those **powers** of the Council which are **exercisable by officers** of the Council; in pursuance of arrangements made under this Act of any other statutory provisions for their discharge by those Officers; and
  - b) Stating the **title of the officer** by whom each of the powers so specified is so exercisable. (Except in cases where the arrangements for the discharge by Officers are for a specified period not exceeding six months.)
- 1.3 This scheme **does not** consider the separate Scheme of Delegation that must be produced by a Council detailing the planning application decisions that can be delegated to officers, as provided for by Section 31(1) of the Planning (Northern Ireland) Act 2011.

### Purpose of the Scheme of Delegation

- 1.4 The purpose of the Scheme of Delegation ("the scheme") is to set out the decisions and authorisation which officers can make or grant without any further reference to Council or Committees being regularly advised on the exercise of these delegated powers.
- 1.5 The Scheme is designed to aid the integrated management of the organisation, the effective deployment of resources as well as the efficient delivery of services, by enabling Elected Members to concentrate on strategic matters relating to policy development, implementation and scrutiny, thereby reducing the administrative burden on the democratic process. Consequently, the Scheme enables officers to address matters of an operation nature.

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Newry, Mourne and Down District Council

Scheme of Delegation

For Officers

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## SECTION 1: Purpose & Interpretation

### Legislative Provisions

- 1.1 The Scheme is made in accordance with Section 7 (arrangements for discharge of functions of Council) of the Local Government (Northern Ireland) Act 2014 as provided at **Appendix I**.
- 1.2 Part 8, paragraph 49(2) of The Local Government (Northern Ireland) Act 2014 requires local authorities to maintain a list:
  - a) specifying those **powers** of the Council which are **exercisable by officers** of the Council; in pursuance of arrangements made under this Act or any other statutory provisions for their discharge by those Officers; and
  - b) stating the **title of the officer** by whom each of the powers so specified is so exercisable. (Except in cases where the arrangements for the discharge by Officers are for a specified period not exceeding six months.)
- 1.3 This Scheme **does not** consider the separate Scheme of Delegation that must be produced by a Council detailing the planning application decisions that can be delegated to officers, as provided for by Section 31(1) of The Planning (Northern Ireland) Act 2011.

### Purpose of the Scheme of Delegation

- 1.4 The purpose of this Scheme of Delegation ("the Scheme") is to set out the decisions and authorisations which officers can make or grant without any further reference to Council or Committees, subject to Committees being regularly advised on the exercise of these delegated powers, as outlined at **Appendix III**.
- 1.5 The Scheme is designed to aid the integrated management of the organisation, the effective deployment of resources as well as the efficient delivery of services, by enabling Elected Members to concentrate on strategic matters relating to policy development, implementation and scrutiny, thereby reducing the administrative burden on the democratic process. Consequently, the Scheme enables officers to address matters of an operational nature.



## Interpreting the Scheme of Delegation

- 1.6 In this Scheme, the term “Director” includes those titled officers as specified at **Appendix II**.
- 1.7 The Scheme **does not** delegate to officers any matter reserved to Council and which by law may not be delegated, as set out in Section 7(3) The Local Government (Northern Ireland) Act 2014.
- 1.8 An officer shall only exercise a delegated power under this Scheme subject to, and in accordance with:
- the agreed plans (including but not limited to Corporate and Department Plans), policies, programmes and objectives approved by the Council;
  - the Standing Orders, Financial Regulations, Equality Scheme, Codes of Conduct and any other relevant governance policies contained within the Council’s Constitution; and
  - the agreed budget for his / her Department.
- 1.9 Authority to take decisions and other actions pursuant to the Scheme shall be exercised in the name of the delegated officer but not necessarily personally by him / her. In the absence of the officer to whom a function is delegated, the function may be exercised by the officer(s) responsible for the performance of the duties of that officer.
- 1.10 Delegation to deal with any matter shall not derogate from the power of the Council or that of relevant Committees, to call for a report on any decision or action taken under the Scheme.
- 1.11 An officer shall, notwithstanding delegated powers, refer a matter to the relevant Committee in any case involving controversy or unusual circumstances.
- 1.12 In any case where the exercise of a delegated power involves considerations within the remit of another officer, the officer exercising the power shall consult with that other officer prior to taking any final decision.
- 1.13 Any reference in the Scheme to a statutory enactment shall be deemed to include any modification or re-enactment or any regulations thereof.
- 1.14 Authority to exercise any delegated power shall include authority to take all reasonable necessary actions of an incidental or consequential nature.

- 1.15 Where the exercise of a delegated power requires consultation with the Chairperson of a Committee, the Deputy Chairperson may act in the absence or non-availability of the Chairperson.
- 1.16 Decisions made by officers under delegated authority are not subject to reconsideration under “Call-in” Part 7, paragraph 41 which applies only to decisions made by the Council or a Committee of Council.

## **PART 2: General Delegated Functions**

All officers, as specified at **Appendix II**, have delegated authority to exercise the following general functions:

### **2.1 General Management**

**All of the delegations listed below shall be exercised in accordance with relevant Council policies.**

- 2.1.1 Taking all necessary action for the effective day-to-day management, administration and supervision of the Department and its services and facilities for which the officer is responsible.
- 2.1.2 Implementing those strategies, programmes, actions, events and initiatives which the officer is responsible for, as set out in agreed Council plans (refer to 1.8) subject to regular reporting to the relevant Committee and to the expenditure being within agreed budgets.
- 2.1.3 Engaging and procuring consultancy, research and other such assistance, up to a maximum value of £2,000, in the discharge of the Department's services and facilities.
- 2.1.4 Responding to consultation documents on matters which are routine or which do not have significant policy or financial implications for the Council.
- 2.1.5 Making initial applications for grant funding from external bodies (provided there is no financial commitment for the Council) where time constraints prohibit Council approval and any decision to proceed remains subject to Committee approval.
- 2.1.6 Developing and implementing specific promotions, schemes and events (including the provision of small scale prizes up to a maximum of £100).
- 2.1.7 In consultation with the Council's Legal Adviser(s), initiating legal proceedings in regard to the recovery of debt(s), the enforcement of contractual rights, the service of notices, the prosecution of statutory offences and the instituting and defending of claims and proceedings affecting the officer's Department.
- 2.1.8 Entering into pre-contract discussions with external agencies and other organisations concerning the provision of services and facilities.

- 2.1.9 In consultation with the Chief Executive, seeking legal advice on behalf of the Council.

## **2.2 Finance**

**All of the delegations listed below shall be exercised in accordance with relevant Council policies, in particular the requirements of the Financial Regulations.**

- 2.2.1 In consultation with the Senior Finance Officer<sup>1</sup>, writing off any loss of money (including bad debts) and loss of stores and obsolete equipment and materials in accordance with the limits outlined in the Financial Regulations.
- 2.2.2 In consultation with the Senior Finance Officer, authorising the transfer of a budget from one budget heading to another within the agreed budgets for the Department and in accordance with the limits outlined in the Financial Regulations.
- 2.2.3 Authorising appropriate payments to employees in the Department in respect of telephone, travel and subsistence allowances, standby and call out allowances, overtime, additional duties, costs of study courses and removal and relocation expenses, in accordance with Council policies.
- 2.2.4 Paying the cost of an employee's professional fees where it is legally necessary for the employee to perform their duties.

## **2.3 In Cases of Emergency / Urgency**

**The exercise of the following delegated powers concerns cases of emergency or urgency (exceptional circumstances) to ensure service and business continuity in the discharge of the Council's services and facilities.**

- 2.3.1 In consultation with the Chief Executive, taking such measures, including incurring expenditure, as may be required in emergency situations or cases of urgency, subject to advising the appropriate Chairperson and reporting to the appropriate Committee as soon as possible.
- 2.3.2 Where such measures involve the Council incurring expenditure of an amount that is likely to result in expenditure exceeding the approved budget, then the officer should advise the Senior Finance Officer and submit a report to the relevant Committee as soon as possible. The Senior Finance Officer should inform the Strategic Planning and Performance Committee accordingly as soon as possible.

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<sup>1</sup> Defined as the Senior Professionally Qualified Accountant within the Council

- 2.3.3 Approving the allocation or awarding of financial assistance (small grants) in line with the award criteria of the Financial Assistance Policy (up to a maximum level of £300), subject to regular reporting to the relevant Committee on the exercise of this delegated power.

## **2.4 Management of Land & Facilities**

**The exercise of the following delegated powers concerns the management of the Council's land and facilities (e.g. leisure centres, community centres, parks and open spaces etc)**

**The use of these delegated powers is subject to paragraph 1.7 that there is no disposal, holding or acquisition of land involved.**

**All the delegations listed below shall be exercised in accordance with relevant Council policies.**

- 2.4.1 Permitting the use of such facilities by Council Departments and services and outside bodies in accordance with any relevant Council policies.
- 2.4.2 Varying the opening times of, or restricting access to, or closing such facilities in special circumstances (for example to permit maintenance or other operational reasons) in consultation with the Chairperson of the relevant Committee.
- 2.4.3 Varying the fees, charges and concessions of the services linked to such facilities (e.g. cost of an adult swim).
- 2.4.4 Approving the holding of non-controversial events, conferences and promotions in such facilities and applying any necessary hire and/or admission charges or discounted pricing.
- 2.4.5 Approving, after consultation with the Chairperson of the relevant Standing Committee, requests received in respect of potentially controversial events and activities in such facilities, where there is not sufficient time for Council approval to be obtained, subject to a report being taken to Committee as soon as possible thereafter
- 2.4.6 Granting temporary licences for the use of Council facilities for the purpose of events/car parking or other temporary uses on appropriate commercial terms, subject to consultation with the Head of Estates and Project Management and the Council's Legal Adviser(s).

- 2.4.7 Requiring unauthorized persons to leave Council property under the Public Order (NI) 1987 Articles 7 [Part II], 18, 19, 20, 21, 22 and 23 [Part IV].

## **2.5 Human Resources**

**All the delegations listed below shall be exercised in accordance with relevant Council policies and in consultation with the Head of Human Resources.**

**Employee changes that result in an increase in the approved employee establishment and budget for a Department and / or which effect any changes to posts at Tier Three (3) (Assistant Director / Head of Service level) and above shall be subject to approval by the Strategic Planning and Performance Committee.**

- 2.5.1 Undertaking service reviews, including the deletion of permanent and temporary posts and the creation of new permanent and temporary posts, provided that there is no increase in the Department's approved employee establishment and budget.
- 2.5.2 Approving the use of agency resources.
- 2.5.3 Appointing successful applicants to posts as recommended by the selection panel.
- 2.5.4 Agreeing to an overlap period for the appointment of employees provided that this can be accommodated within budget.
- 2.5.5 Determining the grading of any post below the level of Tier Four (4) positions.
- 2.5.6 Implementation of nationally or locally agreed changes to Terms and Conditions for employment.
- 2.5.7 Approving the payment of honoraria to an employee and subject to paragraph 2.5.5.
- 2.5.8 Granting paid special leave to an employee in exceptional circumstances, and approving other paid or unpaid leave of absence.
- 2.5.9 Authorising any employees to attend training and development events, technical visits and courses, including conferences, exhibitions, workshops and seminars and meetings of appropriate professional associations in Northern Ireland, the Republic of Ireland and Great Britain, provided there is no increase in the approved budget.

## **2.6 Purchasing**

**The exercise of delegated powers in respect of purchasing is considered by the Council's agreed Purchasing Policy.**

## **PART 3: Specific Delegated Functions**

The following specific functions are delegated to the specified officers below:

### **3.1 Chief Executive**

**All the delegations listed below shall be exercised in accordance with relevant Council policies.**

**Furthermore, the Chief Executive shall also have authority to authorise any officer to act on behalf of any other officer in order to discharge the delegated powers as authorised in this Scheme.**

**The exercise of the following functions is delegated to the Chief Executive.**

- 3.1.1 Discharging all functions and responsibilities in terms of all relevant legislation and regulations, and within policy and agreed budgets, for the following functions:
- Strategic Planning and Performance
  - Enterprise, Regeneration & Tourism
  - Active & Healthy Communities
  - Regulatory & Technical Services
  - Corporate Services
- 3.1.2 Acting in the place of any officer having delegated authority in accordance with this Scheme.
- 3.1.3 Authorised as the Deputy Returning Officer for the Newry, Mourne & Down District Council area to discharge all functions and responsibilities granted to the postholder by The Electoral Office for Northern Ireland, for the purposes of the smooth and efficient operation of Local Council Elections.
- 3.1.4 Making arrangements for the admission of the public and press to meetings of Council in accordance with The Local Government (Northern Ireland) Act 2014.
- 3.1.5 Settling, in consultation with the Council Chairperson and Head of Democratic Services, any points requiring interpretation or clarification in the practical application of this Scheme.
- 3.1.6 In consultation with the relevant statutory agencies agreeing to involve outside agencies in matters of fraud.
- 3.1.7 Signing and executing legal documents on behalf of the Council.



- 3.1.8 Authorising the obtaining of communications data, by way of applications under the Regulation of Investigatory Powers Act 2000 which have been assessed and verified by the Single Point of Contact (SPoC).
- 3.1.9 Approving, in consultation with the Council Chairperson, the attendance of the Chairperson and Deputy Chairperson (or nominees) of any of the Standing Committees at any Conference or Seminar in Northern Ireland, the Republic of Ireland and Great Britain where there is insufficient time for Council approval to be obtained.
- 3.1.10 Invoking and making whatever arrangements are necessary for action under the Council's Emergency Plan.
- 3.1.11 Where appropriate defending all claims made, or legal proceedings instituted against the Council. The power to compromise or settle same as appears necessary or desirable in the best interests of the Council, shall be taken by the Chief Executive and reported to Council including where claims or proceedings are of an unusual or controversial nature.
- 3.1.12 In consultation with the Council Chairperson have delegated authority to cover the summer recess.

### **3.2 Director of Strategic Planning & Performance (Deputy Chief Executive)**

**All the delegations listed below shall be exercised in accordance with relevant Council policies.**

**The exercise of the following functions is delegated to the Director of Strategic Planning & Performance (Deputy Chief Executive).**

- 3.2.1 The Director of Strategic Planning & Performance is designated as the Deputy Chief Executive and in the absence of the Chief Executive is authorised to discharge all functions and responsibilities of that position (as listed at 3.1).
- 3.2.2 The Director of Strategic Planning & Performance is authorised to discharge all functions and responsibilities in terms of all relevant legislation and regulations, and within policy and agreed budgets, for the following functions:
- Corporate Planning & Policy
  - Community Planning
  - Transformation, Innovation & Performance

### **3.3 Director of Enterprise, Regeneration & Tourism**

**All the delegations listed below shall be exercised in accordance with relevant Council policies.**

**The exercise of the following functions is delegated to the Director of Enterprise, Regeneration and Tourism.**

3.3.1 The Director of Enterprise, Regeneration & Tourism is authorised to discharge all functions and responsibilities in terms of all relevant legislation and regulations, and within policy and agreed budgets, for the following functions:

- Enterprise, Employment & Regeneration
- Tourism, Culture & Events

3.3.2 Discharge of functions relating to the legislative provisions outlined at **Appendix IV**.

### **3.4 Director of Active & Healthy Communities**

**All the delegations listed below shall be exercised in accordance with relevant Council policies.**

**The exercise of the following functions is delegated to the Director of Active & Healthy Communities.**

3.4.1 The Director of Active & Healthy Communities is authorised to discharge all functions and responsibilities in terms of all relevant legislation and regulations, and within policy and agreed budgets, for the following functions:

- Health & Wellbeing (including Environmental Health)
- Leisure & Sport
- Community Engagement

3.4.2 Discharge of functions relating to the legislative provisions outlined at **Appendix V**.

3.4.3 The functions listed at (a) to (h) below concerning the application of the legislation outlined at Appendix VI for which the Active & Healthy Communities Committee has responsibility:

- a) Enforcing all regulations, orders and bye-laws;
- b) Issuing and serving certificates and notices;
- c) Granting, withdrawing, suspending and refusing authorisations, approvals and consents, and rejecting plans;
- d) Exercising all powers in relation to the issue (but not refusal) of permits and licences;
- e) Effecting (but not cancelling or refusing to effect) registrations and maintaining statutory registers;
- f) In consultation with the Council's Legal Adviser(s), instituting legal proceedings and making legal applications on behalf of the Council;
- g) Authorising persons and officers pursuant to relevant legislation for the purpose of exercising statutory powers;
- h) Executing works where the responsible party is in default of compliance with any notice or Order and in an emergency where empowered by statute and recovering costs; and

3.4.5 Authorising under Article 22 (2)(c)(i) of the Health and Safety at Work (Northern Ireland) Order 1978 on behalf of the Council, suitable persons to accompany inspectors who have been appointed by the Council under Article 21 of the said Order.

- 3.4.6 Agreeing any transfer or assignment of enforcement responsibility under Regulation 7 and Regulation 8(1) of the Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1999.
- 3.4.7 Authorising persons, other than officers of the Council, for the purposes of Section 10(2) of the Noise Act 1996 (as amended)
- 3.4.8 Enforcing all bye-laws made for the protection of the Council's parks and other amenity facilities.
- 3.4.9 Protecting public rights of way and generally enforcing the Access to the Countryside (Northern Ireland) Order 1983.
- 3.4.10 Enforcing the provisions of the High Hedges Act (NI) 2011 and carrying out a series of functions associated with performing the Council's statutory role under the High Hedges legislation. These are:
- Enforcing all Regulations or Acts made and remedial notices under the High Hedges Act (NI) 2011
  - Issuing and serving remedial notices
  - Exercising all powers in relation to the High Hedges Act (NI) 2011
  - In conjunction with the Council's Legal Advisor(s), instituting legal proceedings and making legal applications on behalf of the Council
  - Authorising individual officers for the purpose of exercising any statutory power under the High Hedges Act (NI) 2011.

### 3.5 Director of Regulatory & Technical Services

All the delegations listed below shall be exercised in accordance with relevant Council policies.

The exercise of the following functions is delegated to the Director of Regulatory & Technical Services.

3.5.1 The Director of Regulatory & Technical Services is authorised to discharge all functions and responsibilities in terms of all relevant legislation and regulations, and within policy and agreed budgets, for the following functions:

- Waste Management
- Building Control & Regulation (including Licensing)
- Planning<sup>2</sup>
- Facilities Management & Maintenance

3.5.2 Discharge of functions relating to the legislative provisions outlined at **Appendix VI**.

3.5.3 The functions listed at (a) to (p) below concerning the application of the legislation outlined at **Appendix VI** for which the Regulatory & Technical Services Committee has responsibility:

- a) Enforcing all regulations, orders and bye-laws;
- b) Issuing and serving certificates and notices;
- c) Granting, withdrawing, suspending and refusing authorisations, approvals and consents, and rejecting plans;
- d) Exercising all powers in relation to the issue (but not refusal) of permits and licences;
- e) Deeming as refused, any Entertainments License application where all of the necessary supporting documentation, including a Fire Risk Assessment, has not been provided to the Council within six weeks from the date of receipt of that application or if the application is otherwise incomplete, inaccurate or falsified;
- f) Effecting (but not cancelling or refusing to effect) registrations and maintaining statutory registers;
- g) In consultation with the Council's Legal Adviser(s), instituting legal proceedings and making legal applications on behalf of the Council;
- h) Authorising persons and officers pursuant to relevant legislation for the purpose of exercising statutory powers;

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<sup>2</sup> A separate Scheme of Delegation exists for delegated matters relating to Planning

- i) Dispensing with or relaxing or refusing to dispense with or relax, Building Regulations and inviting representations thereon;
- j) Executing works where the responsible party is in default of compliance with any notice or Order and in an emergency where empowered by statute and recovering costs;
- k) Making Orders for the charges to be paid in connection with the use of an off-street parking place;
- l) Appointing and authorising such persons as may be necessary for the superintendence of parking spaces;
- m) Making Orders for the use of any parking place and the conditions on which it may be used;
- n) Making Orders restricting the use of a specified parking place;
- o) Making Orders to authorise the use of a part of an off-street parking place for the collection of recyclable material, for advertising or for displaying information to the public; and
- p) Making Orders for the suspension of the use of a parking place or any part of it for specified occasions or circumstances

3.5.4 In consultation with the Council's Legal Adviser(s), lodging objections in relation to notices of applications received under the following legislation:

- Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 as amended by the Betting and Gaming (NI) Order 2004
- Licensing (Northern Ireland) Order 1996
- Registration of Clubs (Northern Ireland) 1996.

3.4.6 Detaining a dog or causing a dog to be disposed of, sold or destroyed in accordance with Articles 23 or 48 of the Dogs (Northern Ireland) Order 1983.

3.5.6 Issuing Property Certificates.

3.5.7 Approving exceptions to the imposition of charges for the collection of commercial waste where such waste appears to be arising from premises occupied for charitable purposes and the temporary nature of occupation prevents the granting of relief from the payment of Rates under Article 41(2)(C) of the Rates (Northern Ireland) Order 1977.

3.5.8 Exercising powers under Article 18 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 in relation to the removal or obliteration of graffiti, placards or posters.

3.5.9 Signing on behalf of the Council, licence agreements for the use of lands to be utilised for the installation of mini-bring recycling facilities.

3.5.10 Arranging burials and cremations under Section 25 of the Welfare Services Act (Northern Ireland) 1971.

3.5.11 Enforcing the Burial Grounds Regulations.

3.5.12 Maintaining a Register of Burials.

3.5.13 Allocating grave spaces and issuing grants of right of burial.



### **3.6 Director of Corporate Services**

**All the delegations listed below shall be exercised in accordance with relevant Council policies.**

**The exercise of the following functions is delegated to the Director of Corporate Services.**

3.6.1 The Director of Corporate Services is authorised to discharge all functions and responsibilities in terms of all relevant legislation and regulations, and within policy and agreed budgets, for the following functions:

- Finance<sup>3</sup>
- Human Resources
- Estates & Project Management
- Administration

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<sup>3</sup> For the purpose of Section 1 of The Local Government Finance Act (Northern Ireland) 2011, the Senior Finance Officer is designated responsible for the administration of the Council's financial affairs.

**Section 7 of the Local Government (Northern Ireland) Act 2014**

**Arrangements for discharge of functions of Council**

7. (1) A Council may arrange for the discharge of any of its functions—

- (a) by a committee, a sub-committee or an officer of the Council; or
- (b) by any other Council.

(2) Subsection (1) is subject to any express provision contained in this Act or any Act passed after this Act.

(3) A Council's functions with respect to—

- (a) making a district rate under the Rates (Northern Ireland) Order 1977;
- (b) making a determination under section 13(1) of the Local Government Finance Act (Northern Ireland) 2011 (affordable borrowing limit) and monitoring an amount determined under that subsection;
- (c) borrowing money; and
- (d) acquiring or disposing of land, may only be discharged by the Council itself.

(4) Where by virtue of this section any functions of a Council may be discharged by a committee of the Council, the committee may arrange for the discharge of any of those functions by—

- (a) a sub-committee; or
- (b) an officer of the Council.

(5) Subsection (4) is subject to any contrary direction by the Council.

(6) Where by virtue of this section any functions of a Council may be discharged by a sub-committee of the Council, the sub-committee may arrange for the discharge of any of those functions by an officer of the Council.

(7) Subsection (6) is subject to any contrary direction by the Council or the committee.

### Specified Officer Positions

The officers to which this Scheme applies are specified as follows:

- i. The Chief Executive
- ii. Director of Strategic Planning & Performance (Deputy Chief Executive)
- iii. Director of Enterprise, Regeneration & Tourism
- iv. Director of Active & Healthy Communities
- v. Director of Regulatory & Technical Services
- vi. Director of Corporate Services

### **Arrangements for Monitoring and Review**

Each Department shall appoint an officer with the responsibility for maintaining a register of delegated decisions. Reports on the register shall be brought to relevant Committees on a bi-annual basis.

A corporate register of delegated decisions shall be maintained by the Head of Democratic Services which can be requested to be produced by any Committee of Council at any time. The Head of Democratic Services is the responsible officer for ensuring this register remains current and accurate at all times.

### **Schedule of Delegated Decisions for Reporting**

The following delegated decisions or authorisations are to be reported monthly (unless otherwise specified) to the relevant Committee by the officer responsible for making or granting.

1. Engaging consultancy assistance below the delegated level of £2,000;
2. Decision to commence formal restructuring within a Department or Departments;
3. Consultation responses other than technical responses where officers asked for Member views;
4. Decisions arising from external report on significant Health and Safety at Work;
5. In cases of emergency, the allocation or awarding of financial assistance (small grants) to external groups or organisations below the delegated level of £300; and
6. Other decisions such as those with political, media or industrial relations implications that Directors consider Members should be aware of.

## APPENDIX IV

**Note these are the principal legislative provisions under which the Council derives its functions. The provisions listed are not exhaustive and responsibility for relevant legislation not expressly referred to will also delegate to the relevant Officers.**

### Enterprise, Regeneration & Tourism

- The Museums (Northern Ireland) Order 1981
- The Tourism (Northern Ireland) Order 1992 article 30(3)

Environmental Health

- The Animal By Products Regulations (NI) 2003
- The Caravans Act (Northern Ireland) 1963
- The Children and Young Persons (Protection from Tobacco) (Northern Ireland) Order 1991
- The Clean Air (Northern Ireland) Order 1981
- The Clean Neighbourhoods and Environment Act (NI) 2011
- The Construction Products Regulations 1991
- The Consumer Protection Act 1987
- The European Communities Act 1972
- The Food and Environment Protection Act 1985
- The Food (Northern Ireland) Order 1989
- The Food Hygiene Regulations (NI) 2006
- The Food Safety (Northern Ireland) Order 1991
- The General Product Safety Regulations 2005
- The Hairdressers Act (NI) 1939
- The Health and Safety at Work (Northern Ireland) Order 1978
- The Health and Personal Social Services (NI) Order 1978
- The High Hedges Act (NI) 2011
- The Housing of the Working Classes Act 1885
- The Litter (Northern Ireland) Order 1994 - Excluding Article 10
- The Local Government Act (Northern Ireland) 1972
- The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985
- The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992
- The Poisons (Northern Ireland) Order 1976
- The Pollution Prevention and Control ( Industrial Emissions) Regulations (Northern Ireland) 2013
- The Pollution Control and Local Government (Northern Ireland) Order 1978
- The Private Tenancies (NI) Order 2006
- The Public Health Acts 1878 to 1971
- The Public Health and Local Government (Miscellaneous Provisions) Act 1949
- The Rats and Mice Destruction Act 1919
- The REACH Enforcement Regulations 2008
- The Regulation of Investigatory Powers Act 2000
- The Rent (Northern Ireland) Order 1978
- The Shops (Sunday Trading etc) (Northern Ireland) Order 1997

- The Smoking (NI) Order 2006
- The Safety of Sports Grounds (Northern Ireland) Order 2006
- The Sun beds Act (Northern Ireland) 2011
- The Controls on Ozone-Depleting Substances Regulations (Northern Ireland) 2011
- The Ozone-Depleting Substances (Qualifications) Regulations (Northern Ireland) 2011
- The Fluorinated Greenhouse Gases Regulations (Northern Ireland) 2009
- The Transmissible Spongiform Encephalopathy Regulations (NI) 2006
- The Anti-Social Behaviour (NI) Order 2004
- The Noise Act 1996
- The Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2005
- The Waste and Contaminated Land (NI) Order 1997
- The Welfare of Animals Act (NI) 2011
- The Welfare Services Act (Northern Ireland) 1971
- Regulation (EC) No 178/2002 Laying Down the General Principles and requirements of Food Law, Establishing the European Food Safety Authority and Laying Down Procedures in matters of Food Safety
- Regulation (EC) No 852/2004 The Hygiene of Foodstuffs
- Regulation (EC) No 853/2004 Laying Down Specific Hygiene Rules for Food of Animal Origin
- Regulation (EC) No 854/2004 Laying Down Specific Rules for the Organisation of Official Controls on Products of Animal Origin Intended for Human Consumption
- Regulation (EC) No 882/2004 Official Controls Performed to Ensure the Verification of Compliance with Feed and Food law, Animal Health and Animal Welfare Rules
- Regulation (EC) No. 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals.
- Dogs (Guard Dog Kennels) Regulations (Northern Ireland) 2013
- Welfare of Animals (Dog Breeding Establishments and Miscellaneous Amendments) Regulations (Northern Ireland) 2013

### Leisure

- The Recreation and Youth Service (NI) Order 1986 Article 10
- The Nature Conservation and Amenity Lands (NI) Order 1985 Article 4
- The Registration of Clubs (Northern Ireland) 1987

## Community Engagement

- The Justice Act (Northern Ireland) 2011 ((functions of the Newry, Mourne & Down Policing and Community Safety Partnership (PCSP))



Waste Management

- Article 41(2)(C) of the Rates (Northern Ireland) Order 1977
- Animal By-Products (Enforcement) (Amendment) Regulations (Northern Ireland) 2014/184
- Animal By-Product (Enforcement) Regulation Northern Ireland 2011 SR 124
- Animal By-Products (Enforcement) (Amendment) Regulations (Northern Ireland) 2011 SR 258
- Single Use Carrier Bags Charge Regulations (Northern Ireland) 2013 SR 4
- Carrier Bags Act (Northern Ireland) 2014
- Controlled Waste (Amendment) Regulations (Northern Ireland) 2003 SR 404
- Controlled Waste (Duty of Care) Regulations (Northern Ireland) 2002 SR 271
- Controlled Waste (Duty of Care) (Amendment) Regulations (Northern Ireland) 2004 SR 277
- Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations (Northern Ireland) 1999 SR 362
- Controlled Waste and Duty of Care Regulations (Northern Ireland) 2013 SR 255
- Controlled Waste Duty of Care (Amendment) Regulations (Northern Ireland) 2014 SR 117
- Controlled Waste (Seizure of Property) Regulations (Northern Ireland) 2013 SR 260
- End of Life Vehicles Regulations 2003 SI 2635
- End-of-Life Vehicles (Amendment) Regulations 2010 SI 1094
- End-of-Life Vehicles (Producer Responsibility) Regulations 2005 SI 263
- End-of-Life Vehicles (Producer Responsibility) (Amendment) Regulations 2010 SI 1095
- Environment (Northern Ireland) Order 2002 SI 3153 (NI 7) (including amendments up to 2004)
- Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (Northern Ireland) Regulations 2000 SR 232
- EU Regulations 592/2014 amending EU142/2011 as regards the use of animal by-products and derived products as a fuel in combustion plants
- EU Regulation laying down health rules as regards animal by-products and derived products not intended for human consumption 1069/2009
- EU Regulation on Shipments of Waste 1013/2006
- Hazardous Waste Regulations (Northern Ireland) 2005 SR 300
- Hazardous Waste (Amendment) Regulations (Northern Ireland) 2005 SR 461
- Landfill Regulations (Northern Ireland) 2003 SR 496
- Landfill (Amendment) Regulations (Northern Ireland) 2004 SR 297
- Landfill (Amendment) Regulations (Northern Ireland) 2007 SR 179
- Landfill (Amendment No 2) Regulations (Northern Ireland) 2007 SR 258

- Landfill (Amendment) Regulations (Northern Ireland) 2011 SR 101
- Landfill (Amendment) Regulations (Northern Ireland) 2013 SR 161
- List of Wastes Regulations (Northern Ireland) 2005 SR 301
- List of Wastes (Amendment) Regulations (Northern Ireland) 2005 SR 462
- Packaging (Essential Requirements) Regulations 2003 SI 1941
- Packaging (Essential Requirements) (Amendment) Regulations 2004 SI 1188
- Packaging (Essential Requirements) (Amendment) Regulations 2006 SI 1492
- Packaging (Essential Requirements) (Amendment) Regulations 2009 SI 1504
- Planning (Management of Waste from Extractive Industries) Regulations (Northern Ireland) 2010 SR 64
- Pollution Control and Local Government (Northern Ireland) Order 1978 SR 1049 (NI 19)
- Pollution Prevention Control (Industrial Emissions) Regulations (Northern Ireland) 2013 SR 160
- Producer Responsibility Obligations (Northern Ireland) Order 1998 SI 1762 (Northern Ireland 16) (including amendments up to 2004)
- Producer Responsibility Obligations (Packaging Waste) Regulations (Northern Ireland) 2007 SR 198
- Producer Responsibility Obligations (Packaging Waste) Regulations (Northern Ireland) 2008 SR 373
- Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2008 SR 77
- Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2010 SR 396
- Producer Responsibility obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2013 SR 262
- Tran frontier Shipment of Radioactive Waste and Spent Fuel Regulations 2008 SI 3087
- Tran frontier Shipment of Waste Regulations 2007 SI 1711
- Tran frontier Shipment of Waste (Amendment) Regulations 2008 SI 9
- Tran frontier Shipment of Waste (Amendment) Regulations 2014 SI 861
- Waste (Amendment)(Northern Ireland) Order 2007 SI 611
- Waste Batteries and Accumulators Regulations 2009 SI 890 (Adobe PDF - 276KB)
- Waste Batteries and Accumulators (Charges) Regulations (Northern Ireland) 2009
- Waste Batteries and Accumulators (Treatment and Disposal) Regulations (Northern Ireland) 2009
- Waste and Contaminated Land (Northern Ireland) Order 1997 SI 2778 (NI 19) (including updates)
- Waste and Contaminated Land (Amendment) Act (Northern Ireland) 2011
- Waste Electrical and Electronic Equipment Regulations 2013 SI 3113
- Waste Electrical and Electronic Equipment (Charges) Regulations (Northern Ireland) 2014 SR 202
- Waste Electrical and Electronic Equipment (Waste Management Licensing) Regulations (Northern Ireland) 2006 SR 519

- Waste Management Regulations (Northern Ireland) 2006 SR 280
- Waste Management (Miscellaneous Provisions) Regulations (Northern Ireland) 2008 SR 18
- Waste Management Licensing Regulations (Northern Ireland) 2003 SR 493
- Waste Management Licensing (Amendment) Regulations (Northern Ireland) 2009 SR 76
- Waste Management Licensing (Amendment) Regulations (Northern Ireland) 2011 SR 403
- Waste (Northern Ireland) Regulations 2011 SR 127
- Waste (Amendment) Regulations (Northern Ireland) 2013 SR 241
- Batteries and Accumulators (Placing on the Market) (Amendment) Regulations 2012 SI 1139

#### Licensing

- Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985
- Cinemas (Northern Ireland) Order 1991
- Petroleum (Regulation) Ads (Northern Ireland) 1929 and 1937
- Registration of Clubs (Northern Ireland) Order 1996
- Town Improvement Clauses Act 1847

#### Building Control

- The Building Regulations (Northern Ireland) Order 1979
- The Building Regulations (Northern Ireland) 1990
- The Building Regulations (Northern Ireland) 2000.
- The Building (prescribed Fees) Regulations (Northern Ireland) 1997
- Energy Performance of Buildings (Certificates and Inspections) Regulations (Northern Ireland) 2008
- The Towns Improvement (Ireland) Act 1854, Section 39
- The Towns Improvement Clauses Act 1947
- The Public Health Acts Amendments 1907, Section 30
- The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985
- The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995

### Planning

- The Planning Act (Northern Ireland) 2011
- The Planning (Northern Ireland) Order 1991

### Facilities Management & Maintenance

- The Burial Grounds Regulations (Northern Ireland) 1992

### Dogs

- Dogs (Northern Ireland) Order 1983, as amended
- Control of Greyhounds etc. Act (Northern Ireland) 1950
- Dangerous Dogs Compensation and Exemption Schemes Order (Northern Ireland) 1991
- Dangerous Dogs (Northern Ireland) Order 1991

### Off-Street Parking

- The Road Traffic Regulation (NI) Order 1997
- The Roads (Miscellaneous Provisions) Act (Northern Ireland) 2010
- The Roads (Northern Ireland) Order 1993
- The Road Traffic Regulation (Northern Ireland) Order 1997

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The **Regulatory and Technical Services Committee** ("the Committee") will be responsible for protecting both the natural and built environment of the District in accordance with the discharge of specified statutory functions and services, including planning development management and control.

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- Responsible for the development of the key strategic plans of the Council, including the Corporate Plan, the Community Plan, the Improvement Plan and the Local Development Plan;
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- Responsible for the management of the Council's policy development framework, including a statutory duty of Equality and development of policy on matters including the Irish language, youth and age friendly disability and safe guarding strategies;
- Responsible for the policy on consultation and engagement with the Council's key stakeholder groups and for public sector collaboration;
- Responsible for the Council's performance management framework, including the setting of performance targets and the oversight of performance across the organisation and for change management;
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The Planning Committee will be responsible for the effective and efficient operation of the planning function and the discharge of its specified statutory functions.

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- Responsible for the preparation of the local development plan.
- Responsible for oversight of planning enforcement within the Council area.
- Responsible for the approval of responses on behalf of the Council to consultation on planning applications being considered by other planning authorities.

### **Membership**

The Committee is comprised of 12 Elected Members appointed to the Committee at the Annual General Meeting.

### **Meetings**

Meetings of the planning committee will be held every four weeks.

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### **-TERMS OF REFERENCE –**

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## Part 3

# Rules of Procedure

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**Purchasing Policy**

**Financial Procedures Rules, including:**

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- Anti-fraud and anti corruption (including bribery) policy and procedures
- Booking travel
- Cash handling and cash handling risk assessment
- Capital spend
- Fixed assets
- Handling of Euro
- Hospitality
- Payment and recovery of advances to Councillors and Council Employees
- Payment of Electricity Accounts
- Petty cash
- Postage
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**FREEDOM OF INFORMATION ACT 2000**

**NEWRY, MOURNE AND DOWN DISTRICT COUNCIL**

**PUBLICATION SCHEME**

## PUBLICATION SCHEME

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<ul style="list-style-type: none"> <li><input type="checkbox"/> <i>Code of Conduct for Staff</i></li> <li><input type="checkbox"/> <i>Job Roles</i></li> <li><input type="checkbox"/> <i>Pay and Grading Structure</i></li> <li><input type="checkbox"/> <i>Job Vacancies</i></li> <li><input type="checkbox"/> <i>Statutory Returns</i></li> </ul>	
<b>7.4 Financial Performance</b>	<b>16</b>
<ul style="list-style-type: none"> <li><input type="checkbox"/> <i>Summary Account</i></li> <li><input type="checkbox"/> <i>Annual Budgets</i></li> <li><input type="checkbox"/> <i>District and Regional Rates</i></li> </ul>	
<b>7.5 Procurement Practices</b>	<b>17</b>
<ul style="list-style-type: none"> <li><input type="checkbox"/> <i>Tendering Procedures</i></li> <li><input type="checkbox"/> <i>Tender Reports</i></li> </ul>	
<b>7.6 Licensing &amp; Approvals</b>	<b>18-19</b>
<ul style="list-style-type: none"> <li><input type="checkbox"/> <i>Entertainment and Trading Licences</i></li> <li><input type="checkbox"/> <i>Building Control</i></li> <li><input type="checkbox"/> <i>Building Control Approvals</i></li> <li><input type="checkbox"/> <i>Building Control Inspections</i></li> <li><input type="checkbox"/> <i>Environmental Health</i></li> <li><input type="checkbox"/> <i>Environmental Health Inspections</i></li> <li><input type="checkbox"/> <i>Dog Licensing</i></li> <li><input type="checkbox"/> <i>Council Bye Laws</i></li> </ul>	
<b>7.7 Services Provided</b>	<b>20-23</b>
<ul style="list-style-type: none"> <li><input type="checkbox"/> <i>Council Offices</i></li> <li><input type="checkbox"/> <i>Arts &amp; Cultural Facilities</i></li> <li><input type="checkbox"/> <i>Tourism</i></li> <li><input type="checkbox"/> <i>Leisure Facilities &amp; Services</i></li> <li><input type="checkbox"/> <i>Community Centres &amp; Services</i></li> <li><input type="checkbox"/> <i>Travelling People</i></li> <li><input type="checkbox"/> <i>Access to Countryside</i></li> <li><input type="checkbox"/> <i>Parks and Grounds</i></li> <li><input type="checkbox"/> <i>Markets</i></li> <li><input type="checkbox"/> <i>Registration of Births, Deaths &amp; Marriages</i></li> <li><input type="checkbox"/> <i>Street Naming, Postal Numbering and Property Certificates</i></li> <li><input type="checkbox"/> <i>Building Control</i></li> <li><input type="checkbox"/> <i>Environmental Health</i></li> <li><input type="checkbox"/> <i>Refuse Collection, Waste Disposal &amp; Recycling (Domestic &amp; Trade)</i></li> <li><input type="checkbox"/> <i>Street Cleansing &amp; Litter Control</i></li> <li><input type="checkbox"/> <i>Public Conveniences</i></li> <li><input type="checkbox"/> <i>Bus Shelters</i></li> <li><input type="checkbox"/> <i>Cemetery &amp; Cremation Services</i></li> <li><input type="checkbox"/> <i>Dog Warden Service</i></li> <li><input type="checkbox"/> <i>Harbour Facilities</i></li> <li><input type="checkbox"/> <i>Airport Facilities</i></li> <li><input type="checkbox"/> <i>Livestock &amp; Abattoirs</i></li> </ul>	

## **PUBLICATION SCHEME**

### **Freedom of Information Act 2000**

#### **Publication Scheme for Newry, Mourne and Down District Council**

### **1 Background**

Newry, Mourne and Down District Council is a Local Government District Council established under the Local Government Act (Northern Ireland) 2014 to administer a range of social, economic, cultural and environmental services to the local community.

As a public authority the Council is required under the Freedom of Information Act to adopt and maintain a Publication Scheme setting out the classes of information it holds, the manner in which it publishes/intends to publish the information and the charges it intends to make for the information.

As a public body Newry, Mourne and Down District Council is committed to the highest standards of accountability and openness and this Publication Scheme is prepared to enable the Council to fulfil its obligations under the legislation and to better inform the public of its communication and information systems. The information contained in the Scheme will be made available to individuals on request under the terms as detailed in the Scheme.

Overall responsibility for this Publication Scheme rests with the Assistant Director of Administration

### **2 Notes on Using the Scheme**

This Publication Scheme sets out the information that Newry, Mourne and Down District Council will publish, how and when it will do so, and whether this information will be available free of charge or on payment. The classes of information to be published are set out under clearly defined headings which reflect the structure and operations of Newry, Mourne and Down District Council.

Publication does not refer solely to printed material. Publication has been interpreted as broadly as possible to include electronic documents, information included on the website, minutes of meetings, reports and leaflets.

It is intended, as far as possible, to make material available on the Newry, Mourne and Down District Council website on an ongoing basis (website address is [www.newrymournedown.org](http://www.newrymournedown.org))

### **3 Requesting Information**

Where information is available on the website, a hypertext link will direct you to the correct page on the website. Where information is available by post, a request can be made in writing. Applicants should provide as much detail as possible to identify the information sought. Requests should be addressed to:

Administration Section,  
Newry, Mourne and Down District Council  
O'Hagan House  
Monaghan Row  
Newry  
BT35 8DJ

or

Administration Section  
Newry, Mourne and Down District Council  
Downshire Civic Centre  
Downshire Estate  
Ardglass Road, Downpatrick  
BT30 6GQ



## 4 Charging and Copyright Issues

The Council has determined four categories for charging for information requested under this Scheme as follows:

1. **Free of charge.** This includes general facts and information on the services offered to the public as well as information published on the Council's website (for those without internet access, a single print-out of the specific website content can be requested). It also includes answering telephone queries, providing copies of free leaflets and inspection of reference materials at Council Offices.

2. **Priced Publications.** Where the information required is available in a priced publication details of the publication, its cost and where to obtain it will be supplied.

3. **Photocopying costs and postage (plus a small administrative charge).** This covers information which has already been prepared which the Council can photocopy or provide a computer printout. This includes copies of entries in public registers, copies of the Council's internal guidance documents and explanatory material on dealing with the public. There will be a minimum charge of £5 for such requests.

4. **Professional charges for locating and preparing information for release.** Where preparing or gathering the required material can only be done by specialists or other professionals at a charge to the Council, a written estimate will be given of the cost of providing such information. The cost will have to be paid in advance. The Council will then aim to provide the information within a target of 20 days.

No charges will be made where a request for information is refused. There will be no charge to appeal against a refusal to supply requested information. Nor will there be a charge to appeal against any charges made for requested information.

Newry, Mourne and Down District Council owns the copyright to the information it produces. If information is to be re-used or reproduced, commercially or otherwise, written approval must be obtained from the office of the Chief Executive.

## 5 Exempt Information

In order to protect confidential or other information where its disclosure may prejudice the interests of others, the Freedom of Information Act 2000 sets out a series of exemptions.

The classes of information which the Council has specified in this scheme as being classes of information which it publishes or intends to publish may in some cases contain material which the Council considers to contain exempt information, as defined in Part II of the Act. Accordingly, any such information is excluded from this publication scheme. Where this occurs the Council will outline which information has been withheld and explain what exemption has been applied and why.

Examples of exempt information under Part II of the Act include:

1. Information supplied by, or relating to, bodies dealing with security matters
2. Investigations and proceedings conducted by public authorities
3. Information likely to prejudice law enforcement
4. Court records including records of tribunals and inquiries

5. Information likely to endanger the health and safety of any individual
6. Personal data or information
7. Information provided in confidence
8. Information in respect of which a claim to legal professional privilege could be maintained
9. Commercial interests and trade secrets.

It should also be noted that information is exempt from the Act if it is reasonably accessible to the applicant by other means. One example where information would qualify for this exemption is where it is made available via the Council's Publication Scheme. In instances where someone makes a written request for information which is already available via the Publication Scheme, the Council will refer the applicant to the Scheme.

Where the Council invokes the exemption provisions to withhold information, an applicant may seek a review of the decision.

## **6 Complaints/Review Procedure**

If an applicant is dissatisfied with the response from the Council to a request for information or a response from the Council for requested information is not received within 20 days, the applicant may proceed to a two-stage review process. An *internal* review must normally be completed before an appeal may be made to the Information Commissioner for an *independent* review.

An internal review should be sought through the office of the Chief Executive of the Council. A member of staff who was not involved with the original request will undertake the review.

If the applicant remains dissatisfied, he/she can seek an independent review from the Information Commissioner. Requests for a review by the Information Commissioner should be made in writing directly to: The Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF (Tel: 01625 545 700; Fax: 01625 545 510).

## **7 Categorisation of Classes of Information**

The following pages describe the various classes of information, relevant publications and their availability and cost under the following management headings:

- **Corporate Management**
- **Elected Members**
- **Personnel & Recruitment**
- **Financial Performance**
- **Procurement Practices**
- **Licensing & Approvals**
- **Services Provided.**

## CLASSES OF INFORMATION

### 7.1 Corporate Management

Information on how the Council manages its business - the structure of the Council; its Committee system; its business plans and policies; reports produced by or on behalf of the Council; and its Equality Scheme.

**Charges:** Information is provided free of charge, or at the rate shown in the Council's Charging Structure for Published Information.

\* **Availability Column:** Detail how to access each document, eg, Website; Post; Council Offices; Local Libraries, and the date of availability

Class of Information	Description	Relevant Publications	Availability *
<b>Management Structure</b>	<b>Who's who in the management of the Council, the Chief Executive, Directors and other senior managers. Information on membership of other public bodies where senior officers represent the Council's interests</b>	<b>Management Structure</b>	<b>Website</b>
<b>Committee and Sub Committee Structure</b>	<b>The Committees and Sub-Committees of the Council; membership (elected members, lay members and officials); their roles and responsibilities</b>	<b>Committee Structures</b>  <b>Details of Committee Members</b>	<b>Website</b> <b>By Post</b>  <b>By post</b>
<b>Corporate Plan</b>	<b>The coming year's business objectives and targets for the main services provided by the Council; also its longer term vision and strategic plan</b>	<b>Corporate Plan</b>	<b>Website</b>
<b>Events Planned for the Current Financial Year</b>	<b>Events and promotions planned, organised or funded within the Council area during the current financial year, including</b>	<b>Various Event Guides/ Advertisements</b>	<b>Website</b> <b>Tourist Information Offices</b> <b>By post</b>

	<b>contact details</b>		
<b>Class of Information</b>	<b>Description</b>	<b>Relevant Publications</b>	<b>Availability *</b>
<b>Equality Scheme</b>	<b>How the Council will fulfil its duty under Section 75 and Schedule 9 of the Northern Ireland Act by putting equality and good relations at the heart of policy decisions</b>	<b>Equality Scheme</b>	<b>Website</b>
<b>Economic Development Strategy</b>	<b>The Council's Economic Development Strategy for the Council area including information on partnerships with other major stakeholders</b>	<b>Economic Development Strategy</b>	<b>Website</b>
<b>Cultural Development Strategy</b>	<b>The Council's Arts and Cultural Development Strategy for the Council area including information on partnerships with other major stakeholders</b>	<b>Cultural Development Strategy</b>	<b>Website</b>
<b>Tourism Development Strategy</b>	<b>The Council's Tourism Development Strategy for the Council area including information on partnerships with other major stakeholders</b>	<b>Tourism Development Strategy</b>	<b>Website</b>
<b>Community Development Strategy</b>	<b>The Council's Community Development Strategy for the Council area including information on partnerships with other major stakeholders</b>	<b>Community Development Strategy</b>	<b>Website</b>
<b>Community Planning Strategy</b>	<b>The Council's Community Planning Strategy for the Council area including information on partnerships with other major stakeholders</b>	<b>Community Planning Strategy</b>	<b>Website</b>
<b>Planning Strategy</b>	<b>The Council's Planning Strategy for the Council area including information on partnerships with other major stakeholders</b>	<b>Planning Strategy</b>	<b>Website</b>

<b>Class of Information</b>	<b>Description</b>	<b>Relevant Publications</b>	<b>Availability *</b>
<b>Waste Management Strategy</b>	<b>The Council's Waste Management Strategy for the Council area including information on partnerships with other major stakeholders</b>	<b>Waste Management Strategy</b>	<b>Website</b>
<b>Annual Report</b>	<b>The Annual Report includes the Annual Accounts and details progress against objectives and targets throughout the past year</b>	<b>Annual Report</b>	<b>Website</b>
<b>Council Policies and Procedures (including Standing Orders)</b>	<b>The Council's policies, procedures and Standing Orders which apply to Committees, Sub-Committees, Council officials, their agents and subcontractors, and elected members. These documents define the way the Council carries on its affairs</b>	<b>Standing Orders</b>	<b>Website</b>
<b>Council Minutes and Agendas</b>	<b>A comprehensive record of Council proceedings (some of the information in this class is derived from documents considered to contain exempt information. See Section 5 "Exempt Information" above. For example, this class may include information provided in confidence</b>	<b>Council and Committee Minutes and Agendas</b>	<b>Website</b>
<b>Reports and Investigations commissioned by Council</b>	<b>Each year the Council commissions various studies and investigation for the benefit of its citizens. These are the published reports produced as a result</b>	<b>Reports</b>	<b>Website</b>

<b>Class of Information</b>	<b>Description</b>	<b>Relevant Publications</b>	<b>Availability *</b>
<b>Complaints Policy and Procedures</b>	<b>Information on how to make a complaint on any aspect of the Council's services or facilities</b>	<b>Complaints Procedure/Form</b>	<b>Website Available at Council buildings By post</b>
<b>Charging Structure for Published Information</b>	<b>Charges, if any, for information supplied by the Council</b>	<b>Publication Scheme</b>	<b>Website</b>

## 7.2 Elected Members

Information on the Councillors; the Code of Conduct they operate within; and payments due to them for various activities.

**Charges:** Information is provided free of charge, or at the rate shown in the Council's Charging Structure for Published Information.

**\* Availability Column:** Detail how to access each document, eg, Website; Post; Council Offices; Local Libraries, and the date of availability

<b>Class of Information</b>	<b>Description</b>	<b>Relevant Publications</b>	<b>Availability *</b>
<b>Information on Members</b>	<b>Information on elected members including membership of Committees and Sub-Committees. Information on membership of other public bodies or representation of the Council on such bodies (some of the information in this class is derived from documents considered to contain exempt information. See Section 5 "Exempt Information" above eg. this class may include personal data or information). Information on the Register of Members Interests</b>	<b>Committee Structures including Membership</b>  <b>Membership of Outside Bodies</b>  <b>Register of Members Interests</b>	<b>Website</b> <b>By post</b>  <b>By post</b>  <b>On-line</b>
<b>Code of Conduct for Members</b>	<b>The Code of Conduct which Councillors operate within (some of the information in this class is derived from documents considered to contain exempt information. See Section 5 "Exempt Information" above. For example, this class may include information protected under legal</b>	<b>Code of Conduct for Members</b>	<b>Website</b> <b>By post</b>

	professional privilege)		
<b>Class of Information</b>	<b>Description</b>	<b>Relevant Publications</b>	<b>Availability *</b>
<b>Rates and Allowances</b>	Rates and allowances payable to Councillors while undertaking Council business (some of the information in this class is derived from documents considered to contain exempt information. See Section 5 “Exempt Information” above. For example, this class may include personal data or information)	Published and Agreed Rates for Attendance and Mileage Allowances  Actual Allowances Claimed published annually for the previous financial year	Website  Website
<b>Attendance Records</b>	Records of Councillor attendance at Council meetings, including Committee and Sub-Committee meetings (some of the information in this class is derived from documents considered to contain exempt information. See Section 5 “Exempt Information” above. For example, this class may include personal data or information)	Attendance Records	Website – published annually for the previous financial year
<b>Election Results and Expenses</b>	Records of Councillors’ expenses from the most recent Local Government Election (some of the information in this class is derived from documents considered to contain exempt information. See Section 5 “Exempt Information” above. For example, this class may include personal data or information)	Election Results by District Electoral Area	Website
<b>Official Visits and Civic Functions</b>	Records of official and courtesy visits and civic functions within the current financial year and preceding financial year including attendees and	Record of civic functions during the current and previous year	By post



	<b>costs incurred  (some of the information in  this class is derived from  documents considered to  contain exempt  information. See Section 5  “Exempt Information”  above. For example, this  class may include personal  data or information)</b>		
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### 7.3 Personnel & Recruitment

Information on how Council staff are recruited; their roles and responsibilities; rates of pay and expected standards of behaviour.

**Charges:** Information is provided free of charge, or at the rate shown in the Council's Charging Structure for Published Information.

\* **Availability Column:** Detail how to access each document, eg, Website; Post; Council Offices; Local Libraries, and the date of availability

Class of Information	Description	Relevant Publications	Availability *
<b>Code of Conduct for Staff</b>	Information on the conduct which is expected of staff in the performance of their duties (some of the information in this class is derived from documents considered to contain exempt information. See Section 5 "Exempt Information" above. For example, this class may include personal data or information)	Code of Conduct for Staff	By post
<b>Job Roles</b>	Documents detailing the duties and responsibilities required of each job role within the Council	Job Roles for all Staff	By post
<b>Pay and Grading Structure</b>	The pay structure for grades of staff within the Council	Northern Ireland Joint Council for Local Government Services Pay Rates	By post
<b>Job Vacancies</b>	Current job vacancies and jobs advertised within the past year	Current Job Vacancies within the Council  Jobs advertised within the past	Website Job Application  By post

		year	
<b>Class of Information</b>	<b>Description</b>	<b>Relevant Publications</b>	<b>Availability *</b>
<b>Statutory Return</b>	<b>Annual reports on the composition of staff by grade, gender, etc in accordance with current legislation</b>	<b>Equality Commission Monitoring Report</b>  <b>Local Government Auditor Sickness Reports</b>	<b>By post</b>  <b>By post</b>

## 7.4 Financial Performance

Financial data showing the Council's income and expenditure.

**Charges:** Information is provided free of charge, or at the rate shown in the Council's Charging Structure for Published Information.

**\* Availability Column:** Detail how to access each document, eg, Website; Post; Council Offices; Local Libraries, and the date of availability

<b>Class of Information</b>	<b>Description</b>	<b>Relevant Publications</b>	<b>Availability *</b>
<b>Summary Accounts</b>	<b>Summary financial data by service line and corporate overheads. The audited accounts, including the auditor's report, for the past six years</b>	<b>Annual Accounts</b>	<b>Last audited year on website By post</b>
<b>Annual Budgets</b>	<b>Planned income and expenditure by service line and corporate overheads for the current financial year</b>	<b>Annual Estimates</b>	<b>Website By post</b>
<b>District and Regional Rates</b>	<b>The rates applicable to businesses and householders in the current financial year</b>	<b>Statement of Rates</b>	<b>Website By post</b>

## 7.5 Procurement Practices

Information on how the Council procures products and services from suppliers.

**Charges:** Information is provided free of charge, or at the rate shown in the Council's Charging Structure for Published Information.

\* **Availability Column:** Detail how to access each document, eg, Website; Post; Council Offices; Local Libraries, and the date of availability

<b>Class of Information</b>	<b>Description</b>	<b>Relevant Publications</b>	<b>Availability *</b>
<b>Tendering Procedures</b>	<b>Procedures and guidelines used in the tendering process for Council products and services</b>	<b>Procurement Policy/Procedures</b>	<b>By post</b>
<b>Tender Reports</b>	<b>Tendering activity over the current financial year and preceding financial Year (some of the information in this class is derived from documents considered to contain exempt information. See Section 5 "Exempt Information" above. For example, this class may include information provided in confidence or covered by commercial interest and trade secrets)</b>	<b>Details of Tenders</b>	<b>Website By post</b>

## 7.6 Licensing & Approvals

Information on how the Council grants licences for various trading activities within the Council area; standards and procedures for building control approvals and environmental health issues.

**Charges:** Information is provided free of charge, or at the rate shown in the Council's Charging Structure for Published Information.

**\* Availability Column:** Detail how to access each document, eg, Website; Post; Council Offices; Local Libraries, and the date of availability

<b>Class of Information</b>	<b>Description</b>	<b>Relevant Publications</b>	<b>Availability *</b>
<b>Entertainment and Trading Licences</b>	<b>Procedures regarding the granting of licences for entertainment; amusement; street trading; and petroleum retailing. Also allocation of market stalls. How to apply for such licences or permits</b>	<b>Licensing Procedures and Forms</b>	<b>Website By post</b>
<b>Building Control</b>	<b>Standards and procedures regarding building control approval and how to go about applying</b>	<b>Building Control Application Procedures</b>	<b>Website By post</b>
<b>Building Control Approvals</b>	<b>Current Building Control applications and approvals granted within the last 2 years</b>	<b>List of applications and approvals</b>	<b>By post</b>
<b>Building Control Inspections</b>	<b>Annual Departmental performance report in relation to building control applications received, as measured against departmental plan</b>	<b>Building Control Annual Report</b>	<b>By post</b>
<b>Environmental Health</b>	<b>Standards and procedures for the public and businesses and guidelines on Environmental Health matters. Council's enforcement policy in relation to</b>	<b>Environmental Health Standards and Procedures</b>	<b>Website By post</b>

	<b>breaches of legislation</b>		
<b>Class of Information</b>	<b>Description</b>	<b>Relevant Publications</b>	<b>Availability *</b>
<b>Environmental Health Inspections</b>	<b>Annual performance report on Environmental Health activity as measured against targets contained within Departmental Action Plan (some of the information in this class is derived from documents considered to contain exempt information. See Section 5 “Exempt Information” above. For example, this class may include information likely to prejudice law enforcement)</b>	<b>Environmental Health Annual Report</b>	<b>Website By post</b>
<b>Dog Licensing</b>	<b>Procedure for applying for a dog licence</b>	<b>Procedures for Dog Licensing</b>	<b>Website By post</b>
<b>Council Bye laws</b>	<b>Bye laws made by Council</b>	<b>Details of Bye laws</b>	<b>Website By post</b>

## 7.7 Services Provided

Information on the range of services and facilities available from the Council.

**Charges:** Information is provided free of charge, or at the rate shown in the Council's Charging Structure for Published Information.

**\* Availability Column:** Detail how to access each document, eg, Website; Post; Council Offices; Local Libraries, and the date of availability

<b>Class of Information</b>	<b>Description</b>	<b>Relevant Publications</b>	<b>Availability *</b>
<b>Council Offices</b>	<b>Information on Council offices, addresses, opening hours, main telephone numbers and other contact details</b>	<b>Schedule of opening hours, services and contacts</b>	<b>Website At offices By post</b>
<b>Arts and Cultural Facilities</b>	<b>Information on arts and cultural facilities within the Council area including addresses, opening hours, fees and charges, main telephone numbers and other contact details</b>	<b>Schedule of opening hours, services and contacts</b>	<b>Website At offices By post</b>
<b>Tourism</b>	<b>Information on tourist facilities and services within the Council area including (where applicable) addresses, opening hours, fees and charges, main telephone numbers and other contact details</b>	<b>Schedule of opening hours, services and contacts</b>	<b>Website At offices By post</b>
<b>Leisure Facilities and Services</b>	<b>Information on leisure facilities within the Council area including addresses, opening hours, fees and charges, main telephone numbers and other contact details</b>	<b>Schedule of opening hours, services and contacts</b>	<b>Website At offices By post</b>



<b>Class of Information</b>	<b>Description</b>	<b>Relevant Publications</b>	<b>Availability *</b>
<b>Sports Development</b>	Information on Sports Development including summer schemes, grants available and sports provision	Sports Development Schemes/Grants Information Sheets and Promotional Information	Website By post
<b>Economic Development</b>	Information on Economic Development support including contacts and funding opportunities	Economic Development Strategy and Promotional Information	Website At offices By post
<b>Community Centres and Services</b>	Information on community centres and outreach facilities and services within the Council area including addresses, opening hours, fees and charges, main telephone numbers and other contact details	Schedule of opening hours, services and contacts	Website At offices By post
<b>Travelling People</b>	Information on the Council's policies towards Travelling People, the facilities available and contact details	Policy on Travellers	Website By post
<b>Access to the Countryside</b>	Information on the Council's approach to resolving 'rights of way' disputes including contact details	Access to the Countryside Policy/Information	Website By post
<b>Parks and Grounds</b>	Information on parks and grounds within the Council area including addresses, opening hours, telephone numbers and other contact details	Parks and Grounds Information	Website By post
<b>Markets</b>	Information on markets within the Council area including addresses, opening hours, fees and charges, main telephone numbers and other contact details	Details on Locations, opening hours, fees and contacts	Website By post

<b>Class of Information</b>	<b>Description</b>	<b>Relevant Publications</b>	<b>Availability *</b>
<b>Registration of Births, Deaths and Marriages</b>	Information on offices, addresses, opening hours, main telephone numbers and other contact details	Location and service details	Website By post
<b>Street Naming, Postal Numbering and Property Certificates</b>	Information on Street Naming, Postal Numbering and Property Certificates, including addresses, telephone numbers and other contact details	Policy on Street Naming and Numbering  Procedure for the Processing of Property Certificates	Website By post
<b>Building Control</b>	Information on the full range of functions carried out by Building Control including Dangerous Buildings and Structures	Details on functions and services	Website By post
<b>Environmental Health</b>	Information on the full range of functions carried out by the Department under the core function headings of Food Safety, Health and Safety at Work, Consumer Protection, Pollution and Noise Control, Licensing and Regulatory and General Environmental Health matters	Details on functions and services	Website By post
<b>Refuse Collection, Waste Disposal and Recycling</b>	Information on refuse collection routes & timetables, 'bulky' collection services, landfill sites, skip sites, depots including (where appropriate) addresses, opening hours, fees and charges, main telephone numbers and other contact details. Details of the Council's recycling policy and facilities. Supply of refuse containers and 'wheelie bins'	Details on function, services, contact details and charges	Website By post

<b>Class of Information</b>	<b>Description</b>	<b>Relevant Publications</b>	<b>Availability *</b>
<b>Street Cleansing and Litter Control</b>	Information on street cleansing and litter control services include street cleaning rotas and contact details	Details on function, services and contact details	Website By post
<b>Public Conveniences</b>	Locations, charges (if any), cleaning schedules and contact details for further queries	Location details and contact details	Website By post
<b>Bus Shelters</b>	Location and contact details for further queries	Location details and contact details	By post
<b>Cemetery Services</b>	Information on cemetery services and facilities within the Council area including addresses, opening hours, charging mechanisms, telephone numbers and other contact details. Also information on cemetery maintenance	Details of service provision	Website By post
<b>Dog Warden Services</b>	Information on how the Council deals with stray dogs, the enforcement of dog fouling laws and investigations into dog attacks on other animals and people. Also charging mechanisms, telephone numbers and other contact details	Details of service provision	Website By post
<b>Harbour Facilities</b>	Information on harbour facilities within the Council area, including charging mechanisms, addresses, and contact details	Details of service provision	By post

# Newry, Mourne & Down District Council

## Treasury Management Strategy Statement 2015/16

### Introduction

At the Finance and Resources Committee held on Wednesday 18<sup>th</sup> March this strategy was adopted. The minutes of this meeting were adopted on Tuesday 31<sup>st</sup> March 2015. At these meetings the Council adopted the Chartered Institute of Public Finance and Accountancy's *Treasury Management in the Public Services: Code of Practice 2011 Edition* (the CIPFA Code) which requires the Authority to approve a treasury management strategy before the start of each financial year.

In addition, the Department of the Environment (DOE) issued revised *Guidance on Local Authority Investments* in October 2011 that requires the Authority to approve an investment strategy before the start of each financial year.

This report fulfils the Authority's legal obligation under the Local Government Finance Act (Northern Ireland) 2011 to have regard to both the CIPFA Code and the DOE Guidance.

The Authority has and will be borrowing and investing substantial sums of money and is therefore exposed to financial risks including the loss of invested funds and the revenue effect of changing interest rates. The successful identification, monitoring and control of risk are therefore central to the Authority's treasury management strategy.

### External Context

#### **Economic background:**

There is momentum in the UK economy, with a continued period of growth through domestically-driven activity and strong household consumption. There are signs that growth is becoming more balanced. The greater contribution from business investment should support continued, albeit slower, expansion of GDP. However, inflationary pressure is currently extremely benign and is likely to remain low in the short-term. There have been large falls in unemployment but levels of part-time working, self-employment and underemployment are significant and nominal earnings growth remains weak and below inflation.

The Monetary Policy Committee's (MPC) focus is on both the degree of spare capacity in the economy and the rate at which this will be used up, factors prompting some debate on the Committee. Despite two MPC members having voted for an 0.25% increase in rates at each of the meetings between August and December 2014, the minutes of the January 2015 meeting showed unanimity in maintaining the Bank Rate at 0.5% as there was sufficient risk that low inflation could become entrenched and the MPC became more concerned about the economic outlook.

#### **Credit outlook:**

The transposition of two European Union directives into UK legislation in the coming months will place the burden of rescuing failing EU banks disproportionately onto unsecured local authority investors. The *Bank Recovery and Resolution Directive* promotes the interests of individual and small businesses

covered by the Financial Services Compensation Scheme and similar European schemes, while the recast *Deposit Guarantee Schemes Directive* includes large companies into these schemes. The combined effect of these two changes is to leave public authorities and financial organisations (including pension funds) as the only senior creditors likely to incur losses in a failing bank after July 2015.

The continued global economic recovery has led to a general improvement in credit conditions since last year. This is evidenced by a fall in the credit default swap spreads of banks and companies around the world. However, due to the above legislative changes, **the credit risk associated with making unsecured bank deposits will increase** relative to the risk of other investment options available to the Authority.

#### Interest rate forecast:

The Authority's treasury management advisor Arlingclose forecasts the first rise in official interest rates in August 2015 and a gradual pace of increases thereafter, with the average for 2015/16 being around 0.75%. Arlingclose believes the normalised level of the Bank Rate post-crisis to range between 2.5% and 3.5%. The risk to the upside (i.e. interest rates being higher) is weighted more towards the end of the forecast horizon. On the downside, Eurozone weakness and the threat of deflation have increased the risks to the durability of UK growth. If the negative indicators from the Eurozone become more entrenched, the Bank of England will likely defer rate rises to later in the year. Arlingclose projects gilt yields on an upward path in the medium term, taking the forecast average 10 year PWLB loan rate for 2015/16 to 3.40%.

A more detailed economic and interest rate forecast provided by the Arlingclose is attached at **Appendix A**.

For the purpose of setting the budget, it has been assumed that new investments will be made at an average rate of 0.2%, and that new long-term loans will be borrowed at an average rate of 3.0%.

#### Local Context

The Authority currently (31 January 2015) has £52.3m of borrowing and £3.0m of investments (money deposited on short notice periods). This is set out in further detail at **Appendix B**. Forecast changes in these sums are shown in the balance sheet analysis in table 1 below.

**Table 1: Balance Sheet Summary and Forecast**

	31.3.14 Actual £m	31.3.15 Estimate £m	31.3.16 Estimate £m	31.3.17 Estimate £m	31.3.18 Estimate £m
<b>Capital Financing Requirement</b>	<b>55.0</b>	<b>62.8</b>	<b>66.7</b>	<b>90.7</b>	<b>97.9</b>
Less: Other debt liabilities *	0	0	0	0	0
<b>Borrowing CFR</b>	<b>55.0</b>	<b>62.8</b>	<b>66.7</b>	<b>90.7</b>	<b>97.9</b>
Less: External borrowing **	52.5	56.6	63.1	86.7	93.9
<b>Internal (over) borrowing</b>	<b>2.5</b>	<b>6.2</b>	<b>3.6</b>	<b>4.0</b>	<b>4.0</b>
Less: Usable reserves	10.6	8.3	8.3	8.3	8.3
Less: Working capital	5.9	1.0	1.9	1.9	1.9
<b>Investments (or New borrowing)</b>	<b>14.0</b>	<b>9.8</b>	<b>10.7</b>	<b>6.2</b>	<b>6.2</b>

\* finance leases that form part of the Authority's debt

\*\* shows only loans to which the Authority is committed and excludes optional refinancing

The underlying need to borrow for capital purposes is measured by the Capital Financing Requirement (CFR), while usable reserves and working capital are the underlying resources available for investment. The Authority's current strategy is to maintain borrowing and investments below their underlying levels, sometimes known as internal borrowing.

The Authority has an increasing CFR due to the capital programme, but minimal investments and will therefore be required to borrow up to £94m over the forecast period.

CIPFA's *Prudential Code for Capital Finance in Local Authorities* recommends that the Authority's total debt should be lower than its highest forecast CFR over the next three years. Table 1 shows that the Authority expects to comply with this recommendation during 2015/16.

### **Borrowing Strategy**

The Authority currently holds £56.6 million of loans, an increase of £4.2 million on the previous year, as part of its strategy for funding previous years' capital programmes. The balance sheet forecast in table 1 shows that the Authority expects to borrow up to £63.1 million in 2015/16. The Authority may also borrow additional sums to pre-fund future years' requirements, providing this does not exceed the authorised limit for borrowing of £65.1 million.

**Objectives:** The Authority's chief objective when borrowing money is to strike an appropriately low risk balance between securing low interest costs and achieving cost certainty over the period for which funds are required. The flexibility to renegotiate loans should the Authority's long-term plans change is a secondary objective.

**Strategy:** Given the significant cuts to public expenditure and in particular to local government funding, the Authority's borrowing strategy continues to address the key issue of affordability without compromising the longer-term stability of the debt portfolio. With short-term interest rates currently much lower than long-term rates, it is likely to be more cost effective in the short-term to either use internal resources, or to borrow short-term loans instead.

By doing so, the Authority is able to reduce net borrowing costs (despite foregone investment income) and reduce overall treasury risk. The benefits of internal borrowing will be monitored regularly against the potential for incurring additional costs by deferring borrowing into future years when long-term borrowing rates are forecast to rise. Arlingclose will assist the Authority with this 'cost of carry' and breakeven analysis. Its output may determine whether the Authority borrows additional sums at long-term fixed rates in 2015/16 with a view to keeping future interest costs low, even if this causes additional cost in the short-term.

**Sources:** The approved sources of long-term and short-term borrowing are:

- Government Loans Fund (via the Department of Finance and Personnel, DFP)
- any other bank or building society authorised to operate in the UK

In addition, capital finance may be raised by the following methods that are not borrowing, but may be classed as other debt liabilities:

- operating and finance leases
- hire purchase
- sale and leaseback

The Authority has previously raised all of its long-term borrowing from the Government Loans Fund but it continues to investigate other sources of finance, such as local authority loans and bank loans, that may be available at more favourable rates.

**Short-term and Variable Rate loans:** These loans leave the Authority exposed to the risk of short-term interest rate rises and are therefore subject to the limit on the net exposure to variable interest rates in the treasury management indicators below.

**Debt Rescheduling:** The DFP allows authorities to repay loans before maturity and either pay a premium or receive a discount according to a set formula based on current interest rates. The Authority may take advantage of this and replace some loans with new loans, or repay loans without replacement, where this is expected to lead to an overall cost saving or a reduction in risk.

### **Investment Strategy**

The Authority holds invested funds, representing income received in advance of expenditure plus balances and reserves held. In the past 12 months, the Authority's investment balance has ranged between £8.6 million and £3.0 million, and similar levels are expected to be maintained in the forthcoming year.

**Objectives:** Both the CIPFA Code and the DOE Guidance require the Authority to invest its funds prudently, and to have regard to the security and liquidity of its investments before seeking the highest rate of return, or yield. The Authority's objective when investing money is to strike an appropriate balance between risk and return, minimising the risk of incurring losses from defaults and the risk receiving unsuitably low investment income.

**Strategy:** Given the increasing risk and continued low returns from short-term unsecured bank investments, the Authority will continue to hold surplus funds in Bank Deposits during 2015/16. The majority of the Authorities surplus cash is currently invested in short-term unsecured bank deposits, and money market funds. This will therefore represent a continuation of the current strategy over the coming year.

**Banks Unsecured:**

Accounts, deposits, certificates of deposit and senior unsecured bonds with banks and building societies, other than multilateral development banks. These investments are subject to the risk of credit loss via a bail-in should the regulator determine that the bank is failing or likely to fail. Unsecured investment with banks rated BBB or BBB- are restricted to overnight deposits at the Authority's current account bank.

No deposits will be made with an organisation if there are substantive doubts about its credit quality, even though it may meet the credit rating criteria.

When deteriorating financial market conditions affect the creditworthiness of all organisations, as happened in 2008 and 2011, this is not generally reflected in credit ratings, but can be seen in other market measures. In these circumstances, the Authority will restrict its deposits to those organisations of higher credit quality and reduce the maximum duration of its deposits to maintain the required level of security. The extent of these restrictions will be in line with prevailing financial market conditions. If these restrictions mean that insufficient commercial organisations of high credit quality are available to invest the Authority's cash balances, then the surplus will be deposited with the UK Government, via the Debt Management Office or invested in government treasury bills for example, or with other local authorities. This will cause a reduction in the level of investment income earned, but will protect the principal sum invested.

**Specified Investments:** The DOE Guidance defines specified investments as those:

- denominated in pound sterling,
- due to be repaid within 12 months of arrangement,
- not defined as capital expenditure by legislation,
- invested with one of:
  - the UK Government,
  - a UK local authority, parish council or community council, or
  - a body or investment scheme of "high credit rating", and
- where the principal sum to be repaid at maturity is the same as the initial sum invested, other than investments in the UK Government..

The Council defines "high credit rating" organisations and securities as those having a credit rating of A- or higher that are domiciled in the UK or a foreign country with a sovereign rating of AA+ or higher. For money market funds and other pooled funds "high credit quality" is defined as those having a credit rating of A- or higher.

**Investment Limits:** The Authority's revenue reserves available to cover investment losses are forecast to be £5.0 million as at 31st March 2015. In order that no more than 20% of available reserves will be put at risk in the case of a single default, the maximum that will be lent to any one organisation (other than the UK Government) will be £1.0 million. A group of banks under the same ownership will be treated as a single organisation for limit purposes.

**Liquidity Management:** The Authority uses cash flow forecasting to determine the maximum period for which funds may prudently be committed. The forecast is compiled on a pessimistic basis, with receipts under-estimated and payments over-estimated to minimise the risk of the Authority being



forced to borrow on unfavourable terms to meet its financial commitments. Limits on investments are set by reference to the Authority's medium term financial plan and cash flow forecast.

### **Treasury Management Indicators**

**Liquidity:** The Authority has adopted a voluntary measure of its exposure to liquidity risk by monitoring the amount of cash available to meet unexpected payments within a rolling six month period, without additional borrowing.

	<b>Target</b>
Total cash available within 6 months	£3.0 m

**Interest Rate Exposures:** This indicator is set to control the Authority's exposure to interest rate risk. The upper limits on fixed and variable rate interest rate exposures, expressed as [the amount / the proportion] of net [principal borrowed / interest payable] will be:

	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>
Upper limit on fixed interest rate exposure	3.5%	4.0%	4.0%
Upper limit on variable interest rate exposure	n/a	n/a	n/a

Fixed rate investments and borrowings are those where the rate of interest is fixed for the whole financial year. Instruments that mature during the financial year are classed as variable rate.

**Maturity Structure of Borrowing:** This indicator is set to control the Authority's exposure to refinancing risk. The upper and lower limits on the maturity structure of fixed rate borrowing will be:

	<b>Upper</b>	<b>Lower</b>
Under 12 months	8.7%	8.7%
12 months and within 24 months	8.1%	8.1%
24 months and within 5 years	21.6%	21.6%
5 years and within 10 years	25.3%	25.3%
10 years and above	36.3%	36.3%

Time periods start on the first day of each financial year. The maturity date of borrowing is the earliest date on which the lender can demand repayment.

### **Other Items**

There are a number of additional items that the Authority is obliged by CIPFA or the DOE to include in its Treasury Management Strategy.

**Policy on Use of Financial Derivatives:** In the absence of any legal power to do so, the Authority will not use standalone financial derivatives (such as swaps, forwards, futures and options). Derivatives

embedded into loans and investments, including pooled funds, may be used, and the risks that they present will be managed in line with the overall treasury risk management strategy.

**Investment Training:** The needs of the Authority's treasury management staff for training in investment management are assessed regularly as part of the staff appraisal process, and additionally when the responsibilities of individual members of staff change.

Staff regularly attend training courses, seminars and conferences provided by Arlingclose and CIPFA. Relevant staff are also encouraged to study professional qualifications from CIPFA, the Association of Corporate Treasurers and other appropriate organisations.

**Investment Advisers:** The Authority has appointed Arlingclose Limited as treasury management advisers and receives specific advice on investment, debt and capital finance issues.

**Investment of Money Borrowed in Advance of Need:** The Authority may, from time to time, borrow in advance of need, where this is expected to provide the best long term value for money. Since amounts borrowed will be invested until spent, the Authority is aware that it will be exposed to the risk of loss of the borrowed sums, and the risk that investment and borrowing interest rates may change in the intervening period. These risks will be managed as part of the Authority's overall management of its treasury risks.

The total amount borrowed will not exceed the authorised borrowing limit of £65.1 million for 2015/2016. The maximum period between borrowing and expenditure is expected to be one year, although the Authority is not required to link particular loans with particular items of expenditure.

### **Financial Implications**

The budget for investment income in 2015/16 is £0 million, based on an average investment portfolio of £4 million at an interest rate of 0.3%. The budget for debt interest paid in 2015/16 is £2.9 million, based on an average debt portfolio of £59.8 million at an average interest rate of 4.8%. If actual levels of investments and borrowing, and actual interest rates differ from those forecast, performance against budget will be correspondingly different.

### **Other Options Considered**

The DOE Guidance and the CIPFA Code do not prescribe any particular treasury management strategy for local authorities to adopt. The Head of Finance believes that the above strategy represents an appropriate balance between risk management and cost effectiveness for the next 24 months. Some alternative strategies, with their financial and risk management implications, are listed over.

<b>Alternative</b>	<b>Impact on income and expenditure</b>	<b>Impact on risk management</b>
Invest in a narrower range of counterparties and/or for shorter times	Interest income will be lower	Lower chance of losses from credit related defaults, but any such losses will be greater
Invest in a wider range of counterparties and/or for longer times	Interest income will be higher	Increased risk of losses from credit related defaults, but any such losses will be smaller
Borrow additional sums at long-term fixed interest rates	Debt interest costs will rise; this is unlikely to be offset by higher investment income	Higher investment balance leading to a higher impact in the event of a default; however long-term interest costs will be more certain
Borrow short-term or variable loans instead of long-term fixed rates	Debt interest costs will initially be lower	Increases in debt interest costs will be broadly offset by rising investment income in the medium term, but long term costs will be less certain
Reduce level of borrowing	Saving on debt interest is likely to exceed lost investment income	Reduced investment balance leading to a lower impact in the event of a default; however long-term interest costs will be less certain

## Appendix A - Arlingclose Economic & Interest Rate Forecast January 2015

### Underlying assumptions:

- The UK economic recovery slowed towards the end of 2014, with economic and political uncertainty weighing on business investment. However, the Q3 growth rate of 0.7% remains slightly above the long run average, suggesting the recovery remains robust.
- Household consumption is key to the recovery in 2015. While we expect consumption growth to slow, given softening housing market activity and slower employment growth, the fall in inflation and resulting rise in both real (and nominal) wage growth and disposable income should support spending.
- Inflationary pressure is currently low (annual CPI is currently 0.5%) and is likely to remain so in the short-term. The fall in oil prices has yet to feed fully into the prices of motor fuel and retail energy and CPI is expected to fall further. Supermarket price wars are also expected to bear down on food price inflation.
- The MPC's focus is on both the degree of spare capacity in the economy and the rate at which this will be used up, factors prompting some debate on the Committee.
- Nominal earnings growth is strengthening, but remains relatively weak in historical terms, despite large falls in unemployment. Our view is that spare capacity remains extensive. The levels of part-time, self-employment and underemployment are significant and indicate capacity within the employed workforce, in addition to the still large unemployed pool. Productivity growth can therefore remain weak in the short term without creating undue inflationary pressure.
- However, we also expect employment growth to slow as economic growth decelerates. This is likely to boost productivity, which will bear down on unit labour costs and inflationary pressure.
- In addition to the lack of wage and inflationary pressures, policymakers are evidently concerned about the bleak prospects for the Eurozone. These factors will maintain the dovish stance of the MPC in the medium term. The MPC clearly believes the appropriate level for Bank Rate for the post-crisis UK economy is significantly lower than the previous norm. We would suggest this is between 2.5 and 3.5%.
- The ECB has introduced outright QE as expected. While this may alleviate some of the anxiety about the economic potential of the Eurozone, political risk remains significant (e.g. Greek election). Therefore fears for the Eurozone are likely to maintain a safe haven bid for UK government debt.

### Forecast:

- We continue to forecast the first rise in official interest rates in Q3 2015, but the risks to this forecast are very much weighted to the downside. The February Inflation Report will be key to our review of the possible path for Bank Rate.
- We project a slow rise in Bank Rate. The pace of interest rate rises will be gradual and the extent of rises limited; we believe the normalised level of Bank Rate post-crisis to range between 2.5% and 3.5%.
- Market sentiment (derived from forward curves) has shifted significantly lower in the past three months; market expectations are now for a later increase in interest rates and a more muted increase in gilt yields.

- The short run path for gilt yields has flattened due to the sharp decline in inflation expectations. We project gilt yields on an upward path in the medium term.
- The short run path for gilt yields is flatter due to the deteriorating Eurozone situation. We project gilt yields on an upward path in the medium term.

	Mar-15	Jun-15	Sep-15	Dec-15	Mar-16	Jun-16	Sep-16	Dec-16	Mar-17	Jun-17	Sep-17	Dec-17	Mar-18
<b>Official Bank Rate</b>													
Upside risk				0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25
Arlingclose Central Case	0.50	0.50	0.75	0.75	1.00	1.00	1.25	1.25	1.50	1.50	1.75	1.75	1.75
Downside risk			0.25	0.25	0.50	0.50	0.75	0.75	1.00	1.00	1.00	1.00	1.00
<b>3-month LIBID rate</b>													
Upside risk	0.10	0.20	0.20	0.30	0.30	0.30	0.30	0.30	0.30	0.30	0.30	0.30	0.30
Arlingclose Central Case	0.55	0.60	0.80	0.90	1.05	1.15	1.30	1.40	1.55	1.65	1.80	1.95	2.00
Downside risk	0.15	0.20	0.30	0.40	0.55	0.65	0.75	0.85	0.95	0.95	0.95	0.95	1.00
<b>1-yr LIBID rate</b>													
Upside risk	0.10	0.20	0.20	0.30	0.30	0.30	0.30	0.30	0.40	0.40	0.40	0.40	0.40
Arlingclose Central Case	0.95	1.00	1.20	1.30	1.45	1.55	1.70	1.80	1.95	2.05	2.20	2.35	2.40
Downside risk	0.15	0.20	0.30	0.50	0.55	0.60	0.65	0.70	0.75	0.80	0.80	0.80	0.80
<b>5-yr gilt yield</b>													
Upside risk	0.35	0.40	0.40	0.40	0.40	0.40	0.40	0.45	0.45	0.45	0.45	0.50	0.50
Arlingclose Central Case	1.10	1.20	1.30	1.40	1.50	1.65	1.80	1.95	2.10	2.20	2.35	2.40	2.50
Downside risk	0.35	0.35	0.40	0.45	0.50	0.50	0.55	0.60	0.65	0.70	0.70	0.70	0.75
<b>10-yr gilt yield</b>													
Upside risk	0.35	0.40	0.40	0.40	0.40	0.45	0.45	0.45	0.45	0.50	0.50	0.55	0.55
Arlingclose Central Case	1.60	1.70	1.80	1.90	2.00	2.15	2.30	2.45	2.60	2.70	2.85	2.90	3.00
Downside risk	0.35	0.35	0.40	0.45	0.50	0.50	0.55	0.60	0.65	0.70	0.70	0.75	0.80
<b>20-yr gilt yield</b>													
Upside risk	0.35	0.40	0.45	0.50	0.50	0.50	0.50	0.50	0.50	0.55	0.55	0.55	0.55
Arlingclose Central Case	2.10	2.20	2.30	2.35	2.45	2.50	2.65	2.75	2.90	3.00	3.15	3.20	3.30
Downside risk	0.35	0.40	0.50	0.60	0.70	0.75	0.75	0.75	0.80	0.85	0.85	0.90	0.90
<b>50-yr gilt yield</b>													
Upside risk	0.35	0.40	0.45	0.50	0.50	0.50	0.50	0.50	0.50	0.55	0.55	0.55	0.55
Arlingclose Central Case	2.15	2.25	2.35	2.40	2.50	2.55	2.70	2.80	2.95	3.05	3.20	3.25	3.35
Downside risk	0.35	0.40	0.50	0.60	0.70	0.75	0.75	0.75	0.80	0.85	0.85	0.90	0.90

## Appendix B - Existing Investment & Debt Portfolio Position

	<b>31 January 2015 Actual Portfolio</b>	<b>31 January 2015 Average Rate</b>
	<b>£m</b>	<b>%</b>
<b>External Borrowing:</b>		
Government - Fixed Rate	52.6	4.8
<b>Total Gross External Debt</b>	52.6	4.8
<b>Investments:</b>		
Monies on Deposit/Call Accounts	3.0	0.3
<b>Total Investments</b>	3.0	0.3
<b>Net Debt</b>	49.6	

# **NEWRY, MOURNE & DOWN DISTRICT COUNCIL**



Comhairle Ceantair  
**an Iúir, Mhúrn  
agus an Dúin**  
**Newry, Mourne  
and Down**  
District Council

## **Purchasing Policy**

**Approved: Finance and Resources Committee 16/09/2014  
Council 07/10/2014**

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### Abbreviations in use in this Document or commonly found in Procurement.

<u>Abbreviation</u>	<u>Meaning</u>
ADR	Alternative Dispute Resolution
CoE	Centre of Excellence also <b>CoPE</b> Centre of Procurement Excellence
CPD	Central Procurement Directorate (NI version of OGC) <a href="http://www.cpdni.gov.uk">www.cpdni.gov.uk</a>
CPV	Common Procurement Vocabulary
EJC	European Court of Justice
EO	Economic Operator - a generic term for a Contractor, Service Provider or Supplier
FoIA	Freedom of Information Act
ITT	Invitation to Tender
ITT Response	Tender Return or formal offer from an Economic Operator, now called a Tenderer
KPI	Key Performance Indicator
MI	Management Information
OCB	Other Contracting Body
OGC	Office of Government Commerce (Now part of Cabinet Office) <a href="http://www.ogc.gov.uk">www.ogc.gov.uk</a>
OJEU	Official Journal of the European Union <a href="http://www.ted.europa.eu/">www.ted.europa.eu/</a>
PBO	Public Buying Organisation
MEAT	Most Economical Advantageous Tender
NDPB	Non Departmental Public Bodies – i.e. Local Authorities
PIN	Prior Information Notice (OJEU Tenders should be preceded by a Notice)
PGN	Procurement Guidance Notes: <a href="http://www.dfpni.gov.uk/content-cpd-policy-procurement-guidance-notes">http://www.dfpni.gov.uk/content - cpd - policy - procurement guidance notes</a> Also: <a href="https://www.gov.uk/government/collections/procurement-policy-notes">https://www.gov.uk/government/collections/procurement-policy-notes</a>
PPP	Public Private Partnership
PQQ	Pre Qualification Questionnaire – successful EO's produces “candidates”
VFM	Value for Money

*“There’s only one thing worse than spending money you don’t have. And that’s buying the wrong things with it. And doing so in the wrong way.”*

**Rt Hon. David Cameron MP, Prime Minister.**

*“During the era of expansion in public expenditure between 2000 and 2010 the emphasis was never really sufficiently focused on value for money. People sought to stay within budgets and achieve the targets they were set, but efficiency was a lesser priority.”*

**Rt Hon. Margaret Hodge MP, Chair, Public Accounts Committee.**

## **Objectives Of Procedures**

There are 12 guiding principles governing the administration of public procurement.

i. **Accountability:** effective mechanisms must be in place in order to enable Officers and their equivalents to discharge their personal responsibility on issues of procurement risk and expenditure.

ii. **Competitive Supply:** procurement should be carried out by competition unless there are convincing reasons to the contrary.

iii. **Consistency:** economic operators should, all other things being equal, be able to expect the same general procurement policy across the public sector.

iv. **Effectiveness:** public bodies should meet the commercial, regulatory and socio-economic goals of government in a balanced manner appropriate to the procurement requirement.

v. **Efficiency:** procurement processes should be carried out as cost effectively as possible. Where possible and allowed, Collaborative procurement is to be encouraged.

vi. **Fair-dealing:** suppliers should be treated fairly and without unfair discrimination, including protection of commercial confidentiality where required. Public bodies should not impose unnecessary burdens or constraints on suppliers or potential suppliers.

vii. **Integration:** the procurement policy should pay due regard to the Council’s other economic and social policies, rather than cut across them.

viii. **Integrity:** there should be no corruption or collusion with suppliers or others.

ix. **Informed decision-making:** public bodies need to base decisions on accurate information and to monitor requirements to ensure that they are being met.

x. **Legality:** public bodies must conform to the European Community and other legal requirements.

xi. **Responsiveness:** public bodies should endeavor to meet the aspirations, expectations and needs of the community served by the procurement.

xii. **Transparency:** public bodies should ensure that there is openness and clarity on procurement policy and its delivery.

**These principles should be carefully followed to protect both the individual and the Council as Procurement is considered one of the most risky and contentious areas while also being considered the most liable to fraud in any area of the public sector. Therefore do not proceed without consulting and seeking the full support from the Purchasing Department for any**

**potential**

**process.**

We can achieve significant savings by managing better our procurement and commercial activities. Good procurement is not just about getting the price down. It's about balancing whole life cost and fitness for purpose, while meeting European Union rules and treating suppliers fairly.

1. Maximise use of Expert Resources.
2. Centralise (where practical) Purchasing.
3. Delegate certain purchases (subject to tight controls) to designated areas/posts.
4. Improve efficiency of Purchasing through procedures used and where/how goods/services bought.
5. Provide Accountability to Purchasing and those requesting goods.
6. Effect Internal Controls (separation of duties/roles).
7. Critical evaluation of what is being purchased and why.
8. Ensure the Council get the goods it needs at the right price at the right time and at a pre-determined quality.
9. Ensure that in the event of critical review the Council is “not found wanting”.

**Where an employee disregards the instruction to process all relevant Orders and all Quotations/Tenders correctly through the Council Purchasing Department then no responsibility in the event of difficulties or error will be accepted by the Purchasing Department.**

**Officers will leave themselves liable to disciplinary action if they place unauthorised orders.**

**Where a breach takes place, either in the process or contract, which has not been fully controlled and managed by the Purchasing Department, the Lead Officer responsible may be held accountable and where lack of knowledge is used as a defensive, the Officer may be accused of being negligent.**

**If anyone has any doubt about a process or any a matters relating to procurement, please contact the Purchasing Department.**

**It is essential that Purchasing are involved in any matters as early as possible to minimise the potential exposure and risk or delays to the process.**

**This policy addresses the standard processes utilised by this Council, there are other processes that we can utilise in certain cases, hence the requirement to consult with Purchasing in all cases.**

## **Background**

The Council's policy on procurement is to buy the goods and services it needs through a fair and open procurement process, guarding against corruption and seeking to ensure value for money, with due respect to propriety and regularity.

Delivering value for money in procurement means securing the best mix of quality and effectiveness for the least outlay over the whole lifetime of the goods or services, from purchase through to disposal.

Procuring goods, works and services with public money is a key part of council governance. The importance of this has been highlighted in recent years through:

- Major reviews of procurement leading to a National Procurement Strategy for Local Government.
- The Comprehensive Performance Assessment of Councils. This includes an annual assessment of council governance, including approaches to procurement.
- A wide range of national and European legal controls.

## **What is Procurement?**

Procurement is more than just "purchasing". The National Procurement Strategy for Local Government sets out a comprehensive definition.

*"Procurement" is the process of acquiring goods, works and services, covering both acquisitions from third parties and from in-house providers. The process spans the **whole cycle** from identification of needs, through to the end of a services contract or the end of the useful life of an asset. It involves options appraisal and the critical "make or buy" decision, which may result in the provision of services in-house in appropriate circumstances.*

*In the context of a procurement process, obtaining "best value for money" means choosing the bid that offers **"the optimum combination of whole life costs and benefits to meet the customer's requirement"**. This is not the lowest initial price option and requires assessing the ongoing revenue/resource costs as well as initial capital investment. The council's requirement can include social, environmental and other strategic objectives and is defined at the earliest stages of the procurement cycle. The criterion of best value for money is used at the award stage to select the bid that best meets the requirement.*

*Procurement is also about making choices. The choice that members make about a particular contract or form of partnering is a very clear signal of what type of authority the council wants to be and how it wants to be seen now and in the future.*

*National Procurement Strategy for Local Government*

## **Procurement Legislation**

Even when a Tender or Quotation process is not subject to the Directives, for example below threshold, EU treaty based principles of non-discrimination, equal treatment, transparency, mutual recognition and proportionality apply and some degree of advertising, appropriate to the scale of the contract, is likely to be necessary to demonstrate transparency. This is also inline with Government objective of achieving value for money in all public procurement – not just those covered by the procurement directives.

### **The relevant and current Procurement legislation:**

Public Sector: Directive 2014/24/EU As amended – (normally thresholds amended each year)

Available at: [http://europa.eu/publicprocurement/index\\_en.htm](http://europa.eu/publicprocurement/index_en.htm)

The Current UK Regulations, which is the “adoption” of the EU Directives into UK law and which covers Public Procurement in Northern Ireland, as well as England and Wales is:

THE PUBLIC CONTRACT REGULATIONS 2006 - As amended – *noting New Regulations based on the new Directive 2014 due late 2014 to 2015.*

Available at: [http://www.legislation.gov.uk/ukxi/2006/5/pdfs/ukxi\\_20060005\\_en.pdf](http://www.legislation.gov.uk/ukxi/2006/5/pdfs/ukxi_20060005_en.pdf)

### **In all cases the EU Directive is the higher legislation.**

The Regulations were developed in response to Procurement Directives issued by the European Union and they set out how the UK has transposed the EU Directive into national law. EU Procurement Directives apply when contracting authorities (public sector authorities or utility providers) seek to acquire goods, services, and works that exceed a specified threshold.

The directives exist to:

- open up the public procurement market
- ensure there is free movement of goods and services within the EU
- guarantee that public procurement is based on “Value for Money” which should be achieved through competition.

Regardless of whether or not the anticipated procurement will exceed the thresholds all public expenditure must be carried out in a manner which ensures:

**Equal treatment (non-discrimination/fairness):** Contracting Authorities are obliged to treat both potential and actual tenderers in the same way, without favour or prejudice. When specifying requirements avoid brand names and other references which would favour or eliminate particular providers, products or services and accept equivalence.

**Transparency (openness):** Some degree of advertising (appropriate to the size of the contract) is likely to be necessary to demonstrate transparency. Must be upfront with tenderers about the conditions for participation, selection criteria, award criteria and the reasons why they were or (more importantly), were not, successful.

**Proportionality:** Contracting Authorities must ensure that tender requirements are both relevant to the contract being procured and necessary.

**Mutual recognition:** Member States are required to accept on their territory products which are legally produced and marketed, and services that are legally provided, in other Member States. Also mutual recognition of diplomas, certificates or other evidence of formal qualifications.

**Confidentiality:** Contracting Authorities are obliged to respect the confidentiality of the information received from tenderers during the procurement process.

**Failure to follow the procurement procedures set out in the Regulations may result in penalties for non-compliance. There are three routes under which remedies may be sought: Judicial review, Article 226 proceedings and remedies under the Regulations.**

**In any case if a challenge is made, the procurement process can be suspended or even cancelled and damages can be awarded.**

## **Best Practice Guidance**

On the entire process from start to completion of a project/contract can be accessed on the UK Cabinet Office website.

<https://www.gov.uk/government/publications/policy-and-standards-framework-best-practice-guidance>

## **Other Resources**

**You can also download samples of contracts and contract guidance from the Cabinet Office or CPD websites, please consult Purchasing when completing, as documentation requirements can differ, noting we have a full e-Procurement system or P2P covering all procurement transactions of the authority.**

CPD Guidance notes on Procurement can be accessed here, and should be checked regularly:

<http://www.dfpni.gov.uk/content - cpd - policy - procurement guidance notes>

Other Websites which can be of use include:

The Green Book - [http://www.hm-treasury.gov.uk/media/5/D/Green\\_Book\\_07.pdf](http://www.hm-treasury.gov.uk/media/5/D/Green_Book_07.pdf)

Governance Risk Management and Managing Public Money -

[http://www.hm-treasury.gov.uk/documents/public\\_spending\\_reporting/governance\\_risk/psr\\_managingpublicmoney\\_publication.cfm](http://www.hm-treasury.gov.uk/documents/public_spending_reporting/governance_risk/psr_managingpublicmoney_publication.cfm)



## **GENERAL MATTERS**

All public procurement in the UK is governed by the EU Treaty, the EU Procurement Directives and UK Procurement Regulations that implement the Directives. This legal framework helps to ensure that public procurement is conducted in a fair and open manner both within the UK and across the EU.

**Where an order is processed outside the guidelines contained in this Policy, including seeking a Retrospective Order, it is done so at the risk of the individual officer, and cannot be processed in the normal manner.**

### **1.1 Contractual Agreements/Lines of Responsibility**

**Purchases** and/or **Sales of Land** and/or **Property** will be the responsibility of the Administration Department in consultation with the Head of Finance. Contractual Agreements that are **non-commercial** plus **transfer/sale of land** and/or **Property** should be processed via the Administration Department.

Contractual Agreements that are commercial except **transfer/sale/purchase of Land** and/or **Property** are the responsibility of Purchasing.

### **1.2 Efficiency & Audit**

These procedures are in force to meet the Council's obligation to operate within the restraints enforced in the EU Directives and subsequent UK Regulations pertaining to Public Procurement.

### **1.3 Approval of Spend**

Approval of expenditure (where necessary) at the appropriate Committees and Council is essential. Procedures for Heads of Departments to present projects for approval at Council and Committee meetings are laid down in written guidelines in this document

Appropriate approval is required for **ALL** purchases.

Capital Spend must be processed in accordance with **Capital Spend-Sanction for Spend**, effective as of 1 April, 2008, as issued by the Finance Department.

Consideration will be given for purchases from "Petty Cash" (duly authorised and approved by Heads of Department) for small items valued under a given amount.

Requisitions will normally be required for all purchases and authorised by Heads of Department or nominated and approved deputies only.

Suppliers entered on requisitions will be taken as recommendations only and may not necessarily be used for the actual purchase.

Purchasing Department is responsible for ensuring best value for money is obtained commensurate with specifications and the Requisition System is an essential aspect of this process.

No instructions to be given to any supplier in advance of requisitions being prepared and sent to Purchasing and the Order being issued.

#### **1.4 Disputes Procedure**

Where disputes arise internally between requisitioning departments/staff and the Purchasing Department, then these will be referred to the Director of the requisitioning department and the Head of Finance. In the event no agreement can be reached the dispute will be referred to the management team

At Director level, a decision will be taken as to the “issue involved” i.e. poor specification, specification of propriety products, lack of adequate tender report etc, etc. In exceptional circumstances Directors may seek external expertise, where the situation and likely implications involved, warrant this course of action.

Where disputes arise externally with suppliers/contractors it is preferable to utilise Alternative Dispute Resolutions in line with the Government’s commitment and guidance in seeking alternative methods of dispute resolution to settle it’s contractual disputes. The Purchasing Officer should be involved and consulted in all external disputes or potential disputes.

#### **1.5 Freedom Of Information**

The Freedom of Information Act (FOIA) went onto the statute book in November 2000, establishing a general right of access to all types of 'recorded' information held by public authorities. This right will be fully implemented for central government bodies from 2005.

##### **How the Act in general applies to public procurement**

The Act provides a general right of access to information about all public contracts and procurement activity held by public authorities, subject to certain conditions and exemptions.

##### **What does this mean to suppliers who contract with the Council.**

This means that the authority is obliged under the Act, to release certain information about the suppliers it contracts with, into the public domain, within certain limits and according to relevant exemptions.

##### **Exemptions**

The main exemption relevant to procurement is **Commercial Interests**, which means trade secrets and information likely to prejudice the commercial interests of any person (including the public authority) holding it.

**The Information Commissioner** states that in considering Commercial interests and the public interest the following factors need to be considered:

- Accountability of public money being spent
- Protection of the public from unsafe products, rogue traders or practices
- Circumstances in which the information was received
- Competition issues

## 1.6 Mandatory Exclusion

We have no choice but to consider excluding suppliers/contractors/service providers, known collectively as “economic operators” under Regulation 23(1):

*“Subject to paragraph (2), a contracting authority shall treat as ineligible and shall not select an economic operator in accordance with these Regulations if the contracting authority has actual knowledge that the economic operator or its directors or any other person who has powers of representation, decision or control of the economic operator has been convicted of any of the following offences:*

- (a) conspiracy within the meaning of section 1 of the Criminal Law Act 1977 where that conspiracy relates to participation in a criminal organisation as defined in Article 2(1) of Council Joint Action 98/733/JHA;*
- (b) corruption within the meaning of section 1 of the Public Bodies Corrupt Practices Act 1889 or section 1 of the Prevention of Corruption Act 1906;*
- (c) the offence of bribery;*
- (d) fraud, where the offence relates to fraud affecting the financial interests of the European Communities as defined by Article 1 of the Convention relating to the protection of the financial interests of the European Union, within the meaning of –*
  - (i) the offence of cheating the Revenue;*
  - (ii) the offence of conspiracy to defraud;*
  - (iii) fraud or theft within the meaning of the Theft Act 1968 and the Theft Act 1978;*
  - (iv) fraudulent trading within the meaning of section 458 of the Companies Act 1985;*
  - (v) defrauding the Customs within the meaning of the Customs and Excise Management Act 1979 and the Value Added Tax Act 1994;*
  - (vi) an offence in connection with taxation in the European Community within the meaning of section 71 of the Criminal Justice Act 1993; or*
  - (vii) destroying, defacing or concealing of documents or procuring the extension of a valuable security within the meaning of section 20 of the Theft Act 1968;*
- (e) money laundering within the meaning of the Money Laundering Regulations 2003; or*
- (f) any other offence within the meaning of Article 45(1) of the Public Sector Directive as defined by the national law of any relevant State.”*

## 1.7 Value for money policy

The Government’s procurement policy is that all public procurement should be based on value for money, having due regard to propriety and regularity. This policy is set out in Government Accounting, Chapter 22. It is the Council’s responsibility as a Local Government Body to apply it.

It is important to understand that the Government’s policy of achieving value for money in procurement – defined as the optimum combination of whole life cost and quality (fitness for purpose) to meet the user’s requirement – applies to the **award** stage of the procurement process. It is for Departments to decide what to buy and to set the **specification**, in the context of their overall objectives, and subject to the normal public expenditure tests of need, affordability and cost-effectiveness. It is at this earlier stage that there is most scope to consider other issues including environmental issues. This distinction between the specification stage and the award stage has often been misunderstood.

For example a Department can choose to purchase low emission vehicles (even where they might be more expensive than standard vehicles). They must, however, achieve value for money in awarding the contract, i.e. the contract for low emission vehicles should be awarded to the bidder offering the best combination of whole-life cost and quality to meet that requirement. And the

requirement itself, for low emission vehicles, must be tested for need, affordability and cost-effectiveness in the context of the Department's overall objectives. However, this is a matter of prudent financial management generally rather than specifically one of procurement policy.

### **1.8 Post Tender/Quotation Negotiations**

There are severe restrictions on undertaking any form of Negotiations after a tender has closed. The European Commission has issued a statement on post tender negotiations in which it specifically rules out any negotiations on price:

*"In open and restricted procedures all negotiations with candidates or tenderers on fundamental aspects of contracts, variations in which are likely to distort competition, and in particular on prices, shall be ruled out; however, discussions with candidates or tenderers may be held only for the purpose of clarifying or supplementing the content of their tenders or the requirements of the contracting authorities, and provided this does not involve discrimination."*

**During the tender period any approach to the tenderer or any third party must not be taken without full agreement, and ideally in the presence, of the Purchasing Officer or his deputy.**

### **1.9 Specifications**

A specification can be defined as "a statement of needs to be satisfied by the procurement of external resources". It is also known as an operational requirement, statement of requirement, statement of service requirement and output-based specification.

Its purpose is to present prospective suppliers with a clear, accurate and full description of the organisation's needs, and so enable them to propose a solution to meet those needs. The supplier's response to the requirement is evaluated to arrive at, depending upon the procurement strategy, either the supplier to be awarded the contract, or those suppliers invited to take part in negotiations.

The requirements in the specification subsequently become incorporated in the contract with the successful supplier.

### **1.10 Collaborative Procurement**

Procurement strategy and sourcing decisions on whether to seek aggregated supply should be taken on a case-by-case basis. The advantages and disadvantages of each option should be assessed in the light of the individual requirement, the capability and capacity of the buyer organisation(s), the wider government agenda and the features of the commercial marketplace. It may be important, for example, to ensure that a competitive supply market is safeguarded for the future, i.e. Sustainable procurement.

Before proceeding with a Collaborative Procurement exercise with any bodies outside of this Council, you must consult with the Purchasing Officer, as there are stringent EU +UK rules on the setting up of a Collaborative or aggregated purchase(s).

## **2.0 TYPES OF SPEND**

### **2.1 Revenue Spend**

This is normally day-to-day recurring spending on consumable items/services etc. Examples are fuel oil, gas, electricity, stationary etc; Spend of this type is budgeted for in the Revenue Budget on an annual basis and charged off to Council, as costs are incurred.

**Routine revenue** spend will normally not require Council approval, if it is not politically sensitive and has been included in the annual budget. Please note the term **“Routine Spend”**. **Non Routine** or **“one off”** revenue spend incurred on an occasional basis **will require appropriate approval** i.e. Employment of Consultants. **Common sense and political awareness** should be used to determine revenue spend items which have to have Council approval. (See criteria at 3.0).

**If in doubt ask the Purchasing Department.**

### **2.2 Capital Spend**

Capital Spend would in accounting terms normally result in a Fixed Asset. Examples of Fixed Assets are Land & Buildings, Plant and Machinery, Motor Vehicles etc.

A fixed asset/capital spend would have the following characteristics.

1. Have an expected life of 3 years or more.
2. Normally would be tangible (software would be intangible).
3. Usually will have a value of £1,000 or more.

All Capital spend requires approval, as detailed below in 3.5.

**If in doubt ask the Purchasing Department.**

### **3.0 CRITERIA FOR CONSIDERATION OF PROPOSED SPEND WHICH SHOULD BE APPROVED BY COMMITTEES/COUNCIL**

A number of criteria should be met before items are presented to a Committee/Council for consideration. These criteria are as follows: -

#### **3.1 Politically Sensitive Items/Courses/Training**

If the Council spend is Revenue and is likely to be politically sensitive then this should be brought before the relevant committees. For the future it is not anticipated that the training of staff, as long as the amount of money is reasonable for one off courses should be brought before a committee. Long-term courses such as day release will go to the Management Team.

Employment of external consultants would normally be seen as a politically sensitive item.

#### **3.2 Travel**

***This is covered in more detail in the Travel Procedures and Policy Document.***

But in Brief:

All trips involving flights/boat journeys whether to a training course or to conferences should be brought before the Council showing the cost, subsistence and any attendance fees.

#### **3.3 Conference Attendance**

All conferences (giving total costs) to be presented to relevant Committee prior to bookings.

Where the Council decides to send delegates to a conference the number and names of delegates must be decided no later than the Council Meeting that ratifies the committee minutes. Where the committee recommend say 3 people to attend and at the date and time of minute ratification by the Council, only 2 names have been put forward, then only 2 can then attend.

Names cannot be changed unless there is an emergency and if it is possible and legal to change names. Officers & Councillors travelling need to ensure that they have made a full declaration of any health problems for the purpose of the Council's Travel Insurance.

Currently, Finance are responsible only for the booking of flights and accommodation following relevant approval and required details. – see ***Travel Procedures and Policy Document***

### **3.4 Voluntary Contributions / Official Visits**

All requests for Voluntary Contributions (in the agreed format) and Official visits are to be brought to Committee/Council.

### **3.5 Capital Spend**

All Capital Spend must be undertaken in accordance with the **CAPITAL SPEND-SANCTIONS FOR SPEND** implemented on 1<sup>st</sup> April, 2008 and as updated.

All capital spends over Level 3 of Appendix 1 must be approved by Committee/Council. It would be prudent that all Capital Spend be advised to the Committee/Council for approval, with the Chief Executive exercising his approval powers (for spend up to Level 3 of Appendix 1) on an “as required basis” instead of “as a routine”.

### **3.6 Retrospective Approval for Spend**

Where the following spend categories in exceptional cases falls between meetings, spending up to a maximum of £5,000 may be approved prior to presentation at a Committee or Council Meeting. This spending to be approved by the Council Chairman and Chief Executive. (Signed note or email will suffice).

Retrospective Approval for Spend categories are: -

- Official Receptions
- Invitations to attend a Government function
- European Commission Business
- Other valid invitations, but these should be exceptional circumstances only

## **4.0 ORDERING PROCEDURES**

### **4.1 General**

All orders should be processed using electronic Requisitions and subsequent orders, and processed through the Purchasing Department or where authorised, directly by the user for low value orders. Manual Order books of any type are no longer covered by the Policy and should not be used. All transactions will be made available to the internal and/or external auditors and all parties may be asked to justify and support their actions.

### **4.2 Normal Ordering Procedures**

Generally those requesting the ordering of items will raise an electronic Requisition. An authorised post-holder must approve this purchase requisition. A list of authorised post holders is **per Appendix 3**.

**Staff should satisfy themselves that when requisitioning goods that an adequate budget is available to cover the spending.**

Requisitions with the adequate approval, i.e. the aggregate spend is under Level 0 Appendix 1, can go straight to award if the following is in place:

The supplier is listed correctly on the system and has a relevant finance/SUN code listed, otherwise it will be forwarded to Purchasing for action.

If the Requisitioner has different requirements, addresses etc than those listed on the system, the Requisitioner can forward the order to Purchasing for action.

Above the low value (Level 0 Appendix 1) orders Requisitions should only be processed through the Purchasing Department and where appropriate to Competition first – See: 5 Tender/Quotations..

**4.2.1** Orders with an aggregate value under Level 1, Appendix 1 are not required to go to competition but can still be requested to go to e-RFQ or other suitable competition. If proceeding to award without a competition, which is known as a **Single Tender Action (STA)**, it is necessary for all requisitions over 1k to have the Requisitioner prepare a value for money exercise and attach or record this on the requisition so it can be reviewed and checked by the authoriser. This is to substantiate your **STA** to the Auditor, and is the responsibility of the Requisitioner and Authoriser.

**4.2.2 STA.** Any order raised or contract issued that has not undergone a competition, irrespective of value, is considered an STA (Single Tender Action). STA's run contrary to the Treaty of the Functioning of the European Union (TFEU) key principles of transparency and openness, and to Northern Ireland Public Procurement Policy. The person raising the STA is fully responsible for their actions. When issuing STA's ensure you have taken cognisees of the aggregate value. Please check the relevant PGN's for guidance. PGN 03/11.

**4.2.3 Aggregate Value.** To ascertain the correct procedure to follow you are required to calculate the aggregate value for orders looking forwards and backwards and add up all the potential orders for the same type of supplies, goods or works and ensuring they do not exceed the limit in their totality over the operational period, which can be the financial year or life of a contract - if longer. To ignore this and issue repetitive orders is a breach of the UK Regulations and EU Directives, which is why STA's are highlighted and scrutinised more comprehensively than other exercises.



## **5.0 TENDERS/QUOTATIONS (e-RFQ's) COMPETITIONS**

All competitions for goods, services and contracts must be administered by the Purchasing department. The Competition procedure will be subject to approvals at 2.1, 2.2, 3.0 and policies per Appendix 1 in this document.

**It is not acceptable to go out to Public Competition if you do not have a clear intention and unobstructed route to proceed to Order. This includes having the relevant Budget/Monies in place. To do so exposes the Council to considerable risk.**

Tenderers should be advised of any award delays longer than a month from close of competition and Orders should be placed within a reasonable time. It is the responsibility of the user department to update/advise Purchasing of the developments and intentions. In all cases the actions must be deemed reasonable to all parties.

Any award issued that has not flowed from a competition or through a framework is classed as a STA. Please seek advice from the Purchasing Dept before issuing any STA's. All STA's are held to be reviewed by the auditor, see 4.2.

### **5.1 General**

There are 3 main types of Competitions utilised by the Council, other types are available but need to be reviewed and agreed with Purchasing before proceeding:

1. **Open.** Which is used for most Tenders at or above Level 3 of Appendix 1? This utilises a public advert/call to request Tenderers to apply for the documentation to bid.
2. **Restrictive.** Sometimes referred to as Quotations (eRFQ), and is normally utilised at or below the Level 2 of Appendix 1, whereby a list is compiled either publicly or through another approved process, by utilising a suitable selection process (Pre Qualification Questionnaire -PQQ).
3. **Negotiated.** Not normally used, but to be in line with Relevant Directives/Regulations

**High value Tenders (Level 4 Appendix 1) whose values fall within EU levels have to be processed in line with the current EU Directives.** (see page 8.)

In addition Competitions administered by other Public Bodies or on their behalf and that are governed by a Public Purchasing Policy, which comply with UK and/or EU Directives can be utilised by the Council on special occasions. This will require special approval to be advised by the Purchasing Officer on a case-by-case basis.

All requests, including telephone, written or electronic and any queries from suppliers concerning tenders, contracts or orders must be directed to the Purchasing Section. All Competition documentation/ advertisements will clearly state where information can be obtained in the first instance. Verbal completed Competitions will be unacceptable and this will be clearly stated on the Competition documentation. Late tenders will not be accepted, nor will the Council be bound to accept the lowest or any tender.

### 5.1.1 Contracts Administration

Contract administration is the responsibility of the lead project manager and the final contract appraisal is to be completed and forwarded to Purchasing on completion of the project. A sample of a brief final appraisal form is attached at Appendix 9.

If you are procuring a service or extended contract, i.e. not just once off goods, you are advised to utilise KPI's to monitor, manage and control the performance and to allow an easier way to seek damages. KPI's should be outlined in the tender documentation, where used.

## 5.2 Tender Requests from Users (i.e. Council Employees)

In all cases it is necessary to complete a relevant electronic Requisition.

This will be accompanied by:

- Tender Specifications that will clearly define the complete and unambiguous requirements without any preference (inferred or other) to a proprietary goods/services or companies, in a suitable electronic format.
- To specify the adjudication criteria and scoring matrix for same, this will be used in assessing the tender returns.
- Relevant additional approval to spend, where required.

## 5.3 Drawing up Specifications

A definition of a Specification can be found above at 1.8

A Drafting checklist to assist with drawing up Specifications can be found at Appendix 6.

### 5.3.1 Specifications must be clear and concise.

The person drawing up the document must give sufficient detail that **“a reasonable person”** can interpret what the requirements are.

### 5.3.2 Specifications must not seek **“proprietary goods”** i.e. Ford Focus 1.6 LX, as this effectively limits the market for the goods that can be tendered.

### 5.3.3 Specifications must not be written in such a way that they effectively describe **“proprietary items”** and limit the competition in a market where there are alternative products.

For example, if the specification for a 10 cwt van stated that the vehicle must have a 1.7 litre diesel engine and the only product that was eligible for consideration was a Bedford van. The proper description would have been the van must have a minimum of a 1.5 litre diesel engine or the engine size could have been omitted and the payload size only stated (i.e. van must be capable of carrying a payload of at least 10 cwt).

### 5.3.4 Specifications cannot normally state a preference for any geographical, political, or other similar basis. In addition any references to a qualification or approval body must not be restricted, but open to others similar or equivalent. All potential tenders should be treated on an equal basis.

**5.3.5** It is permissible to indicate **clearly** in the document that the Tender may be divided among more than one supplier however **there should be good operational reasons for doing this**. This can also have a detrimental effect on Value for Money. Staff **cannot** write this into every Tender to hedge their bets as to which supplier or suppliers they may use. The indication in a tender that goods being tendered when ordered may be awarded to more than one supplier should be the **exception and not the rule**.

Staff must ensure any actions taken are reasonable and can be supported with relevant evidence.

- **It is the responsibility of the lead project officer to ensure all specifications and/or Bills of Materials are checked and meet the requirement of the Council before passing them to Purchasing for issuing.**
- **It is essential that the specifications cover the requirement and delivery in full and does not contain any ambiguity,**
- **Purchasing may review and comment on the specs, but only from a procurement process point of view and not on the requirement or technical details provided.**
- **All recommendations and comments from Purchasing must be given the appropriate consideration.**

## **5.4 TENDER ISSUE**

### **5.4.1 Issuing Open Tenders (also known as ITT - Invitation to Tender)**

Where the Council seeks open Tenders, normally for expenditure over Level 2 of Appendix 1, a public advert or call is placed in the relevant media to ensure a reasonable period for tenderers to access documentation, formulate a reply and return their tenders.

### **5.4.2 Issuing Restrictive Tenders (Including Quotations)**

Restrictive lists normally fall into below Level 2 of Appendix 1 threshold or above and then into an open or prepared list.

Where the Council seeks Restrictive Tenders (also referred to as “eRFQs or Quotations” when under Level 2 of Appendix 1) as opposed to inviting open tenders. Specifications and documents are forwarded to the tenderers on the restrictive list. This list can be compiled by the user departments and added to by purchasing to get a reasonable spread of tenderers and with the intention of receiving back at least 4 returns.

Where the contract value exceeds Level 2 of Appendix 1, the formation of the restrictive list must be either publicly advertised, along with the criteria and details (PQQ), or utilise a public list which is suitable, current and open. Suitability will be at the discretion of the Head of Finance or Purchasing Officer and to be in line with the Government Directives but in general it requires the list to be open, current and recognised. The adjudication of the

restrictive list must be undertaken with the authority and endorsement of the Purchasing Officer and approved by the relevant Director.

Thereafter the process of the tender returns from this restrictive list must be undertaken as per the returns for an open tender.

## **5.5 TENDER RECEIPT (ITT Response)**

### **5.5.1 Open Tenders & Restrictive Tenders Returns over Level 2 of Appendix 1 threshold.**

All Tenders to be processed through the relevant e-Portal, which clearly record all documents and users in an audit file against the relevant tender with the date and time of action.

All late tenders will immediately be highlighted and advised.

Tenders will be received online in a secure vault (this vault will be an online secure area with a time lock after which items can not be written to but only downloaded from) as approved by Council.

No tenders are accessible until the closing date and time of the close of tender.

The adjudication team will immediately, on close of tender, be granted access to review the documentation and start the adjudication process.

General Tenders correspondence to be processed through the “Clarification Question” section under the relevant tender on the Portal.

### **5.5.2 Special Circumstances where the Manual Method is utilised.**

In certain approved circumstances, the manual method may be used, whereby Tenders will be received at the Designated Council Offices. Where a tender is delivered by hand then a receipt is to be issued by Reception Staff for the tender using a pre-numbered “tender” receipt book, the time of acceptance by Reception Staff is to be recorded on the Tenderer’s Envelope containing the Tender.

With Tenders over the Level 2 of Appendix 1, once received, must immediately be forwarded to the designated office and be securely kept under lock and key there. Purchasing, when collecting these Tenders, should sign for these Tenders Returns. The signified document must identify the number of Tenders received along with any late tenders. Late Tenders must be clearly marked on the envelope or outer seal of the Tender return.

With Tenders under the Level 2 of Appendix 1 threshold, these must be returned to the Purchasing Department and opened under the control of the Purchasing Officer.

With a Restrictive Tender over the Level 2 of Appendix 1 threshold the returns for inclusion on the restrictive list can be returned and recorded to Purchasing, when applicable. Then the recording of the restrictive tenderers and the process for tender returns and opening should be as an Open Tender and returned to The Clerk and Chief Executive.

Postal tenders are sent at the tenderer's own risk unless posted by recorded delivery.

#### 5.5.5 General

All types of Tender submissions are forwarded 'at risk of Tenderer' until they have been accepted and receipted in their entirety at the designated delivery point.

Any problems or difficulties encountered must be registered well before the deadline with the purchasing dept so actions may be taken.

Where deemed reasonable by the Purchasing Officer an extension to the tender period may be granted but only in exceptional circumstances.

### 5.6 TENDER OPENING

#### 5.6.1 Electronic Tenders:

The Purchasing Officer can access and download the tender returns after the tender date and time of closure, as can other approved personnel (Appendix 4) utilizing their unique code and logon. All personnel downloading the tender returns will be recorded along with the date, time and files downloaded.

Nobody will have access to modify the tender returns online only download copies.

The Vault will advise the number of tender returns and quantity of files for downloading for each Tender. It will also flag up and warn you if you have not downloaded all available files in a session.

The summary of the tender returns and relevant downloaded tender data to be forwarded with the returns for adjudication by the user department.

Accessing the on line vault will only allow uploading before the Close of Tender and downloading after the Close of Tender, no tender files can be modified or deleted once uploaded to the vault. The "Original" tender documents uploaded to the on line Vault will be stored for a minimum of 1 year, where after they will be downloaded onto a Read Once Media and held by the Head of Finance or her/his nominee in the IT department.

#### **Manual Tenders Opening: (for use only in exceptional circumstances)**

In special circumstances where this method is still utilised, the following process should be adhered to for the opening of all tenders, including quotations.

After the closing date of a tender, a panel can be assembled for tender opening (Following approval of a Restrictive list a Restrictive Tender follows the same requirements as an Open Tender including Tender Opening Requirements)

When the Purchasing Department are opening tenders, **they must ensure that a list is provided giving the names of those tendering and where practical enter the amount of the tender.** This sheet containing the list **must be signed at the bottom and dated** by those

Councillor/s who are attending and the Purchasing Staff and/or other Council Officials. See Appendix 7.

When these tenders are being sent to other Departments for evaluation then a copy of the summary sheet **must** be included with the tender details highlighting the number of tenders that have been returned.

#### **PANEL REQUIREMENTS – TENDER OPENING**

<b>Tender Level</b>	<b>Panel Required</b>
Over £5,000 and under £30,000 (Quotation Level)	Member of Purchasing Staff and Senior Member of Staff.
Over £30,000 and under £100,000	Member of Purchasing Staff and 1 Councillor.
Over £100,000	Member of Purchasing Staff and 2 Councillors (Usually but not essentially the Mayor would be 1 of these Councillors).

Where Councillor representation is required it is envisaged that a member of the Purchasing Staff will arrange this at a time convenient to the Councillor(s).

Documentation will be available at opening of tender to record all tenders received (see Appendix 7). This will have been part completed in advance from the list of those who have previously requested or been sent (restrictive tender) tender documentation and now the amount, if practical, and confirmation of opening can be recorded and signed off individually by the opening quorum.

Shortly after tender opening but prior to reporting on a tender, Purchasing Staff will cross check with tender receipt book and recorded mail to ensure they have opened all tenders received via hand delivery or recorded mail.

#### **5.6.2 Tender Problems:**

If a Tender/Quotation process has a problem, or is perceived as having one, please discuss this with the Purchasing Dept. before proceeding.

We cannot, except in exceptional circumstances, undertake any form of negotiations, deductions or additions not already clearly identified and costed in the tender documentation. ***See 1.7 Post Tender/Quotation Negotiations***

## 5.7 ADJUDICATING ON TENDERS

Supplier assessment is one of the main keys to success in any contract or project. More effective assessment of suppliers can ensure that the right supplier is selected for a project and realise many benefits for customer organisations throughout the procurement lifecycle in its widest sense, from the earliest engagement with the market through to recompetition.

The need to apply best value criteria and to ensure probity requires that purchasing oversee the reporting stage and approve user recommendations prior to their presentation to Council. The purchasing department cannot be involved in the actual adjudication process, as they will be acting as the moderator/facilitator.

The user(s) is responsible for making a suitable recommendation and passes same to purchasing for comment (where a post tender meeting/pre award is not required to clarify any items – Purchasing must be represented at these) along with all tender details. Purchasing are responsible for holding details of all completed tenders, therefore all documents along with any correspondence, telephone conversation transcripts or any other communication between the user and tenderers is returned to Purchasing with the recommendations.

If in certain cases the estimated pre tender figure is considerably outside the final value, an explanation for the reasons for such a miscalculation needs to be offered. In cases where the final tendered amount now extends into a higher level, as identified on Appendix 1, this now also needs approval and acceptance from their Director. This must be highlighted in the recommendations procedures for the higher level and in the case where Council approval is required; it also needs to be recorded in the minutes. **Attention is drawn to 1.7 Post Tender/Quotation Negotiations and the restrictions that apply.**

Nature of recommendations checked by purchasing to ensure proper evaluation criteria has been applied.

Purchasing informs user that recommendations are reasonable (or not). (This is based on the adjudication process and is not an endorsement of technical capabilities) In the event of unreasonable recommendations the recommendations will be forwarded to the relevant departmental director for action. The user seeks Council approval for purchase.

The user raises a Purchase e-requisition, attaching Council minute approving purchase (or authorised note referring to meeting in absence of minute having been prepared) and passes same to purchasing.

Purchasing on confirmation all is in order, issues Purchase Order.

**The Tender Report contains information that is Commercial in Confidence and is not in the public domain. The contents of this document must not be disclosed or discussed with any third party.**

**The Tender Recommendation will be for disclosure, as part of the final award/standstill process.**

### 5.7.1 Procedures for Evaluating all Tenders

When staff are given details of Quotations/Tenders for evaluation they **must act in a responsible, accountable, open and transparent manner. The following guidelines must be observed.**

**When there are a number of Quotations/Tenders the Council** will generally be looking the Quotations/Tender to specification **that are best Value for Money.**

**Therefore staff should ensure adequate criteria for appraisal to reach this conclusion forms part of the documentation and then evaluate in detail only those Quotations/Tenders that from the information received seem to be the lowest to specification. In practice this will normally mean a general evaluation of all quotations/tenders and detailed evaluation of 2 or 3 lowest.**

Staff evaluating the Quotations/Tenders, if they are in any doubt as to whether information etc supplied meets that requested by the Council, **must consult** with the Purchasing Department prior to contacting the potential supplier.

The Purchasing Department will know whether an omission from a Tender is an acceptable omission and therefore does not invalidate the Tender or whether the omission is so grave as to invalidate the Tender.

Where there is reasonable information to evaluate the Tender then staff **as far as possible should try to evaluate the Tender from the information** that has been supplied by the Tenderer. In some circumstances it maybe that the Tenderer needs to be approached for matters of clarification or indeed it maybe desirable to inspect the goods that the Tenderer is offering. This should only be done through purchasing. Details and transcripts of all such contact must be recorded and returned to purchasing.

Where contact takes place with the Tenderer either by phone or face to face, under **no circumstances is a Council employee to make any representations to the Tenderer** that for example, their product is the best, or the cheapest, or the most suitable etc, etc. The Council employee need only state to the Tenderer that he/she is evaluating the Tender and are looking information or looking a demonstration. If the Tenderer asks for details of other suppliers then they are simply to reply that they are not authorised to give out any other information.

Any contact with Tenderers must be recorded to that effect on the file and also advise Purchasing what they are doing; followed up with relevant minutes covering all discussions, meetings or any other contact with all or any of the tenderers before the final award.



## 5.8 TENDER RECOMMENDATION

**Unless there are very good reasons, the tender selected is to be the best value for money.**

**The Tender evaluation must be factual.**

Where the final contract value is considerably different from the initial pre tender estimate, this must be advised and justified to the relevant committee that approved the expenditure, along with the Head of Finance and Purchasing Officer.

**No company names, trademarks, registered names or details are to be advised as part of the tender recommendation to Council that may identify any of the tenderers. These can only be identified after the approval process has been completed.**

The evaluation cannot make assumptions or statements that the person evaluating the Tender would not be able to stand over if challenged. If the Tenderer says that the goods can be delivered in three weeks time then the person evaluating the Tender cannot make a statement like "I do not think the goods can be delivered in three weeks time".

There are numerous criteria which can be used for adjudication whether a Tender is best Value for Money, but they have to be stated in the tender documentation issued to the tenderer and the scoring matrix must be lodged with purchasing at the same time.

Criteria used includes, Financial standing, Experience, Quality, Methodology, Delivery and Cost, but can include many other criteria. It is recommended to seek approval and advice on the criteria with Purchasing before issuing documents.

## 5.9 PRE-TENDER AWARD (De-Briefing)

A de-briefing period should be utilised for all tenders that may be considered to have a cross EU border interest, this includes all EU tenders.

It is also available to utilise a debriefing period with competitions deemed to be contentious as the process helps minimise the risk of a future challenge.

In accordance with the Regulations, and in line with the timescales noted below for the standstill period, the unsuccessful candidate must be informed of:

- the reasons why it was unsuccessful (against each disclosed adjudication criteria)
- the characteristics and advantages offered by the successful candidate(s)
- the name of the candidate to be awarded the contract, or the names of the parties to the framework agreement

This must be provided in full to the Purchasing department along with the approval to award or relevant Requisition.

Only Purchasing are allowed to issue and manage the de-briefing period and all parties must ensure they are available so that any queries can be addressed in a reasonable period.

**Standstill period** (also often referred to as the “Alcatel” period due to the legal decision from which this point arose)

The standstill period is defined by the method of dispatch of the award notification. A minimum of a 10 day standstill period will apply if the notification is issued by email. Where a letter is sent by post then a minimum of a 15 day period must be provided.

N.B. The standstill period starts the day after sending and ends at midnight on the 10/15th day. The last day must be a working day. If the final day of the standstill falls on a non working day then the standstill period must be extended until midnight at the end of the next working day.

- Contracting authorities must notify all tenderers of their decision on the contract award in writing, allowing a standstill period of at least 10 calendar days between the date the notification is sent to tenderers and the date when the preferred bidder is awarded the contract.
- If a tenderer makes a request for a debriefing by the end of the second working day of the 10 day period, contracting authorities must debrief that tenderer during the standstill period.
- Contracting authorities must allow three working days between providing the debriefing and the end of the standstill period.

An example of one type of debrief letter can be found at Appendix 6, although the latest version should always be sort from Purchasing as these change regularly due to the contentious nature of procurement.

Once the de-briefing period has successfully completed one can move onto the contract award stage.

## **5.10 TENDER AWARD**

Following the recommendation being approved and ratified by a full Council Meeting, a pre-award meeting can take place with the potentially successful tenderer to identify any outstanding items, potential problems or misinterpretations regarding the tender. Details or matters arising out of this should be minuted, agreed and form part of the final contract/order.

There are basically three steps left:

1. Receipt by Purchasing of confirmation of the Council Approval.
2. Ensure all Items requested in the Recommendation or by Council have been addressed.
3. E-Requisition raised and subsequent Purchase Order and/or Contract is ratified and in the case of an EU tender a Contract Award Notice must be issued.

Only on issue of the Purchase Order and/or ratification of the Contract are all parties free to discuss matters and proceed with contract.

### **5.11 Contract Management**

Contract Management is the responsibility of the lead or project officer, although Purchasing will assist where disputes arise, whereby they will act as an moderator/arbitrator, or as requested.

It is essential that KPI's are used and properly managed and processed during the contract period to help minimise risk to the Council.

### **5.12 Contract Conclusion**

Once a contract has been concluded it is essential that feedback is provided on the contractor/supplier to Purchasing. To enforce the standing, Purchasing will investigate any claims to ensure that they are substantiated and therefore can be easier upheld when used as part of the adjudication process for future contracts.

Without feedback on the contract performance of an economic operator being processed in this way, it would not be possible for Purchasing to endorse any form of selection or adjudication based on contract history that has not been lodged with Purchasing within a reasonable time after the conclusion of a contract, so as to ensure adequate review and underwriting of the users assessment can take place.

## **6.0 STORES**

The Council operates a computerised stock system. Each item is listed under a family group and has a unique stock code. A minimum/maximum stock level is created for each stock item from which reorder quantities for stock. Replenishment orders are generated via a stock reorder report run weekly.

Nominal ledger stocks of key high value stocks (fuel, oils, heating oils, wheeled bins) will be held and adjusted to supporting records by the Accounts Staff on a monthly basis. Usage of these items will be reflected in the monthly Financial/Management accounts. Stock Valuation will be based on the A.V.C.O. valuation.

### **6.1 Requests for Stock Items**

All requests for stock items must be made on a stores requisition (see Appendix 9). An authorised post-holder must approve this requisition. A list of authorised post-holders is attached as per Appendix 3. Stores requisitions are necessary to ensure that all stock issued can be accounted for and costed to the correct user department. Any user who anticipates a regular demand for a particular item not currently kept in stores can request this item be kept as a stock item by completing a **“Request for New Stores Item”** form as per Appendix 10

### **6.2 Movement of Goods (Inwards/Outwards)– Stock and Non Stock**

All goods delivered to stores are checked on the day of delivery to ensure the quantity received is as that stated on the suppliers delivery documentation. A goods inward note is completed by stores for all receipts, which then are attached to the supplier’s delivery note. (See Appendix 9)

All goods collected or despatched from stores, not covered by a Stores Requisition, are checked and a Goods despatch note is completed and issued with the goods.

### **6.3 Stock Items**

Stores staff conducts a weekly stock check, selecting a different family group of items each week thereby ensuring by rotation that a full stock check is carried out approx. 6 times per annum. Any variances are highlighted and all issue/receipts transactions relating to these items are checked retrospectively for errors.

### **6.4 Non Stock Items**

Non-stock items are stored in a designated area within the main store. The procedure for the receipt of these goods is as detailed in 8.2, however arrangements for their issue are different as these are not stock. Here the goods are issued via a manual system whereby the user signs for the goods listed. Stores staff informs the relevant users as and when these goods are received at stores to ensure they are uplifted as soon as possible. Delayed uplift will be advised to Directors and Auditor. This maybe updated to an electronic system, but the process will be similar.

### **6.5 Storage Space**

Where users require storage space within stores a storage request must be made to Stores advising quantity of goods along with the date for the expected arrival /departure of the goods from Stores, nature of Goods and Purchase value. (see Appendix 11). Reports on long term storage of items will be forwarded to the Head of Finance, for suitable action.

## **6.6 Vehicle Keys**

Vehicle keys (with fuel key attached) are issued from stores. All employees requesting vehicle keys must sign for same upon issue and return to stores. Any damaged or lost keys to be reported immediately to their Supervisor and a request along with details of loss to be forwarded to Purchasing.

## **6.7 Hand Tools**

A number of hand tools are currently issued centrally from stores. Employees requesting hand tools must sign for same upon issue and return. All breakages etc must be reported to stores upon return of tools.

## **6.8 Fuel**

The Council operates a computerised fuel management system. Fuel can only be withdrawn by using a fuel fob, programmed for each vehicle as per details supplied by the appropriate user department.

Fuel fobs should be issued for all vehicles and large plant, including under hire. Where a number of small plant are refuelled, e.g grounds maintenance equipment, a key should be issued for the squad to refuel their equipment.

A monthly check is undertaken to ensure the amount of physical stock agrees with that listed on computer.

Relevant staff responsible for the running of individual vehicles or a fleet must check on a regular basis, and certainly at least monthly, to ensure fuel usage is correct and for other management purposes. Where they are unable to view this from a suitable terminal, Purchasing will endeavour to supply a copy of the relevant report.

Any anomalies or queries must be raised ASAP with Purchasing and advised to Internal Audit.

This process may be incorporated into a fleet management system.

Limited amounts of fuel are purchased externally; this may be replaced by utilising a suitable fuel or GPC card.

## **7.0 PROCEDURES IN THE EVENT OF AN EMERGENCY**

In many cases where emergencies occur spend will be authorised via Ordering Procedure – Exceptions (referred to at 4). Occasionally there will be cases where large amounts of spend must take place at short notice and the obtaining of quotes etc is not practical.

Where this happens spend may be authorised by the departmental Director in question for the Staff under his direct responsibility.

When the emergency has decreased in urgency then the Director should notify Purchasing in writing with an explanation as to the reason/need for the spend and the utilisation of this process.

**An emergency should be the exception and must not become the norm** because of poor planning, bad management etc. An example of an emergency would be securing a building in the event of a robbery or natural disaster.

### **IMPORTANT NOTE:**

**Emergency Order's, irrespective of the reasoning will be classed as a Single Tender Action (STA) and must be fully justified.**

**APPENDIX 1**  
**POLICY ON SEEKING TENDER/QUOTATIONS**

(a) Specific Procedures to be complied with: -

<b>Level</b>	<b>Estimated Expenditure</b>	<b>Method of Use</b>
0	Up to £250	Purchase of Low value orders to be completed and processed via the e-Portal system.
1	Up to £4,999	Purchase of Low value orders to be completed and processed via the e-Portal system. Requires confirmation of Value for Money, all subject to approval from authorising officer and processed through Purchasing.
2	£5,000 - £29,999	All processes to be carried out through a suitable competition, normally the e-RFQ process on the e-Portal. This is normally completed on an open basis being sent to all registered suppliers against the categories specified by the Project Officer.
3	Over £30,000	All processes to be carried out through a suitable competition, normally through the e-Tender via the e-Portal. This is normally completed on an open basis being sent to all registered suppliers against the categories specified by the Project Officer. Note: In some cases certain funders may request additional forms of advertisements to comply with their funding/tendering requirements.
4	Over EU Threshold	All processes to be carried out through a suitable competition and processed in line with EU Directives.

**If works/goods/services are purchased via the Government Purchasing Agency or other Public Body whose tender is open for us to utilise, (you must confirm with Purchasing that this is suitable/permissible before proceeding) then the tender invitation/advertising/closing/opening procedures do not apply, but all other matters (i.e. relating to approvals) apply.**

Where the estimate exceeds the actual, a report needs to be presented inline with the relevant level along with a reason for the difference along with the recommendation.

## **APPENDIX 2**

### **PURCHASE ORDERS**

#### **Approved list of authorised signatories and conditions/restrictions: -**

#### **CHIEF EXECUTIVES DEPARTMENT**

Chief Executive – any order subject to Normal Procedures.

#### **TECHNICAL AND LEISURE SERVICES DEPARTMENT**

Director	{
	{
Deputy Director	{
	{
Building Maintenance Supervisor	{ - Direct Orders upto authorisers limit
	{
Waste Management/Engineering	{
Grounds Maintenance Supervisor	{
	{
Garage Supervisor	{- Direct Orders upto authorisers limit
	{
Leisure Services Officer	{ - Direct Orders upto authorisers limit
	{
Management Services Officer	{
	{
Technical/Fleet Management	{
Officer	{

#### **ADMINISTRATION**

Director of Administration	{ - Canteen supplies Monaghan Row only
	{ - Job Advertisements via approved
	{ Advertising Agencies only.
Assistant Director of Admin. (3 posts)	
(4 employees)	{ - Drink Stock Replenishments only
	{ - Official and Courtesy visits spend only
	{ - Chairman's Spend only.

#### **FINANCE**

Head of Finance	{
Assistant Director of Finance IT/Purchasing	{ Any order subject to Normal
	{ Procedures
Purchasing Officer	{

Assistant Purchasing Officer(s) (up to £15,000 any one order, as per Policy requirements)



## **APPENDIX 3**

### **REQUISITIONS**

#### **APPROVED LIST OF AUTHORISED SIGNATORIES:**

Note: The titles are used as a current example at date of release, and may include any equivalent posts.  
With Maximum Value for Purchase Requisitions, no value for Stores Requisitions

<b>DEPARTMENT</b>	<b>SIGNATORIES</b>	<b>Max Value</b>
<b>CHIEF EXECUTIVE'S DEPARTMENT</b>		
Chief Executive		£30,000+*
<b>ADMINISTRATION</b>		
Director of Administration		£ 30,000*
Assistant Directors of Administration		£ 5,000
<b>FINANCE</b>		
Head of Finance		£ 30,000+*
Assistant Director of Finance		£ 30,000+*
Purchasing Officer		£ 30,000+*
Senior Accountant		£ 5,000
<b>TECHNICAL &amp; LEISURE SERVICES</b>		
Director of Technical & Leisure Services		£ 30,000*
Deputy Director of Technical & Leisure		£ 30,000
Leisure Services Officer		£ 5,000
Waste Management & Engineering Officer		£ 5,000
Technical & Fleet Management Officer		£ 5,000
Management Services Officer		£ 5,000
Building Maintenance Supervisor		£ 500
Grounds Maintenance Supervisor		£ 500
Management Services Supervisor + Assit.		£ 500
Garage Supervisor		£ 500
Aughnagun Site Officer		£ 500
Duty Manager Kilkeel Pool/Newry Sports Centre/Newry Pool		£ 500
<b>DISTRICT DEVELOPMENT DEPT</b>		
Director of District Development Dept		£ 30,000*
Assistant Director of District Development		£ 5,000
Assistant Director of District Development		£ 5,000
Assistant Director of District Development		£ 5,000
<b>ENVIRONMENTAL HEALTH DEPT</b>		
Director of Environmental Health Dept		£ 30,000*
Deputy Director of Environmental Health		£ 5,000
<b>BUILDING CONTROL DEPT</b>		
Director of Building Control Dept		£ 30,000*
Senior Building Control Officers (2 posts)		£ 5,000

\* Higher Figures Subject to Council Approval

Signatories names are given as a current example, the authority lies with the post.

**List of approved Personnel who have access to the Electronic Vault**

Note: These are titles of current senior officers used as an example, and may include any equivalent posts.

**Clerk and Chief Executive**  
**Head of Finance**  
**Assist Finance Director** (Purch. & IT)  
**Council Auditor**  
**Equality Officer**  
**Purchasing Officer**  
**Assistant Purchasing Officer(s)**

In addition users, who have been identified as being part of the adjudication team, will also have access to the Electronic Vault but only to the Tender(s) they have been granted “adjudication team” status on.

**Drafting checklist**

- use simple language, avoid using jargon;
- define terms, symbols and acronyms;
- do not expect the specification to be read by experts; write it so that a layman will understand;
- use a logical structure;
- be as concise as possible, but keep the meaning clear;
- plan and analyse your needs;
- arrange the components of the requirement into a logical form matching the evaluation model; a good way of doing this is to set out a skeleton structure with the main headings and then add in sub-headings as necessary;
- do not embed requirements in background information - suppliers may miss them - keep requirements in their own sections;
- list the most important elements of the requirement first and work through to the least important;
- discuss the requirement with colleagues, other users and procurement staff. During this process you may also identify other topics you need to include.
- The outputs and requirements from the contract, including the delivery of the contract, should be monitored throughout the contract and measured against suitable KPI's.
- KPI's should at least be outlined, although ideally fully disclosed – to help minimize risk, in the tender specifications and certainly fully agreed and in place before any award takes place.

**Review Checklist**

A good specification should:

- state the requirement specification completely, clearly, concisely, logically and unambiguously;
- focus on outputs not how they are to be met;
- contain enough information for potential suppliers to decide and cost the goods or services they will offer, or in the case of negotiated route arrive at realistic budgetary costs;
- permit offered goods or services to be evaluated against defined criteria by examination, trial, test or documentation;
- state the criteria for acceptance by examination, trial, test or documentation;
- contain only the essential features or characteristics of the requirement;
- provide equal opportunity for all potential suppliers to offer a product or service which satisfies the needs of the user and which may incorporate alternative technical solutions; and comply with any legal obligations e.g. under UK law, the EEC Treaty, an EC Directive or the GATT Agreement on Government procurement.

**A good specification should not:**

- over-specify requirements;
- contain features that directly or indirectly discriminate in favour of, or against, any supplier, product, process or source. Discrimination on grounds of nationality is illegal in the EC, contrary to the GATT Agreement, where applicable, and may not achieve value for money.

**Examples of a De-Brief Letter (Standstill or Alcatel period)**

Please request the latest versions from Purchasing as these letters change on a regular basis, due to legal precedents, although this should be addressed in the new Regulations.

**UN - Successful ITT Notice**

All items in red must be addressed and suitably amended

Name of recipient

Address

Date

(Send by email otherwise the 10 days needs to be changed to 15 if by land mail.)

Dear .....

Re: Tender Ref: ( 201x – xyz)

Thank you for tendering for the above referenced project.

This Tender closed on the (XX) of (XXXXX), 20XX at 12 Noon.

We have now completed our evaluation of all the tenders received for this project and, on behalf of Newry and Mourne District Council, regret to inform you that your application has been unsuccessful.

There were XYZ returns adjudicated and you came XYZ.

The preferred tenderer is (XXXXXXXXXX) Limited.

As indicated in the tender documents, the award criterion for this requirement was the most economically advantageous tender evaluated against the disclosed criterion and weightings.

To assist in future competitions please find below an evaluation matrix showing your adjudicated score for each of the criteria along with the comments of the panel on your submission.

(you can also attach your markings as a separate sheet noting that you have to enter the lowest accepted score or the minimum accepted threshold, as disclosed in the ITT documents, alongside this candidates score so they can be compared – please amend table accordingly)

PROVISIONAL VALUES	Max Score	Lowest Accepted Score*	Your accepted Score
--------------------	-----------	------------------------	---------------------

Tender Total	100		
Complete here the scoring criteria - add lines as necessary, covering all disclosed criteria and sub criteria.. for example...	XX	XX	XX
Title of first criteria	XX	XX	XX
Title of second criteria	XX	XX	XX
Title of third criteria - Sub 1	XX	XX	XX
(Sub 2)	XX	XX	XX
(Sub 3)	XX	XX	XX
(Sub 4)	XX	XX	XX
	Total Score	XX	XX

(\*Amend below and clearly advise the agreed reasons for marking them down against the disclosed criteria and sub criteria. This can also be on a separate sheet with the above table.)

\*You were marked down under (Title of first criteria) due to:

- 

\*You were marked down under (Title of second criteria) due to:

- 

\*Under (Title of third criteria) You were marked down under the following sub-criteria:

- (Sub 1) due to:
  -
- (Sub 2) due to:
  -
- (Sub 3) due to:
  -
- (Sub 4) due to:
  -

This correspondence also acts as a Regulation 32 (1) Notice (Public Contract Regulations 2006) albeit on a voluntary basis based on best practice. This is also sometimes referred to as a "Standstill" or "Alcatel" Notice.

During this period we will not be entering into any contracts or conclude any framework agreement before the end of the standstill period, which runs from the date of this transmission until midnight on the 10th full calendar day following or if a statutory holiday, the following day that is not a statutory holiday.

During this period we offer all tenderers a chance to review or object to our decision as per the current Public Contract Regulations (2006) and Amendments (2009).

We hope that you find the above useful and beneficial but if you have any queries whatsoever, please do not hesitate to contact us before the end of the specified period.

regards

**Request for New Stores Item**

To: Central Stores

From: \_\_\_\_\_ Date: \_\_\_\_\_

Department: \_\_\_\_\_

Stock Code	Complete Ordering Description	Unit of Issue	Max Stock Level	Min Stock Level	Estimated Annual Usage	Stocking Period*	Cost Each	Cost of Max Stock	Suggested Supplier

- *How long will this product need to be carried in stock. If based on Vehicle- enter actual estimated life.*

This Item replaces Item \_\_\_\_\_ Stock Code \_\_\_\_\_

Originator's Signature: \_\_\_\_\_ Approved by: \_\_\_\_\_

Coded: \_\_\_\_\_

**STORAGE REQUEST FORM**

Requested by: \_\_\_\_\_ Department: \_\_\_\_\_

Storage Date: \_\_\_\_\_ Arrival Date: \_\_\_\_\_

Originally Purchased on: \_\_\_\_\_ Purchase Value: \_\_\_\_\_

Capital or Cost Codes \_\_\_\_\_ Purchase Order Nos. \_\_\_\_\_

Details of Goods requiring Storage: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Why need storage: \_\_\_\_\_

\_\_\_\_\_

How will the goods be delivered? ☐ Pallets ☐ Boxes ☐ Loose ☐ Other \_\_\_\_\_.

Hazardous materials: ☐ Yes ☐ No If Yes Details: \_\_\_\_\_

Flammable Materials: ☐ Yes ☐ No If Yes Details: \_\_\_\_\_

Goods have expiry date: ☐ Yes ☐ No If Yes Details: \_\_\_\_\_

How long do you require storage for these goods: \_\_\_\_\_

Or

Expected date of removal: \_\_\_\_\_

Any Special Handling Instructions: \_\_\_\_\_

\_\_\_\_\_

Storage Location:

Store: \_\_\_\_\_ Bay: \_\_\_\_\_ Rack: \_\_\_\_\_ Level: \_\_\_\_\_

**Contractor Evaluation Sheet for Tender Ref:     / 20   .**

Name of Contractor: \_\_\_\_\_ Contact: \_\_\_\_\_

Address: \_\_\_\_\_

Project Manager External: \_\_\_\_\_ Internal: \_\_\_\_\_

Commission	Description and Location of Work

**Cost Analysis**

Budget Cost	Estimate Cost	Tender Cost	Final Cost

**Timescale Analysis**

Pre Tender Delivery	Award Delivery	Final Delivery

**Performance Assessment**

Please Tick: Very Good (VG), Good (G), Average (Av), Poor (Po), Inadequate (In)

	VG	G	Av	Po	In	Comments
Allocation of Suitable Resources						
Compliance with Brief						
Cost Control						
Timescale Adherence						
Cooperation with Client /Others						
Quality Of Work						
Health and Safety Approach						

Would you commission them again?	Yes / No
----------------------------------	----------

**General Comments** (please use other sheet – if required)

Evaluation Completed By:

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

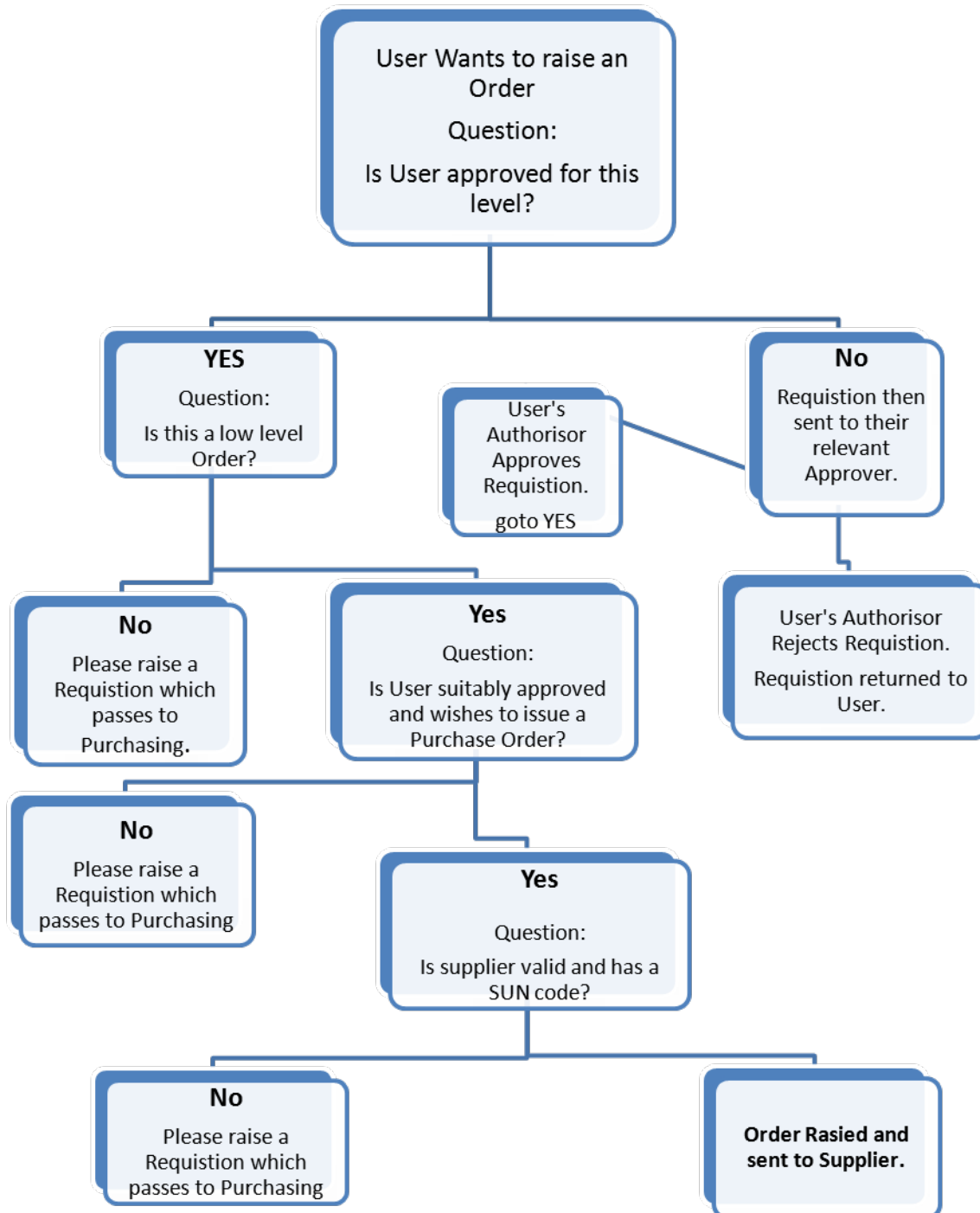
Approved by:

Name: \_\_\_\_\_ Director of: \_\_\_\_\_



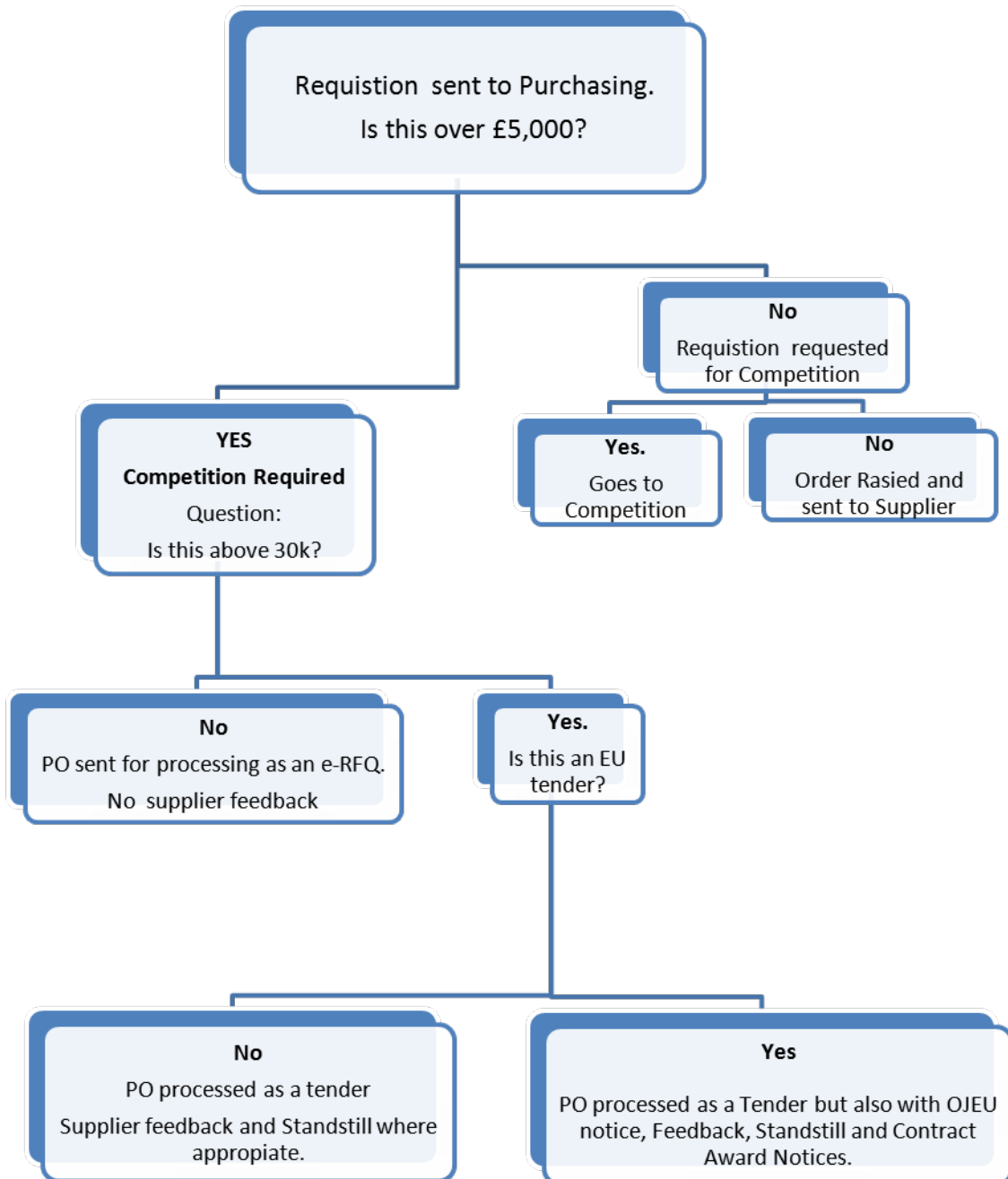
## Electronic Flow of Order Processes

### Under Level 0 Appendix 1



## Electronic Flow of Order Processes

### Above Level 0 Appendix 1



**Newry, Mourne and Down District Council**

**Policy Accounts Payable**

**Present to Finance & Resources Committee 16 December 2014**

**Ratified by Council 6 January 2015**

# Newry, Mourne and Down District Council

## Risk Register – Accounts Payable

For The Month Of: \_\_\_\_\_ Year: \_\_\_\_\_

*- To be reviewed monthly by Supervisor and signed off by Senior Accountant -*

#	RISK	NARRATIVE	COMMENTS
1.	Authorised Signatures	Ensure list of approved signatures corresponds with actual situation in practice is up-to-date.	
2.	Daily receipt of Invoices	There should not be a backlog of invoices awaiting registration on system.	
3.	Documentation for New Suppliers	A file should be kept listing details of all new suppliers to include Bank Details.	
4.	Check accuracy of new Supplier Details	It is essential that all new suppliers entered in the system have details checked. The sheet giving details should be checked and initialled by the person inputting and the person checking.	
5.	Amendments to Suppliers Details	Where amendments are made to suppliers details these should be recorded on an amendments sheet and independently verified. The sheet should be initialled by both parties and filed.	
6.	Processing of Invoices	Where possible are all procedures being applied i.e. order/GRN/Approval slip? While all invoices may not have an order and/or GRN there should be an Approval Slip signed by an authorised signatory.	
7.	BACS Payments of Suppliers	Are these payments reviewed and signed off by a senior finance person prior to sending payment? Are payments sent by staff independent of Accounts Payable?	
8.	Petty Cash	Are all requests signed by an appropriate person? Is the cash reconciled monthly and signed off by senior finance person.	
9.	Advance Payments	Are all advance payments correctly authorised? Are all advance payments signed for by the recipient? Is there regular checks between Wages & Accounts Payable to ensure advances are deducted from Salaries/Wages?	

Creditors Supervisor: \_\_\_\_\_

Date: \_\_\_\_\_

Senior Accountant: \_\_\_\_\_

Date: \_\_\_\_\_

## **Newry and Mourne and Down District Council**

### **Payments of Accounts/Monies to Suppliers and Third Parties**

It is appropriate to remind staff of a number of matters relevant to the payment of accounts.

The following items are of particular note:

1. As far as practical all purchases should have a Purchase Order. All Purchase Requisitions for a value in excess of £200 should be raised electronically via the Council e-procurement system.
2. When a Purchase Order is not appropriate there should still be supporting documentation i.e. Council Minute, Voluntary Contribution form, a letter from a solicitor (in respect of land and property items), an email referencing authority for spend etc.
3. The Council has systems for processing spend. It is not the purpose of this document to detail these systems, however staff are reminded to process payments via the appropriate system for the type of spend being incurred.

An analysis of recent problems arising with payments has highlighted the following high risk areas:-

- (a) Year-end payments have a habit of causing errors. The main reason for this is that staff are perhaps trying to get spend into a particular budget year and do not ensure all appropriate spend procedures are observed.
- (b) Non-routine spend i.e. land/property payments, contributions to voluntary bodies.
- (c) Spend being processed with undue haste to meet targets of “grant aiding bodies” or other “pressing third parties”.
- (d) Items being paid twice because normal systems procedures were not followed.
- (e) Items being paid twice, because a purchase order had not been received by “Accounts Payable” to initiate the spend.

#### **Responsibility**

- (i) Staff should remember that those who have authority to authorise and sign for an invoice/payment voucher to be paid are accountable for this spend approval.

- (ii) Finance Staff process the spend for payment to the supplier/third parties. As part of this process Finance Staff carry out a number of checks and controls against supporting documentation. Many items are queried during this process, however it is not the role of Finance Staff to act as a “goal keeper” to ensure 100% of all spend is “correct and error free”. In some cases due to the level of spend or perhaps the type of spend, finance will spot errors, however this is the exception and not the rule.
- (iii) The most effective way to reduce error is for all employees to adhere to the “laid down” procedures.

### **Summary/Conclusion**

In the challenging economic times in which we currently operate, it is essential we all play our part in reducing risk and error in all matters but particularly in the matter of payments of Council monies. The Council payment procedures seek to strike a balance between accountability, responsibility, the need for checks and balances (internal control) and getting items paid in a cost effective and timely manner. If you or your staff are in any doubt as to how best to achieve this for any payment sum then please contact an appropriate member of the Finance Staff.

## **Newry and Mourne and Down District Council**

### **Accounts Payable – Control Procedures**

The following additional controls are to be introduced with immediate effect.

1. No payments are to be released for payment via cheque or Bacs unless there is appropriate approvals and an audit trail of these approvals.
2. At the end of each Payment run, but prior to dispatch of cheques or sending of Bacs payments, the following procedure must be followed:-
  - 2.1 All payments to any supplier for a specified figure (figure to be decided by Senior Finance person) and over must be checked by two persons independent of the persons who processed the payment. The following checks must be done.
    - 2.1.1 Ensure payee is per name on invoice(s) (i.e. not posted to a supplier with a similar name).
    - 2.1.2 Ensure Bank Account details are consistent with payee (i.e. payment not made to a supplier with a similar name).
    - 2.1.3 Payment made payable to a Solicitor for their “Clients Account” are paid to the Solicitor’s Bank Account and not payable directly to the eventual recipient of the monies. This means any transaction for monies which the Solicitor will eventually forward to a Third Party must go via the Solicitor’s “Client Account” and **NEVER** be paid via the Third Parties Account which may be on the Accounts Payable system.
    - 2.1.4 Review invoices via System for past 6 months to minimise possibility of duplicate payments for same goods/services.
    - 2.1.5 When the checks at 1.1.1 to 1.1.4 are carried out then evidence of same must be shown by initializing Councils copy of the remittance. Remittance then must be countersigned by Accounts Payable Supervisor (where not previously signed).

### **3 Payments to Solicitors**

3.1 For payment to a Solicitor there will be three payment types:

#### **Type One**

##### **Account Name:- “Fees Account”**

Type one will be the payment of the Solicitors own fees for work done i.e. a fees invoice. These fees accounts will be posted to the Solicitors “Fees” Account.

## **Type Two**

### **Account Name :- “Client Account”**

Payments will be the Solicitor’s Client Account (i.e. payments sent to the Solicitor which will be lodged in the Solicitors Clients bank Account). These funds will at a later date be paid out by the Solicitor to a third party or their agent. Examples of these types of transaction are where the Solicitor is asked to “be put in funds” for a pending land purchase, fees for Land Registry or H.M.R.C. for stamp duty.

## **Type Three**

### **Account Name:- “Payments for Handover”**

Type Three will be a Solicitors Account titled “Payments for Handover”. Where money is due to a Voluntary body and a legal agreement is required it is practice that a crossed cheque made payable to the Voluntary body is sent to the Solicitor. The Solicitor holds the cheque and passes it onto the Voluntary Body on completion of the Legal Agreement. As the cheque is crossed, and is payable to the Voluntary body, the Solicitor cannot lodge the cheque.

Accounts payable must code these payments to the Solicitors Account “Payments for handover”. This will mean that this single account on the Accounts Payable ledger, could have a number of separate payments to different groups which will have eventually been handed over to a number of third parties.

In this event ANYONE in ACCOUNTS PAYABLE is unsure of these instructions they must consult A SENIOR FINANCE EMPLOYEE.

- 3.2 On a bi-monthly basis a listing is to be produced of payments made via the “Solicitor Client Account” and the Solicitor Payments for Handover Account”. Where appropriate this listing is to be sent to the Solicitor seeking clarification as to “what has happened” to the payment sent i.e. are monies paid over to a third party or still held in the Solicitors Client Account Monies. When acknowledgement is received that monies have been paid to the Third Party then this payment will no longer appear on the bi-monthly list sent to the Solicitor for comment.

To commence this process the Solicitor should be sent (where appropriate) a listing of all payments made via the “Client Account” and the “Payments for Handover” from a date to be advised by the Senior Finance employee.



## **Late Payment Fees - Contractors**

Late Payments occasionally arise. Often the reason for late payment arises because the invoice has to go through so many “hands for approval”.

Please draw attention to your staff who deal with contractors, that there is normally a time period when contractor invoices **MUST** be paid and that must be adhered to.

Where the authorising staff are not available, then you must take emergency measures, i.e. ask another senior member of staff, or Director, or sign.

Please also note that not all contractors invoices have the same payment terms – some have 14 days, some have 21 days, so staff need to be aware of these conditions.

## **Newry, Mourne and Down District Council.**

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### **Anti-Fraud and Anti-Corruption (incl Bribery) Policy and Procedures**

**For Councillors / Staff / Contractors**

**Effective Date 1<sup>st</sup> April 2015**

## **Contents.**

- 1. Introduction**
- 2. Definitions**
- 3. Responsibilities**
- 4. Ethics & Conduct of Staff**
- 5. Responsibilities of Internal / External Auditors.**
- 6. Public Sector Fraud**
- 7. Motivation to commit fraud**
- 8. Fraud & Corruption incident response plan**
- 9. Appendix 1 – Roles and Responsibilities**

## **NEWRY, MOURNE AND DOWN DISTRICT COUNCIL**

### **POLICY ON FRAUD AND CORRUPTION** **(incl Bribery Act 2010)**

#### **1.0 INTRODUCTION**

The Council requires all staff at all times to act honestly and with integrity and to safeguard the public resources for which they are responsible. Fraud and Corruption is an ever-present threat to these resources and hence must be the concern of all members of staff. Council's general approach to corruption is adequately covered by the ***Code of Conduct for Local Government Employees, effective from 1 April 2002 and applicable to each employee.*** The following policy is an addendum to, rather than a substitute for, Council's Code of Conduct and any other guidance incorporated in the Financial Regulations or Cash Handling Procedures.

#### **2.0 DEFINITIONS/EXAMPLES**

##### **2.1 Fraud**

There is no precise definition of fraud but a general description is **any intentional misrepresentation of financial information.**

Types of fraud include:

- ◆ Receipt of income (most common), i.e. retention and misappropriation of cash;
- ◆ false claims for expenses;
- ◆ offering, promising or giving of a bribe.
- ◆ misuse of the purchase and payments system for personal gain;
- ◆ false wage and salary claims;
- ◆ theft of equipment and stores;
- ◆ false accounting;
- ◆ suppression of documents;
- ◆ misuse of computer.

## 2.2 Corruption

A definition of corruption is **the offering, giving, soliciting or acceptance of an inducement or reward which may influence the actions taken by an organisational member or officer.**

Types of corruption include abuse in the following areas:

- ♦ tendering, awarding of contracts;
- ♦ settlement of contractors finance accounts/claims;
- ♦ appointment and reward of consultants;
- ♦ pecuniary interest of members and officers;
- ♦ secondary employment of staff;
- ♦ hospitality;
- ♦ disposal of assets.

**Bribery** – The Bribery Act 2010 defines a bribe as a financial or other advantage intended to induce or reward the improper performance of a person's function or activity, where benefit could create a conflict between personal interests and business interests.

## 3.0 RESPONSIBILITIES

Fraud, corruption and bribery flourishes where there are deficiencies in management control systems. It follows therefore that the primary responsibility for prevention and detection lies with management. In particular management is charged with taking all reasonable steps to limit the possibility of fraudulent and corrupt practices.

**Specifically the Council through the Chief Executive is responsible for:**

- © developing and maintaining effective controls to prevent fraud/corruption/bribery.
- © carrying out vigorous and prompt investigations if fraud/corruption/bribery occurs;
- © taking appropriate legal and/or disciplinary action against supervisors where supervisory failure has contributed to the commission of the fraud/corruption/bribery.

**Directors, Managers and Supervisors are responsible for:**

- © identifying the risks to which systems / procedures are exposed.
- © developing and maintaining effective controls to prevent and detect fraud/corruption/bribery.
- © ensuring that controls are being complied with.

**Individual members of staff are responsible for:**

- © acting with propriety in the use of official resources and in the handling and use of public funds whether they are involved with cash or payment systems, receipts or dealing with contractors or suppliers;
- © reporting details immediately to their line manager or next most senior manager if they suspect that a fraud/corruption/bribery has been committed or see any suspicious acts or events.

**4.0 ETHICS AND CONDUCT OF STAFF**

Council staff owe a duty to their employer, the Council and to the public at large. As stewards of public funds, staff must have and be seen to have high standards of honesty, propriety and integrity in the exercise of their duties.

**5.0 RESPONSIBILITIES OF INTERNAL/EXTERNAL AUDITORS**

It is not the Auditor's function to prevent fraud, corruption or bribery but the Auditors should plan, perform and evaluate their work in order to have a reasonable expectation of detecting material misstatements in the financial statements arising from fraud/corruption/bribery. The Auditors will review measures taken to prevent corruption.

## 6. **PUBLIC SECTOR FRAUD – CAUSES OF CONCERN**

It has been observed that certain movements within an organisation or the Introduction of a new work practice or policy can trigger certain people into committing fraud/corruption/bribery. Some of the causes of concern are:

- changing culture;
- changing organisational structures;
- changing technology;
- lack of fraud & corruption controls.

## 7. **MOTIVATION TO COMMIT FRAUD/CORRUPTION**

Cases of fraud/corruption/bribery have been discovered not because of any great in depth investigation but rather because the perpetrators drew attention to themselves by their actions, behaviour and/or attitude. Some of the items to watch are:

- perpetrator living beyond his/her means;
- overwhelming desire for personal gain;
- high personal debts;
- too close an association with customers;
- extreme gambling habits;
- undue family or peer pressure;
- the feeling that pay was not commensurate with responsibility;
- a 'wheeler-dealer' attitude;
- a strong challenge to beat the system.

## **8. FRAUD & CORRUPTION INCIDENT RESPONSE PLAN.**

The purpose of this plan is to set out the action to be taken when a fraud or act of corruption is suspected or discovered and reported to management or an officer within the Council.

### **Step 1: Discovery**

- 1.1 Typically there are four main ways in which a suspicion or concern about fraud/corruption may come to light:
  - A ‘tip off’ / whistle-blowing incident” – either from a member of staff or an external party;
  - Management carrying out their role;
  - National Fraud Initiative
  - As a result of 3<sup>rd</sup> party compliance check or audit.

### **Step 2: Reporting / Detection of Fraud or Corruption (inc. Bribery)**

- 2.1 When you become aware of or have a general concern about an actual (or potential) act of fraud/corruption, you should inform the appropriate Service Director or Head of Service.
- 2.2 The Head of Service / Service Director is responsible for advising the Head of Finance that they have been notified of a concern.
- 2.3 All matters of fraud within a service should normally be referred to (directly or through line management) to the relevant Head of Service / Director, although you have the option of reporting directly to the Head of Finance.
- 2.4 If you wish to remain anonymous you have the option of using the procedures as set out in the Council’s Confidential Reporting (Whistle-blowing) Policy Procedures.

### **Step 3: Consideration of Report**

- 3.1 On receipt of a report the Head of Finance will, in consultation with the appropriate Service Director/Head of Service, determine if an initial enquiry is required and the approach to be taken.



- 3.2 The Head of Finance may call a meeting of the Major Fraud Response Group if this is deemed to be appropriate. The Major Fraud Response Group as a group would normally consist of the following: - Chief Executive, Head of Finance, Head of HR, Service Director/Head of Service.
- 3.3 The Head of Internal Audit should also be advised of relevant issues as they arise.
- 3.4 A decision will be made to determine if an initial inquiry is required. A further decision as to the best way to carry out the initial inquiry will also be required.

#### **Step 4 : Perform Initial Enquiry**

- 4.1 In the majority of cases the initial enquiry will be carried out by a suitable independent person of the service being investigated.
- 4.2 For major frauds or frauds of a specialist nature the initial enquiry may be carried out by an External Body.
- 4.3 The Council will from 1<sup>st</sup> April 2015 become responsible for planning and may continue to use the services of CIRT (Compliance Improvement Review Team) in this area.

#### **Step 5 : Review Initial Enquiry**

- 5.1 On completion of the initial enquiry the Investigating Officer will advise the Head of Finance of the findings.
- 5.2 In cases of major fraud the Head of Finance will reconvene the Major Fraud Response Group to consider next steps.
- 5.3 The findings of the initial enquiry will be considered and the merits and likely success of any further action weighed. The default position is that in **all cases** where there is a reasonable suspicion of fraud/corruption an investigation will be carried out.
- 5.4 The Audit Committee may be advised of the issue in broad terms at this point and any action that has been taken. This report will not compromise confidentiality or an on-going investigation.

## Step 6: Perform Detailed Investigation

- 6.1 There are number of ways in which an investigation may be carried out:
- By Fraud / Risk / Investigations Manager or Other Officer.
  - Externally.
  - Joint External /Internal.
- 6.2 The approach will be determined by a number of factors but will be informed by the initial enquiry.

## Terms of Reference

- 6.3 A formal Terms of Reference for the investigation will be set out. This will include:
- The people who will carry out the investigation
  - Arrangements for collecting and documenting evidence (taking account of any guidance on this)
  - Estimated timespan
  - Adherence to professional / other standards

## Suspension of Staff

- 6.4 It may be that **suspension of staff** members is required at this point.

## External Bodies / PSNI

- 6.5 The Head of Finance will advise the Chief Executive who will advise on reporting the fraud to the PSNI. No other Officer should contact the PSNI.

## Step 7: Consideration of Further Actions

- 7.1 At the end of an investigation a number of decisions / actions will be taken:
- Disciplinary Action
  - Referral of case to PSNI

## Step 8: Audit Committee

- 8.1 The outcome of the case will be reported to the Audit Committee.

## 9. APPENDIX 1: Roles and Responsibilities

	<b>Action 1</b> <i>Create an anti-fraud and corruption culture</i>	<b>Action 2</b> <i>Simple Framework with clear roles &amp; responsibilities</i>	<b>Action 3</b> <i>Actively manage and assess risk</i>	<b>Action 4</b> <i>Deter, prevent and detect fraud</i>	<b>Action 5</b> <i>Prompt response to detected fraud.</i>	<b>Action 6</b> <i>Sanctions and redress</i>	<b>Action 7</b> <i>Review and learn lessons</i>
<b>Individual (Members, Staff, External Parties)</b>	<ul style="list-style-type: none"> <li>Act with integrity</li> </ul>			<ul style="list-style-type: none"> <li>Report reasonably held concerns about fraud or corruption</li> </ul>			
<b>Council / Audit Committee</b>		<ul style="list-style-type: none"> <li>Approve framework</li> <li>Oversight of framework</li> </ul>					
<b>Chief Executive</b>	<ul style="list-style-type: none"> <li>Lead across Council.</li> </ul>	<ul style="list-style-type: none"> <li>Accountable for establishing system of internal control</li> </ul>					
<b>Head of Finance</b>	<ul style="list-style-type: none"> <li>Champion</li> </ul>	<ul style="list-style-type: none"> <li>Establishing effective Anti- Fraud and Corruption policy and Fraud and Corruption Response plan</li> </ul>	<ul style="list-style-type: none"> <li>Overall responsibility for managing risk of fraud.</li> <li>Developing Corporate fraud risk profile</li> </ul>		<ul style="list-style-type: none"> <li>Informing PSNI if required</li> <li>Informing other relevant agencies</li> </ul>		<ul style="list-style-type: none"> <li>Informing Audit Committee.</li> </ul>
<b>Directors</b>	<ul style="list-style-type: none"> <li>Lead within own Directorates</li> </ul>			<ul style="list-style-type: none"> <li>Put in place proportionate controls</li> <li>Reviews and checks</li> </ul>	<ul style="list-style-type: none"> <li>Initial Inquiry</li> </ul>		
<b>Heads of Service</b>		<ul style="list-style-type: none"> <li>SRO for NFI</li> </ul>	<ul style="list-style-type: none"> <li>Identify and assess fraud risks in area of responsibility.</li> <li>Maintain risk register</li> </ul>	<ul style="list-style-type: none"> <li>Put in place proportionate controls</li> <li>Reviews and checks</li> </ul>			
<b>Line Management</b>				<ul style="list-style-type: none"> <li>Put in place proportionate controls</li> <li>Reviews and checks</li> </ul>			
<b>Head of HR</b>				<ul style="list-style-type: none"> <li>Appropriate pre-employment screening measures</li> </ul>		<ul style="list-style-type: none"> <li>Disciplinary process links into anti-fraud policy.</li> </ul>	
<b>Legal Services</b>				<ul style="list-style-type: none"> <li>Advice</li> </ul>	<ul style="list-style-type: none"> <li>Advice</li> </ul>	<ul style="list-style-type: none"> <li>Advice</li> <li>Support</li> </ul>	
<b>Risk /Fraud Investigation Manager</b>	<ul style="list-style-type: none"> <li>Awareness training</li> </ul>		<ul style="list-style-type: none"> <li>Support</li> </ul>	<ul style="list-style-type: none"> <li>Support</li> <li>NFI Lead</li> </ul>	<ul style="list-style-type: none"> <li>Support</li> <li>Initial Inquiry</li> <li>Investigate</li> </ul>	<ul style="list-style-type: none"> <li>Support</li> </ul>	<ul style="list-style-type: none"> <li>Support</li> </ul>
<b>Compliance, Improvement and Review Team (PLANNING)</b>					<ul style="list-style-type: none"> <li>Support</li> <li>Initial Inquiry</li> <li>Investigate</li> </ul>	<ul style="list-style-type: none"> <li>Support</li> </ul>	
<b>Internal Audit / NIAO</b>					<ul style="list-style-type: none"> <li>Potential to investigate.</li> </ul>		<ul style="list-style-type: none"> <li>Review</li> </ul>

**Newry and Mourne and Down District Council**

**Policy Booking Travel**

**Present to Finance & Resources Committee 16 December 2014**

**Ratified by Council 6 January 2015**

## **Newry and Mourne and Down District Council**

### **PROCEDURES FOR BOOKING TRAVEL**

1. No travel is to be booked without proper authorisation. Authorisation will take the format of an appropriate signed letter from the Chief Executive or any of the Directors. This letter should also be vouchable to either Management Team Minutes or Council Minutes. In many cases Sub-Committee Meetings may be referred to but it is important to ensure that the minutes of these Sub-Committees have been adopted by the Full Council.
2. When booking travel to any destination the Chief Local Government Auditor has set out that travel is to be at economy fares and therefore no premium fares are allowed. The booking between destinations are to be in the cheapest practical way. Please note practicability is quite important as there is no point in booking a cheap flight which leaves on say a Monday evening with the flight returning on a Tuesday evening if overnight accommodation is going to have to be paid when in actual fact it is sufficient if the person requiring the flight gets to their journey by say lunchtime on the Tuesday. Therefore cheapness while important is not the main priority, the overall cost of the travel is a consideration (ie subsistence costs, travel and employee/councillor allowances and time cost).
3. Often Councillors and Officials will request that variations be made to their travel arrangements viz flights/boats used and days which they stay away. This may be accommodated, however it is to be done at no extra cost to the Council and in the event there is going to be an extra cost to the Council then this is to be clearly explained (preferably in writing) to the individuals involved. Should they still wish to continue in this way then an undertaking must be given that they will pay the difference between what would have been the ideal situation and their own request ie a flight the Council may be requesting may cost £150 return and because of special arrangements to suit a Councillor/Employee the new flight may be £200. In this situation it would be expected that the Councillor or employee would pay the difference. In respect of subsistence etc, subsistence will only be payable for the periods spent on Council business and again where the period away is extended at the request of an individual then the extra time will be at the individuals own expense.
4. Full details are to be kept for all travel arrangements and days away for the purposes of recording them for insurance. An annual declaration must be made to the Insurance Company for all travel by air or boat.

**Newry, Mourne and Down District Council**

**Policy Cash Handling and Cash Handling Risk Assessment**

**Present to Finance & Resources Committee 16 December 2014**

**Ratified by Council 6 January 2015**

## **Newry and Mourne and Down District Council**

### **Cash Handling & Cash Handling Risk Assessment Procedures**

#### **Cash Handling**

1. At Council Facilities where payment is required, all cash collected must be counted and verified in the presence of the person paying the cash.
2. In the case of higher value notes, money tester pens provided by Internal Audit should be used to verify authenticity of bank notes.
3. In cases where payment is made using Debit/Credit card it is Council policy to issue a receipt.
4. When cheques are used as payment, cheque guarantee card details must be recorded on reverse of cheque.
5. Please note only Euro Notes may be accepted at current rate of exchange. Euro coin must not be accepted as our Bank will not accept receipt of same.
6. At any Council facility where cash is handled and payments are received, it is Council Policy that a receipt must be issued. In the case of a manual system a receipt must be provided using the authorised Council Triplicate receipt book. A computerised receipt will automatically be issued where a computerised booking system is in operation.
7. Payments received must be reconciled on a daily basis. Debtors Control must be made aware of all lodgements made at Council Facilities and back up lodgement details provided.
8. Petty cash floats are available at Council facilities where it is deemed necessary to have same. All payments from Petty cash must be verified by receipts.
9. Payment for goods or services should never be made out of income from takings.

**\*\*\*Please note that systems and procedures differ between facilities\*\*\*.**

## **Risk Assessment**

### **During Office Hours**

1. At facilities where high volumes of cash are received, a cash collection service is available.
2. An after facilities Bank Lodgement should be carried out at least weekly to minimise the amounts of cash being held at Council sites.
3. The bank lodgement should be carried out by staff as agreed by their head of department.
4. The bank lodgement should be prepared in a secure location away from the public area.
5. The bank lodgement should be placed in a strong unmarked bag whilst being transported to the bank so that it is not evident that cash is inside.
6. The day, time and route to the bank should be varied so as not to create an obvious pattern.
7. The Council should consider making available on request personal safety alarms to staff carrying out bank lodgements.

### **Out of Office Hours**

1. Where possible staff should make arrangements with the Council's Bank (Danske Bank) to obtain night safe keys.
2. Where it is not possible or convenient to obtain night safe keys, staff should arrange access to a Council facility where there is a safe for holding cash e.g. Leisure Centres, Sean Hollywood Arts Centre, Newry Town Hall, Tourist Information Centres.
3. For insurance purposes safe cash holding limits must never be exceeded.
4. For all out of hours cash lodgements advice may be sought from Internal Audit Department.
5. Personal Alarms are available from Internal Audit/Health and Safety on request.



**Newry and Mourne and Down District Council**

**Policy Capital Spend**

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**Present to Finance & Resources Committee 21 October 2014**

**Ratified by Council 4 November 2014**

## CAPITAL SPEND APPRAISAL FORM

**1. Capital Spend Description/Project**  
*(Brief description, with estimate of likely cost)*

**2. Reason/Need for Capital Spend/Project**  
*(Political, Economic, Social, Refurbishment etc, etc.)*

**3. Is the Project a replacement/enhancement of an existing facility?**  
**Yes/No. If yes give brief details.**

**4. How does this provision/spend complement/replace/agree with other evidence (Strategic Context)**  
*(Mentor Report, Council's Corporate Plan, Council's Internal Policies etc, etc.)*

**5. Define the objectives and constraints of the Project**  
*(Should be specific, measurable, agreed, realistic, time dependent)*

**6. Identify and describe the options**  
*(i.e. alternative options, including doing nothing)*

**7. Weigh up non-monetary costs over benefits**  
*(i.e. likely usage and financial and non-financial benefits, cost per head etc, etc.)*

Form Completed by: \_\_\_\_\_

Date \_\_\_\_\_

**Checked by:** \_\_\_\_\_

Project Officer Responsible \_\_\_\_\_

***P.T.O***

**RECOMMENDED ACTION**

**Signed by Department Director:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## **Capital Spend (all categories)**

### **– Approvals Required / Documentation**

<b><i>New Works</i></b>		<b><i>Requirements</i></b>
<b>Min</b>	<b>Max</b>	
£10,000 – £100,000		<ol style="list-style-type: none"> <li>1. Capital Spend Appraisal Form completed and signed by requesting Departments Director.</li> <li>2. The Project must be in the Capital Budget.</li> <li>3. If the project is not in the Capital Budget then Council approval required, with officers advising Council and minuting that the project is not in the Capital Budget.</li> <li>4. Prior to Tender, spend must be authorised usually via a Committee, prior to approval by the Council.</li> </ol>
£100,001 – £750,000		<ol style="list-style-type: none"> <li>1. Capital Spend Appraisal Form completed and signed by requesting Departments Director.</li> <li>2. Business Case must be prepared by requesting Department (help may be obtained from the Finance Dept).</li> <li>3. The Project must be in the Capital Budget.</li> <li>4. If the Project is not in the Capital Budget then Council approval is required, with Officers advising Council and minuting that the Project is not in the Capital Budget.</li> <li>5. The Finance Director should be consulted as to the correct appraisal for these schemes.</li> <li>6. Prior to Tender, spend must be authorised usually via a Committee, prior to approval by the Council.</li> </ol>
Over £750,001		<ol style="list-style-type: none"> <li>1. Capital Spend Appraisal Form completed and signed by requesting Departments Director.</li> <li>2. Business Case or Economic appraisal must be prepared.</li> <li>3. The scale of the project will dictate whether a Business Case or an Economic appraisal.</li> <li>4. Economic appraisals will normally be carried out by external agencies.</li> <li>5. Project must be in the Capital Budget.</li> <li>6. If the Project is not in the Capital Budget then Council approval is required, with Officers advising Council and minuting that the Project is not in the Capital Budget.</li> <li>7. The Finance Director should be consulted as to the correct appraisal for these schemes.</li> <li>8. Prior to Tender, spend must be authorised usually via a Committee, prior to approval by the Council.</li> </ol>

<b>Replacement Items</b>		<b>Requirements</b>
<b>Min</b>	<b>Max</b>	
£20,000 – £250,000		<ol style="list-style-type: none"> <li>1. Capital Spend Appraisal Form completed and signed by requesting Departments Director.</li> <li>2. The Project must be in the Capital Budget.</li> <li>3. If the project is not in the Capital Budget then Council approval required, with officers advising Council and minuting that the project is not in the Capital Budget.</li> <li>4. Prior to Tender, spend must be authorised usually via a Committee, prior to approval by the Council.</li> </ol>
£250,001 – £750,000		<ol style="list-style-type: none"> <li>1. Capital Spend Appraisal Form completed and signed by requesting Departments Director.</li> <li>2. Business Case must be prepared by requesting Department (help may be obtained from the Finance Dept).</li> <li>3. The Project must be in the Capital Budget.</li> <li>4. If the Project is not in the Capital Budget then Council approval is required, with Officers advising Council and minuting that the Project is not in the Capital Budget.</li> <li>5. The Finance Director should be consulted as to the correct appraisal for these schemes.</li> <li>6. Prior to Tender, spend must be authorised usually via a Committee, prior to approval by the Council.</li> </ol>
Over £750,001		<ol style="list-style-type: none"> <li>1. Capital Spend Appraisal Form completed and signed by requesting Departments Director.</li> <li>2. Business Case or Economic appraisal must be prepared.</li> <li>3. The scale of the project will dictate whether a Business Case or an Economic appraisal.</li> <li>4. Economic appraisals will normally be carried out by external agencies.</li> <li>5. Project must be in the Capital Budget.</li> <li>6. If the Project is not in the Capital Budget then Council approval is required, with Officers advising Council and minuting that the Project is not in the Capital Budget.</li> <li>7. The Finance Director should be consulted as to the correct appraisal for these schemes.</li> <li>8. Prior to Tender, spend must be authorised usually via a Committee, prior to approval by the Council.</li> </ol>

## **Newry, Mourne and Down District Council**

**Policy** **Fixed Assets**\_\_\_\_\_

**Present to Finance & Resources Committee** **20 January 2015**

Ratified by Council 3 February 2015

## **Newry, Mourne and Down District Council**

### **Fixed Assets – Accounting Policies/Procedures**

#### **1.0 FIXED ASSETS REGISTER - GENERAL**

The Council operates **An Asset Register**, for all Assets.

The **Fixed Assets Register** fulfils 2 purposes, these being:-

- (i) It eventually will be a listing of all the assets, (either on an Inventory Register or an Asset Register) which the District Council owns.  
A definition of what is an asset, is contained in a later part of this booklet.  
Currently the two separate Registers are divided as follows:

##### **Inventory Register**

A listing of all non- Land and Property assets with a value of less than £2,000. These assets are not included in the Balance Sheet. (i.e. they are treated as Revenue Spend.)

##### **Asset Register**

A listing of All Land and Property Assets (irrespective of value) and All other assets with a value of £2,000 or more. These assets are included on the Balance Sheet.

- (ii) Where an asset is included on the Balance Sheet valuations, then the Trading Account is charged with depreciation.

#### **1.2 PROPERTY ASSETS**

All property/building purchases are recorded on the **Assets Register** and included in the Balance Sheet **independent** of value/cost. Balance sheet codes have been set up for these assets.

#### **1.3 NON PROPERTY ASSETS**

##### **1.3.1 DIMINIMUS**

Those assets which have a value of less than £2,000 will be recorded on the **Inventory Register** but they are **written off** as **Revenue Spend** in the accounts (i.e. they do not form part of the Assets Value in the Balance Sheet).

Assets with a value of £2,000 or more are held on the **Assets Register** and their value is reflected in the Balance Sheet of the District Council.



When an asset having a value of £2,000 or more is purchased then in Accounting terms its value is **Capitalised** whereas those assets which are purchased at less than £2,000 are treated as **Revenue Spend** and **written off** in the year of purchase.

There may be occasions when a number of assets with individual values of less than £2,000 are grouped together to bring the total to £2,000 or more and the total assets capitalised (i.e. a number of desks may be purchased for an office). Often whether or not assets are grouped depends on the “**Law of the Situation**”.

The final arbitrator in these matters will be the **Finance Department** and all matters relating to assets should be referred to Finance.

## 2.0 WHAT IS A FIXED ASSET (FOR INVENTORY AND/OR BALANCE SHEET PURPOSES)?

**A Fixed Asset must:-**

1. Have an expected life of 3 years or more.
2. Normally will be tangible (software would be intangible).
3. Have a value of £200 or more.
4. May have a value of under £200 but must be deemed to be a Desirable Commodity (in the opinion of the Departmental Manager).

## 3.0 TYPES OF FIXED ASSETS

Newry, Mourne and Down District Council classifies Fixed assets into the following categories:-

<b>Asset Category</b>	<b>Depreciation Rate</b>
Land and Buildings	Depends on property and classification
Landfill Site	Per Senior Finance person
Heritage Assets	20% per annum straight line (where deemed appropriate)
Plant and Machinery	20% per annum straight line
Vehicles	15% per annum straight line
Office Equipment	20% per annum straight line
Information Technology	33% per annum straight line
Miscellaneous Assets	20% per annum straight line

## 4.0 DEPRECIATION

### 4.1 DEPRECIATION RATE FOR PURCHASES DURING YEAR

Assets purchased during the year are depreciated at their full annual rate irrespective of the month during the financial year they are purchased.

### 4.2 DEPRECIATION OF ASSET DISPOSALS

Where assets are sold during a year, there is no depreciation in the year of sale/disposal.

## 5.0 PURCHASE OF FIXED ASSETS

All purchases of items including fixed assets must comply with the policy document – “**Purchasing Policy**” 7<sup>th</sup> October 2014. In essence no goods should be purchased unless they are purchased through the Purchasing Department and adhere to the “laid down procedures”.

The **Purchasing Officer** should be able to designate those items which are capital goods when the purchase order is raised. While it should be emphasised that the **Purchasing Officer** has an integral part to play, the **responsibility** will be with the **Departmental Manager** to designate whether or not goods are **Capital** in liaison with those purchasing goods or a member of the **Finance Staff**.

### 5.1 SMALLER VALUE ITEMS < £2,000

Items being purchased which are self evidently capital are not the problem, the problem arises where smaller items are being purchased which may or may not be classified as capital. A definition of capital items has previously been listed and this should be adhered to. In respect of the **smaller** items of capital these are classified as such in order that an inventory register of these goods can be kept to ensure that they are accounted for on the **twice annual inventory audit**.

The account codes which will be used to designate capital spend are:-

Category	Account Code £1,000 or more	Account Code < £3,000
Land – Complete Buildings – Complete Land & Buildings – under Construction	9025/Project Code*	N/A
Plant & Machinery		xxxx/1495
Vehicles		N/A
Office Equipment		xxxx/1497
Info.Tech (inc. software)		xxxx/1498
Misc. Equipment		xxxx/1499

- Obtain relevant project code from Finance Department

## 5.2 CAPITAL ITEMS OVER £2,000 (NON-LAND and/or PROPERTY)

Balance Sheet Codes have been designated (as at 5.1), and these items should be coded to the appropriate Balance Sheet Code.

## 5.3 ASSET ADDITION FORM

Where assets are being purchased then an asset additions form (Appendix 1) should be completed. The form should be completed and returned to the Finance Department as soon as the Asset is received.

Completion of the form is self-explanatory.

## 6.0 ACCOUNTING ENTRIES FOR CAPITAL GOODS/VALIDATION OF ENTRIES

When the **invoice** for goods is being account coded or accruals are being made then they will be coded from the purchase order.

The person responsible for the **Asset Register** and **Inventory Register** will regularly interrogate the Fixed Asset Balance Sheet Account codes and Revenue Capital items accounts (i.e. **those Account Codes as listed at 5.1**) codes to ensure the Assets in each meet the diminimus levels.

Where errors have occurred a journal should be used to make transfers to the correct accounts.

## 7.0 NUMBERING OF CAPITAL ITEMS

When goods are purchased which are **Capital** then a number will have to be allocated to these goods. The responsibility for the allocation of this asset number is the **Finance Department's** and it is anticipated that they would number the purchase of new items of capital on a monthly basis. The **Finance Department** should be able to pick up the purchase of capital items from the purchase order system and the goods should be numbered **after** they have been received. At the **year end** account will have to be taken of goods which have been purchased and are on the premises but have **not been paid for** and a number allocated to these items, as well as an accrual being made for their cost.

## 8.0 TRANSFER OF ASSETS

Where fixed assets are moved from one department to another (i.e. the movement of say a computer from finance to technical services or from one cost centre to a different cost centre) then a standard form must be completed. A copy of the standard form is enclosed in this brochure (Appendix 2). This standard form must be signed by the department head of the department which the goods are moving from and also the department head of the department to which the goods are moving to.

## 9.0 DISPOSAL OF GOODS

Where goods are being disposed of then the asset transfer form should be used and the form should be signed by the **Departmental Head** and the **Purchasing Officer**, also designating what is happening to capital assets which are moving off the premises.

## 10.0 ISSUE/RETURN OF ASSET TRANSFER FORM

These forms can only be obtained from the Finance Department.

These asset transfer forms should be returned to the finance department on a regular basis and only 1 asset transfer form should be used for each asset. Completion of the asset transfer form is self-explanatory.

**APPENDIX 1 – NEWRY, MOURNE AND DOWN DISTRICT COUNCIL**

**ASSET ADDITION NOTIFICATION FORM**

Asset Serial / Registration Number:

Internal Asset Number in user  
department (if applicable):

**DESCRIPTION OF ASSET**

Has Asset Number been put on asset?

Yes

☐

No

☐

When was asset delivered?

Where is asset kept?

Which Company supplied asset?

Which Department is responsible for asset?

Purchase Order No \_\_\_\_\_ Purchase Cost £ \_\_\_\_\_

Signature of Department Manager:

Date:

**FINANCE REFERENCES:**

Date: \_\_\_\_\_

Action by: \_\_\_\_\_

**RETURN FORM TO ACCOUNTING TECHNICIAN, FINANCE DEPARTMENT, MONAGHAN ROW**

**APPENDIX 2 - NEWRY AND MOURNE DISTRICT COUNCIL**

**FIXED ASSET TRANSFER/DISPOSAL FORM**

Date of Transfer/Disposal ..... Transfer from .....

Asset I.D. No ..... Transfer to .....

**DESCRIPTION OF ASSET**

.....  
.....  
.....  
.....

**REASON FOR ASSET TRANSFER/DISPOSAL**

.....  
.....  
.....  
.....

.....  
Signature of Department Head  
from which Asset is being transferred

.....  
Signature of Department Head  
to which Asset is being transferred

-----  
**FINANCE RECORD**

**ACTION TAKEN:** .....

.....  
.....

Date: ..... Actioned by: .....

**RETURN FORM TO ACCOUNTING TECHNICIAN, FINANCE DEPARTMENT, MONAGHAN ROW**

**Newry, Mourne and Down District Council**

**Policy Handling of Euro**

**Present to Finance & Resources Committee 16 December 2014**

**Ratified by Council 6 January 2015**

## **Newry and Mourne and Down District Council**

### **Procedure for handling the Euro**

The Council will accept Euros which includes the following Council owned centres:

- All Community Centres
- All Sports Centres
- Building Control Department
- Environmental Health Department
- Finance Department
- Kilbroney Park
- Markets
- Museum
- Registration
- Tourist Information Centres

The above centres will accept euro notes only. Change will be given in sterling notes and coins.

In order for these centres to know how much change to give they will be advised on a weekly basis by Accounts Receivable on the rate of exchange. This advice takes place via email.

When making lodgements two separate lodgement documents should be prepared. One lodgement slip completed for sterling lodgements with a separate lodgement slip for euro note lodgements.



# **Newry and Mourne and Down District Council**

## **Policy Hospitality**

**Present to Finance & Resources Committee 16 December 2014**

**Ratified by Council 6 January 2015**

## **Newry and Mourne and Down District Council**

### **HOSPITALITY PROCEDURES**

1. Kitchen staff will complete a Hospitality Form (Appendix 1) each time a member of staff requests goods from the canteen for Council business.
2. The following details will be recorded on each occasion:
  - (a) Name of the member of staff requesting hospitality;
  - (b) Date requested;
  - (c) Function/meeting;
  - (d) Details of goods provided;
  - (e) Cost.
3. The forms will be pre-numbered and a separate form(s) maintained for each department for the month.
4. At the end of each month kitchen staff will photocopy these sheets.
5. A copy of each department's sheet(s) will be sent to the head of department for approval. These sheets should then be returned to the finance department by the sixth working day of the month.
6. A hospitality file will be kept in the kitchen consisting of two sections as follows:
  - (a) Current month hospitality sheets;
  - (b) Copies of previous months' sheets – for audit purposes.
7. The finance department will prepare a summary of Council hospitality on a monthly basis.

## NEWRY AND MOURNE DISTRICT COUNCIL

Form No.  
GB

551

## HOSPITALITY FORM

DEPARTMENT \_\_\_\_\_

<u>Requested by</u>	<u>Date</u>	<u>Function/Meeting</u>	<u>Details of Hospitality</u>	<u>Cost</u> £	<u>A/c</u>	<u>Loc.</u> ?
	/ / 2015				1051	
	/ / 2015				1051	
	/ / 2015				1051	
	/ / 2015				1051	
	/ / 2015				1051	

APPROVED BY: \_\_\_\_\_

DATE: \_\_\_\_\_

**Newry, Mourne and Down District Council**

**Policy     Payment and Recovery of Advances to Councillors and Council Employees**

**Present to Finance and Resources Committee 16 December 2015**

**Ratified by Council 6 January 2015**

## **Newry and Mourne and Down District Council**

### **Procedure for Payment and Recovery of Advances to Councillors and Council Employees for Conferences/Courses**

All advances of monies for Conferences/Travel/Courses, whether employee or Elected Representatives will be recovered by the Payroll Department. These advances when paid out by the Accounts Payable Department will be coded as follows:

Employee Advances                      9990/93023

Elected Member Advances    9990/93024

When the money advanced is deducted by the Payroll Department then it will be coded to the same code as the original advance. Ideally advances should not be recovered prior to the Employee/Elected Member presenting their expense claim to the Wages Department. However if there is undue delay in an Employee/Elected Member presenting an expense claim, then the advance should be recovered from other monies.

At the end of each month designated Accounts Staff should ensure that the advances are reconciled to the Nominal Ledger and take action to recover advances outstanding above a reasonable time period.

**Newry Mourne and Down District Council**

**Policy Payment of Electricity Accounts**

**Present to Finance and Resources Committee 16 December 2014**

**Ratified by Council 6 January 2015**

## **Newry and Mourne and Down District Council**

### **Systems Procedure – Electricity Accounts**

#### **Procedures for the Payment of N.I.E. Bills within 14 Days in order to Avail of Discount Allowed**

- .....
1. N.I.E. offer the following discounts for the prompt payment of bills:
    - 5% discount for payment of quarterly bills within 14 days from date of invoice.
    - 4% discount for payment of monthly bills within 14 days from date of invoice.
  2. N.I.E. operates a system of Group Billing for Newry and Mourne District Council. As a result the Council receives only 2 bills per month for all its facilities ie :
    - 1 bill for quarterly accounts.
    - 1 bill for monthly accounts.
  3. The Group Bill for the monthly accounts is normally received around the 10<sup>th</sup> of the month. While the Group Bill for the Quarterly account is normally received by the 20<sup>th</sup> of the month.
  4. As the Council pays N.I.E. by cheque, N.I.E. will grant the discount retrospectively – ie the discount allowed will be included on the next bill.
  5. It will be the responsibility of the Clerical Officer, Accounts Payable to ensure that the Council receives the full discount available by ensuring:-
    - (i) That payments to N.I.E. are made on time.
    - (ii) That the retrospective discount allowed by N.I.E. is correct by reference to the previous N.I.E. invoices.
    - (iii) That the discount is received at all times.
  6. Should the Council for whatever reason not receive the discount from N.I.E, it will be the duty of the Clerical Officer, Accounts Payable to inform the Accounts Payable Supervisor and the Senior Accountant.

7. In order to make the payments on time to avail of the discount it will be necessary to pay the N.I.E. invoices before they have been certified. Certification of the invoices by the relevant Heads of Department can take place subsequently. Any adjustments necessary such as those for estimated bills can be taken up with N.I.E. directly by the Clerical Officer, Accounts Payable and included on subsequent invoices.
8. In order to avoid the error of paying the same invoices twice (ie by Manual Payment and by Computerised Payment) care must be taken to ensure that no computerised cheque is produced when putting invoices which have already been paid manually through the system in order that they appear on the history reports. This is achieved by selecting the Manual Payment option on the menu which ensures no cheque is produced by the computer.

All invoices paid by Manual Payment should be stamped "Manual Payment" in large red lettering.



**Newry and Mourne and Down District Council**

**Policy Petty Cash**

**Present to Finance & Resources Committee 20 January 2015**

**Ratified by Council 3 February 2015**

# Newry and Mourne and Down Council

## Petty Cash

### System for the operation of Petty Cash

1. The Petty Cash Box must be stored in a secure location.
2. The Petty Cash System is operated by the *(location)* clerical staff.
3. The Float is £-----
4. At any one time, the amount of money in the cash box plus the value of receipts issued must equate to £-----.
5. Periodically, the level of Float will be critically reviewed with a view to its adequacy, given the number of transactions.
6. Before Petty Cash is paid out, a receipt must be received and attached to the back of the Petty Cash Voucher. The Petty Cash Voucher must be signed by the recipient of the money and counter signed by the person paying out the money.
7. Each Petty Cash Voucher must be cost coded.
8. Occasionally, a person requests a payment of petty cash but does not have a Receipt. In these circumstances, discretion should be used in deciding if a payment can be made. If payment is to be made, a note must be taken of the name of the shop, date of purchase, amount of the purchase and recorded "receipt not issued". In addition to the usual two signatures, the Petty Cash Voucher must also be signed by the *(supervisor/head of department)*.
9. Details of each Petty Cash transaction must be entered in the Petty Cash Book.
10. The Float is replenished on an "as required basis" against vouchers issued to reimburse the Float to £-----. A summary should be sent to Accounts Payable, Finance Department, Monaghan Row, when replenishing the float.
11. In the event of a discrepancy in the Petty Cash, this must be reported to Internal Audit.

## **Newry and Mourne and Down District Council**

Policy Postage\_\_\_\_\_

Present to Finance & Resources Committee **20 January 2015**

Ratified by Council **3 February 2015**

## **Newry and Mourne and Down Council**

### **Postage**

#### **System for the operation of Postage**

The Postage System is operated by the (location) clerical staff.

The Float is £

At any one time, the amount of money in the post box plus the value of stamps on hand plus stamps issued must equate to £ .

Periodically, the level of Float will be critically reviewed with a view to its adequacy, given the number of transactions.

Each item of postage must be entered in the post book along with the amount of postage needed.

The Float is replenished on an “as required basis” against stamps issued to reimburse the Float to £ . The Post Box and Post Book should be sent to Accounts Payable, Finance Dept, Monaghan Row.

In the event of a discrepancy in the Postage Book, this must be reported to Internal Audit.

## **Newry, Mourne and Down District Council**

**Policy Provision and Payment of Broadband**

**Present to Finance & Resources Committee 16 September 2014**

**Ratified by Council 7 October 2014**

## **Newry, Mourne and Down District Council**

### **Broadband – Background**

There is inconsistency and confusion on the supply of Broadband to the 41 Councillors. To move the situation to a consistent basis for all 41 Councillors the following needs to be the situation.

1. All members should now have a desktop or laptop in their homes/offices supplied by the Council. This equipment is for use on Council and constituency business.
2. All members should now have a broadband server in their homes for linking to the computer at 1.
3. In some cases the broadband services has been arranged and paid for by the Council with the line cost and broadband cost being invoiced directly to the Council.
4. In other cases the broadband service is paid directly by the Council but not the line rental.
5. In other cases the Councillor had a broadband service and claims broadband cost or broadband and line cost from the Council.
6. Irrespective of whether the Broadband service is New (ie provided by the Council) or is using an existing service which the Councillor had; there should be no security risks when accessing Council networks as the Council Network can only be accessed via a secure VPN/SSL protocol.

## **Policy for Provision and Payment of Broadband for Members**

1. Councillors will all have access to Broadband.
2. Councillors will ensure their “Wi-Fi” connection is password protected (this will stop access to your Broadband network by others).
3. Council will pay for “Line Rental and Broadband” service.
4. Where the Council is already paying for Line Rental and Broadband direct (ie the Invoice is being sent to the Council, then the member does not need to take any action).
5. Where the Council is only paying directly for the broadband service then the member should claim the monthly line rental cost from commencement of the broadband service but no earlier than 01 June 2014 (this deals with the situation where Broadband was installed after 01 June 2014) via their monthly expense claim enclosing a copy of the invoice.
6. Where the Councillor has been using their existing service and the Council is making no contribution (ie Council did not install Broadband) they should claim monthly costs of Line Rental plus Broadband service from the Council via their monthly expense claim enclosing copy of invoice.
7. Councillors who currently pay their own line rental must identify that amount included in any package amount paid. If, due to the package that amount cannot be identified, then the Council will only refund the BT standard line rental.
8. Where the performance of non-Council installed Broadband is unsatisfactory, the Council will install a separate service and pay for this service. In the event this occurs, the Councillor will not be able to continue to claim for their own broadband service on their monthly expense claim.
9. Councillors should also be aware that when using Council computer equipment, it is possible for this equipment to be interrogated to ascertain how the equipment is being used.

<b>Agenda Item:</b>	<b><i>Item 5</i></b>
<b>Report to:</b>	<b><i>Finance and Resources Committee Meeting</i></b>
<b>Subject:</b>	<i>Elected Member ICT Policy</i>
<b>Date:</b>	<i>16 September 2014</i>
<b>Reporting Officer:</b>	<i>R Dowey</i>
<b>Contact Officer:</b>	<i>S McGivern</i>

<b><u>Decisions Required</u></b>	
Members are asked to note the contents of the report which was agreed at the Statutory Transition Committee Meeting on 2 April 2014	
1.0	<b><u>Purpose &amp; Background</u></b>
1.1	To update Members on the previously agreed administrative and ICT arrangements for the new Council.
2.0	<b><u>Key Issues</u></b>
2.1	<i>Administrative and Democratic support ICT provision and support (details attached)</i>
3.0	<b><u>Resource Implications</u></b>
3.1	None
4.0	<b><u>Appendices</u></b>
<ul style="list-style-type: none"> <li>▪ <b>Appendix I – Briefing paper to STC Meeting on 2 April 2014</b></li> </ul>	





<b>Report to:</b>	<b>Statutory Transition Committee (STC)</b>
<b>Subject:</b>	Administrative & ICT Arrangements for the Shadow Council period (2014/15)
<b>Date:</b>	2 April 2014
<b>Reporting Officer:</b>	Liam Hannaway, Chief Executive Designate
<b>Contact Officer:</b>	Johnny McBride, Change Manager

### **Decisions Required**

Members are asked to note the contents of the report, and consider and agree to the recommendations in relation to:

- **Administrative & ICT arrangements for the Shadow Council period; and**
- **Agree a preferred option for the provision of email accounts.**

#### **1.0 Purpose & Background**

- 1.1 The purpose of this report is to set-out for Members' consideration a number of recommendations to assist with securing administrative and ICT arrangements for the Shadow Council period (2014/15). This report should be read in conjunction with the previous report recommending interim governance arrangements for the same period.

#### **2.0 Key Issues**

##### **Administrative & Democratic Support**

- 2.1 Although it is understood that through subordinate legislation, the Shadow Council will be able to call on any staff resources in the two predecessor Councils to assist with its operation, there are a number of practical issues which will need to be given consideration in respect of administrative and democratic support.
- 2.2 Based on the existing practices of the two predecessor Councils, Officials have recommended the following arrangements:
- i. The adoption of paperless Meetings (hard copies can provided to those Members by exception);

	<ul style="list-style-type: none"> <li>ii. Notices of Meeting &amp; Agenda to be issued 5 working days in advance of Meetings;</li> <li>iii. Format for recording Meetings to be based on a hybrid of both predecessor Councils where an emphasis is placed on the recording of decisions as opposed to the recording of discussions. (This is currently used for the purposes of the STC);</li> <li>iv. Action Sheets (attached to the Minutes) to be used for the purposes of tracking decisions (<b>Appendix I</b>); and</li> <li>v. A new filing system to be set-up in both Monaghan Row and the Downshire Civic Centre to hold all relevant documentation concerning the Shadow Council. An agreed coding structure will be developed for this purpose.</li> </ul>
2.3	Members are asked to note that some of these arrangements may only be temporary until the new Council can secure appropriate ICT systems.
3.0	<b>ICT Provision &amp; Support</b>
3.1	<p>Members will recall that at the meeting in January 2014, the Committee gave some initial consideration to the some of the ICT issues that will need to be addressed to enable the new Council to operate effectively during the Shadow period (2014/15). These issues largely reflect the differing practices in both predecessor Councils, and the absence of common network infrastructure between the two administrative centres. They can be summarised as follows:</p> <ul style="list-style-type: none"> <li>i. Email &amp; Internet Access – securing suitable email and internet connectivity for the new Councillors to enable members of the public to contact them etc;</li> <li>ii. Provision of Hardware Devices –whether iPads, laptops, mobile phones or similar devices will be given to the new Councillors to enable them to access emails and perform their duties attached to Shadow Council business; and</li> <li>iii. Committee Management – securing arrangements to enable Councillors to access various documents attached to Shadow Council business (i.e. agenda etc).</li> </ul>
3.2	<p>Having given detailed consideration to the matter, the TMT has recommended the following:</p> <p><u>Email &amp; Internet Access</u></p> <ul style="list-style-type: none"> <li>i. Members will be provided with telephone line and broadband services to either the home or constituency office of all Councillors that are capable of supporting fixed line broadband services (estimated cost of £12,300 pa);</li> <li>ii. Members will be provided with mobile broadband / data services on the Windows Tablets or iPads issued to Councillors (estimated cost of £3,500 pa + £100 in cost for each device purchased);</li> </ul>

	<p><b><u>Hardware Devices</u></b></p> <ul style="list-style-type: none"> <li>iii. Members will not be provided with mobile phones;</li> <li>iv. Members will be provided with a laptop (if required for Council business) and either a Windows Tablet, iPad or equivalent depending upon personal preference;</li> <li>v. Members will be provided with a wireless multifunction device (print/scan/fax/copy) at either their home or constituency office. Replacement ink cartridges will be provided by the Council (estimated cost of £120 per Councillor + replacement cartridge costs); and</li> </ul> <p><b><u>Committee Management</u></b></p> <ul style="list-style-type: none"> <li>vi. The MinutePad system currently being implemented by Newry &amp; Mourne DC is adopted for use in the new Council (estimated cost of £113 per user).</li> </ul>
	<b>Email Accounts</b>
3.3	A key issue that Members will need to give consideration to is the use of an appropriate email accounts to be used during the Shadow period for those Councillors elected to the new Council. The Shadow Council will be a separate organisation to the two predecessor Councils; as a result Members may wish to begin to create a separate identify for this purpose.
3.4	<p>Based on the options considered at the STC Party Representatives' Meeting, it is recommended that new email accounts be registered for the new Council on an interim basis using the following shortened domain names.</p> <ul style="list-style-type: none"> <li>i. <a href="#">.gov.uk</a> (i.e. <a href="mailto:councillor@nmandd.gov.uk">councillor@nmandd.gov.uk</a> or equivalent)</li> <li>ii. <a href="#">.org</a> (i.e. <a href="mailto:councillor@nmandd.org">councillor@nmandd.org</a> or equivalent)</li> </ul>
3.5	The key issue for Members to consider is that these email accounts would only be a temporary arrangement until the Shadow Council can agree a new name, and subsequently register new email and website domains for the District. The use of either a <a href="#">.gov.uk</a> or <a href="#">.org</a> email account would be the individual choice of each Elected Member. It is understood that providing a choice presents no significant technical issues or difficulties for both predecessor Councils to address.
4.0	<b><u>Resource Implications</u></b>
4.1	There are no additional resource implications contained within this report as the recommendations will be funded from the agreed budget for the Shadow Council period (2014/15).
5.0	<b><u>Appendices</u></b>
	<ul style="list-style-type: none"> <li>▪ <b>Appendix I</b> – proposed Action Sheet format</li> </ul>

## **The rational for making these choices**

### **Home Broadband**

*It is essential the Councillors are provided with a dedicated fast, reliable broadband service at their home or constituency office to enable them to perform Council business effectively. Council will therefore provide telephone line and broadband services to either the home or constituency office of all Councillors that are capable of supporting fixed line broadband services.*

It was deemed inappropriate to offer Councillors an allowance for the use of existing personal broadband services as:

- i. Such personal broadband services can be utilised by other personal devices leaving limited bandwidth available for Council “traffic”.
- ii. The IT Department cannot support personal broadband contracts and equipment.
- iii. Should a personal broadband service be suspended, due to a late bill payment (for example), the service will become unavailable and the Councillor will be unable to carry out Council business effectively.
- iv. Council require specific configurations to be applied to the broadband routers to support wireless printing services, security requirements, etc. Many personal broadband routers do not support the required configuration.
- v. There is a significant overhead in administering claims by Councillors.
- vi. Significant delays are incurred when troubleshooting and supporting broadband services that are provided over third party land lines. (e.g. Virgin Media Broadband over a BT Land Line).
- vii. Council can obtain Value for Money when contracting for the supply of numerous Landline and Broadband services.
- viii. Council can avail of a strong Service Level Agreement when procuring Landline and Broadband services Councillors.

### **Computer Hardware**

Councillors are provided with either.

An Apple iPad and Laptop Computer or

A Windows Tablet Computer (with docking station and display screen if required)

It was never specified that Councillors would be provided with new equipment. Councillors should retain existing equipment where it is capable of supporting the technical requirements of the service.

### **Mobile Phones**

It was deemed inappropriate to provide Councillors with mobile phones as:

- i. Council will communicate with Councillors primarily via eMail and collaboration software. Such services are provided via the mobile tablet devices already allocated to Councillors.
- ii. Costs and governance issues associated with the provision of mobile phones.

**Newry and Mourne and Down District Council**

**Policy Refund Float – Technical/Leisure Services**

**Present to Finance & Resources Committee 20 January 2015**

**Ratified by Council 3 February 2015**

## **Newry and Mourne and Down Council**

### **Refund Float – Technical/Leisure Services**

#### **System for the operation of Refunds of overpayments for Wheeled Bins**

1. The Refund Cash Box must be stored in a secure location, which should only be accessed by nominated Safe Key Holders: Assistant Management Services Officer, Commercial Services Officer and Customer Services Officer.
2. The Refund System is operated by the Commercial Services Officer.
3. Refunds must only be given to customers who have made an overpayment for a wheelie bin.
4. The float is £100.
5. When refunds are made a refund voucher must be given to the customer and a copy placed in the cash box.
6. Details of each refund transaction must be entered in the Refund Book.
7. At any one time, the amount of money in the cash box plus the value of refunds given must equate to £100.00.
8. The float is replenished on an “as required basis” against refunds issued, to reimburse the float to £100.00. The cash box and refund book should be sent to Accounts Payable, Finance Dept, Monaghan Row.
9. Periodically, the level of float will be critically reviewed with a view to its adequacy, given the number of transactions.
10. In the event of a discrepancy in the refund monies, this must be reported to Internal Audit.

**Newry and Mourne and Down District Council**

**Policy Requests for Payments/Raising of Cheques**

**Present to Finance & Resources Committee 20 January 2015**

**Ratified by Council 3 February 2015**

## **Newry and Mourne and Down Council**

### **Implications/Procedure for Requests for Payments/Raising of Cheques**

#### **1. "A/C PAYEE ONLY"**

All Council cheques are crossed "A/C Payee Only"; therefore cheques issued can only be cashed by the payee.

#### **2. REQUISITION FOR PAYMENT**

Where authorised personnel seek the payment of an invoice through signing a *Cost Allocation Slip*, a *Cashier's Imprest Account Voucher* or a *Manual Payment* request, then the logical follow on to this will be the processing of this item for payment by the Finance Department. This payment will normally be made by BACS in the case of suppliers invoices, and, by cheque for urgent payment of suppliers invoices or "one off payments".

When authorised personnel authorise an invoice or request a miscellaneous payment, the responsibility and accountability for payment being due and goods & services being correct, rests with the authoriser. The authorising officer is the person who must be satisfied that all the relevant criteria have been met and the payment can properly be made. In other words the person who authorises a payment must take responsibility for that payment.

Finance will only query matters where there seems to be an "obvious problem" but they do not, as a rule, query properly authorised payment requests.

#### **3. PAYMENTS IN ADVANCE**

There is a history within the previous Councils of raising payments in advance of being able to make actual payment. This practice is not recommended and can lead to problems. In the past, cheques for large sums of money have had to be cancelled by the Finance Department, as the original conditions of payment were never met.

There is also a temptation to concur with the wishes of external grant aiding bodies by authorising payment for goods that have not been received with the result that the supplier is paid in advance. Finance (where they are aware of the situation) have refused to provide such payments of recent times. Paying in advance is an extremely dangerous practice; as in the event of receivership or liquidation of the recipient of the money; on a best-case scenario it could take months to secure the return of Council monies. In some situations the Council could end up losing the money and also receive no goods or services.



Paying money in advance, or, raising cheques in advance of the monies being payable, is high risk with a high probability, even in the tightest of controlled environments, of the release of the payment in error.

#### **4. ADVANCE PAYMENTS OF NECESSITY**

If advance payments MUST be made then the following is applicable.

4.1 Materiality

What amount is involved? Small amounts say less than £250 would cause much less concern than larger amounts.

4.2 Reason for Payment

What is the underlying reason for the payment? Sometimes where a credit account is not held with a supplier, payment in advance will be required. This practice should be the exception and relate to small purchases only i.e. less than £250.

4.3 Authorisation for Advance Payments (Including Voluntary Contributions)

**For Amounts Less Than £250** - it should be the Director of the Department.

**For Amounts Over £250 and Less Than £2,000** - The Director of Department authorises and informs the Head of Finance in writing.

**For Amounts More Than £2,000** - it should be authorised by the Clerk of the Council with Head of Finance being informed in writing.

4.4 Recording of Advance Payments

Provided Finance are informed of these transactions, it will be their responsibility to maintain a record of them and remind originators of the need to bring each payment to a state of finalisation.

#### **5. VOLUNTARY CONTRIBUTIONS NEEDING A LEGAL AGREEMENT**

In recent times the number of legal agreements has decreased due to smaller sums of money being paid to any one group. Normally a legal agreement is only asked for if the sum being paid is £10,000 or more. In exceptional circumstances a lower limit may be applied.

No monies should be released to the Solicitor unless a written request has been received.

Please note, all cheques for Voluntary Contributions requiring a legal agreement are made payable to the "Group Receiving The Monies" and handed over to the Solicitor, who in turn, gives the Council cheque to the group when all the legal formalities have been completed.

With cheques crossed "A/C Payee Only" and made payable to the voluntary group, it is not possible for the cheques to be lodged to a third party bank account.

**Newry and Mourne and Down District Council**

**Policy Strategy for Labelling of Assets**\_\_\_\_\_

**Present to Finance & Resources Committee 16 December 2015**

**Ratified by Council 6 January 2015**

## **Newry and Mourne and Down District Council**

### **Strategy for Labelling of Assets**

#### **1. Land and Buildings**

Will not have a label.

#### **2. Vehicles**

Label will be Registration Number.

Vehicles with no registration number will be identified by their “etched number” which will be allocated and put on the vehicle by Tech Services. The Chassis number/serial number will also be an identifier, but there should be a “unique NMDC identification number”.

#### **3. Plant and Machinery**

There will be a “unique NMDC number” given to these items and usually “etched” onto the item. Complete with an id plate.

#### **4. Office Equipment/Furniture etc.**

In many instances there will be no identification number but assets will be identified by site location.

For example Newtownhamilton Community Centre

All of above which will include tables/chairs, kettles, etc will be listed under a heading “Newtownhamilton Community Centre”, Office Equipment/Furniture, etc”. The complete list will be held of every item on the computer Asset Listing, but not all items will have an asset label.

The checking of these physical items will take place by Centre staff on a bi-annual basis. The checking will be done by using the Asset List provided by Finance.

#### **5. IT Equipment including Photocopiers**

These items will all have a “unique identification number” on each item.

#### **6. Asset Movements**

Any Asset movements during the year must be reported to Finance – Accounting Technician on the “Assets Disposals/Transfer Form”. Failure to do this will result in difference when the physical bi-annual verification of assets takes place against the “Book Stock of Assets” held by Finance.

**Newry and Mourne and Down District Council**

**Policy: Procedure for Writing off Bad Debts**

**Present to Finance & Resources Committee: 16 December 2015**

**Ratified by Council: 6 January 2015**

## **Procedure for Writing off Bad Debts**

1. Attached is a flow chart of the Councils Accounts Receivable process.
2. The generality of debts will follow this procedure.
3. However in certain cases relatively small debts (less than £100) may not be taken through a debt recovery process to minimise cost.
4. Larger debts which go through the recovery process are written off the ledger, as a bad debt. In certain cases the Council will be allowed a “legal charge” against a debtors assets, however in this case the debt will still be treated as bad, and in the event of recovery “written back”.
5. Records are kept of all “bad debt write offs”, in case at a future date the debt comes good.
6. Criteria for writing off bad debts.
  - 6.1 How long has the debt been outstanding?
  - 6.2 How much is the debt?
  - 6.3 Is the debt likely to be recoverable (i.e. if company is in receivership/administration or the individual is bankrupt) then the debt will be written off?
  - 6.4 Are there other known factors which mitigate against the collection of the debt (i.e. dispute of debt, lack of evidence to substantiate debt)?
7. When 6.1 to 6.4 is considered and if no clear case exists, for writing off the debt, then the write off often comes down to a “judgement call” by the Director of Finance.
8. A listing of all Bad Debt “proposed write-offs” is taken for approval to the Finance Committee prior to actually writing off the debt.

## Newry and Mourne District Council – Financial Processes

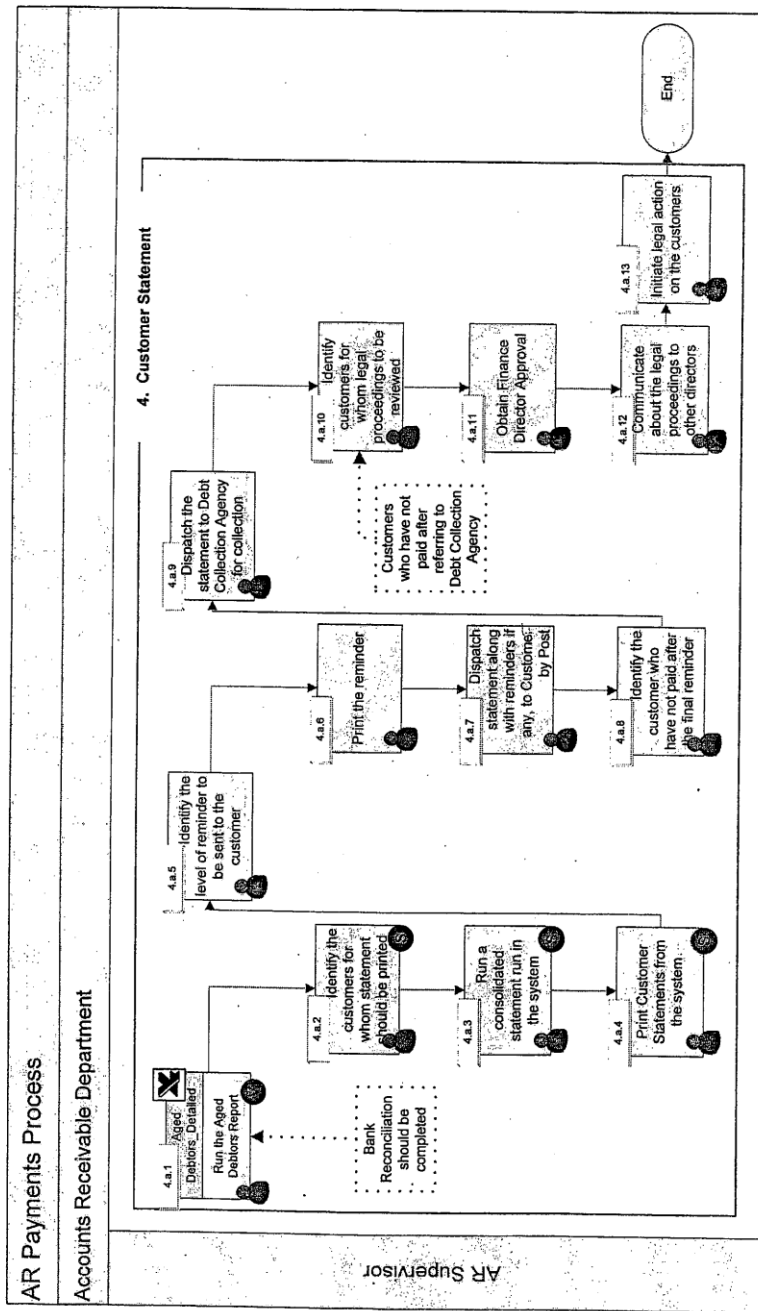


Figure 25-ARP Customer Statement

# **Freedom of Information Procedure**

## **Procedure Overview**

This Procedure outlines Newry, Mourne and Down District Council's ("the Council") commitment to the Freedom of Information Act 2000 ("the Act") and provides a framework for the Council's compliance with and implementation of the Act.

## **Introduction**

The Freedom of Information Act 2000 gives the public the legal right to access information held by public authorities (subject to a number of legal exemptions established by the Act).

The Act applies to all recorded information which the Council holds including (but not limited to) any information which is created, received and maintained by Council Officers and Elected Members on behalf of the Council. The Act is fully retrospective so any past records held by the Council are covered by the legislation.

The aim of the Act is to promote a culture of openness and accountability in local Government and to facilitate a better understanding of how we, as a Council, conduct our duties, make decisions and spend public money.

The Freedom of Information Act is part of a series of legislation providing individuals with the right to access information held by public bodies. The legislation includes:-

- The Data Protection Act 1998. This legislation gives individuals the right to access personal information held about them by the Council (subject to a number of legal exemptions to disclosure) and;
- The Environmental Information Regulations 2004. This legislation gives individuals the right to access information held by the Council regarding the environment (subject to a number of legal exemptions to disclosure).

## **The Procedure for Making a Request**

All requests for information held by Newry, Mourne and Down District Council should be made in writing setting out a clear description of the information required by the Applicant. Ideally, requests should be addressed to the Freedom of Information Officer at Newry, Mourne and Down District Council, but, requests (falling within the remit of the Freedom of Information Act) received by other Officers / Elected Members will nonetheless be processed in accordance with the legislation. When submitting a request for information to the Council there is no need for individuals to expressly indicate that they are making their request under the Freedom of Information Act 2000 as all requests for information received in writing will ordinarily be treated as Freedom of Information requests by the Council.

## **Newry, Mourne and Down District Council's Handling of Requests**

Newry, Mourne and Down District Council will offer advice and assistance to any person wishing to make a request for information.

Where a request for information is received by Newry, Mourne and Down District Council the Council will ask the Applicant to provide their full name, postal address and contact telephone number. Where the request is being made on behalf of a Company the Council will ask the Applicant to provide the name of the Company on whose behalf the request is being made.

Any person who makes a request to the Council for information will be informed within 20 working days from the date of receipt of their request whether the Council holds the information requested. If the Council holds the information requested the Applicant will be provided with the information within 20 working days of the date of receipt the request (subject to legal exemptions). Please note that 20 working days is the statutory maximum period within which public bodies must respond to a request. The Council will, however, endeavour to provide information to Applicants in as short a timeframe as possible. Please also note that the statutory period of 20 working days may be extended in limited circumstances and the Applicant will be advised if this is the case.

Newry, Mourne and Down District Council may request clarification in relation to a request for information. Clarification may be sought in order to assist the Council in identifying and locating information relevant to a request. Where the Council requires clarification to be provided by an Applicant the Council will inform the Applicant of this as soon as reasonably possible following receipt of the request. Where clarification is sought the statutory period of 20 working days for dealing with the request will be suspended until clarification has been provided. The Applicant will then be given a period of 1 month within which to provide clarification. If clarification is not provided within this period the Council will no longer proceed with the request.

Where the Council does not hold the information being requested but the Council is aware that another organisation may hold the information the Council will advise the Applicant to contact that organisation and, where possible, will provide up to date contact details for that organisation.

### **Third Party Information**

Where the information being requested is held by the Council but was created by or relates to third parties the Council will take reasonable steps, where appropriate, to contact the third party to advise them of the request. Whilst the Council will take the views of third parties into account in deciding whether or not to release information relating to them the final decision on whether the information will be disclosed rests with the Council.

### **Statutory Exemptions to the Duty to Disclose Information**

Under the Freedom of Information Act 2000 the Council may refuse to provide information where it believes the information is subject to one or more of the legal exemptions to disclosure prescribed under the Freedom of Information legislation.

In applying the legal exemptions to information held by the Council the Council will at all times maintain a commitment to openness, scrutiny and the public interest.

A full list of the exemptions prescribed under the Freedom of Information Act 2000 is attached at Appendix A hereto.

Some exemptions are absolute and if invoked there is no obligation on the Council to consider the request for information further. However, most of the exemptions under the Act are qualified exemptions and are subject to the Public Interest Test. The Public Interest Test is the test applied to information to determine if the public interest in disclosing the information is greater than the public interest in applying an exemption and not disclosing the information. The Council will apply the Public Interest Test in all cases where qualified exemptions apply.

Where a request for information is refused the Council will, in most cases, confirm the fact that the Council holds the information and will provide the Applicant with details of the legal exemption under which the Council is refusing to provide the information. The Council will also provide details of the reason that the exemption has been applied to the information in question. However, in some cases, the Freedom of Information Act recognises that it would not be appropriate to even confirm or deny whether the Council holds certain information. Where this is the case the Council will, in accordance



with Section 17 of the legislation, issue a Refusal Notice stating the fact of refusal, the exemption being used and the reason why the exemption applies.

In addition to the legal exemptions referred to above the Council may refuse a request where the cost to the Council of locating, retrieving and extracting the requested information would exceed the appropriate time and cost limits set by the Freedom of Information Act 2000. These limits are currently set at £450 or 18 hours of a Council Officer's time. Where this amount will be exceeded the Council will inform the Applicant of this and may refuse the request or issue a Fees Notice to the Applicant specifying the fee payable. Where a Fees Notice is issued the statutory period of 20 working days for dealing with the request will be suspended until payment of the Fee has been received by the Council. The Applicant will be given a period of 1 month within which to make payment of the Fee. If the Fee is not received within this period the Council will no longer proceed with the request.

The Council reserves the right to refuse a request on the basis that the request is vexatious. In deciding whether a request is vexatious the Council will look at each case individually and will take into account all the circumstances of the case.

Further, where the Council has previously complied with a request for information which was made by any person the Council is entitled to refuse a subsequent identical or substantially similar request from that person unless a reasonable interval has elapsed between the compliance with the previous request and the making of the current request. The Council will determine whether or not a reasonable interval has elapsed on a case by case basis.

### **Responsibilities of Council Officers**

All Council Officers who hold or process information covered by the Freedom of Information Act (i.e. all recorded information held by Newry, Mourne and Down District Council) are responsible for complying with the Freedom of Information legislation and the terms of the Council's Freedom of Information Policy and Procedures.

Requests under the Freedom of Information Act can be made to any Council Officer. All Officers who receive requests for information that cannot be dealt with within the normal everyday requirements of their role and function should ask the Applicant to put their request for information in writing to the Officer responsible for Freedom of Information at the Council. Alternatively, the Officer can themselves transfer the request to the responsible Officer and advise the Applicant accordingly. If an Officer is in doubt as to whether a request for information requires to be dealt with under the terms of the Freedom of Information Act the Officer should immediately contact the Officer responsible for Freedom of Information for assistance. All transfers of requests to the Officer responsible for Freedom of Information should be made immediately upon receipt of the request to allow the Officer sufficient time to deal with the request within the statutory timeframe as set down by the Freedom of Information legislation. Where an Officer deals with a request for information within the normal everyday requirements of their role they should be aware that they have a duty to provide all of the information requested within 20 working days of the date of receipt of the request.

When requested by the Officer responsible for Freedom of Information to provide information requested under the Act all Council Officers must provide all information held by them in relation to the request. If an Officer is unsure whether information they hold is relevant to a request they should check this with the Officer responsible for Freedom of Information.

Whilst the Council has a statutory maximum period of 20 days within which to respond to a request Officers will be required to provide the Officer responsible for Freedom of Information with the requested information within the timeframe as specified by the Officer. This to ensure that the Freedom of Information Officer has sufficient time within which to consider the information in light of the Freedom of Information Act 2000, contact relevant third parties and redact exempt information where necessary.

It is an offence to wilfully conceal, damage or destroy information in order to avoid responding to a request. It is therefore important that no records that are the subject of a request are amended or destroyed.

All Council Officers are also responsible for good information handling practice and implementing records management policies and procedures as appropriate.

When a request is made for information and that information includes the names of employees in connection with their work on behalf of Down District Council the question of disclosure of the employee's name will be looked at on a case by case basis. The main consideration in deciding whether to release the names of employees in connection with their work on behalf of the Council will be whether it is fair in all the circumstances to identify an individual employee. Special consideration will be given where the disclosure of an employee's name would cause unwarranted damage or distress to that individual.

### **Responsibilities of Councillors**

For the purpose of the Freedom of Information Act 2000 individual Councillors are not deemed to be public authorities. However, information received, created or held by a Councillor on behalf of the Council will be covered. This includes information received, created or held by a Councillor outside of the Council Chamber / Council Offices where the information forms part of their work as a Councillor on behalf of Newry, Mourne and Down District Council. Correspondence between Councillors or information held by a Councillor for their own private, political or representative purposes will not usually be covered.

As Councillors are not public authorities in their own right they have no obligation to respond to a request for information addressed to them individually. However, as a matter of good practice, a Councillor should explain this to the Applicant and, with the permission of the Applicant, pass the request to the Officer at the Council responsible for Freedom of Information. All transfers of requests to the Officer responsible for Freedom of Information should be made immediately upon receipt of the request to allow the Officer sufficient time to deal with the request within the statutory timeframe set down by the Freedom of Information legislation.

When requested by the Officer responsible for Freedom of Information to provide information requested under the Act all Councillors must provide all relevant information held by them in their role as an agent or representative on behalf of Newry, Mourne and Down District Council. If a Councillor is unsure whether information they hold is relevant to a request they should check this with the Officer responsible for Freedom of Information.

Whilst the Council has a statutory maximum period of 20 days within which to respond to a request Councillors are required to provide the Officer responsible for Freedom of Information with the requested information within the timeframe as specified by the Officer. This to ensure that the Freedom of Information Officer has sufficient time within which to consider the information in light of the Freedom of Information Act 2000, contact relevant third parties and redact exempt information where necessary.

It is an offence to wilfully conceal, damage or destroy information in order to avoid responding to a request. It is therefore important that no records that are the subject of a request are amended or destroyed.

Councillors should be aware that where their names appear on any recorded information or documentation held by them or by the Council in connection with their work on behalf of the Council their names and position within the Council will ordinarily be disclosed under the Freedom of Information Act as a matter of course.

### **Charging**

The Council will endeavour to provide most information requested under the Act without charge to the Applicant. However, as above the Council reserves the right to refuse a request for information or issue a Fees Notice where the cost of providing the information would exceed the statutory limit of £450 or 18 hours of Council Officers' time. Where this is the case the Council will inform the Applicant and provide advice and assistance to them.

Where a request for information can be resolved within the limits outlined above the Council will not levy a fee for providing the information electronically. However, if information is required to be provided in hardcopy the Council reserves the right to charge Applicants for both photocopying and posting the requested information to the Applicant. Photocopying will be charged at the cost to the Council of copying the information and postage will be charged at the cost to the Council of posting the information.

In terms of charging an Applicant for photocopying and postage the Council will not ordinarily charge any fees unless the collective cost to the Council of photocopying and posting the information requested would exceed £10.00 (Ten Pounds). However, if a document cannot be copied internally (for example, due to the size of the document) and therefore requires to be photocopied externally a charge will automatically be levied at the cost to the Council of photocopying the document externally.

In order to determine whether the costs of the request exceed the £10.00 limit referred to above the Council will estimate the costs of photocopying and posting the information. Where this is deemed to be in excess of £10.00 a Fees Notice will be issued to the Applicant setting out the likely costs of providing the information. Where a document cannot be photocopied internally the Applicant will be informed of the likely costs of externally photocopying the document. The information will not be provided to the Applicant until such time as the fees due to the Council have been discharged. Where a fee is sought the statutory period of 20 working days for dealing with the request will be suspended until the fee has been received by the Council. The Applicant will be given a period of 1 month within which to make payment of the fee to the Council. If payment is not received within this period the Council will not proceed with the request.

### **Publication Scheme**

In accordance with Section 19 of the Freedom of Information Act 2000 the Council maintains a Publication Scheme and is committed to updating and maintaining it. The Council has adopted the Information Commissioner's Model Publication Scheme.

The information that the Council routinely makes available to the public is included in the Publication Scheme which sets out the classes of information available and guidance on how this information can be accessed. Details of material contained in the Council's Publication Scheme and a copy of the Scheme are available on the Council's website at:

### **Complaints & Reviews**

Where an Applicant is unhappy with the response provided by the Council in relation to a request for information or where the Applicant is dissatisfied with the way in which their request has been handled they may apply to the Council for an Internal Review of the Council's response in the first instance. When responding to an information request the Council will inform all Applicants of their right to an Internal Review. Internal Reviews can be requested by contacting the Freedom of Information Officer and requesting a Review of the Council's initial response. All Reviews will be handled by TBC ("TBC") or, in the absence of TBC, by an Officer more senior than the Officer responsible for the Council's initial response. The Council will accept a complaint or a request for a Review in relation to an information request no later than 2 calendar months after the date of the original response to the Applicant. The Applicant will be advised in writing of the outcome of the Internal Review within 20 working days of the date of receipt by the Council of the request for the Review.

Where the Applicant is unhappy with the outcome of any Internal Review conducted by the Council the Applicant may apply to the Information Commissioner's Office (ICO) for a review of the Council's decision. The Council will inform all Applicants of their right to appeal the outcome of an Internal Review to the Information Commissioner's Office. The contact details for the ICO are as follows:

Information Commissioner's Office

51 Adelaide Street

Belfast

BT2 8FE

Tel: 030 3123 1114

[www.ico.gov.uk](http://www.ico.gov.uk)

### **Monitoring & Reviews**

To ensure this Procedure complies with the terms of the Freedom of Information Act 2000 and meets the needs of the Council it will be reviewed annually.

### **Contacts**

TBC

# Appendix A

## Statutory Exemptions to the Disclosure of Information under the Freedom of Information Act 2000

1. Information Accessible By Other Means (Section 21)
2. Information Intended For Future Publication (Section 22)
3. Information Supplied by, or Relating to, Bodies Dealing with Security Matters (Section 23)
4. National Security (Section 24)
5. Certificates under ss. 23 and 24: Supplemental Provisions (Section 25)
6. Defence (Section 26)
7. International Relations (Section 27)
8. Relations within the United Kingdom (Section 28)
9. The Economy (Section 29)
10. Investigations & Proceedings Conducted by Public Authorities (Section 30)
11. Law Enforcement (Section 31)
12. Court Records (Section 32)
13. Audit Functions (Section 33)
14. Parliamentary Privilege (Section 34)
15. Formulation of Government Policy (Section 35)
16. Prejudice to the Effective Conduct of Public Affairs (Section 36)
17. Communications with Her Majesty etc & Honours (Section 37)
18. Health & Safety (Section 38)
19. Environmental Information (Section 39)
20. Personal Information (Section 40)
21. Information provided in Confidence (Section 41)
22. Legal Professional Privilege (Section 42)
23. Commercial Interests (Section 43)
24. Prohibitions on Disclosure (Section 44)

# Freedom of Information Policy

## **Title**

Newry, Mourne and Down District Council Freedom of Information Policy.

## **Statement**

The Council endorses the Freedom of Information Policy as a framework for the Council's compliance with and implementation of the Freedom of Information Act 2000.

## **Aim**

The aim of the Freedom of Information Policy is to ensure the Council's compliance with and consistent application of the Freedom of Information Act 2000. Newry, Mourne and Down District Council is committed to providing sufficient resources and appropriate training to ensure the Council achieves this objective.

The Policy will be implemented in the public interest to promote a culture of openness and transparency in Council.

## **Scope**

The Council recognises the right of individuals to access official Council information in accordance with the terms of the Freedom of Information Act 2000.

The Policy applies to all recorded information which the Council holds including (but not limited to) any information which is created, received and maintained by Council Officers and Elected Members on behalf of the Council. The Act is fully retrospective so any past records held by the Council are covered by the legislation.

All Council Officers and Elected Members are responsible for complying with the terms of the Freedom of Information Act 2000. All Officers and Members are also expected to comply with the Council's Policy and Procedures in relation to Freedom of Information. Non-compliance with the Act and the Council's Policy & Procedures on Freedom of Information may result in the Council breaching its' legal obligations under the Act. This, in turn, may result in Newry, Mourne and Down District Council being the subject of formal action by the Information Commissioner's Office.

## **Related Policies / Legislation**

Freedom of Information Act 2000

Data Protection Act 1998

Environmental Information Regulations 2004

Newry, Mourne and Down District Council's Publication Scheme

## **Definitions**

The "Act" means the Freedom of Information Act 2000.

The "Information Commissioner's Office" means the independent authority set up to uphold information rights in the public interest.

## **Policy Owner**

TBC

**Contact Details**

TBC

**MT Authorised on**

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**Governance Committee  
Authorised on**

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**Council Authorised on**

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**Policy Effective Date**

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**Policy Review Date**

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**Procedures**

The Freedom of Information Procedures attached hereto must be adhered to in the delivery of this Policy.

**Equality Impact Assessment**

This Policy has been assessed on XXXX under Newry, Mourne and Down District Council's Equality Impact Assessment process and has been screened out as having no impact on any of the groups designated in Section 75 of the Northern Ireland Act 1998.



# Environmental Information Procedures

## 1. Introduction

- 1.1 The Environmental Information Regulations 2004 (EIR) came into force on 1 January 2005. They updated the previous (1992) regulations and brought the UK into line with international requirements.
- 1.2 EIR gives certain rights of access to environmental information to the general public.
- 1.3 All environmental information held by the Council, both paper and electronic documents (including email), is considered to be publically available. All information, unless subject to an exception, will be released if requested.
- 1.4 This document replaces any previous Environmental Information Regulations policy documents created by this Council's predecessors.
- 1.5 Newry, Mourne and Down District Council shall make its own decisions in relation (but not limited) to access to information and shall not be bound by previous decisions of its predecessors.
- 1.6 Reference to any document, guidance note, Act or regulation includes any amendment made from time to time.

## 2. Scope

- 2.1 The purpose of this document is to define the elements of the Council's EIR procedures which include:
  - Confirmation that the Council will comply with the EIR Regulations (2004)
  - The duties imposed by the Regulations and how the Council intends to discharge those duties
  - Responsibility for ensuring Council compliance
  - Charges
  - Appeals
  - The role of Department for Environment, Food and Rural Affairs (Defra)
  - The role of the Information Commissioner

## 3. What is covered by the Act?

- 3.1 Regulation 2(1) states that environmental information is information held in any format on any of the following:
  - The state of the elements of the environment, such as
    - Air and atmosphere,
    - Water, soil, land, landscape and natural sites including wetlands, coastal and marine areas,
    - Biological diversity and its components; genetically modified organisms, and the interaction among these elements.

- 3.2 Substances:
- . Energy,
  - . Noise, radiation or waste, including radioactive waste,
  - . Emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment referred to in (a);
  - . Measures (including administrative measures) such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the environment.
- 3.3 Reports on the implementation of environmental legislation.
- 3.4 Cost-benefit and other economic analysis and assumptions used within the framework of the measures and activities referred to above.
- 3.5 The state of human health and safety, including the contamination of the food chain, where relevant, conditions of human life, cultural sites and built structures inasmuch as they are or may be affected by the state of the elements of the environment referred to in 3.1 or, through those elements, by any of the matters referred to in 3.2 and 3.3 above.

#### **4. Roles and responsibilities**

##### **TBC**

- 4.1 **TBC** or their delegated officer is responsible for:
- . Providing legal support for compliance with EIR,
  - . Providing impartial reviews in the case of appeals where the monitoring/freedom of information officer has had direct dealings in the original response.

##### **Corporate Freedom of Information Officer/Legal Advisor**

- 4.2 This person has delegated responsibility for the following:
- . Drafting guidance to process access requests made under the Act
  - . Logging and monitoring the volume of access requests and ensuring compliance
  - . Ensuring appropriate and adequate training is delivered to Council officers/members
  - . Providing technical support and guidance to Council officers as necessary
  - . Liaison with **TBC** over the application of qualified exceptions
  - . Leading the internal appeals process.

##### **Services Managers**

- 4.3 Service Managers or delegated officers are responsible for:
- . Complying with this policy and any associated procedures in handling requests.
  - . Ensuring that their teams maintain their information in a way that is compatible with ensuring an effective and efficient response to any request.
  - . Providing access to information following a request.
  - . Ensuring that their officers are appropriately trained in their responsibilities under the Act.

## **Officers/Elected Members**

- 4.4 All Officers/Elected Members have a responsibility to:
- Assist in the processing of requests in accordance with the Council's Policy and Procedures.
  - Advise and assist the public in obtaining the information they require.
  - Ensure that information is created and managed in accordance with the Council's policies and procedures.

## **5. Codes of Practice**

- 5.1 The Council will ensure its compliance with EIR according to the codes of practice issued from time to time by the Department for Environment, Food and Rural Affairs (Defra).

## **6. Access Rights**

- 6.1 From 1 January 2005 the EIR gave a general right of access to the public for recorded environmental information. EIR applies to all public authorities in England, Wales and Northern Ireland.
- 6.2 'Public authority' means government departments and any other public authorities. This definition is the same for both EIR and Freedom of Information (FOI); but in addition EIR includes the following authorities that are not covered by FOI:
- Any other body or other person, that carries out functions of public administration, such as utility companies; or
  - Any other bodies or other persons under the control of the aforementioned, such as waste contractors performing waste collection on behalf of the local authority.
- 6.3 The Regulations allow retrospective access to all Council information that is in the public domain.
- 6.4 The Council will respond to requests for environmental information within the 20 working days time limited. In certain circumstances, under Regulation 7 of the EIR, the Council may extend that deadline up to a maximum of 40 working days (if it reasonably believes that the complexity and volume of the information requested means that it is impracticable to comply with or refuse the request within the shorter period).
- 6.5 The Regulations list exceptions under which disclosure can be refused. All of these require a 'public interest test' to determine if it is in the public interest to disclose the information. See section 10 of this Policy for further details.
- 6.6 See Appendix A for a summary of relevant exceptions.

## **7. Disclosure Log**

- 7.1 The Council's Legal Advisor will log all Freedom of Information and Environmental Information requests for tracking and audit purposes and will be able to identify repeat, similar or vexatious requests.
- 7.2 Multiple requests for information on a particular subject will prompt the Legal Adviser to consider adding it to the Publication Scheme during the annual review.

## **8. Charges**

- 8.1 Under Regulation 8 of the EIR the Council may charge the applicant for environmental information. Access to and viewing of Environmental Information that forms part of a public register will be free of charge. It is at the Council's discretion to make a reasonable charge for Environmental Information that does not form part of the public register (or for copies thereof). If it levies a fee the Council will act in line with Defra's most recent Fee guidance.
- 8.2 The charge will cover only the processing and making available of the information and not the time taken to consider any exceptions. A Charges Schedule will be made available to the requester. Where advanced payment is required the case will remain active for 60 working days until payment is received. During this period the response time for dealing with the request will be put on hold.
- 8.3 A regular and transparent system for reviewing such charges will be in place. Requesters may appeal to **TBC** for a review of any such charges made.
- 8.4 The Council will not comply with any request for information that is 'manifestly unreasonable' as defined in Regulation 12(4) of the Regulations. This also applies to repeated and vexatious requests.

## **9. Requests**

- 9.1 Environmental information requests should be submitted to the Legal Advisor for logging and processing. Enquiries can be made via the following channels:
  - . **In person:** At Council offices
  - . **By post:** Legal Advisor - **TBC**
  - . **By fax:** **TBC**
  - . **By e-mail:** **TBC**
- 9.2 Note – EIR requests do not have to be submitted in writing, they can be received verbally.

## **10. Exceptions and the Public Interest Test.**

- 10.1 On all requests for environmental information, the Council is required to conduct a public interest test to determine if it is in the public interest to release the requested information.

- 10.2 The presumption is that environmental information must be released, unless there are compelling and substantive reasons to withhold it. The Regulations list the conditions under which a body can refuse information (see Appendix A for further information).
- 10.3 A request for information will be refused (or information redacted) if:
- . Information is not held (then there is a duty to refer the request onwards as appropriate).
  - . The request is manifestly unreasonable, such as vexatious requests, continuous questioning and multiple questions on the same theme.
  - . The request is too general (after fulfilling the duty to advise and assist), such as a request for pollution incidents in the Mourne Area. This would be far too general as there are different types of pollution matters, e.g. air, water, land etc.
  - . The request is for unfinished documents or data (in which case estimated time for completion will be given) such as contaminated land prioritisation lists.
  - . The request is for internal communications (as with all EIR exceptions, the public interest test must be applied), such as unfinished data being sent to others in the Council, in draft format, information between the Northern Ireland Environment Agency and the Council; information regarding on-going or closed accident investigations.
- 10.4 Information may also be withheld or redacted in order to protect the following, subject to the public interest test:
- . Confidentiality of proceedings
  - . International relations/public security/defence
  - . The course of justice and right to fair trial
  - . Commercial confidentiality
  - . Intellectual property rights
  - . Personal Information
  - . Data supplied voluntarily
  - . Environmental protection
- 10.5 On receipt of a request to supply information, Service Managers should advise the Legal Advisor on any potential exception that needs to be considered. The Legal Advisor will conduct the public interest test and where necessary, seek advice from TBC. If there is equal weight between withholding information and disclosing, the Council will disclose.
- 10.6 The final say on applications of the public interest will rest with the TBC. Where an exception may apply to all or part of the information requested, the requestor will be notified in writing, citing the relevant exception. The Legal Advisor will maintain an audit trail of decisions in the disclosure log.

## **11. Complaints and Reviews**

- 11.1 Where an Applicant is unhappy with the response provided by the Council in relation to a request for information or where the Applicant is dissatisfied with the way in which their request has been handled they may apply to the Council for an Internal Review of the Council's response in their first instance. When responding to an information request the Council will inform all Applicants of their right to an Internal Review. Internal Reviews can be requested by contacting the Legal Advisor and requesting a Review of the Council's initial response. All Reviews will be handled by TBC or, in the absence of TBC, by an Officer more senior than the Officer responsible for the Council's initial response. The Council will accept a complaint or a request for a Review in relation to an information request no later than 2 calendar months after the date of the original response to the Applicant. The Applicant will be advised in writing of the outcome of the Internal Review within 20 working days of the date of receipt by the Council of the request for the Review.

Where the Applicant is unhappy with the outcome of any Internal Review conducted by the Council the Applicant may apply to the Information Commissioner's Office (ICO) for a review of the Council's decision. The Council will inform all Applicants of their right to appeal the outcome of an Internal Review to the Information Commissioner's Office. The contact details for the ICO are as follows:

Information Commissioner's Office  
51 Adelaide Street  
Belfast  
BT2 8FE  
Tel: 030 3123 1114  
[www.ico.gov.uk](http://www.ico.gov.uk)

## **12. Advice and assistance**

- 12.1 The Council is obliged to provide advice and assistance, so far as it would be reasonable to expect it, to those persons who propose to make or have made, requests for information. Where the records are not held by the Council but are held by another public body, the requester will be directed, where possible, to the appropriate body.

## **13. Use of Personal Information**

- 13.1 The Data Protection Act 1998 prohibits the disclosure of personal data without the explicit consent of the data subject. Therefore, personal and identifying information that is contained within documents collated in response to an information request will be removed.
- 13.2 Where appropriate, and depending on the sensitivity of the personal data, advice and guidance will be sought from TBC to ensure that the integrity of personal data is not compromised. In exceptional circumstances and under Regulation 13, personal data may be released if it is in the public interest to do so.

13.3 For further guidance see the Council's Data Protection Policy and Procedures.

#### **14. Third party information**

14.1 The Council is obliged to provide environmental information to the public unless an exception applies. The Council is not obliged to consult with third parties regarding the information that it holds (information that may be owned wholly or in part by a third party) but may choose to do so.

#### **15. Copyright**

15.1 Information released under EIR may be subject to copyright. If a requester wishes to re-use the information in any way they must apply to the copyright holder.

#### **16. Role of the Information Commissioner and Information Tribunal**

16.1 The Information Commissioner's Office is the enforcement body for EIR and is responsible for arbitrating on information requests that have not been resolved to the applicant's satisfaction after the Council's appeals process has been completed.

16.2 The Information Commissioner also has the responsibility to enforce and arbitrate on matters of Data Protection and Freedom of Information.

16.3 The Information Tribunal provides the avenue of appeal against decisions made by the Information Commissioner. The Tribunal has the power to request and inspect all documentation pursuant to the initial request to enable an independent disclosure decision to be made. The Information Tribunal has the authority to use the courts to enforce its disclosure decisions.

### **Monitoring & Reviews**

To ensure this Procedure complies with the Environmental Information Regulations 2004 and meets the needs of the Council it will be reviewed annually.

Contact: TBC

## 16.1 Appendix A – Summary of Relevant Exceptions for the Council

Below is a list of exceptions most relevant to the Council. For a complete list of exceptions, consult the EIR exceptions.

Regulation(s)		Guidance
12(3)	Personal Data	Information that would breach the Data Protection Act. Disclosure of 3 <sup>rd</sup> party information will only be made in accordance with Regulation 13 of the EIR
12(4)	Type and/or Amount of Information	Requests for information we do not hold or ones that are manifestly unreasonable, too general a request, drafts that are incomplete and internal communications
12(5)(b)	Adversely affect justice or disciplinary procedures	That releasing information would not jeopardise the administration of justice or personnel-related disciplinary proceedings
12(5)(c)	Intellectual Property Rights	To protect the registered rights of both 3 <sup>rd</sup> parties and those of the Council where disclosure would harm those rights
12(5)(d)	Confidentiality of Proceedings	The Statutory duties carried out by the Council where disclosure would not be in the public interest (except emissions)
12(5)(e)	Commercial Interest	Where the disclosure of information would prejudice the commercial interests of an individual or body, or of the public authority itself.
12(5)(f)	Voluntary Information	Where the disclosure of information would harm the interests of a third party if that third party supplied the information voluntarily and has not consented to its release (except emissions)
12(5)(g)	Protection of the Environment	Releasing the information would cause harm to the environment (except emissions)
12(9)	Emissions	Exceptions listed in 12(5)(d to g) above may not be used to release information about emissions
13	Third party Personal Data	Data that would be in breach of the Data Protection Act.



## **Environmental Information Policy**

### **1. Title**

Newry, Mourne and Down District Council Environmental Information Policy

### **2. Statement**

The Council endorses the Environmental Information Policy as a framework for the Council's compliance with and implementation of the Environmental Information Regulations 2004.

### **3. Aim**

The aim of the Environmental Information Policy is to ensure the Council's compliance with and consistent application of the Environmental Information Regulations 2004. Newry, Mourne and Down District Council is committed to providing sufficient resources and appropriate training to ensure the Council achieves this objective. The Policy will be implemented in the public interest to promote a culture of openness and transparency in Council.

### **4. Scope**

The Council recognises the rights of individuals to access environmental information held by the Council in accordance with the terms of the Environmental Information Regulations 2004.

The Policy applies to all recorded information which the Council holds including (but not limited to) any information which is created, received and maintained by Council Officers and Elected Members on behalf of the Council. All Council Officers and Elected members are responsible for complying with the terms of the Environmental Information Regulations 2004. All Officers and members are also expected to comply with the Council's Policy and Procedures in relation to the Environmental Information Regulations.

Non-compliance with the Regulations and the Council's Policy and Procedures on Environmental Information may result in the Council breaching its legal obligations. This, in turn, may result in Newry, Mourne and Down District Council being the subject of formal action by the Information Commissioners' office.

### **5. Related Policies/Legislation**

Freedom of Information Act 2000

Data Protection Act 1998

Newry, Mourne and Down District Council's Policy and Procedures on Freedom of Information

Newry, Mourne and Down District Council's Policy and Procedures on Data Protection

Newry, Mourne and Down District Council's Publication Scheme

### **6. Definitions**

The "Regulations" means the Environmental Information Regulations 2004.

The "Information Commissioners Office" means the independent authority set up to uphold information rights in the public interest.

**7. Policy Owner**

TBC

**8. Contact details in regard of this policy are:**

TBC

**9. Policy Authorisation**

MT Authorised on \_\_\_\_\_

Governance Committee Authorised on \_\_\_\_\_

Council Authorised on \_\_\_\_\_

**10. Policy Effective Date** \_\_\_\_\_

**11. Policy Review Date** \_\_\_\_\_

**12. Procedures**

The Environmental Information Procedures attached hereto must be adhered to in the delivery of this Policy.

**13. Equality Impact Assessment**

This Policy has been assessed on XXXX under Newry, Mourne and Down District Council's Equality Impact Assessment process and has been screened out as having no impact on any of the groups designated in Section 75 of the Northern Ireland Act 1998.

# Data Protection Procedures

## **PROCEDURE OVERVIEW:**

This Procedure outlines Newry, Mourne and Down District Council's ("the Council") commitment to the Data Protection Act 1998 ("the Act") and provides a framework for the Council's compliance with and implementation of the Act.

## **INTRODUCTION:**

In order to carry out Council business Newry, Mourne and Down District Council collects and uses information about individuals. This may include information on members of the public, customers, suppliers, employees (past and current) and all others with whom the Council communicates.

In handling personal data the Council is required, by law, to fulfil certain statutory duties and, in particular, to comply with the terms of the Data Protection Act 1998 ("the Act"). The Act establishes a framework of rights and duties which are designed to safeguard personal data. The Council fully endorses the statements and intent of the Data Protection Act and recognises that it must treat personal information correctly and lawfully. The Council regards compliance with the Act as essential to creating and maintaining confidence between the Council and individuals with whom the Council communicates.

The Council will implement these Procedures to ensure that all employees, elected members, contractors, agents, consultants or other servants of the Council who have access to personal data held by or on behalf of Newry, Mourne and Down District Council are fully aware of and adhere to the responsibilities and duties established by the Data Protection Act.

## **SCOPE:**

This Procedure applies to all personal data held by Newry, Mourne and Down District Council. The obligations and controls outlined in this Procedure apply to all those who have access to personal data held by Newry, Mourne and Down District Council (including but not limited to employees, agency staff, elected members, other public representatives, contractors, agents, consultants, servants of the Council and all third party data processors).

## **DEFINITIONS:**

**Personal Data** means data (manual or electronic) which relates to a living individual who can be identified from those data or from those data and other information which is in the possession of or is likely to come into the possession of the Data Controller. It also includes any expression of opinion about an individual and any intentions of the data controller or any other person in respect of the individual. Personal Data must be processed fairly and lawfully and, in particular, shall not be processed unless one of the Conditions set down in Schedule 2 of the Data Protection Act 1998 is met.

**Data** means information that is being processed automatically or is recorded with the intention of being processed automatically. Any data recorded as part of a manual filing system or with the intention that it should form part of a relevant filing system is also included in this definition.

**The Data Controller** means a person who determines the purpose for which and the manner in which any personal data are, or are to be, processed. For the purpose of this Procedure Newry, Mourne and Down District Council is the Data Controller.

**The Data Processor** means any person / organisation who processes the data on behalf of the Data Controller.

**The Data Subject** means the individual who is the subject of the personal data.

**Processing** means obtaining, recording or holding the information or carrying out any operation on the data including organisation, adaptation or alteration of the information or data; the retrieval, consultation or use of the data; the disclosure of the data and the alignment, combination, blocking, erasure or destruction of the information or data. It is difficult to imagine any activity which does not amount to processing.

**Sensitive Personal Data** means personal data consisting of information as to an individual's racial or ethnic origin, political opinions, religious or other beliefs; trade union membership; physical or mental health or condition; sexual life; the commission or alleged commission of an offence or any proceedings for any offence committed or alleged to have been committed by an individual. The presumption in respect of sensitive personal data is that because information about these matters is likely to be of a particularly sensitive nature it needs to be treated with greater care than other personal data. This is particularly so as the loss, theft or mishandling of this category of information is likely to be of a greater detriment to the individual than the loss, theft etc of other categories of personal data. Sensitive personal data must be processed fairly and lawfully and shall not be processed unless one of the Conditions set down in both Schedule 2 and Schedule 3 of the Data Protection Act 1998 are satisfied. The nature of the data is also a factor in deciding what security measures are necessary to protect the information.

**Information Commissioner's Office** means the independent authority set up to regulate and oversee the implementation of the Data Protection Act 1998 and other related legislation.

#### **THE DATA PROTECTION PRINCIPLES:**

The Act provides that anyone processing personal data must comply with the 8 Data Protection Principles. The Principles are designed to protect the rights of the individual and the Council is committed to complying with these Principles. The 8 Data Protection Principles are as follows:-

1. Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met
2. Personal data shall be obtained for one or more specified or lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes
3. Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed
4. Personal data shall be accurate and, where necessary, kept up to date
5. Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes
6. Personal data shall be processed in accordance with the rights of data subjects under the Act
7. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data
8. Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

### **RESPONSIBILITY FOR PERSONAL DATA:**

Each Council Department is responsible for the personal data that it holds. This responsibility extends to personal data that is processed by third parties on behalf of Newry, Mourne and Down District Council.

All employees, agency staff, elected members, other public representatives, contractors, agents, consultants, servants of the Council, third party data processors and all those with access to personal data on behalf of Newry, Mourne and Down District Council are responsible for complying with the Data Protection Legislation and the Council's Data Protection Policy & Procedures.

### **THE COLLECTION & USE OF PERSONAL DATA:**

Newry, Mourne and Down District Council collects and uses personal information (names, addresses etc) in many ways. In doing so the Council must meet it's legal obligations under the Data Protection Act 1998. In particular:

- the Council shall only collect and use personal data where it has legitimate reasons for doing so
- When personal data is collected it should be for one or more specified and lawful purpose and shall not be further processed in any manner incompatible with that purpose (the Second Data Protection Principle)
- The personal data collected should be adequate, relevant and not excessive for the purpose for which it is processed (the Third Data Protection Principle)
- When personal data is obtained it shall be processed fairly and lawfully (the First Data Protection Principle) and should be accurate and, where necessary, kept up to date (the Fourth Data Protection Principle).

### **Privacy Notices**

When collecting personal data the Council will inform individuals why their personal data is being collected and will be open and honest as to how they intend to use it. The Council will not deceive or mislead any individual when obtaining their personal data. The Council will use people's personal data in ways that they would reasonably expect and will make sure not to do anything unlawful with the data.

All individuals collecting personal data (in any capacity) on behalf of Newry, Mourne and Down District Council must ensure that individuals are fully informed. A "Privacy Notice" must be provided to all individuals from whom the Council collects personal data.

### **What is a Privacy Notice?**

A Privacy Notice is basically a Notice to let individuals know how Newry, Mourne and Down District Council will use their personal information. This will be different for each case in which personal data is collected. This Notice should be clearly communicated to individuals and should be visible on all Application Forms etc so that the Data Subject is fully aware of the intended uses of their personal information.

"Privacy Notices" should tell people:-

1. **Who we are** - the identity of the Council (if this is not already obvious)
2. **What we are going to do with their information** - the purpose or purposes for which their information is being collected and is to be processed
3. **Who their information will be shared with** - any foreseen disclosures of the information and;
4. **Any further information** as may be necessary in order to make the processing fair.

It is the responsibility of all Officers collecting personal data on behalf of Newry, Mourne and Down District Council to ensure that the appropriate Privacy Notices are provided. Sample Privacy Notices are available from the Council's Legal Advisor.

When collecting personal data via the telephone or face to face the above information should be made clear to the data subject before any processing of their personal data takes places.

Should Officers wish to use information collected for a purpose other than the purpose for which it was originally collected or to disclose information to a third party the Officer may be able to do this if it is fair to the individual to do so. However, if you intend to make a significant change to how you use or process the information you will need to get the individual's consent.

In collecting information the Council must ensure that individuals are told the difference between information which they are required to give and information which is optional.

### **THE SECURITY OF PERSONAL DATA:**

There is an obligation under the Data Protection Act for the Council to take appropriate technical and organisational measures against the unauthorised or unlawful processing of personal data and against accidental loss or destruction of or damage to personal data (the Seventh Data Protection Principle).

Some technical security measures are set out below and should be adhered to. This is not an exhaustive list and anyone handling personal data on behalf of Newry, Mourne and Down District Council must take all steps necessary to protect personal data and keep it secure at all times.

### **Physical Security of Personal Data:**

Physical security measures should be in place to protect personal data. This includes things like locking doors, securing filing cabinets containing personal information, protecting premises with alarms, security lighting and CCTV cameras.

It also includes ensuring that access to Council Premises is controlled and monitored. The Council will introduce a Visitor Book for all non-staff members entering Newry, Mourne and Down District Council's Downshire Civic Centre, Downpatrick, and Council Offices at Greenbanks and Monaghan Row, Newry (beyond the reception area) requiring visitors to sign in and out of the Premises. They must also state the time of their arrival and departure from the Premises. On the introduction of the Visitor Book all Visitors to Council headquarters will be provided with Visitor's Passes on arrival.

The Council will also introduce Visitor Books at other Council Properties (including, for example Council Leisure Centres) for non-staff members who will have access to non-public areas where personal data is held (for example, staff offices).

### **Manually held Personal Data:**

Each Department must make sure that it knows and holds a record of what personal data it holds and how and where it is stored.

### **The Processing of Manually held Personal Data by Fax, Post etc**

When information containing Personal Data is sent by fax extra care should be taken. For example fax numbers should be checked to ensure that the information is being sent to the correct recipient. In addition you should ring ahead to the recipient and advise them that the information is being sent. You should also ask the recipient to acknowledge receipt of the information. Sensitive Personal Data should only be faxed as a last resort.

When confidential and sensitive personal data is being sent via post the information should be checked by another member of staff before being sent to ensure it is being posted to the correct recipient. In addition Officers should 'double bag' information being sent where the information contains sensitive personal data or personal data of a confidential nature. Double bagging works by putting the personal data in an inner envelope which marks the material as confidential and has a postal return address. The inner envelope acts as a second barrier to the information being opened by the wrong recipient accidentally or otherwise.

When printing personal data to a printer employees should use the Secure Printing Facility. All personal data sent to printers etc should be collected immediately and either stored securely or disposed off appropriately. Personal data should not be left on printers, photocopiers, fax machines etc.

**Clear Desk Policy:**

As a general rule personal data should never be left unattended on desks or in meeting rooms etc. Further and upon the implementation of the Data Protection Procedures the Council will operate a Clear Desk Policy. This will reduce the risk of unauthorised access to, loss of or damage to personal data. It will also ensure that all personal data and confidential information held by the Council is held securely and adequately protected.

The Clear Desk Policy means that at the end of each day it is the responsibility of individual Officer's to clear their desk of all documents that contain any personal data or confidential information. This information must be stored safely and securely (for example, in a locked office, locked filing room or filing cabinet etc).

**Electronically held Personal Data:**

Personal data held on computers and computer systems (including any information held on back-up systems) must be protected by the use of secure passwords, which, should be changed regularly. Individual passwords should not be such that they can be easily compromised.

Computers must not be accessible when unattended. Officers are responsible for safeguarding data by ensuring that equipment is not left logged-on when unattended. Where staff leave their computer station for short periods they should "lock" their computer. This is done by pressing the Ctrl, Alt and Delete Keys simultaneously and then choosing the "Lock Computer" option. To unlock their computer staff should enter their log-in details.

**Sending Personal Data via Email etc**

Anyone sending personal data via email or electronic media must ensure that it is encrypted. Passwords protecting the information should also be used depending on the sensitivity of the personal data. Passwords must never be emailed. The sender should contact the recipient via telephone to provide the password to decrypt the data.

When emailing personal data extra care should be taken that the information is being sent to the correct recipient and is adequately protected. This is particularly so when using the automated type-ahead facility available on Lotus Notes. Email Addresses should always be checked prior to information being sent via email to ensure the content is being sent to the correct recipient.

### **The use of Removable Media Devices**

Newry, Mourne and Down District Council will ensure the controlled use of removable media devices used to store and transfer information for the purpose of conducting official Council business. Removable media includes but is not limited to laptops, mobile phones, tablets, CDs, DVDs, Optical Disks, External Hard Drives, USB Memory Sticks (known as pen drives or flash drives); media card readers, microchips (including SIM Cards), MP3 Players, digital cameras, backup cassettes and audio tapes. The following guidelines must be adhered to when using approved removable media devices:

- All removable media devices and associated equipment must only be purchased and installed by the IT Department. Non-Council owned removable media **must not** be used to store any information used to conduct official Council business and must not be used with any Council owned equipment.
- Only data that is authorised and necessary to be transferred should be saved on removable media devices.
- Removable media must not be used for archiving or storing records.
- Anyone using removable media devices must be responsible for them and must take all steps necessary to protect the device and data from loss, theft or damage.
- Removable media should not be the only place where personal data held for Council purposes is held. This increases the risk of the loss, destruction or malfunction of the data. Copies of the information should be held on the Council's computer system.
- In order to minimise physical risk, loss or theft or electrical corruption all storage media must be stored in an appropriately secure and safe environment.
- Each user is responsible for the appropriate use and storage of the data and for not allowing any removable device to be comprised.
- Each laptop and mobile device should have a unique password.
- All software and data stored on removable media devices must be encrypted and / or password protected (depending on the sensitivity of the data).
- Council reserve the right to audit / log the transfer of data files to and from any removable devices attached (physically or wirelessly) to Council IT equipment.
- Damaged or faulty removable media devices must not be used.
- Virus and threat management software approved by the IT Department must be used to scan removable media devices as soon as they are connected to Council IT equipment.
- Where removable media devices are no longer required or are damaged etc they must be disposed of securely to avoid data leakage. Any previous content must be permanently erased. All removable media devices that are no longer required / are damaged etc must be returned to the IT Department for secure disposal. For advice on removing all data (including deleted files) from removable media please contact the IT Department.
- If any Council mobile / removable media device is lost, stolen or otherwise compromised you must report this immediately to the Council's Legal Advisor.

### **Home Working & The Removal of Personal Data from Newry, Mourne and Down District Council Premises:**

As a general rule manual and electronic records containing Personal data should not be removed from Newry, Mourne and Down District Council Premises. Further, records containing personal data should never be left unattended at any time and the appropriate measures should be taken to ensure that it is not left in public places, on public transport or in cars etc. Personal data processed on behalf of Newry, Mourne and Down District Council should not be held by Officers / Councillors at their homes.



It is however recognised that there will be occasions where Officers / Councillors need to remove personal data from Newry, Mourne and Down District Council Premises in order to fulfil their roles as Council Officers / Councillors. If this is the case and you need to remove personal data from Newry, Mourne and Down District Council Premises you must seek the permission of your Line Manager before doing so.

When dealing with personal information at home or outside of Newry, Mourne and Down District Council Premises the same measures must be applied as if working in the office. You must ensure that you take the appropriate technical and organisational measures against the unauthorised or unlawful processing of the personal data and against the accidental loss or destruction of, or damage to, personal data. Officers and Councillors are responsible for the security of equipment, software, files and any other information in their possession outside of Council Premises.

All Council paperwork held outside of Council Premises should be securely locked away (when not in use) and should only be accessible to the Council Officer / Councillor. It is particularly important to ensure that non-authorised personnel (in the home environment or whilst working off site) cannot gain access to confidential or personal information.

Considerations should be made when working remotely on laptops to ensure that the screen cannot be overseen by others and precautions taken to avoid laptops and other mobile devices being stolen or lost.

Council Officers and Councillors should not receive personal data (in their role as an Officer of Council or Councillor) to their home addresses, fax machines, home email addresses etc. Personal data being communicated in your role as an Officer or Councillor must be communicated to Newry, Mourne and Down District Council's official postal addresses, fax / phone numbers, email addresses etc.

#### **Access to Records containing Personal Data:**

Access to paper and electronic records containing personal data must be restricted. Line Managers must ensure that officers with responsibility for and access to personal data are properly supervised. It is essential that all staff members and Councillors only access records which they have authority to access and which it is necessary for them to access in the course of their work as Newry, Mourne and Down District Council employees / representatives. Any employee / Councillors finding that they have access to data which they are not authorised to use must report this to their Line Manager so that the access can be removed. In the case of Councillors they should report this to the Legal Advisor. Any employee / Councillor with access to data which is no longer relevant to or necessary for their work must ask for the access to be removed. Any employee / Councillor who is aware that unauthorised access is taking place must report this to their Line Manager as soon as they become aware of it. In the case of Councillors they should report this to the Legal Advisor.

#### **RESPONSIBILITIES OF STAFF, ELECTED MEMBERS AND ALL PARTIES ACCESSING OR HOLDING PERSONAL INFORMATION ON BEHALF OF NEWRY, MOURNE AND DOWN DISTRICT COUNCIL:**

All employees, agency staff, elected members, other public representatives, contractors, agents, consultants, servants of the Council, third party data processors and those with access to personal data on behalf of Newry, Mourne and Down District Council are responsible for complying with the Data Protection Legislation and the Council's Data Protection Policy & Procedures.

All individuals must ensure that personal data is treated confidentially. Confidentiality must be preserved and personal data treated in accordance with the Data Protection Act and the Council's Data Protection Policy & Procedures.

Any individual who knowingly or recklessly processes data for purposes other than those for which it is intended or deliberately acts outside of their responsibilities under the Data Protection Act or the Council's Data Protection Policy and Procedures may be subject to the Council's disciplinary procedures up to and including dismissal and, where appropriate, legal action.

Individuals could be committing an offence by sharing information with others where that information does not need to be shared in order for the Council to carry out its business.

### **DATA PROCESSORS:**

This section applies to third party external organisations, companies and individuals (other than employees) who process personal information on behalf of Newry, Mourne and Down District Council. Third parties holding or processing Personal Data on behalf of the Council are known as "Data Processors." When the Council contracts or arranges for someone to process personal data on its behalf the Council remains responsible for the processing and is liable for any breaches of the Data Protection legislation caused as a result of that processing. Therefore, when the Council engages another organisation to process personal information on its behalf the Council must make sure that the Data Processor only uses and discloses the personal data in accordance with the Council's instructions and must require the Data Processor to take appropriate security measures.

In light of the above all Data Processors are required to confirm that they are willing and able to abide with the requirements of the Data Protection Act 1998 and the Council's Data Protection Policy and Procedures. **Further, all Data Processors will be required to sign a Data Processing Agreement with Newry, Mourne and Down District Council confirming their commitment to process personal data on behalf of Newry, Mourne and Down District Council in accordance with the Data Protection legislation.** It is the responsibility of all Officers engaging Data Processors to ensure that this Agreement is signed and enforced. Sample Agreements can be obtained by contacting the Council's Legal Advisor.

The items listed below are further good practice recommendations that must be followed when engaging data processors:-

- Engage a reputable company which offers suitable guarantees to ensure the security of personal data. Guarantees provided by a Company must be of a similar standard to the protection afforded personal data under Newry, Mourne and Down District Council's Data Protection Policy and Procedures.
- Make sure the organisation has appropriate security measures in place
- Check if the organisation is registered with the Information Commissioner's Office
- Make sure that they make appropriate checks on their staff. Their staff must be trained and aware of their responsibilities under the Data Protection legislation. Any breach of the legislation or the Council's Policy and Procedures will be deemed to be a breach of the Contract between the Council and that organisation, individual etc
- Require the organisation to report any security breaches or other problems and;
- The organisation will be required to indemnify the Council against any prosecutions, claims, proceedings, actions or payments of compensation or damages arising as a result of a breach of the Data Protection Act without limitation

### **THE RETENTION & DISPOSAL OF PERSONAL DATA:**

Personal data shall not be kept for longer than is necessary for the purpose(s) for which it was first collected (the Fifth Data Protection Principle).

Personal data shall be retained and disposed off in accordance with the Council's Retention & Disposal Policy and the Data Protection Act 1998.

All personal data must be disposed of securely, appropriately and confidentially.

### **RIGHTS OF INDIVIDUALS UNDER THE ACT:**

An individual has the right to be informed that the Council are processing their personal data.

An individual has the right to require the Council to correct, rectify, block, erase or destroy information relating to that individual which is regarded as wrong or inaccurate.

If an individual believes that the Council is processing personal data in a way that causes them substantial unwarranted damage or substantial unwarranted distress they can request the Council (in writing) to cease or not to begin the processing within a reasonable time.

An individual is entitled to make a request to the Council (in writing) to cease or not to begin processing their personal data for the purpose of direct marketing.

An individual is entitled to make a request to the Council in writing to make sure that no decision which significantly affects that individual is based solely on the processing by automatic means of personal data of which that individual is the data subject.

### **SUBJECT ACCESS REQUESTS:**

An individual is entitled on making a written request to be supplied with a copy of personal information held by the Council of which they are the data subject. This is subject to a number of exceptions as prescribed by the Data Protection Act 1998. Requests for personal information are known as Subject Access Requests. There is an obligation on the Council to comply with a Subject Access Request / request made under the Data Protection Act promptly and, in any event, within 40 days of the date of receipt of the request by the Council.

### **Making a Subject Access Request:**

Subject Access Requests should be made by the data subject in writing directly to the Council's Legal Advisor. A fee of £10 is payable for each Subject Access Request made and the Applicant may be asked for proof of identity. A Subject Access Request may also be made on behalf of an individual where the individual has expressly consented to the request being made on their behalf. For example, a Solicitor may make a Subject Access Request on behalf of their client. In such cases the Council will require a Form of Authority to be signed by the Data Subject consenting to the disclosure of the information.

Subject Access Requests can also be made directly to any Council Officer. All Officers who receive requests for personal information that cannot be dealt with within the normal everyday requirements of their role should ask the Applicant to put their request in writing to the Legal Advisor. Alternatively, the Officer themselves can transfer the request to the Legal Advisor. If an Officer is in doubt as to whether a request for information requires to be dealt with under the terms of the Data Protection Act 1998 they should contact the Legal Advisor for advice. All transfers of requests for personal data to the Legal Advisor should be made immediately upon receipt of the request to allow the Officer sufficient time to deal with the request within the statutory timeframe as set down by the Data Protection Act 1998.

When requested by the Officer responsible for Data Protection to provide information requested under the Act all Council Officers must provide all relevant information held by them in relation to the request. If an Officer is unsure whether information they hold is relevant to a Subject Access Request they should ask the Legal Advisor for advice on this.

The Council reserves the right to request an individual to narrow the scope of their request. Further, in accordance with Section 8(2) of the Data Protection Act the Council reserves the right to refuse to provide the data subject with a copy of the information they hold on that data subject where the supply of a copy of the information is not possible or would involve a disproportionate effort on the part of the Council.

### **SHARING PERSONAL DATA:**

Personal data should only be shared internally and disclosed to external third parties (other than the individual who is the subject of the data) where the sharing is compatible with the Data Protection Act, the Data Protection Principles and the Council's Data Protection Policy & Procedures.

In considering whether to share personal data (either systematically or in response to a one-off request) you must consider whether you have a legal basis for sharing; a power or statutory function which allows the sharing or whether the sharing is justified (in cases where you don't have a legal basis or power to share).

It is essential to check why the data is required and to whom the person intends to disclose it. When information is being shared you must ensure that the recipient is properly identified and authorised to receive the data.

Individuals should generally be allowed to decide whether or not their personal data is disclosed to another party. There are however a number of exemptions set out in the Data Protection Act which permit the disclosure of personal data in the absence of consent.

When deciding whether to share personal data the first thing you should consider is the issue of **consent** and whether it is appropriate to seek the consent of the individual(s) in question to the disclosure / sharing of their personal data.

Consent is likely to be needed in the following circumstances:

1. Where the information is of a confidential or sensitive nature;
2. If the individual is likely to object to the data being shared without his / her consent or;
3. If the sharing is likely to have a significant impact (for example, if disclosure could cause harm / detriment) on an individual(s).

In such cases you should seek the consent of the individual prior to sharing their information.

There will however be cases where it will not be possible / viable to obtain the consent of the data subject. In such cases you should consider whether the sharing is **necessary** in accordance with the **legitimate interests** of the Council or the legitimate interests of the third party to whom the information is to be disclosed. You should also consider whether the sharing is **fair** to the data subject.

In deciding if data sharing is necessary to meet the legitimate interests of the Council or a third party you must determine whether there is a clear objective for sharing the information. You should consider whether this objective can be achieved without sharing personal data. The legitimate interest condition cannot be fulfilled if the sharing is unwarranted because it prejudices the rights and freedoms of the individual whose data is being shared.

In considering fairness you should consider whether the sharing of the personal data is reasonable. You should also consider the expectations of the individual in relation to the information. Was the individual told how their information would be used or would they expect it to be shared in this way? Would the individual object to the sharing of the information if they were given the chance? You also need to assess whether the sharing of personal data could cause harm, detriment or distress to the individual(s).

The decision as to the disclosure of personal data in the absence of consent should be made by balancing the above factors (necessity, legitimate interests, expectations of the data subject and fairness) and deciding if it is reasonable in the circumstances of the case to release the information.

If you decide to share personal data you should only share the information which is necessary to share in order to meet the objectives of the Council / third parties. If the sharing is a one-off then you will have to record your decision to share demonstrating how a decision to share (or not) was reached, how it was justified, the actual information being shared, with whom and when it was shared, whether it was shared without consent and any considerations around the impact or detriment to the individual(s).

When personal information is shared you should advise the recipient of the purpose for which the information is being provided. You should also state that the information should only be used for that purpose and, depending on the nature of the information, you may want to restrict the onward sharing of the information by advising that the information should not be disclosed to third parties. You should seek assurances from the recipient on how long the personal data will be held for and an assurance that the data will be securely disposed of. You should also enquire about the arrangements in place to provide individuals with access to their personal data if they require it.

### **CCTV CAMERAS:**

Newry, Mourne and Down District Council operate a number of CCTV Cameras at various Council premises throughout the District. The purpose of the cameras is as follows:-

- Protecting areas and premises used by Council staff and the public;
- Deterring and detecting crime and anti-social behaviour;
- Assisting in the identification of offenders leading to their arrest and successful prosecution or other appropriate action;
- Reducing violent or aggressive behaviour towards staff;
- Reducing fear of crime, anti-social behaviour and aggression;
- Protecting Council property and assets;
- Maintaining and enhancing the commercial viability of the District and encouraging continued investment.
- Assisting in staff disciplinary, grievance, formal complaints and Health and Safety Investigations.

The systems will not be used for any other purpose than those set out in this document without Council approval, and, where appropriate, notification to staff and following consultation with the Trade Unions. Any novel or non standard use of the CCTV cameras will require the approval of the Council.

Cameras will not be used to monitor the progress of staff or individuals in the ordinary course of lawful business in the area under surveillance. Nor are managers permitted to use the cameras to observe staff working practices or time keeping or to assist them in the day-to-day management of their staff.

Individuals will only be monitored if there is reasonable cause to suspect a criminal offence or serious breach of discipline, potentially amounting to misconduct has been, or may be, about to be committed and this will only be permitted when authorised and may require the use of RIPA authorisation. Officers should consult the Legal Advisor before any such action is taken.

Each service operating CCTV cameras must establish who is responsible for the Camera and the images recorded by the Camera. That Officer will be responsible for the implementation of the good practice guidelines set out below:

#### **Guidelines for the Operation of CCTV Cameras:**

- You must let people know they are in an area where CCTV cameras are operational and that CCTV Cameras are recording their personal data. You should also provide an explanation of why CCTV cameras are in operation (ie, the purpose of the camera) and what they are used for
- CCTV Cameras should not view areas which are not of interest and are not intended to be the subject of surveillance
- In areas where people have a heightened expectation of privacy (for example, toilets, changing rooms etc) cameras should only be used in the most exceptional of circumstances and where they are necessary to deal with serious concerns. In these cases an extra effort should be made to ensure that those under surveillance are aware of the cameras. This may be by way of signs highlighting the fact that there are cameras in operation
- CCTV should not (usually) be used to record audio (for example, conversations between members of the public) as this is highly intrusive
- You must consider whether the CCTV Camera is delivering the desired benefits or whether there are alternative less privacy intrusive solutions to CCTV which might deliver the same objectives.

#### **Use, security and Retention of Recorded Images:**

- There should be restricted access to recorded material and recorded images should be viewed in a restricted area or designated office. Access to CCTV recordings should be restricted to authorised personnel only
- The public should not be allowed access to the area where staff can view CCTV
- The Council must ensure that images obtained using CCTV are not used for any purpose other than the reason they were originally captured

#### **Disclosure of CCTV Images:**

- Disclosure of images from CCTV must be controlled and consistent. Requests for images should be treated with care as a wide disclosure may be unfair to the individuals concerned (effectively breaching the Data Protection Act)

- Individuals may request images recorded of them. Such requests should be dealt with formally as Subject Access Requests under the Data Protection Act 1998. All such requests should be passed to the Legal Advisor as soon as they are received
- CCTV Images should not generally be released to third parties (although there will be times when this is permissible under the Data Protection Act). Requests for images of third parties should be dealt with formally as requests for information under the Freedom of Information Act. All such requests should be passed to the Legal Advisor as soon as they are received
- Council recognise that individuals have a right to prevent processing of their images where this would cause substantial and unwarranted damage / distress

### **BREACHES OF THE DATA PROTECTION ACT:**

A breach of the Data Protection Act may occur in a variety of ways. For example, this may arise from a theft or accidental loss of personal data (for example, mobile devices, laptops, documents containing personal data). It may also occur due to a deliberate attack on the Council's systems; the unauthorised use of personal data by a staff member or accidental loss or equipment failure.

### **ICO Penalties for breaching the Data Protection Act:**

The ICO has the power to take regulatory action against public bodies for breaches of the Data Protection Act as follows:-

1. The ICO has the power to impose monetary penalties up to the value of £500,000 on organisations;
2. The ICO may issue an Undertaking or Enforcement Notice requiring an organisation to take action or;
3. The ICO has the power to criminally prosecute organisations. Individuals may also be prosecuted under the Act. Upon summary conviction (in a Magistrate's Court) fines up to £5,000 could result if employees / members process information about other people without their consent or proper authorisation from the Council. Upon conviction or indictment in the Crown Court the fine can be unlimited.

### **The Council's Breach Management Plan:**

Should a breach of the Data Protection Act occur there are 4 main elements the Council will focus on:

- Containment & Recovery of the breach;
- Assessment of the ongoing risk caused by the breach;
- Notification of the breach and;
- Evaluation of the Council's response to the breach

The Council's Breach Management Plan is as follows:

1. All breaches should be notified immediately to the Council's Legal Advisor in order that the breach can be addressed. The Council hold a Breach Register so that staff can report breaches or potential breaches of the Data Protection Act 1998.
2. Upon becoming aware of the breach the Council will take all steps necessary to recover the information and limit the damage caused by the breach.
3. The Council will assess the risks associated with the breach. In particular it will consider what type of data is involved; how sensitive it is; if data has been lost or stolen; were there any protections in place; what has happened to the data; the level of risk posed; how many individuals are affected; who the individuals affected are; what harm can come to those individuals and any perceived wider consequences of the breach.

4. The Council will inform the appropriate people and organisations that a breach has occurred. Where appropriate the Information Commissioner's Office and the Police will be informed. The decision to inform the ICO and / or the Police will rest with Newry, Mourne and Down District Council.

5. The Council will review its response and take steps to avoid the breach reoccurring.

**DATA PROTECTION TRAINING:**

All individuals permitted to access personal data in line with their work duties will be trained in Data Protection following the implementation of the Data Protection Policy & Procedures. All individuals with access to personal data on or behalf of Newry, Mourne and Down District Council must agree to undertake any relevant training that may be appropriate and deemed necessary by the Council.

Following the implementation of the Data Protection Policy & Procedures Data Protection Training will form part of the Council's Induction for new employees. A copy of the Council's Data Protection Policy and Procedures will be provided to all employees (including Agency Staff) and members.

**NOTIFICATION TO THE INFORMATION COMMISSIONER'S OFFICE:**

The Data Protection Act requires every Data Controller who is responsible for processing personal data to notify the Information Commissioner's Office that they are processing personal data and to renew their Notification on an annual basis. Failure to do so is a criminal offence.

The Council's **TBC** is responsible for the Council's Notification to the Information Commissioner's Office on an annual basis.

All officers are required to make the **TBC** aware of any changes to the processing of personal data or any proposals to create a new system (paper or automated) which contains personal data. Any changes to the Council's Notification should be brought to the attention of the ICO within 28 days.

**Complaints Regarding Subject Access Requests**

If the data subject (including cases where the data subject is an employee of Newry, Mourne and Down District Council) is not happy with the response provided by Newry, Mourne and Down District Council to a Subject Access Request they have made the data subject may complain and ask that their request be reviewed by an Officer more senior than the Officer who initially processed the request for information. When responding to all requests for personal information the Council will inform all Applicants of their right to have their request reviewed by a more senior Officer. The Council will accept a request for a review no later than 2 calendar months after the date of the original response to the Applicant. The Applicant will be advised in writing of the outcome of the review within 40 days of the date of receipt by the Council of the request for the Review.

Alternatively, the data subject may complain directly to the Information Commissioner's Office (ICO). The Council will inform all Applicants of their right to complain to the ICO in responding to all requests for information. The details of the ICO are as follows:-

Information Commissioner's Office

51 Adelaide Street

Belfast

BT2 8FE

030 3123 1114

[www.ico.gov.uk](http://www.ico.gov.uk)



**All other Complaints**

Where an individual believes the Council have not acted in accordance with the Data Protection Act 1998 they should complain using the Council's Complaint's Procedure. Alternatively, the individual may complain directly to the Information Commissioner's Office (ICO) (details above).

Where an employee of the Council believes the Council have not acted in accordance with the Data Protection Act 1998 they should complain using the Council's Employee Grievance Procedure. Alternatively, the employee may complain directly to the Information Commissioner's Office (ICO) (details above).

**IMPLEMENTATION:**

Implementation of these Procedures will be led and monitored by the Council's Legal Advisor. Compliance checks will be carried out to ensure adherence to the Council's Data Protection Policy and Procedures and the Data Protection Act 1998.

**MONITORING & REVIEWS:**

To ensure this Procedure complies with the terms of the Data Protection legislation and meets the needs of Newry, Mourne and Down District Council it will be reviewed annually.

**CONTACTS:**

TBC

# Data Protection Policy

## Title

Newry, Mourne and Down District Council Data Protection Policy.

## Statement

In handling personal data Newry, Mourne and Down District Council ("the Council") recognises that it is required, by law, to fulfil certain statutory duties and, in particular, to comply with the terms of the Data Protection Act 1998 ("the Act"). The Act establishes a framework of rights and duties which are designed to safeguard personal data. The Council fully endorses the statements and intent of the Data Protection Act and recognises that it must treat personal information correctly and lawfully. The Council regards compliance with the Act as essential to creating and maintaining confidence between the Council and individuals with whom the Council communicates.

## Aim

The aim of the Data Protection Policy is to ensure the Council's compliance with and consistent application of the Data Protection Act 1998. Newry, Mourne and Down District Council is committed to providing sufficient resources and appropriate training to ensure the Council achieves this objective.

## Scope

This Policy applies to all personal data held by Newry, Mourne and Down District Council.

The Policy applies to all those who have access to personal data held by Newry, Mourne and Down District Council (including but not limited to employees, agency staff, elected members, other public representatives, contractors, agents, consultants, servants of the Council and all third party data processors). All parties referred to above are responsible for complying with the terms of the Data Protection Act 1998, the Council's Data Protection Policy and Data Protection Procedures. Non-compliance with the Act and the Council's Policy & Procedures on Data Protection may result in the Council breaching its' legal obligations under the Act. This, in turn, may result in Newry, Mourne and Down District Council being the subject of formal action by the Information Commissioner's Office.

## Related Policies / Legislation

The Data Protection Act 1998

The Freedom of Information Act 2000

Newry, Mourne and Down District Council's Freedom of Information Policy & Procedures

The Environmental Information Regulations 2004

Newry, Mourne and Down District Council's Retention & Disposal Schedule and Policy

Newry, Mourne and Down District Council's Publication Scheme

## Definitions

The "Act" means the Data Protection Act 1998.

The "Information Commissioner's Office" means the independent authority set up to regulate and oversee the implementation of the Data Protection Act 1998.

## Policy Owner

TBC

## Contact Details

TBC

**MT Authorised on** \_\_\_\_\_

**Governance Committee Authorised on** \_\_\_\_\_

**Council Authorised on** \_\_\_\_\_

**Policy Effective Date:** \_\_\_\_\_

**Policy Review Date:** \_\_\_\_\_

**Procedures**

Data Protection Procedures attached hereto must be adhered to in the delivery of this Policy.

**Equality Impact Assessment**

This Policy has been assessed on XXXX under Newry, Mourne and Down District Council's Equality Impact Assessment process and has been screened out as having no impact on any of the groups designated in Section 75 of the Northern Ireland Act 1998.

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

**Newry, Mourne and Down District Council**

**2015**



**Standing Orders**

**March 2015**

## **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 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.

## **4. 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.

## **5. 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.

## **6. 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.

## **7. 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.

## **8. 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.

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

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

## **10. 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.

## **11. Deputations**

- (1) Deputations, from any source, shall only be considered to address the Council or Council Committee 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.

## **12. 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.

## **13. Minutes of the Council**

### **13.1 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.

### 13.2 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.

## 14. 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.

## 15. 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.

## **16. 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.

### **16.1 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.
- (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 upon the Summons Paper in the order in which they are received.
- (5) 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.

- (6) 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 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.
- (7) 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 Summons Paper 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.
- (8) 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.

## 16.2 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 27.1;
- 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.

## 17. 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.

#### 17.1 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.

#### 17.2 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.

### 17.3 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.

### 17.4 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.



### **17.5 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.

### **18. 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.

### **19. Rules of Debate**

#### **19.1 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.

## 19.2 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.

## 19.3 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.

## 19.4 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.

## 19.5 Precedence in speaking

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

## 19.6 Place of Member speaking

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

19.7 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.

19.8 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.

## **20. 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 Qualified majority [MANDATORY]**

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 20.3, 21, 22 and 23, which cannot be suspended.

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 shall be taken down in writing and recorded in the minutes of the meeting.

### **20.4 Show of hands**

Unless a ballot or recorded vote is demanded under Standing Order 20.5, the Chairperson will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

### **20.5 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.

### **20.6 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 their 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 Councilmust 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 all Council Committees, being:
- (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 Committee
- to 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 positionis 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 Suspension and amendment of Standing Orders**

### 27.1 Suspension

A member may move a motion for the suspension of one or more of these Council Standing Orders excluding Standing Orders 20.3, 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.

#### 27.2 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.

#### **28 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.

**Newry, Mourne and Down District Council**

Policy IT Policies

Present to Finance and Resources Committee 20 January 2015

Ratified by Council 3 February 2015

# **Newry Mourne & Down District Council**

## **Information Security Policy Statement**

**Issue Date: 22-12-14**  
**Version Draft**

## Summary

### Purpose

The purpose of this policy is to protect Newry Mourne & Down District Council's (the Council) information assets from all threats whether internal, external, deliberate or accidental.

This document provides a framework for the security of all Information and Communication Technologies (ICT) in use throughout the Council. All other policies and procedures operate under the context of this overarching policy, including where individual systems may already have developed a security policy specific to its individual system policies. ***All staff are required to read and confirm their understanding of the Council's security policies by signing at the foot of this document.***

The data stored and processed within our ICT systems, stand-alone and networked, represents one of the Council's most valuable assets. It is essential that all ICT within the Council environment be protected to an adequate level from all likely events that may jeopardise normal operational activities.

Within the Council's information systems, users handle information that may be potentially sensitive and, on many occasions highly sensitive, restricted and confidential. All Council staff and managed service providers, who develop, operate, maintain or use ICT, have an explicit obligation to preserve the security of those systems. ***Where Council staff are found to be in breach of any of these security policies, they may be subject to disciplinary action up to, and including, dismissal.***

This policy statement and associated guidelines aim to provide direction in relation to safeguarding the integrity and confidentiality of information held on the Council's ICT systems.

### Objectives

The guidance in this document aims to ensure that:

- ICT used in the Council is properly assessed for risks and threats to security.
- Appropriate levels of security are applied to maintain the confidentiality, integrity and availability of information and ICT.
- All staff are aware of their roles, responsibilities and accountability for information security.
- A means is established to communicate awareness of information security issues, and their impact on the Council to management, users and other staff.
- Procedures to detect, investigate and resolve security breaches are in place and are dealt with consistently and promptly throughout the Council.
- Relevant legislation and regulatory requirements are complied with.
- Plans are in place to ensure business continuity for all business critical systems.
- Monitoring arrangements exist to audit the ongoing effectiveness of the information security arrangements in place within the Council.

## Scope

These policies and procedures include, but are not limited to:

- All Employees of the Council accessing or using ICT
- All third parties or managed service providers, working on the Council's premises or using/accessing the Council's ICT
- Temporary and Agency Staff

The scope includes all Council information/data both on and off our premises, and all Council CT systems/equipment, including mobile and remote access and computer networks.

## ICT Security Policy Statement

The Council's Management Team is committed to ensuring that information security is given the highest possible degree of importance. Information is central to our business, and it is our aim to ensure that the confidentiality, integrity and availability of this information are protected at all times.

The aim of the information security policy is to preserve: -

- **Confidentiality:** data access is confined to those with specified authority to view the data;
- **Integrity:** all system assets are operating correctly according to specification and in the manner that the current user believes them to be operating;
- **Availability:** information is delivered to the right person as and when needed;

The Information Security Management System is established against the requirements of ISO27001: 2005 and this system is used to identify, assess and control the risks associated with information security. Our overall objective is to continually improve the information security controls within the business.

We will ensure that we continually identify and assess the threats to information security with which we are faced, and will develop controls and systems that are aimed at controlling such threats and minimising the risk of information security breaches.

In support of this policy we have developed specific policies and procedures aimed at the management of information security. All staff, and appropriate third parties, have specific responsibility for ensuring that the requirements of these policies are adhered to.

All users should use their best efforts to adopt industry best practice procedures for the maintenance of information security, and in particular the recommendations and guidelines for security management standards contained within International Standards ISO27001.

The Chief Executive is responsible for implementation of the ICT Security Policy and procedures. However all Council users have responsibilities for the security and safety



of our ICT systems and the information held therein.

All users are to be made aware of the policies and procedures set out in this document. Each user is responsible for maintaining system security to the extent laid down in this document.

This policy may be altered when required to reflect changes to the configuration of its systems and applications and to ensure continued compliance with statutory and other legal requirements. Users will be notified of any material changes to this ICT policy.

If you have any questions about this policy, please contact your line manager in the first instance.

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**XXXXXXXXXXXX**  
**Chief Executive**  
**Newry Mourne & Down District Council**

Date: xx/xx/2014

I have read and understood this Information Security Policy statement, and all of the associated Newry Mourne & Down District Council policies.

**Name** \_\_\_\_\_

**Signature** \_\_\_\_\_

**Date** \_\_\_\_\_

# Newry Mourne and Down Council's IT Procedures

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## **1. Requirements**

- Users shall only request/receive Account privilege on systems they have a true business need to access.
- The relevant line manager will email user information and start date to the IT Department. This information will specify the user's requirements. The IT Department will set up the users account as required.
- Authorised groups using Newry Mourne and Down's Systems for training purposes will be given a special account limited to the duration of the event.
- Users must read and sign the Password Policy prior to requesting an Account.
- When a user leaves, their account will be locked and 60 days later their account and email will be deleted from the network in compliance with *Leavers Policy IT-207*.

## 1. Requirements

- Passwords **must** contain both upper and lower case characters (e.g., a-z, A-Z) and contain digits and punctuation characters (e.g. 0-9! @#\$%^&\*()\_+|~-=\`{}[]:~<>?,./)
- Passwords **must** be eight characters or more and changed where possible every three months.
- Passwords **must** be meaningful to you but not easily guessed by others.
- Passwords **must** not be a word in any language, slang, dialect or jargon and not be based on personal information, names of family, date of birth, company name etc.
- Passwords **must** never be written down, stored on-line, or sent in an email message or other forms of electronic communication.
- If access to an employee's computer is required when they are off site, the IT Department will reset the user's password to allow access to the computer. On the users return they will reset it to their own unique choice.
- Computers **must** be "locked" when not in use for more than **10 minutes**. If access to an employee's computer is required when they are off site, the IT Department will reset the user's password to allow access to the computer. On the users return they will reset it to their own unique choice.
- Communal passwords **must** be changed when a person leaves the organisation in line with the *Leavers Policy IT-207*.

## 1. Requirements

- The IT Department will evaluate, install, and maintain anti-virus software and/or tools for use on all Newry Mourne and Down's desktop computers, laptops, servers, and other computing devices.
- All computing devices connected to Newry Mourne and Down's network **must** have the standard anti-virus software installed and updated with the latest virus definitions.
- You **must** check all incoming e-mail attachments to ensure that they are from a known source or contact. Delete unknown attachments immediately and then permanently delete them by emptying your Deleted Items.
- You **must never** download files from unknown or suspicious sources.
- You **must not** attempt to bypass, circumvent, or disable the operation of anti-virus software on any PC.
- You **must** always scan incoming media (e.g. CD-ROM) from an unknown source for viruses before using it.

## 1. Requirements

- Secure disposal of 'Confidential Paper Products' - Confidential waste paper products **must** be shredded before removal from the premises or placed in secure containers for a contracting company for shredding.<sup>1</sup>
- Secure disposal of Computer Media (Laptop's, PCs, CD/DVDs etc.) - data stored on hard disks and other storage media such as memory sticks **must** be protected when these media, or equipment containing them, are no longer required or do not function. Only authorised external companies will be used to dispose of said equipment.
- All such storage media will be formatted by the IT Department to erase data prior to disposal by an external company.
- In the event of **ANY** media being taken off-site by third party contractors, these contractors **must** be bound by a **confidentiality agreement**.
- In the event of media or equipment being used again by other staff, the IT Department **must** perform a secure overwriting of previous data.
- All assets disposed of (whether sold/removed/destroyed) **must** be documented accordingly by recording the asset numbers in the *IT Hardware Asset Register*.

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<sup>1</sup> Confidential is defined as any document which contains Newry Mourne and Down financial information, Newry Mourne and Down emails, or any information relating to our client's data.

## 1. Requirements

- Users must ensure that information assets are backed up regularly to ensure that in the event of an incident, information assets can be restored with minimum impact on the business.
- Users must retain information assets in the form of a backup or archive **only** for as long as necessary to meet legal and statutory retention periods. If in doubt, check with the IT Security Officer.
- Information, (including email), that is no longer required **must** be deleted as appropriate.
- Users must ensure the security of information assets by adhering to the *Security Incident Policy (IT-204)*.
- Users must ensure that when information assets are disposed of, the level of sensitivity of any data is taken into account. For guidance on disposal of information assets refer to the *Asset Disposal Policy (IT-404)*.

## 1. Requirements

- Use of Email is permitted solely to communicate with colleagues, customers, suppliers and other interested parties in carrying out Newry Mourne and Down duties. Personal use of email is **prohibited**.
- Email carries the same legal status as other written documents and should be used with the same care. You **must never** send or distribute abusive, threatening, offensive, profane, lewd vulgar or defamatory emails either internally or to external parties.
- You **must not** send, post, or otherwise distribute chain letters or engage in spamming.
- Email is an inherently insecure method of communication and **must not** be used to send confidential or sensitive information without **appropriate security controls such as data encryption or digital certificates**. If in doubt as to what constitutes confidential or sensitive information, you should check with the IT Security Officer.
- A disclaimer will automatically be attached to all email, designed to limit Newry Mourne and Down's potential liability with respect to information being communicated.
- Ensure that you regularly delete unwanted email items and carry out regular housekeeping on your Inbox/Sent Items.
- Newry Mourne and Down maintains the right to monitor the content of all email being transported over its network.



## 1. Requirements

- All traffic is allowed across VPNs between sites
- Web access is not controlled via the firewalls. Employees **must** adhere to the *Internet Usage policy (IT-102)*
- Anyone wishing to make changes to the Newry Mourne and Down default Firewall rules **must** obtain permission from the IT Security Officer.
- The IT Security Officer **must** be advised of any concerns/issues that would indicate that the Newry Mourne and Down default Firewall rules need to be reviewed or changed.

## 1. Requirements

- Newry Mourne and Down protects its Network and Systems by filtering all Internet access through a firewall. This allows groups of Internet sites to be blocked or allowed by category. If you are blocked from an Internet site that you require access to for business purposes, you should log a call with the IT Department to request the site be added to the allowed list.  
**Employees are prohibited from using Newry Mourne and Down's systems to access any type of social networking sites such as Facebook Twitter etc. (NOTE: Is this last statement applicable to Newry Mourne and Down?)**
- You **must not** access, use, post, or distribute information or materials that are pornographic or otherwise obscene, advocate illegal or dangerous acts, or advocate violence or discrimination.
- You **must not** access, post or distribute harassing, discriminatory, inflammatory, or hateful material, or make damaging or false statements about others.
- You **must not** use Newry Mourne and Down's Internet Systems for any commercial purposes, such as personal financial gain, or any non-Newry Mourne and Down business purpose.
- You **must not** use copyright material without the owner's permission.
- Access to the Internet is conditional on this being for business purposes and if granted personal access then this will only be for outside normal working hours. Users have no right to privacy while using Newry Mourne and Down's systems and **ALL** Internet access and usage may be monitored and logged by the **Proxy Server**. Newry Mourne and Down reserves the right to access, review, copy, store, or delete any electronic communications or files. This includes any items stored on Newry Mourne and Down provided devices, such as files, e-mails, cookies, and Internet history.
- You **must** ensure that you do not give personal or organisational details to any Internet site unless you are certain that it is for legitimate business purposes.

## 1. Requirements

- All access to Newry Mourne and Down's offices is controlled by sign in/out procedures enabling visitors and contractors to sign in and out.
- The Directors will hold a list of staff issued with keys to Newry Mourne and Down's building, and will be the only persons authorised to grant the issuing of keys to an employee. Staff **must** sign for keys issued to them. Line Managers **must** ensure that all keys to Newry Mourne and Down's premises are collected from leavers in line with Leavers Policy IT-207.
- You are responsible for the safety and security of keys issued to you. Where keys are lost, you **must** report this to your Line Manager immediately. You **must not** cut additional keys without the approval of a **senior council officer**. (Premises Officer?)
- You **must not** facilitate or grant access to Newry Mourne and Down's premises to unauthorised persons.
- If you detect an unauthorised visitor on Newry Mourne and Down's premises, you **must** alert your Line Manager immediately. Where they are not available, you **must** alert the Building Manager, or Reception staff. Any such visitor should only be approached if it is thought safe to do so. Where security staff are employed on site, this should be done with their involvement. If someone is identified who has no legitimate reason to be on Newry Mourne and Down's premises they **must** be respectfully asked to leave.
- You **must** lock up and set alarm systems (if it is appropriate to do so – i.e. nobody else is in the building) when leaving the premises.
- You **must not** remove any equipment or items which are Newry Mourne and Down's property from the premises without authority. It is your responsibility to obtain that authority. You **must** take reasonable care to safeguard Newry Mourne and Down's property when it is in your care. If Newry Mourne and Down property is stolen or misplaced you **must** report the matter to your Line Manager immediately.
- An Asset Register containing appropriate details of Newry Mourne and Down's assets is kept and maintained.

## 1. Requirements

- The Newry Mourne and Down IT Department will supply all IT Equipment.
- IT Equipment is asset tagged and recorded in the Asset Register.
- The IT Department will issue encrypted hard drives for all of Newry Mourne and Down's laptop computers. This renders them unusable if stolen.
- All users have a duty of responsibility for any IT Equipment supplied to them. Users are responsible for taking all reasonable care to safeguard equipment against theft:
  - You **must not** leave laptops or other devices visible in an unoccupied car
  - If travelling with a laptop or other device, it **must** travel as hand luggage
- Authorisation must be sought from the IT Security Officer before any Newry Mourne and Down equipment is taken outside the island of Ireland, or the UK.
- IT Department is responsible for the disposal of all IT Equipment. See *Asset Disposal Policy (IT-404)*
- All IT Equipment must be used in compliance with Health & Safety Regulations as detailed in the **Induction Booklet** provided to all employees, and as amended from time to time.

## 1. Requirements

Windows Updates:

- **Employees** **should** install and apply Windows updates as soon as they become available – unless the application of any such update is deemed likely to cause disruption to development work. In the latter scenario, the problem **should** be shared and discussed with the IT Department to see if the problem can be overcome.

## 1. Requirements

- Acceptable business use is defined as activities that directly or indirectly support the business of Newry Mourne and Down.
- The council defines acceptable personal use on council time as reasonable and limited personal communication or recreation, such as reading or game playing during designated permitted breaks.
- Employees are blocked from accessing certain websites during work hours/while connected to the corporate network at the discretion of the council. Such websites include, but are not limited to...[insert]
- Devices' camera and/or video capabilities are/are not disabled while on-site.
- Devices may not be used at any time to:
  - Store or transmit illicit materials
  - Store or transmit proprietary information belonging to another company
  - Harass others
  - Engage in outside business activities
- The following apps are allowed: (include a detailed list of apps, such as weather, productivity apps, Facebook, etc., which will be permitted)
- The following apps are not allowed: (apps not downloaded through iTunes or Google Play, etc.)
- Employees may use their mobile device to access the following council-owned resources: email, calendars, contacts, documents, etc.
- Newry Mourne and Down has a zero-tolerance policy for texting or emailing while driving and only hands-free talking while driving on council business is permitted.

### Devices and Support

- Smartphones including iPhone, Android, Blackberry and Windows phones are allowed (the list should be as detailed as necessary including models, operating systems, versions, etc.).
- Tablets including iPad and Android are allowed (the list should be as detailed as necessary including models, operating systems, versions, etc.).
- Connectivity issues are supported by IT; employees should/should not contact the device manufacturer or their carrier for operating system or hardware-related issues.
- Devices **must** be presented to IT for proper job provisioning and configuration of standard apps, such as browsers, office productivity software and security tools, before they can access the network.

## Reimbursement

- The council will/will not reimburse the employee for a percentage of the cost of the device (include the amount of the council's contribution??), or the council will contribute X amount of money toward the cost of the device.
- The council will a) pay the employee an allowance, b) cover the cost of the entire phone/data plan, c) pay half of the phone/data plan, etc.
- The council will/will not reimburse the employee for the following charges: roaming, plan overages, etc.

## Security

- In order to prevent unauthorised access, devices must be password protected using the features of the device and a strong password is required to access the council's network.
- The council's strong password policy is: Passwords **must** contain both upper and lower case characters (e.g., a-z, A-Z) and contain digits and punctuation characters (e.g. 0-9!@#\$%^&\*()\_+|~-=\`{}[]:~';<>?,./)
- The device must lock itself with a password or PIN if it is idle for five minutes.
- After five failed login attempts, the device will lock. Contact IT to regain access.
- Rooted (Android) or jailbroken (iOS) devices are strictly forbidden from accessing the network.
- Employees are automatically prevented from downloading, installing and using any app that does not appear on the council's list of approved apps.
- Smartphones and tablets that are not on the council's list of supported devices are/are not allowed to connect to the network.
- Smartphones and tablets belonging to employees that are for personal use only are/are not allowed to connect to the network.
- Employees' access to council data is limited based on user profiles defined by IT and automatically enforced.
- The employee's device may be remotely wiped if 1) the device is lost, 2) the employee terminates his or her employment, 3) IT detects a data or policy breach, a virus or similar threat to the security of Newry Mourne and Down's data and technology infrastructure.

## Risks/Liabilities/Disclaimers

- While IT will take every precaution to prevent the employee's personal data from being lost in the event it must remote wipe a device, it is the employee's responsibility to take additional precautions, such as backing up email, contacts, etc.
- Newry Mourne and Down reserves the right to disconnect devices or disable services without notification.
- Lost or stolen devices must be reported to the council within 24 hours. Employees are responsible for notifying their mobile carrier immediately upon loss of a device.
- The employee is expected to use his or her devices in an ethical manner at all times and adhere to Newry Mourne and Down's acceptable use policy as outlined above.

- The employee is personally liable for all costs associated with his or her device. Check for conflict with above points.
- The employee assumes full liability for risks including, but not limited to, the partial or complete loss of council and personal data due to an operating system crash, errors, bugs, viruses, malware and/or other software or hardware failures, or programming errors that render the device unusable.



## 1. Requirements

- Colour LaserJet, bulk duplicating, envelope addressing, line printers, and other types of printing are provided by Newry Mourne and Down.
- A high speed/high capacity ??? photocopier is provided by Newry Mourne and Down for network printing.
- Users **must not** leave confidential printed documents on the printers. Apply the policy of “print the document, collect the document.”
- Users **must** dispose of unwanted confidential printed documents in the shredder.

## 1. Requirements

- It is the responsibility of the user with Remote Access privileges to Newry Mourne and Down's Network to ensure that their remote access connection is given the same consideration as the user's on-site connection.
- Secure Remote Access **must** be strictly controlled. Control will be enforced through Firewall Password/Pass Code authentication.
- At no time should any user provide his or her remote access login details to anyone else.
- Newry Mourne and Down's IT Department will configure Broadband Router devices and laptops for authorised remote users accessing the Network.
- Reconfiguration of a user's equipment for the purpose of Remote Access is **not permitted** at any time.

## 1. Requirements

*Removable Media* is any device or media that is readable and/or writeable by the end user, i.e. flash memory devices such as pen drives, cameras, MP3 players; removable hard drives; optical disks such as CD and DVD disks; and any commercial music and software disks.

- Staff **must not** use personal removable media on Newry Mourne and Down computers or on equipment owned by customers or partners.
- Staff may **only** use removable media provided by the IT Department which will be in the form of "Encrypted Memory Sticks".
- Newry Mourne and Down removable media **must not** be connected to or used in computers that are not owned or leased by Newry Mourne and Down without explicit permission of the IT Security Officer.
- Sensitive information should be stored on removable media **only** when required for legitimate business purposes. When on a client or partner site, where data is to be provided, staff may **only** use a removable media provided by the client or partner.
- When sensitive information is stored on removable media, it **must** be encrypted in accordance with Newry Mourne and Down's Encryption Standards.
- Removable media upon which sensitive information is stored **must** be labelled. (Physically)

## 1. Requirements

- Users **must** attempt to stop any IT Security Incident as it occurs. Powering-down the computer or disconnecting it from the Newry Mourne and Down network may stop any potentially threatening activity.
- Users **must** immediately report the IT Security Incident directly to the IT Security Officer, or to the IT Department in person. The IT Department will take immediate action to stop the incident from continuing or recurring. If neither the IT Security Officer, nor a senior person in the IT Department is available, then a senior council officer **must** be informed.
- If the incident does not involve the loss of confidential information or have other serious impacts to users or the council, the IT Department should repair the system, restore service, and preserve evidence of the incident.
- If the incident involves the loss of confidential information or critical data, or has other potentially serious impacts, IT Security Officer will notify the Chief Executive at the earliest opportunity and forward a written "IT Security Incident Report" detailing a description, and actions taken, to the Chief Executive for consideration.

## 1. Requirements

- All servers **must** be physically located in an access-controlled environment.
- Servers **must** be registered in the Asset Register, which must be kept up-to-date.
- All security-related events on servers **must** be logged and audited as follows:
  - All security related logs will be kept online for a minimum of 1 week.
  - Weekly full tape backups of logs will be retained for at least 1 month.
  - Yearly backups will be kept for a minimum of 2 years.
- Backups **must** be stored off site overnight in a secure manner.

## 1. Requirements

- Access to server resources is granted by the IT Department, and by using allocated Server Space users agree to all terms outlined in this policy.
- Personal information such as photos **must not** be stored anywhere on the network, and if found will be deleted by the IT Department.
- Users **must not** view, copy, alter or destroy any data or documentation belonging to Newry Mourne and Down, or to another user, without permission.
- Users **must not** facilitate unauthorised access or use of resources on Newry Mourne and Down's Servers.
- All users are subject to having server space activities monitored and recorded.
- IT Department is allowed to inspect, copy, remove, or otherwise alter any data, which may undermine the authorised use of Newry Mourne and Down's Servers.

## 1. Requirements

- The IT Department is responsible for installing and supporting **all** software on Newry Mourne and Down's desktop computers, laptops, servers, and other computing devices.
- All Software **must only** be used in accordance with Licensing Agreements.
- The authorised number of copies **must not** be exceeded for a multiple user License.
- Licensing agreements **must** be stored in a secure location.
- When upgrades to software are purchased, the old version **must** be disposed of in accordance with the Licensing Agreement to avoid a potential violation.
- Newry Mourne and Down Employees are **prohibited** from making illegal copies of copyrighted software.

## 1. Requirements

- The IT Department is responsible for supporting all software on Newry Mourne and Down desktop computers, laptops, servers, and other computing devices. If a user requires new, specific, or additional software they **must** channel such requests through the IT Department.
- Newry Mourne and Down will try to standardise the configuration of all software used. Where additional software is required sufficient justification **must** be provided. The IT Security Officer will have the authority to grant or deny such requests.
- The user requesting software installation **must** be involved in testing the software.
- Software or data files **must not** be placed on any fileserver, hard disk, or Newry Mourne and Down owned storage medium without prior authorisation from IT Department.



## 1. Requirements

- External data network connections to Newry Mourne and Down can create potential security exposures if not administered and managed correctly and consistently.
- All Third Parties requesting a network connection **must** complete and sign the Newry Mourne and Down **Non-Disclosure Agreement & Third Party Connection Agreement**
- All Third Party connection requests **must** have the approval of the IT Security Officer; this applies to all new Third Party network connection requests and all existing Third Party network connections
- Services provided over Third Party network connections are limited only to those services required, and only to devices (hosts, routers, etc.) required.
- Third party user details **must** be regularly reviewed to ensure they are accurate and still required.

## 1. Requirements

- Wireless networks are not a replacement for a wired network, and use of the wireless network is subject to the same guidelines as Newry Mourne and Down Security and Internet Usage Policies.
- All authorised wireless access points will be installed by Newry Mourne and Down's IT Department. (These are generally small, antenna-equipped boxes that connect directly to the local area network). Authentication of connecting devices **must** be performed before a connection is granted. Wireless encryption (WPA2) must be used at all times.
- The IT Department will occasionally conduct sweeps of the wireless network to ensure there are no rogue access points present. "Rogue" access points are antennas that are installed without the knowledge or permission of the Newry Mourne and Down IT Department, used to gain illegal access to the network.
- All wireless clients and devices **must** have the latest Newry Mourne and Down standard anti-virus software and security patches installed. These installations **must not** be reconfigured in any way.
- The IT Department reserves the right to turn off without notice any access point connected to the network that it feels puts the network, data, and users at risk.
- Newry Mourne and Down staff with wireless capabilities **must not** attempt to log on to other networks without the appropriate authority.
- Non-Newry Mourne and Down staff **must** be given prior permission to use the Newry Mourne and Down wireless network to access the Internet.

## 1. Requirements

- Laptops, tablets, desktop computers, printers, pen drives, smartphones/mobile phones and any other ICT equipment in the employee's possession **must** be returned.
- Confirm that all personal info/documents have been deleted from mailbox/folders.
- All IT system logins/passwords **must** be changed on the day of the employee's departure, and their account locked.
- Wireless keys **must** be changed at the appropriate location(s)
- The employee **must** make available to the IT Security Officer, all personal passwords they have created for specific files or folders that others will now need to access.
- Keypad/security shutter access systems **must** have their codes reset and the new code securely circulated to the employees.
- All external and internal door keys to any Newry Mourne and Down building **must** be returned.
- All council credit/debit cards **must** be returned.

Staff are required to take any outstanding leave prior to the agreed termination date. (Normal procedures with regard to requesting annual leave apply). If staff are unable to take outstanding annual leave prior to their termination date, pay for outstanding annual leave will be made with their final payment. The employee's **Line Manager has responsibility** for ensuring all the activities in the leaver's checklist below are completed. The IT Security Officer **must** sign off the checklist upon completion.

## 2. Leavers Checklist

Item	Date Completed	Comments	Initialled
Resignation letter received/accepted			
Finance Department notified			
Annual leave outstanding confirmed			
Forwarding address for P45 obtained			
Notify key third party contacts that individual is leaving and on what date			
Identify and transfer any IT/admin duties such as system backups, changing tapes, or system/website administration			
Remove the users details from website or Newry Mourne and Down documentation issued to clients			
ID badges returned			
Laptops, desktops, printers & all other IT kit (Cross check with Asset Register)			
Confirm that all personal info/documents have been deleted from mailbox/folders			
Logins/passwords / wireless keys changed			

User's account locked			
Keypad system codes reset and circulated to all relevant employees			
All external and internal door keys to any Newry Mourne and Down building returned (or <u>changed</u> )			

Signed\_\_\_\_\_

IT Security Officer

Date\_\_\_\_\_

## 1. Requirements

- If you are developing a Web site or writing a blog that will mention Newry Mourne and Down and / or its current and potential services, employees, partners, and customers, you **must** identify that you are an employee of the council and that the views expressed on the blog or Web site are yours alone and **do not** represent the views of the council.
- Unless given permission by your manager, you **are not** authorised to speak on behalf of the council, or to represent that you do so.
- If you are developing a Web site or writing a blog that will mention Newry Mourne and Down and / or its current and potential services, employees, partners and customers, as a courtesy to the council, you **must** let your manager know that you are writing them.
- You **must not** share information that is confidential and proprietary about Newry Mourne and Down. This includes information about trademarks, strategy, policy, initiatives, finances, and any other information that has not yet been publicly released by the council. (These are given as examples only and do not cover the range of what Newry Mourne and Down considers confidential and proprietary. If you have any questions about whether information has been released publicly or doubts of any kind, speak with your line manager before releasing information that could potentially harm Newry Mourne and Down or our employees, partners, and customers)
- Newry Mourne and Down's logo and trademarks **must not** be used without explicit permission in writing. This is to prevent the appearance that you speak for or represent the council officially.
- You **must** always speak respectfully about Newry Mourne and Down and its current and potential employees, customers, and partners. You **must not** engage in name calling or any behaviour that will reflect negatively on Newry Mourne and Down's reputation.
- You **must not** use copyrighted materials, unfounded or derogatory statements, or any form of misrepresentation.
- Newry Mourne and Down encourages you to write knowledgeably, accurately, and using appropriate professionalism. Despite disclaimers, your Web interaction can result in members of the public forming opinions about Newry Mourne and Down and its employees, partners, customers and services.
- You **must** respect the privacy rights of our current employees by seeking their permission before writing about or displaying internal council happenings that might be considered to be a breach of their privacy and confidentiality.
- Recognise that you are legally liable for anything you write or present online. Employees can be disciplined by the council for commentary, content, or images that are defamatory, pornographic, proprietary, harassing, libellous, or that can create a hostile work environment. You can also be sued by council employees and any individual or company that views your commentary, content, or images as defamatory, pornographic, proprietary, harassing, libellous or creating a hostile work environment.

# Newry Mourne and Down Council's IT Policies

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## **1. Purpose**

This Policy dictates the various measures and limitations that are enforced on the User Accounts that are in use on Newry Mourne and Down's IT Systems. This policy is applicable to the *Password Policy (IT-202)*.

## **2. Scope**

This Policy applies to all users of information assets to include Newry Mourne and Down's employees, employees of temporary employment agencies, vendors, business partners, contractor personnel, customers and functional units regardless of geographic location.

*The term information asset is defined as "electronic and non-electronic assets owned by Newry Mourne and Down or entrusted to Newry Mourne and Down (by internal and external customers) and includes, but not limited to, all documentation, electronic data, products, hardware and software".*

## **3. Incident Reporting**

User Accounts are an important aspect of computer security. Users with access to Newry Mourne and Down's Systems are responsible for securing their account details. If another user offers you an alternative Network Account, you **must** report this as a security incident to the IT Security Officer.

## **4. Enforcement**

It is the responsibility of the IT Security Officer to ensure that this policy is kept up to date. Any feedback or comments on this policy should be sent directly to him/her.

## **1. Purpose**

This Policy defines standards for the creation of strong passwords, the protection of those passwords, and the frequency of change.

## **2. Scope**

This Policy applies to all users of information assets to include Newry Mourne and Down employees, employees of temporary employment agencies, vendors, business partners, contractor personnel, customers and functional units regardless of geographic location.

*The term information asset is defined as “electronic and non-electronic assets owned by Newry Mourne and Down or entrusted to Newry Mourne and Down (by internal and external customers) and includes, but is not limited to, all documentation, electronic data, products, hardware and software”.*

## **3. Incident Reporting**

Passwords are an important aspect of computer security. As such, each staff member with access to Newry Mourne and Down’s systems is responsible to select and secure their own passwords. If someone demands or offers you a password, you **must** report this as a security incident to the IT Security Officer.

## **4. Enforcement**

It is the responsibility of the IT Security Officer to ensure that this policy is kept up to date. Any feedback or comments on this policy should be sent directly to him/her.



## **1. Purpose**

This Policy defines Newry Mourne and Down's requirements to ensure that the network and systems are free from malicious software code. Anti-virus software protection includes the tools and procedures necessary to prevent major and widespread damage to user applications, files, and hardware, thus protecting the entire Newry Mourne and Down Network.

## **2. Scope**

This Policy applies to all users of information assets to include Newry Mourne and Down employees, employees of temporary employment agencies, vendors, business partners, contractor personnel, customers and functional units regardless of geographic location.

*The term information asset is defined as "electronic and non-electronic assets owned by Newry Mourne and Down or entrusted to Newry Mourne and Down (by internal and external customers) and includes, but is not limited to, all documentation, electronic data, products, hardware and software".*

## **3. Incident Reporting**

New viruses are discovered almost every day and represent a significant threat to the security of Newry Mourne and Down's network. Any Anti-Virus security issues **must** be reported as a security incident immediately to the IT Security Officer.

## **4. Enforcement**

It is the responsibility of the IT Security Officer to ensure that this policy is kept up to date. Any feedback or comments on this policy should be sent directly to him/her.

## **1. Purpose**

This Policy defines Newry Mourne and Down's requirements for the secure disposal of assets containing sensitive data. The disposal of media, computer equipment, and computer software can create information security risks. These risks relate to the potential unauthorised disclosure of electronic data or intellectual property that could be stored in hard disks and other storage media.

## **2. Scope**

This Policy applies to all users of information assets to include Newry Mourne and Down employees, employees of temporary employment agencies, vendors, business partners, contractor personnel, customers and functional units regardless of geographic location.

*The term information asset is defined as "electronic and non-electronic assets owned by Newry Mourne and Down or entrusted to Newry Mourne and Down (by internal and external customers) and includes, but is not limited to, all documentation, electronic data, products, hardware and software".*

## **3. Incident Reporting**

Any security issues **must** be reported as a security incident immediately to the IT Security Officer.

## **4. Enforcement**

It is the responsibility of the IT Security Officer to ensure that this policy is kept up to date. Any feedback or comments on this policy should be sent directly to him/her.

## **1. Purpose**

This Policy defines Newry Mourne and Down's requirements to ensure that data (in the form of information assets) is retained according to legal, statutory and effective business requirements. This is to ensure that Newry Mourne and Down meets its Legal Compliance obligations.

## **2. Scope**

This Policy applies to all users of information assets to include Newry Mourne and Down employees, employees of temporary employment agencies, vendors, business partners, contractor personnel, customers and functional units regardless of geographic location.

*The term information asset is defined as "electronic and non-electronic assets owned by Newry Mourne and Down or entrusted to Newry Mourne and Down (by internal and external customers) and includes, but is not limited to, all documentation, electronic data, products, hardware and software".*

## **3. Incident Reporting**

All users of information assets in Newry Mourne and Down are responsible for the security of all data and information they have access to. If you encounter any security issues you **must** report this as a security incident to the IT Security Officer.

## **4. Enforcement**

It is the responsibility of the IT Security Officer to ensure that this policy is kept up to date. Any feedback or comments on this policy should be sent directly to him/her.

## 1. Purpose

This Policy defines the requirements to ensure that Email, (including Instant Messaging), is used in an appropriate manner taking into account the confidentiality and sensitivity of information being transmitted.

## 2. Scope

This Policy applies to all users of information assets to include Newry Mourne and Down employees, employees of temporary employment agencies, vendors, business partners, contractor personnel, customers and functional units regardless of geographic location.

*The term information asset is defined as “electronic and non-electronic assets owned by Newry Mourne and Down or entrusted to Newry Mourne and Down (by internal and external customers) and includes, but is not limited to, all documentation, electronic data, products, hardware and software”.*

## 3. Incident Reporting

If you receive any inappropriate or offensive material via email you **must** report this immediately to the IT Security Officer.

## 4. Enforcement

It is the responsibility of the IT Security Officer to ensure that this policy is kept up to date. Any feedback or comments on this policy should be sent directly to him/her.

### 1. Purpose

This Policy defines standards for implementing security controls on the Newry Mourne and Down Firewall. Firewalls can be complex to manage, and security incidents can occur daily. Without a policy to guide firewall implementation and administration, the firewall itself may become a security problem.

### 2. Scope

This Policy applies to all users of information assets to include Newry Mourne and Down employees, employees of temporary employment agencies, vendors, business partners, contractor personnel, customers and functional units regardless of geographic location.

*The term information asset is defined as “electronic and non-electronic assets owned by Newry Mourne and Down or entrusted to Newry Mourne and Down (by internal and external customers) and includes, but is not limited to, all documentation, electronic data, products, hardware and software”.*

### 3. Incident Reporting

Any Firewall issues **must** be reported as a security incident immediately to the IT Security Officer.

### 4. Enforcement

It is the responsibility of the IT Security Officer to ensure that this policy is kept up to date. Any feedback or comments on this policy should be sent directly to him/her.

**1. Purpose**

This Policy defines the requirements to ensure that the Internet is used for appropriate mainly business purposes, protecting Newry Mourne and Down's reputation and keeping the Network and systems free from malicious software code.

**2. Scope**

This Policy applies to all users of information assets to include Newry Mourne and Down employees, employees of temporary employment agencies, vendors, business partners, contractor personnel, customers and functional units regardless of geographic location.

*The term information asset is defined as "electronic and non-electronic assets owned by Newry Mourne and Down or entrusted to Newry Mourne and Down (by internal and external customers) and includes, but is not limited to, all documentation, electronic data, products, hardware and software".*

**3. Incident Reporting**

If when, accessing the Internet, you access a site that contains *offensive or inappropriate content*, you **must** report this as a security incident to the IT Security Officer. This Internet site can then be added to the category list of blocked sites.

**4. Enforcement**

It is the responsibility of the IT Security Officer to ensure that this policy is kept up to date. Any feedback or comments on this policy should be sent directly to him/her.

## **1. Purpose**

The purpose of this Policy is to ensure, as far as is reasonably practical, the personal safety of Newry Mourne and Down's employees and in so doing acknowledge its responsibilities under the Health and Safety at Work (NI) Order 1978.

## **2. Scope**

This Policy applies to all Newry Mourne and Down employees, employees of temporary employment agencies, and contractor personnel and is designed to deny unauthorised access. Buildings security is defined as the necessary steps to be taken to ensure the personal safety of all Newry Mourne and Down employees, employees of temporary employment agencies, contractor personnel and all visitors to Newry Mourne and Down's premises. Every staff member has a duty to ensure building security. It has to be recognised that some individuals may seek access to our premises for malicious purposes and the adherence to this Building Security Policy will act as a deterrent.

## **3. Incident Reporting**

Any buildings security issue **must** be reported as a security incident immediately to **the Premises Officer, or in their absence the Chief Executive.**

## **4. Enforcement**

It is the responsibility of **the Premises Officer** to ensure that this policy is kept up to date. Any feedback or comments on this policy should be sent directly to him/her.

**1. Purpose**

This Policy defines standards for the acceptable use of IT equipment at Newry Mourne and Down. Inappropriate use of IT equipment could expose Newry Mourne and Down to risks including virus attacks, compromise of network systems and services, and legal issues. The Policy aims to protect both the employee and Newry Mourne and Down.

**2. Scope**

This Policy applies to all users of information assets to include Newry Mourne and Down employees, employees of temporary employment agencies, vendors, business partners, contractor personnel, customers and functional units regardless of geographic location.

*The term information asset is defined as “electronic and non-electronic assets owned by Newry Mourne and Down or entrusted to Newry Mourne and Down (by internal and external customers) and includes, but is not limited to, all documentation, electronic data, products, hardware and software”.*

**3. Incident Reporting**

Any IT Equipment security issues **must** be reported as a security incident immediately to the IT Security Officer.

**4. Enforcement**

It is the responsibility of the IT Security Officer to ensure that this policy is kept up to date. Any feedback or comments on this policy should be sent directly to him/her.



## **1. Purpose**

This Policy defines standards for patch management on the Newry Mourne and Down network, ensuring all computer devices (including servers, desktops, printers, etc.) have secure virus protection software, current virus definition libraries, and the most recent operating system and security patches installed.

## **2. Scope**

This Policy applies to all users of information assets to include Newry Mourne and Down employees, employees of temporary employment agencies, vendors, business partners, contractor personnel, customers and functional units regardless of geographic location.

*The term information asset is defined as “electronic and non-electronic assets owned by Newry Mourne and Down or entrusted to Newry Mourne and Down (by internal and external customers) and includes, but is not limited to, all documentation, electronic data, products, hardware and software”.*

## **3. Incident Reporting**

Any Patch security issues **must** be reported as a security incident immediately to the IT Security Officer.

## **4. Enforcement**

It is the responsibility of the IT Security Officer to ensure that this policy is kept up to date. Any feedback or comments on this policy should be sent directly to him/her.

### 1. Purpose

This policy is intended to protect the security and integrity of Newry Mourne and Down's data and technology infrastructure. Limited exceptions to the policy may occur due to variations in devices and platforms.

Newry Mourne and Down grants its employees the privilege of using personal smartphones and tablets of their choosing at work for their convenience. Newry Mourne and Down reserves the right to revoke this privilege if users do not abide by the policies and procedures outlined below.

Newry Mourne and Down employees must agree to the terms and conditions set forth in this policy in order to be able to connect their devices to the council's network.

### 2. Scope

This Policy applies to all users of information assets to include Newry Mourne and Down employees, employees of temporary employment agencies, vendors, business partners, contractor personnel, customers and functional units regardless of geographic location.

*The term information asset is defined as "electronic and non-electronic assets owned by Newry Mourne and Down or entrusted to Newry Mourne and Down (by internal and external customers) and includes, but is not limited to, all documentation, electronic data, products, hardware and software".*

### 3. Incident Reporting

Users are responsible for their device and **must** report any misuse, loss, or theft as a security incident immediately to the IT Security Officer.

### 4. Enforcement

It is the responsibility of the IT Security Officer to ensure that this policy is kept up to date. Any feedback or comments on this policy should be sent directly to him/her.

## **1. Purpose**

This Policy defines standards for local and network printing on Newry Mourne and Down's systems. These standards are designed to ensure the best possible support of the users, and to minimise the potential exposure of confidential prints such as Finance or Personnel records.

## **2. Scope**

This Policy applies to all users of information assets to include Newry Mourne and Down employees, employees of temporary employment agencies, vendors, business partners, contractor personnel, customers and functional units regardless of geographic location.

*The term information asset is defined as "electronic and non-electronic assets owned by Newry Mourne and Down or entrusted to Newry Mourne and Down (by internal and external customers) and includes, but is not limited to, all documentation, electronic data, products, hardware and software".*

## **3. Incident Reporting**

All users of Newry Mourne and Down printers are responsible for their confidential printed documents. If you encounter any security issues you **must** report this as a security incident to the IT Security Officer.

## **4. Enforcement**

It is the responsibility of the IT Security Officer to ensure that this policy is kept up to date. Any feedback or comments on this policy should be sent directly to him/her.

## **1. Purpose**

This Policy defines standards for connecting to Newry Mourne and Down's network or systems from any remote host. These standards are designed to minimise the potential exposure to damage, which may result from unauthorised use of Newry Mourne and Down resources.

## **2. Scope**

This Policy applies to all users of information assets to include Newry Mourne and Down employees, employees of temporary employment agencies, vendors, business partners, contractor personnel, customers and functional units regardless of geographic location.

*The term information asset is defined as "electronic and non-electronic assets owned by Newry Mourne and Down or entrusted to Newry Mourne and Down (by internal and external customers) and includes, but is not limited to, all documentation, electronic data, products, hardware and software".*

## **3. Incident Reporting**

Users with remote access to Newry Mourne and Down's Systems are responsible for securing their account details. If you encounter any security issues when connecting remotely, you **must** report this as a security incident to the IT Security Officer.

## **4. Enforcement**

It is the responsibility of the IT Security Officer to ensure that this policy is kept up to date. Any feedback or comments on this policy should be sent directly to him/her.

## **1. Purpose**

This Policy defines standards for the use of Removable Media on all computers and servers operating in Newry Mourne and Down or on customer sites. These standards are designed to minimise the risk of loss or exposure of sensitive information, and to reduce the risk of acquiring malicious software such as viruses.

## **2. Scope**

This Policy applies to all users of information assets to include Newry Mourne and Down employees, employees of temporary employment agencies, vendors, business partners, contractor personnel, customers and functional units regardless of geographic location.

*The term information asset is defined as “electronic and non-electronic assets owned by Newry Mourne and Down or entrusted to Newry Mourne and Down (by internal and external customers) and includes, but is not limited to, all documentation, electronic data, products, hardware and software”.*

## **3. Incident Reporting**

Users with permission to use Removable Media on the Newry Mourne and Down Network are responsible to secure their devices and information. If you encounter any security issues with Removable Media you **must** report this as a security incident to the IT Security Officer.

## **4. Enforcement**

It is the responsibility of the IT Security Officer to ensure that this policy is kept up to date. Any feedback or comments on this policy should be sent directly to him/her.

## **1. Purpose**

This Policy defines standards for addressing IT Security Incidents that may occur on Newry Mourne and Down's network. Compromises in security can potentially occur at every level of computing from desktop computers to the best-protected systems. Regardless, each incident requires careful response with its potential impact to the security of Newry Mourne and Down's network and users.

## **2. Scope**

This Policy applies to all users of information assets to include Newry Mourne and Down employees, employees of temporary employment agencies, vendors, business partners, contractor personnel, customers and functional units regardless of geographic location.

*The term information asset is defined as "electronic and non-electronic assets owned by Newry Mourne and Down or entrusted to Newry Mourne and Down (by internal and external customers) and includes, but is not limited to, all documentation, electronic data, products, hardware and software".*

## **3. Incident Reporting**

Users **must** report any IT Security Incidents that may occur directly to the IT Security Officer.

## **4. Enforcement**

It is the responsibility of the IT Security Officer to ensure that this policy is kept up to date. Any feedback or comments on this policy should be sent directly to him/her.

### 1. Purpose

This Policy defines standards for the base configuration of internal server equipment that is owned and/or operated by Newry Mourne and Down. Effective implementation of this policy will minimise unauthorised access to Newry Mourne and Down proprietary information and technology.

### 2. Scope

This Policy applies to all users of information assets to include Newry Mourne and Down employees, employees of temporary employment agencies, vendors, business partners, contractor personnel, customers and functional units regardless of geographic location.

*The term information asset is defined as “electronic and non-electronic assets owned by Newry Mourne and Down or entrusted to Newry Mourne and Down (by internal and external customers) and includes, but is not limited to, all documentation, electronic data, products, hardware and software”.*

### 3. Incident Reporting

Any Server Security issues **must** be reported as a security incident immediately to the IT Security Officer.

### 4. Enforcement

It is the responsibility of the IT Security Officer to ensure that this policy is kept up to date. Any feedback or comments on this policy should be sent directly to him/her.

**1. Purpose**

This Policy defines the requirements to ensure that Server Space is used in an appropriate manner taking into account the confidentiality and sensitivity of information stored on Newry Mourne and Down Servers.

**2. Scope**

This Policy applies to all users of information assets to include Newry Mourne and Down employees, employees of temporary employment agencies, vendors, business partners, contractor personnel, customers and functional units regardless of geographic location.

*The term information asset is defined as “electronic and non-electronic assets owned by Newry Mourne and Down or entrusted to Newry Mourne and Down (by internal and external customers) and includes, but is not limited to, all documentation, electronic data, products, hardware and software”.*

**3. Incident Reporting**

Users with allocated Server Space on Newry Mourne and Down’s Servers are responsible to secure their access and data. If you encounter any security issues with Server Space you **must** report this as a security incident to the IT Security Officer.

**4. Enforcement**

It is the responsibility of the IT Security Officer to ensure that this policy is kept up to date. Any feedback or comments on this policy should be sent directly to him/her.



### 1. Purpose

This Policy defines standards for software acceptance on the Newry Mourne and Down network. This policy provides guidance to the IT Department relating to the use, compliance, and limits of copyrighted software.

### 2. Scope

This Policy applies to all users of information assets to include Newry Mourne and Down employees, employees of temporary employment agencies, vendors, business partners, contractor personnel, customers and functional units regardless of geographic location.

*The term information asset is defined as “electronic and non-electronic assets owned by Newry Mourne and Down or entrusted to Newry Mourne and Down (by internal and external customers) and includes, but is not limited to, all documentation, electronic data, products, hardware and software”.*

### 3. Incident Reporting

All suspected software violations **must** be reported as a security incident immediately to the IT Security Officer.

### 4. Enforcement

It is the responsibility of the IT Security Officer to ensure that this policy is kept up to date. Any feedback or comments on this policy should be sent directly to him/her.

## **1. Purpose**

This Policy defines standards for software installation and deployment on Newry Mourne and Down's network. This policy sets protocol as to how software is to be delivered to better enable the IT Department to achieve its objective of delivering stable, well-performing technology solutions.

## **2. Scope**

This Policy applies to all users of information assets to include Newry Mourne and Down employees, employees of temporary employment agencies, vendors, business partners, contractor personnel, customers and functional units regardless of geographic location.

*The term information asset is defined as "electronic and non-electronic assets owned by Newry Mourne and Down or entrusted to Newry Mourne and Down (by internal and external customers) and includes, but is not limited to, all documentation, electronic data, products, hardware and software".*

## **3. Incident Reporting**

It is the responsibility of the IT Department to keep software licensing accurate and up to date. Any security issues **must** be reported as a security incident immediately to the IT Security Officer.

## **4. Enforcement**

It is the responsibility of the IT Security Officer to ensure that this policy is kept up to date. Any feedback or comments on this policy should be sent directly to him/her.

### 1. Purpose

This Policy defines standards to ensure a secure method of network connectivity between Newry Mourne and Down and all Third Parties. These standards are designed to minimise the potential exposure to damage, which may result from unauthorised use of Newry Mourne and Down resources.

### 2. Scope

This Policy applies to all users of information assets to include Newry Mourne and Down employees, employees of temporary employment agencies, vendors, business partners, contractor personnel, customers and functional units regardless of geographic location.

*The term information asset is defined as “electronic and non-electronic assets owned by Newry Mourne and Down or entrusted to Newry Mourne and Down (by internal and external customers) and includes, but is not limited to, all documentation, electronic data, products, hardware and software”.*

### 3. Incident Reporting

Users with Third Party Access **must** immediately report any incident or suspected incidents of unauthorised access to the IT Security Officer.

### 4. Enforcement

It is the responsibility of the IT Security Officer to ensure that this policy is kept up to date. Any feedback or comments on this policy should be sent directly to him/her.

## **1. Purpose**

This Policy defines standards for wireless access to Newry Mourne and Down's network from any client or mobile device, (e.g. Tablet, laptop, etc.). These standards are designed to minimise the potential exposure to damage, which may result from unauthorised use of Newry Mourne and Down resources.

## **2. Scope**

This Policy applies to all users of information assets to include Newry Mourne and Down employees, employees of temporary employment agencies, vendors, business partners, contractor personnel, customers and functional units regardless of geographic location.

*The term information asset is defined as "electronic and non-electronic assets owned by Newry Mourne and Down or entrusted to Newry Mourne and Down (by internal and external customers) and includes, but is not limited to, all documentation, electronic data, products, hardware and software".*

## **3. Incident Reporting**

Wireless access users **must** immediately report any incident or suspected incidents of unauthorised wireless access to the IT Security Officer.

## **4. Enforcement**

It is the responsibility of the IT Security Officer to ensure that this policy is kept up to date. Any feedback or comments on this policy should be sent directly to him/her.

## 1. Purpose

The purpose of this policy is to establish a checklist of actions that **must be fully implemented** in the event that a person leaves the employment of Newry Mourne and Down.

## 2. Scope

This Policy applies to all users of information assets to include Newry Mourne and Down employees, employees of temporary employment agencies, vendors, business partners, contractor personnel, customers and functional units regardless of geographic location.

*The term information asset is defined as “electronic and non-electronic assets owned by Newry Mourne and Down or entrusted to Newry Mourne and Down (by internal and external customers) and includes, but is not limited to, all documentation, electronic data, products, hardware and software”.*

## 3. Incident Reporting

Taking the appropriate steps when an employee leaves is an important aspect of computer security. If someone who is leaving the employment of Newry Mourne and Down asks for your help to circumvent any of the steps listed above, you **must** report this as a security incident to the IT Security Officer.

## 4. Enforcement

It is the responsibility of the IT Security Officer to ensure that this policy is kept up to date. Any feedback or comments on this policy should be sent directly to him/her.

## 1. Purpose

This Policy defines the standards that will help you make appropriate decisions about your work-related blogging and the contents of your blogs, personal Web sites, postings on wikis and other interactive social media/networking sites<sup>1</sup>, postings on video or picture sharing sites, or in the comments that you make online on blogs, elsewhere on the public Internet, and in responding to comments from posters either publicly or via email. **Our internal Internet Usage and Email Policies remain in effect in our workplace.**

Newry Mourne and Down recognises the importance of the Internet in shaping public thinking about Newry Mourne and Down and its current and potential services, employees, partners, and customers. Newry Mourne and Down also recognises the importance of our employees joining in and helping shape public sector conversation and direction through blogging and interaction in social media. Therefore, Newry Mourne and Down is committed to supporting your right to interact knowledgeably and socially in the blogosphere and on the Internet through blogging and interaction in social media.

These standards will help you to have a respectful, knowledgeable interaction with people on the Internet. They also protect the privacy, confidentiality, and interests of Newry Mourne and Down and its current and potential services, employees, partners, and customers.

Note that these policies and guidelines apply only to work-related sites and issues and are not meant to infringe upon your personal interaction or commentary online.

## 2. Scope

This Policy applies to all Newry Mourne and Down employees, employees of temporary employment agencies, and contractor personnel regardless of geographic location.

## 3. Incident Reporting

If you become aware of any breach of this policy, you **must** report this to the IT Security Officer.

## 4. Enforcement

It is the responsibility of the IT Security Officer to ensure that this policy is kept up to date. Any feedback or comments on this policy should be sent directly to him/her.

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<sup>1</sup> Including, but not limited to, Bebo, Facebook, LinkedIn, Twitter,

# Part 4

## Codes and Protocols

# The Northern Ireland Local Government Code of Conduct for Councillors



Department of the  
**Environment**  
[www.doeni.gov.uk](http://www.doeni.gov.uk)

Approved by the Northern Ireland  
Assembly on 27 May 2014





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## 1. **INTRODUCTION**

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

- 1.1 Parts 1 to 8 came into force on 28 May 2014 and Part 9 (Planning) shall come into force on 1 April 2015. The Code has been laid in draft and approved by a resolution of the Assembly. The Code may be amended or revised at any time but such amendment or revision is subject to the same Assembly procedure.

### **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 Commissioner for Complaints, on the application of the Code and the complaints procedure,
  - the Department, 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 Code will also apply to councillors of existing councils<sup>1</sup> and shall continue to apply until those councils are dissolved in April 2015.

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<sup>1</sup> “existing councils” refers to those councils currently in place prior to the local government elections on 22 May 2014

- 2.3 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).
- 2.4 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).
- 2.5 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 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.

- 2.6 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?**

- 2.7 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.

- 2.8 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.)
- 2.9 In addition to the circumstances stipulated in paragraphs 2.7 and 2.8, 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**

- 2.10 The 2014 Act gives the Northern Ireland Ombudsman, in his capacity as the Northern Ireland Commissioner for Complaints (the Commissioner), responsibility for the operation of the enforcing mechanisms of this Code. 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.

- 2.11 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 attention as a result of an investigation of a written complaint.
- 2.12 Where the Commissioner, having undertaken an investigation, determines that he should make an adjudication on the matters investigated, he 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 will decide whether no action should be taken or whether he 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 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>2</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.
- 3.2 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.

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<sup>2</sup> Committee on Standards in Public Life, Members of Parliament, ministers, civil servants and quangos (First Report) May 1995



### 3.3 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.

#### **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.

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

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

- 4.1 Councillors hold public office under the law and must act:
  - (a) lawfully;
  - (b) in accordance with the Code; and
  - (c) in accordance with the standing orders of your council.
- 4.2 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.

- 4.3 You must review regularly (at least annually and when your particular circumstances change) your personal circumstances and to 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.
- 4.4 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.
- 4.5 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.
- 4.6 You must comply with any request of the Commissioner in connection with an investigation conducted in accordance with the Commissioner's statutory powers.
- 4.7 You must not make vexatious, malicious or frivolous complaints against other councillors or anyone who works for, or on behalf of, your council.
- 4.8 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.
- 4.9 You must co-operate with your council with regard to providing the necessary information to be included in the annual accounts of the council.
- 4.10 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.

- 4.11 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.

- 4.12 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 Principles of Conduct.

### **Behaviour towards other people**

- 4.13 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.

- 4.14 You must work responsibly and with respect, with others and with employees of councils. The "Protocol for Relations between Councillors and Employees in Northern Ireland District Councils<sup>3</sup>", which is included as Appendix 3 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/publications/EMPLOYEE\\_CODE\\_FEBRUARY\\_2004.doc](http://www.lgsc.org.uk/fs/doc/publications/EMPLOYEE_CODE_FEBRUARY_2004.doc)

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<sup>3</sup> The Department notes this Protocol is being reviewed and will update this reference to any revised version.

## **Disclosure of information**

- 4.15 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**

- 4.16 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).

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

### **Use of council resources**

4.18 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**

4.19 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**

4.20 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 subparagraph (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 sub-paragraph (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 a particular recommendation on the matter;
  - (b) organise opposition to a particular recommendation on the matter;
  - (c) lobby other councillors about the matter;
  - (d) comply with political group decisions on the matter where these differ from your own views; or
  - (e) 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 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.

## **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**

<p><b><u>The Northern Ireland Commissioner for Complaints</u></b></p> <p>Telephone : 028 902 33821  <b>OR</b>  Text phone : 028 908 97789  <b>OR</b>  Email : <a href="mailto:ombudsman@ni-ombudsman.org.uk">ombudsman@ni-ombudsman.org.uk</a>  <b>OR</b>  Via Post</p> <p>The Ombudsman  Freepost BEL 1478  Belfast  BT1 6BR</p> <p><b>OR</b></p> <p>The Ombudsman  33 Wellington Place  Belfast  BT1 6HN</p>	<p><b><u>Equality Commission for Northern Ireland</u></b></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>  Website: <a href="http://www.equalityni.org">www.equalityni.org</a></p>
<p><b><u>The Department of the Environment</u></b></p> <p>Local Government Policy Division 1  Causeway Exchange  1-7 Bedford Street  Town Parks  Belfast, BT2 7EG.</p> <p>Website: <a href="http://www.doeni.gov.uk">www.doeni.gov.uk</a>  E-mail: <a href="mailto:LGPD@doeni.gov.uk">LGPD@doeni.gov.uk</a>  Textphone 028 905 40642</p>	



## 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 council of a local government district established in accordance with the Local Government (Boundaries) Act (Northern Ireland) 2008<sup>4</sup>;

**“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.

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<sup>4</sup> Until 31 March 2015, “council” shall also include those councils in place prior to the Local Government Elections of 22 May 2014 and the Code shall apply to the councillors of those councils.



### **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.







facilitating local government reorganisation

**DRAFT REVISED CODE OF CONDUCT  
FOR LOCAL GOVERNMENT EMPLOYEES**

**July 2014**

# CODE OF CONDUCT FOR LOCAL GOVERNMENT EMPLOYEES

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## **CODE OF CONDUCT FOR LOCAL GOVERNMENT EMPLOYEES**

### **1.0 INTRODUCTION**

#### **1.1 Status of the Code**

Under Article 35(1)(b) of the Local Government (Miscellaneous Provisions) (NI) Order 1992, the functions of the Local Government Staff Commission include:

*“establishing and issuing a code of recommended practice as regards conduct of officers of councils”.*

This Code has been agreed by the Local Government Reform Joint Forum (Joint Forum) and is promulgated under the authority of the Local Government Staff Commission under Section 40(4) (f) of the Local Government Act (NI) 1972.

It is therefore issued by the Local Government Staff Commission as a statutory recommendation for adoption by all councils and the Staff Commission from 1 April 2015.

It is desirable for the protection of the public and the protection of employees that guidance be given to local government employees as to the conduct expected of them. This Code provides guidance to assist councils and their employees in their day-to-day work and sets out the minimum standards of behaviour expected.

The aim of the Code is to set guidelines for council employees which will help maintain and improve standards and protect employees from criticism or misunderstanding.

This Code is a model which councils should adapt to suit their particular requirements, structures and procedures.

### **2.0 FRAMEWORK FOR THE CODE**

The public is entitled to expect the highest standards of conduct from all employees who work for district councils and this Code has been developed in line with best practice, existing legislation and the following guidance.

The provisions of this Code apply to all staff employed by councils in Northern Ireland and the Local Government Staff Commission (NI) in the performance of their duties on a day-to-day basis including any additional offices to which they may be appointed in their capacity as a district council employee (see Appendix 1, page 21 for a definition of ‘employee’/‘member of staff’).

## 2.1 National Agreement on Pay and Conditions of Service (the National Agreement)

The basic principle is stated in Part 2 paragraph 2, Key National Provisions of the National Joint Council for Local Government Services, National Agreement on Pay and Conditions of Service (the National Agreement):

### 2. Official Conduct

- 2.1 *Employees will maintain conduct of the highest standard such that public confidence in their integrity is sustained.*
- 2.2 *Local codes of practice will be developed to cover the official conduct and the obligations of employees and employers.*

Similar provisions are incorporated in the National Conditions of Service of Chief Officers.

## 2.2 Seven Principles of Public Life

This Code builds on, and is in keeping with, the seven principles of public life articulated by the Nolan Committee on Standards in Public Life (established in October 1994) which emphasises that those in public life should:

- **Selflessness** *take decisions based solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their families, or their friends.*
- **Integrity** *not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.*
- **Objectivity** *in carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.*
- **Accountability** *are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.*
- **Openness** *be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.*
- **Honesty** *have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.*
- **Leadership** *promote and support these principles by leadership and example.*

## 2.3 The Northern Ireland Assembly Five Principles of Conduct

The Code also incorporates Five Principles of Conduct adopted by the Northern Ireland Assembly. These are:

- **Public Duty** - a duty to uphold the law and to act on all occasions in accordance with the public trust placed in them; to act in the interests of the community as a whole.
- **Leadership** - promote and support these principles by leadership and example in order to establish and maintain the trust and confidence of the public, to ensure the integrity of their council in conducting business.
- **Equality** - 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** - 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, equality and embrace diversity in all its forms.
- **Respect** - Employees and Councillors are reminded that it is acknowledged that the exchange of ideas and opinions on policies may be robust but this should be kept in context and not extended to individuals being subjected to unreasonable and excessive personal attack. They should keep in mind that rude and offensive behaviour may lower the public's regard for, and confidence in, Councillors and councils, they should therefore show respect and considerations for others at all times.
- **Good Working Relationships** - Councillors and Employees are servants of the public, and are interdependent upon one another. But their responsibilities are distinct. The working relationship between Councillors and Employees must at all times be professional, courteous and based on mutual respect and trust. Neither party should seek to take unfair advantage of their position. All Councillors and Employees are responsible for ensuring they understand what behaviour is required of them, complying with respective Codes of Conduct. Both share a responsibility for understanding sensitivities and feelings of others and avoiding behaviour that could cause offence or distress.

### **3.0 CONSULTATION AND IMPLEMENTATION**

This Code was drafted and agreed by the Joint Forum in conjunction with the Local Government Staff Commission.

The Code was issued for consultation on 09 July 2014. The Code will be finally revised and issued for implementation with effect from 01 April 2015.

### **4.0 MODEL CODE OF CONDUCT FOR LOCAL GOVERNMENT EMPLOYEES**

#### **4.1 Standards of Behaviour, Impartiality and Conflicts of Interest**

Council employees (see Appendix 1, page 21 for a definition of ‘employee’/‘member of staff’) are expected to conduct themselves with integrity and honesty in carrying out their duties and must provide the highest possible standard of service to the public. Where it is part of their duties to provide appropriate advice to councillors and fellow employees this must be done with impartiality at all times.

Employees will be expected, without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service (see paragraph 4.14. *Whistleblowing*).

Responsibility is placed on every member of staff for disclosing to an appropriate manager or officer of the council every potential conflict of interest in which he/she may be involved.

In general employees’ private interests must not be such as to have the potential for allegations of impropriety or partiality to be sustained thereby bringing the Council into disrepute. This includes standards of behaviour outside the working environment and in the use of social media in relation to elected members, fellow officers and the general public.

Employees should not misuse their official position or information acquired in their official duties to further their private interest or those of others.

Employees must report to the appropriate manager any impropriety or breach of the terms of this Code.

#### **4.2 Disclosure of Information**

The law requires that certain types of information must be available to members, auditors, government departments, service users and the public (see Appendix 1, page 19 for examples). The Council itself may also decide to be open about other types of information.

The Council should therefore make clear to employees:

- the types of information which must be made available, and to whom;
- the types of information which the Council has voluntarily made open, and to whom;
- the types of information which the Council does not wish to be disclosed without specific permission.

The law also requires that personal information held about individuals must be treated in accordance with the Data Protection Act 1998. Employees must ensure that they process data lawfully in accordance with the data protection principles. The Freedom of Information Act 2000 also gives a right of access to information held by public authorities in accordance with the provisions of the authority's publication scheme.

Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way.

Any particular information received by an employee from a councillor which is personal to the councillor and does not belong to the council should not be divulged by the employee without the prior approval of that councillor, except where such disclosure is required or sanctioned by law.

#### **4.3 Political Neutrality**

Employees serve the Council as a whole. They must serve all councillors and not just those of a particular group and must ensure that the individual rights of all councillors are respected.

Subject to individual Councils' conventions, employees may be required to advise political groups. In the provision of such advice employees should not compromise their political neutrality. Any advice given should be available to all political groups, if requested.

All employees whether or not politically restricted must follow all lawful policies of the Council and must not let their own personal or political opinions interfere with their work.

#### **4.4 Potential Conflict of Interest Situations**

As specified in paragraph 1. *Standards of Behaviour, Impartiality and Conflicts of Interest*, staff are expected to conduct themselves with integrity, impartiality and honesty and their private interests should not be such as to have the potential for allegations of impropriety or partiality to be sustained thereby bringing the Council into disrepute. In particular attention is drawn to the following examples of situations where potential conflicts of interest can occur.

##### Relationships with Councillors

Employees are responsible to the Council through its senior managers and in many cases in carrying out their duties they also give advice to councillors. Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employees and individual councillors can damage this relationship and prove embarrassing to other employees and councillors and should therefore be avoided (see paragraph 4.1, page 11 - *Standards etc.* in relation to disclosing every potential conflict of interest).

Employees should deal with councillors in a polite and efficient manner.



They should not approach nor attempt to influence councillors out of personal motives and should report to an appropriate manager if a councillor attempts to pressurise them to deal with a matter outside of Council procedure or policy.

Further advice and guidance is given in the Local Government Employees and Councillors Protocol attached at Appendix 2 .

### Contact with the Local Community and Service Users

The community and service users have a right to expect a high standard of service from the Council. Employees have a responsibility to the community they serve and should, ensure courteous, effective and impartial service delivery to all groups and individuals within the community. Employees should always try to be positive, constructive and inclusive. When necessary make extra efforts to communicate with people with disabilities in accordance with Council policies.

### Relationships with Contractors, Planning Applicants and those applying for Council Grant

All relationships with external contractors or potential contractors or applicants for planning consent or grant must be made known to the appropriate manager. Similarly any beneficial interest or licence in respect of land which is affected by a planning application must be made known to the appropriate manager.

Orders and contracts, grants and planning decisions must be decided on merit and no special favour should be shown in the tendering process to any businesses or potential suppliers particularly those run by, for example, friends, persons to whom the employee owes (or is owed) an obligation, partners or persons where a family relationship is deemed to exist (see Appendix 1 for a definition of 'family relationship'). No part of the local community should be discriminated against.

Employees who deal with, engage or supervise contractors or process or determine applications under delegated powers with whom they have previously had, or currently have, a relationship in a private or domestic capacity, should declare that relationship to the appropriate manager.

Employees must not accept money or any other reward from anyone who may benefit from work or funding provided by the council. To do so would, in law, be corrupt.

### Bribery & Corruption

Under the Bribery Act 2010 it is a serious criminal offence to

- Offer, promise or give someone a reward to induce them to perform their functions or activities improperly.
- Accept, agree to accept or request a reward in return for performing a relevant function or activity improperly.
- Bribe a foreign public official in order to win business, keep business or gain business advantage for the organisation.

## Political Activity

Employees must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work. While the Council recognises and respects the rights of all employees to hold personal or political opinions; employees should ensure that the expression of those opinions does not constitute a conflict of interest for their role within the Council. Employees who have concerns about whether there is a potential conflict of interest should raise the matter with an appropriate manager.

### **4.5 Appointments and Other Employment Matters**

Employees involved in appointments should at all times act in accordance with the Local Government Staff Commission's Code of Procedures on Recruitment and Selection (Code of Procedures).

The Code of Procedures at Part D, Stage 2 – Conflict of Interest, page D:52 states:

*"Responsibility is placed on every panel member to disclose to an appropriate manager or officer of the council where potential conflict of interest may be present, for example partners or persons where a family relationship is deemed to exist, or if an individual has agreed to act as a referee for an applicant"*

And

*"Where a potential conflict of interest exists, the issue is not about satisfying the conscience of the individual. Public perceptions and also those of other candidates must be considered and, in such cases, it may be appropriate for the individual to withdraw from the recruitment exercise."*

Similarly, employees should not be involved in decisions in relation to discipline, promotion or pay adjustments for any other employee who is a friend, a person to whom the employee owes (or is owed) an obligation, partner or person where a family relationship is deemed to exist (see Appendix 1, page 19 for a definition of 'family relationship'). For further examples of potential categories of interests see Appendix 1, page 19 which are based on the relevant section in the Northern Ireland Local Government Code of Conduct for Councillors - [www.doeni.gov.uk/index/local\\_government/code\\_of\\_conduct.htm](http://www.doeni.gov.uk/index/local_government/code_of_conduct.htm)

### **4.6 Outside Commitments**

An employee must not subordinate his/her duty to the Council to his/her private interests or put himself/herself in a position where duty and private interests conflict. The Council should not attempt to preclude officers from undertaking additional employment outside their hours of duty with the Council, but any such employment must not, in the view of the Council, conflict with or react detrimentally to the Council's interests, or in any way weaken public confidence in the conduct of the Council's business.

Employees should devote their whole-time service to the work of their Council and shall not engage in any other business or take up any other additional appointment without the express consent of the Council. Where an officer wishes to engage in other business or take up additional appointment/s he/she must seek the permission of the Council and act at all times in accordance any contractual obligations in this respect.

Employees should follow the Council's rules on the ownership of intellectual property or copyright created during their employment.

Employees of councils should be aware of their responsibilities under the European Working Time Directive.

#### **4.7 Personal Interests**

Employees should review regularly their personal circumstances and take steps to deal with any potential conflict of interest. Employees must declare to an appropriate manager any financial or non-financial interests that they consider could bring about conflict with the Council's interests, for instance:

- membership of an organisation receiving grant aid from the council
- membership of an organisation or pressure group which may seek to influence the Council's policies
- membership of an organisation which may seek to influence the performance of an employee in carrying out their duties
- having a beneficial interest in land which is within the Council's district and is subject to any planning application.

Employees who have an interest, financial or non-financial, should not involve themselves in any decision or allocation of Council services or resources from which they, their friends, persons to whom they owe (or are owed) an obligation, or family might benefit and should ensure that the matter is referred immediately to their line manager.

The Council recognises and respects the right of all employees to become members of organisations. It only requires that employees declare personal interests where there is, or could be perceived to be, a conflict of interest between their duties as an employee and their membership of the organisation.

#### **4.8 Equality Issues**

All members of the local community, customers and employees have a right to be treated with fairness and equity.

In this regard employees must:

- be made aware of their obligations under Section 75 of the Northern Ireland Act 1998 and relevant equality law (see Appendix 1, paragraph 5, page 21);
- co-operate with the Council in the application of any policies agreed by the Council relating to equality issues;

- not take discriminatory action or decisions or encourage or put pressure on fellow employees to take discriminatory action or decisions;
- report any concerns about discriminatory conduct to their line manager or other appropriate employee.

#### **4.9 Separation of Roles During Tendering**

Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the Council. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.

Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors. Employees who are privy to confidential information relating to the tendering process should not disclose that information to any unauthorised party or organisation.

Employees contemplating a management buyout should, as soon as they have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding process.

Employees should ensure that in awarding contracts, no special favour is shown to current or recent former employees or their friends, persons to whom the employee owes (or is owed) an obligation, partners or persons where a family relationship is deemed to exist (see Appendix 1 for a definition of 'family relationship') to businesses run by them or employing them in a senior or relevant managerial capacity.

#### **4.10 Fraud and Corruption**

Employees must be aware that it is a serious criminal offence for them to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in his/her official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained (see paragraph 4.12. for guidance on *Hospitality*).

#### **4.11 Use of Financial Resources**

Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the Council.

#### **4.12 Hospitality and Gifts**

Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the Council in the community. Offers to attend purely social or sporting functions should be accepted only when they are part of the life of the community or where the Council should be seen to be represented. They must be properly authorised and recorded in accordance with the Council's agreed procedure.

When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the authority.

Employees should not accept significant personal gifts from contractors, members of the public and outside suppliers, although the Council may wish to allow employees to keep items of token value such as pens, diaries etc.

When considering whether or not to accept authorised hospitality employees should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality, for instance during a tendering period of a contract for which the provider may be bidding.

Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where:

- it is clear that the hospitality is corporate rather than personal;
- where the Council consents in advance;

or

- where the Council is satisfied that any procurement decisions are not compromised.

Where a visit is necessary, to inspect equipment for example, the Council should consider meeting the cost of the visit to avoid jeopardising the integrity of the Council in subsequent procurement decisions.

#### **4.13 Sponsorship - Giving and Receiving**

Where an outside organisation wishes to sponsor or is seeking to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

Where the Council wishes to sponsor an event or service neither an employee nor any friends, partners or persons where a family relationship is deemed to exist (see Appendix 1 for a definition of 'family relationship') must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest.

Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

#### **4.14 Whistleblowing**

If an employee becomes aware of activities which he/she believes to be illegal, improper, unethical or otherwise inconsistent with this Code, the employee should report the matter, acting in accordance with the employee's rights under the Public Interest Disclosure Act 1998, and with the Council's confidential reporting procedure, or any other procedure designed for this purpose.

#### **4.15 Breaches of the Code of Conduct**

Any breach by an employee of any part of the Code of Conduct or its supporting policies and guidance may render the employee liable to disciplinary proceedings. It should be noted that a breach of the Code and its supporting policies and guidance will be subject to the provisions of the council's disciplinary or other related procedures.

### LEGAL AND OTHER PROVISIONS RELATING TO THE CODE OF CONDUCT

#### 1. Disclosure of Information (paragraph 4.2, page 11)

Data Protection Act 1998.

Freedom of Information Act 2000.

Part 8, sections 42-52 of the Local Government Act (Northern Ireland) 2014 deals with Access to meetings and Documents.

Obligations of Discovery in connection with litigation.

#### 2. Potential and/or Perceived Conflict of Interest Situations (paragraph 4.4, page 12)

Persons who owe you an obligation, or to whom you owe an obligation – this might include a debtor, creditor, fellow member of an organisation.

Very close personal relationships may also create a conflict, e.g. a good friend.

##### Family Relationship

Stage 2 - Composition of Panels paragraph entitled Canvassing on page D:50 of the Local Government Staff Commission's Code of Procedures on Recruitment and Selection (Code of Procedures) states that a relevant family relationship is deemed to exist between a Council officer and/or member and the person (i.e. the contractor, potential contractor, partner in a business etc.) if they are husband or wife, or partner (civil or otherwise), or if the person is the:

- parent
- son or daughter
- brother or sister
- uncle or aunt
- nephew or niece
- grandparent
- grandson or grand-daughter
- foster child or foster parent
- dependent

of the Council officer or member, or of the spouse or partner (whether civil or otherwise) of the Council officer or member.

For the purposes of potential conflicts of interest, as outlined in this Code, this definition is extended to cover partner relationships.

##### Potential Categories of Interest

Examples of potential Categories of Interest based on the Northern Ireland Local Government Code of Conduct for Councillors, May 2014 (see paragraph 5.2) are:-

- (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 sub-paragraph (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) 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).

#### **4. Appointments and Other Employment Matters (paragraph 4.5, page 14)**

##### **Code of Procedures on Recruitment and Selection**



Part B - General Principles Underpinning the Code (on page 4) recommends actions to ensure that appointments are made under the merit principle.

Section 41 of Local Government Act (NI) 1972 deals with appointments to councils.

## **5. Equality Issues (paragraph 4.8, page 15)**

### Legislation

- The Employment Equality (Sexual Orientation) Regulations (NI) 2003
- The Employment Equality Age Regulations (NI) 2006
- Sex Discrimination (NI) Order 1976
- Fair Employment and Treatment (NI) Order 1998
- Disability Discrimination Act 1995
- Race Relations (NI) Order 1997
- Rehabilitation of Offenders (NI) Order 1978 and Exceptions Order 1979
- Equal Pay Act (Northern Ireland) 1970
- Part-Time Workers (Prevention of Less Favourable Treatment) Regulations (Northern Ireland) 2000
- Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations (Northern Ireland) 2002
- Parental Rights and Flexible Working under the Employment Rights (Northern Ireland) Order 1996
- Northern Ireland Act 1998
- Human Rights Act 1998

## **6. Fraud and Corruption (paragraph 4.10, page 16)**

Section 46 of Local Government Act (NI) 1972 deals with the declaration of interest where an employee has a pecuniary interest and with recording of such interests. Not to do so will be an offence.

Section 47 of the Local Government Act (NI) 1972 forbids employees to accept payment apart from their salary/wage.

## **KEY TERMS USED IN THE CODE OF CONDUCT**

### Employee/s or Member/s of Staff

The terms employee/s or member/s of staff should be taken to mean any individual/s employed by a council including those working both full time and part time on a permanent, temporary, fixed term or inward secondment basis. The Code also applies to seasonal and casual staff, agency works and volunteers while they are engaged in carrying out duties for the council.

### **LOCAL GOVERNMENT EMPLOYEES AND COUNCILLORS PROTOCOL**

The Draft Local Government Employees and Councillors Protocol has been prepared by the DOE.

This protocol is intended to set out the working relationship between Councillors and Employees of councils. It relates to all aspects of the working environment, both physical and virtual.

## 1. Purpose

This Policy defines the standards that will help you make appropriate decisions about your work-related blogging and the contents of your blogs, personal Web sites, postings on wikis and other interactive social media/networking sites<sup>1</sup>, postings on video or picture sharing sites, or in the comments that you make online on blogs, elsewhere on the public Internet, and in responding to comments from posters either publicly or via email. **Our internal Internet Usage and Email Policies remain in effect in our workplace.**

Newry Mourne and Down recognises the importance of the Internet in shaping public thinking about Newry Mourne and Down and its current and potential services, employees, partners, and customers. Newry Mourne and Down also recognises the importance of our employees joining in and helping shape public sector conversation and direction through blogging and interaction in social media. Therefore, Newry Mourne and Down is committed to supporting your right to interact knowledgeably and socially in the blogosphere and on the Internet through blogging and interaction in social media.

These standards will help you to have a respectful, knowledgeable interaction with people on the Internet. They also protect the privacy, confidentiality, and interests of Newry Mourne and Down and its current and potential services, employees, partners, and customers.

Note that these policies and guidelines apply only to work-related sites and issues and are not meant to infringe upon your personal interaction or commentary online.

## 2. Scope

This Policy applies to all Newry Mourne and Down employees, employees of temporary employment agencies, and contractor personnel regardless of geographic location.

## 3. Incident Reporting

If you become aware of any breach of this policy, you **must** report this to the IT Security Officer.

## 4. Enforcement

It is the responsibility of the IT Security Officer to ensure that this policy is kept up to date. Any feedback or comments on this policy should be sent directly to him/her.

<sup>1</sup> Including, but not limited to, Bebo, Facebook, LinkedIn, Twitter,

## Part 5

# Members' Allowance Scheme



Comhairle Ceantair  
**an Iúir, Mhúrn  
agus an Dúin**  
**Newry, Mourne  
and Down**  
District Council

**Policy: Scheme of Allowances Payable to Councillors**  
**April 2015 – March 2016**

Scheme of Allowances was presented to Strategy Policy and Resources  
Committee: 14 May 2015

For ratification by Council: 1 June 2015

**THIS INFORMATION TO FOLLOW**

## Part 6

# Officers' Management Structure

