

GOVERNANCE SUB GROUP POLITICAL PARTY REPRESENTATIVES

NOTE OF MEETING ON 30 JUNE 2006 AT LOUGH NEAGH DISCOVERY CENTRE

ATTENDEES:

Victor Brownlees	Armagh City & District Council (Chair)
Nora Winder	Armagh City & District Council
Gerry Miller	Belfast City Council
Peter Robinson	DUP
John O'Kane	SDLP
David Ford	Alliance Party
Danny Kennedy	UUP
Jonathan Huish	IDeA
Alex Maskey	Sinn Fein
Piers Dalgarno	DoE
Janet Cooper	DoE
Greg Magee	DoE

Apologies: John Mathews	Alliance
Paul Butler	Sinn Fein

1.0 **Background**

1.1 A copy of the draft final report of the governance sub group was distributed to the political representatives for discussion. The report identifies key issues relating to governance arrangements for local councils in the context of both the review of public administration decisions and the local government modernisation agenda. It sets out a series of recommendations which if agreed will require legislation and / or guidance to be put in place.

1.2 The Chair explained that the draft report had been drawn up following the meetings held with the political representatives to date when discussion had taken place on the combined research, consultation and information contributed by the consultative forum made up of officers from local government, voluntary & community sector and central government departments.

2.0 **Key governance issues identified in the draft report**

2.1 **(1.1.1) Equitable representation / sharing of civic responsibility**

It was agreed that there was a requirement for proportionality to be enshrined in legislation. Guidance should provide councils with the default arrangement and a menu of proportionality models to select

from. Councils may adopt any of these models, however any departure from the menu will require approval by the Minister.

3.0 (2.1.1& 2.1.2) Safeguards checks and balances

3.1 Although the positions of the ombudsman and local government auditor are already covered in legislation, further consideration needs to be given to the roles they might play in terms of assessing the performance of councils.

3.2 **(2.1.3)** - Section should be changed to read “Existing Equality obligations to remain though there **is** a need to review the efficacy of the arrangements for ensuring public bodies fulfil these obligations”.

3.3 **(2.1.4)** – It was agreed that any new Performance Assessment Framework requiring councils to demonstrate adherence to best practice in corporate governance should include sanctions / penalties for failing councils, in order to make the system effective.

3.4 **(2.1.6)** – Discussion took place regarding the mandatory “Code of Conduct” and it was agreed that the guidance should include penalties for breaches of the code.

3.5 **(2.1.7)** – The Chair clarified issues around the member / officer protocol and the inclusion of senior council officers within the code of conduct.

3.6 **(2.1.8)** – Discussion followed about whether complaints raised by members of the public could be addressed through a council’s standards committee.

3.7 **(2.1.9)** – It was accepted that provision should be made for an external point of reference to hear concerns over conduct, behaviour or actions by individuals or groups of councillors. The guidance should clarify to whom reference is made, including the sanctions.

3.8 **(2.1.10)** – It was agreed there should be a division of responsibility between the roles of Chief Executive / Head of the Paid Service, Chief Finance Officer and Monitoring Officer (Head of Legal Services).

3.9 **(2.1.11)** – It was agreed that councils should establish an Audit Committee, to agree the internal audit plan, monitor its implementation and consider reports from the Local Government Auditor.

4.0 (3.0) – Decision making and accountability

4.1 **(3.1.1)** – The issue of weighted majority voting will be discussed at the next meeting on Thursday 6 July 2006.

- 4.2 **(3.1.2)** – With regard to open meetings, guidance should clearly set out the circumstances where meetings are held in private, eg when dealing with staffing matters and where an issue is commercially sensitive.
- 4.3 The next section, “consideration is being given to possible scrutiny by an Assembly Committee” was deleted.
- 4.4 **(3.1.3)** - Discussion followed regarding the requirement for each council to have a written constitution. Guidance should include advice on the content of the constitution which is seen as essentially a citizen’s charter, setting out the council structure, standing orders, etc.
- 4.5 **(3.1.4)** – The council’s regulatory and quasi judicial responsibilities should be made more explicit and councils required to establish necessary mechanisms for carrying out these roles eg planning and licensing.

The IDeA peer explained that in Wales, up to 80% of such matters are dealt with by officers. Elected members are not permitted to discuss for example planning applications with constituents and declaration of interests by elected members in relation to planning applications are much more stringent than Northern Ireland. IDeA’s advice was to take a more moderate approach to this issue than Wales.

It was suggested that a capacity building programme needed to be put in place to carry out the new transfer of functions.

- 4.6 **(3.1.5)** – Legislation should be put in place to require councils to have effective mechanisms in place to assist in the structuring of their decision making processes, eg taking decisions, scrutinising their impacts / outcomes, co-ordinating corporate interests of the council, monitoring performance, developing policy, consultation and holding other bodies to account for services delivered to citizens within particular council areas. Guidance will include a range of options for councils to choose from. Should a council wish to adopt any other approach, this will require Ministerial approval.
- 4.7 **(3.1.6)** – It was accepted that councils should be required to publish an annual report. Currently there is only a requirement for councils to publish annual accounts. Guidance should set out the report format.
- 5.0 **(4.0) – Citizen engagement.**
- 5.1 The Chair explained that within the existing Best Value legislation there was a requirement for consultation. The Local Government Taskforce Community Planning sub group was majoring on a need for community engagement. There may be a need to strengthen the Best Value legislation to ensure there would be an effective vehicle for engaging with the citizen.

5.2 **(4.1.2)** – It was agreed that enabling legislation should be put in place allowing councils to establish forums at a local level if they chose to do so. Guidance could include how to set up these forums, including the applicability of partnership models. It was accepted that this was an evolutionary process and in time these forums may not all be necessary with some councils choosing to wind up these local forums.

6.0 **Next meeting**

Next meeting of the political representatives will take place on Thursday 6 July at 10.00am in Lough Neagh Discovery Centre.

It was agreed that once the draft report is complete, it will be need to be discussed by the political parties in advance of the Local Government Taskforce Political Panel meeting on 17 July.