Fermanagh & Omagh
District Council
Comhairle Ceantair
Fhear Manach agus na hÓmaí

Fermanagh & Omagh District Council

CONSTITUTION

Agreed by Council on: 15 April 2015
Date Updated: 1 September 2019

VERSION CONTROL SHEET /RECORD CONTROL

Date	Description	Meeting	Issue No
28/5/15	Date approved by DOE entered onto Planning – Scheme of Delegation		V1
10/6/15	Amendments to Scheme of Delegation	P&R – 10/6/15 – Paper J	V2
7/7/15	Amendments to Planning Protocol	Council – 7/7/15	V2
15/7/15	Financial Regulations 2015 added	P&R – 15/7/15 – Paper B	V2
19/10/15	Planning Committee Protocol updated	R&C - 13/10/15 – Paper A	V3
1/6/16	General formatting		V4
	Amendment to Procurement Procedures	P&R – 15/4/15 – Paper G	V4
	Amendment to Procurement Policy	P&R – 13/5/15 – Paper E	V4
	Amendments to Scheme of Allowances to Councillors	P&R – 14/10/15 – Paper D	V4
	Amendment to Procurement Procedures	P&R – 10/2/16 – Paper D	V4
	Financial Regulations (Asset Management) updated	P&R – 9/3/16 – Paper D	V4
	Financial Regulations (Oversight Arrangements) updated	P&R – 13/4/16 Paper C	V4
	Amendments to Scheme of Allowances to Councillors	P&R – 13/4/16 – Paper F	V4
	Amendments to Planning Committee Protocol	Planning – 20/4/16 – Paper H	V4
	Amendments to Scheme of Allowances to Councillors	P&R – 11/5/16 – Paper B	V4
	Amendment to Procurement Procedures	P&R – 11/5/16 – Paper C	V4
	Amendments to Scheme of Allowances to Councillors	P&R – 11/5/16 – Paper K	V4
28/7/16	Amendments to Scheme of Allowances Payable to Councillors	P&R – 14/7/16 – Paper D	V4
21/11/16	Amendments to Standing Orders	P&R – 14/7/16 – Paper U	V5
	Amendments to Standing Orders	P&R – 12/10/16 – Paper H	V5
	Amendments to Planning Committee Protocol	Planning – 19/10/16 – Paper H	V5
	Amendments to Planning Committee Protocol	R&C – 8/11/16 – Paper C	V5

14/12/16	Amendments to Scheme of Allowances to Councillors	P&R – 14/12/16 – Paper E	V6
11/1/17	Amendments to Scheme of Allowances to Councillors	P&R – 11/1/17 – Paper B	V6
15/2/17	Amendments to Regulatory Functions Legislation	P&R – 15/2/17 – Paper H	V6
12/4/17	Amendments to Scheme of Allowances to Councillors	P&R – 12/4/17 – Paper J	V6
10/5/17	Amendment to Procurement Policy and removal of Procurement Procedures	P&R – 10/5/17 – Paper A	V7
14/3/18	Amendment to Financial Regulations	P&R – 14/3/18 – Paper B	V7
3/7/18	Revision of Standing Orders	P&R – 13/6/18 – Paper K	V8
4/9/18	Update to Scheme of Allowances Payable to Councillors	Council – 4/9/18	V8
5/2/19	Update to Article 6 – Decision-making Structure Update to Annex 2 – Responsibilities for Council Functions Amendments to Scheme of Allowances to Councillors	P&R – 14/11/18 – Paper G	V9
5/2/19	Update to Financial Regulations Update to Code of Conduct for Councillors		V9
12/3/19	Amendments to Planning – Scheme of Delegation	R&C – 12/3/19 – Paper A	V10
13/3/19	Amendments to Scheme of Delegation Amendments to Scheme of Allowances to Councillors	P&R – 13/3/19 – Paper F	V10
4/4/19	Amendments to Scheme of Delegation	P&R – 4/4/19 – Paper H	V10
1/9/19	Update to the Planning Scheme of Delegation	R&C – 11/6/19 – Paper C	V11
	Amendments to the Scheme of Allowances to Councillors	P&R – 12/6/19 – Papers J & Q	V11
	Amendments to the Planning Committee Protocol	Planning – 19/6/19 – Paper F	V11
	Amendments to the Planning Committee Protocol	R&C – 9/7/19 – Paper B	V11

COUNCIL CONSTITUTION FRAMEWORK

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Part 1 – Summary, Explanation and Articles of the Constitution

Summary and Explanation

A Council is required, under section 2 of the Local Government Act (Northern Ireland) 2014, to prepare and keep up-to-date a Constitution.

Fermanagh and Omagh District Council's Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law, while others are a matter for the Council to choose. The Constitution is divided into a number of articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in the rules and protocols found at Parts 2 – 6 of the document.

How the Council operates

The Council is comprised of 40 councillors who are elected every four years representing 7 District Electoral Areas (DEAs). Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. All councillors meet together as the Council. Meetings of the Council are normally open to the public. This is where councillors decide the Council's overall policies and set the budget each year. The Council appoints councillors to serve on the various committees and other bodies.

How decisions are made

The Council has a structure of committees on which councillors serve. Meetings of the committees are generally open to the public except where 'confidential' or 'exempt' matters, as defined by the Local Government Act (Northern Ireland) 2014, are discussed.

The Council's staff

The Council has employees working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Officers agree to comply with the Officers' Code of Conduct and there is a protocol in place which governs the relationships between officers and members of the Council.

Citizens' Rights

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes.

In the event of a conflict in any respect between the Articles and the Annexes to the Constitution, a Council shall have regard to the provisions set out in the Articles.

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.

1.2 The Constitution

This Constitution, and all its appendices, is the Constitution of Fermanagh and Omagh District Council.

1.3 Purpose of the Constitution

The purpose of the Constitution is to:

(a) enable the Council to provide clear leadership to the community, in partnership with citizens, businesses and other organisations;
(b) support the active involvement of citizens in the process of Council decision-making;
(c) help councillors represent their constituents more effectively;
(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; and
(i) provide a single point of reference for the operating rules of the authority.

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

2.1 Composition and eligibility

The Council comprises of 40 members, called councillors. Councillors are elected by the voters of each district electoral area 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 recognised filling casual vacancies procedure. In the majority of cases this will be by co-option of an individual nominated by the political party in whose name the previous individual 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 four 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 Roles and duties of all councillors

(a) Key roles

All councillors will:

(i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
(ii) represent their communities and bring their views into the Council's decision-making process;
(iii) deal with individual issues and act as an advocate for constituents in resolving particular concerns or grievances;
(iv) balance different interests identified within the district electoral area and represent that area as a whole;
(v) be involved in decision-making;
(vi) be available to represent the Council on other bodies; and
(vii) maintain the highest standards of conduct and ethics.

(b) Rights and duties

(i) Councillors will have such rights of access to such documents, information, land 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 Procedure 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; and
(iii) for these purposes, 'confidential' and 'exempt' information are defined in the Access to Information Procedure Rules in Part 3 of this Constitution.

2.4 Conduct

Councillors will, at all times, observe the Members' Code of Conduct set out in Part 4 of this Constitution and the Protocol on Employee and Councillor working relationships, likewise, set out in Part 4 of this Constitution.

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 Procedure Rules in Part 3 of this Constitution.

(a) Information

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; and

(ii) see reports and background papers, and any records of decisions made by the Council.

(b) Complaints

Citizens have the right to complain to:

(i) the Council itself under its complaints scheme. With the exception of complaints made under point (ii) below in relation to compliance with the Code of Conduct, all complaints should be referred through the Council's complaints scheme and this process should be exhausted before any complaint is referred on to a third party; or

(ii) the Northern Ireland Commissioner for Complaints, in respect of an allegation that a councillor (or former councillor) has failed, or may have failed, to comply with the Northern Ireland 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

(a) Policy Framework

The policy framework means the following plans and strategies:

(i) Community Plan (under development);
(ii) Local Development Plan (or other documents with Local Development Plan status – under development);
(iii) Corporate Plan;
(iv) Governance Framework;
(v) Medium Term Financial Plan;
(vi) Performance Improvement Plan;
(vii) Sustainable Development Strategy;
(viii) Equality Scheme and Disability Action Plan;
(ix) Emergency Plan;
(x) Corporate Health and Safety Policy;
(xi) Service specific plans and strategies; and
(xii) Any other plans and strategies, which the Council may decide, should be adopted by the Council as a matter of local choice.

(b) Budget

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 setting of virement limits.

4.2 Functions of the Council

Fermanagh and Omagh District Council operates a committee system. This means that the Council is the body ultimately responsible for the exercise of all functions. The Council delegates certain functions to committees and details are set out in Part 2 of this Constitution – Responsibility for Functions.

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 Standing Orders in Part 3 of this Constitution.

4.4 Responsibility for functions

The Council will maintain the table 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 Council meetings

This will be Chairperson of the Council.

5.2 Role and function of the Chairperson

The Chairperson of the Council and, in their absence, the Vice Chairperson, will have the following roles and functions:

(a) Ceremonial role
To attend such civic and ceremonial functions as the Council and they determine appropriate; and

(b) Chairing the Council meeting
The Chairperson will be the person presiding over Council meetings.

The Chairperson will be responsible for ensuring that Council meetings are conducted in accordance with Council's Standing Orders.

Article 6 – Decision-making structures

The Council operates a committee system as its permitted form of governance pursuant to Section 19(1) of the Local Government Act (Northern Ireland) 2014.

6.1 **Role**

The Council has appointed the following Committees:

(a) Environmental Services Committee (40 councillors);
(b) Regeneration and Community Committee (40 councillors);
(c) Policy & Resources Committee (40 councillors);
(d) Planning Committee (13 councillors); and
(e) Brexit Committee.

The Terms of Reference of each committee is set out in Part 2 of this Constitution.

6.2 **Form**

The Council operates a five committee model.

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.

Article 7 – The Executive

This Article is not applicable to Fermanagh and Omagh District Council as it does not operate an Executive arrangement.

Article 8 – Overview and Scrutiny Arrangements

This Article is not applicable to Fermanagh and Omagh District Council as it does not operate an Executive arrangement.

Article 9 - Policy and other committees

9.1 Policy and other committees

The Council will appoint the committees set out in the table Responsibility for Council Functions in Part 2 of this Constitution. Furthermore, the functions to be discharged by each committee will be described in that table.

Article 10 - Joint Arrangements

10.1 Joint arrangements

The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions which are not executive functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities. The Council may appoint councillors to a joint committee and those members need not reflect the political composition of the council as a whole.

10.2 Access to information

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

10.3 Delegation to and from other Councils

(a) The Council may delegate functions to another local authority or, in certain circumstances, the executive of another local authority.
(b) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

10.4 Contracting out

The Council may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making. For example, Fermanagh and Omagh District Council will contract out operation of off-street parking to NCP and TransportNI.

Article 11 - Officers

Terminology

The use of the word "officers" means all employees and staff engaged by the Council to carry out its functions. This includes those engaged under short-term or agency situations.

11.1 Management structure

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

11.2 Functions of the Clerk to the Council

The Chief Clerk to the Council is the chief executive officer of the council and is responsible for the management of the day to day operation of Council and the implementation of the decisions of the Council.

11.3 Functions of the Chief Financial Officer

The Chief Financial Officer to the Council is the officer appointed by the Council to that position and, under current arrangements, is the chief executive officer of the Council. The Chief Financial Officer is responsible for the proper administration of the Council's financial affairs and for execution of all duties of the Chief Financial Officer as set out in the Local Government Finance Act (Northern Ireland) 2011.

11.4 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 are, in its opinion, sufficient to allow their duties to be performed.

11.5 Conduct

Officers will comply with the Officers' Code of Conduct and the Local Government Employee and Councillor Working Relationship Protocol set out in Part 4 of this Constitution.

Article 12 – Decision-making

12.1 Responsibility for decision-making

The Council will issue and keep up-to-date a record of what part of the Council, or 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.

12.2 Principles of decision-making

All decisions of the Council will be made in accordance with the provisions of this Constitution, having due regard to legality, and the following principles:

(a) **Selflessness** – decisions shall be taken solely in terms of the public interest;
(b) **Integrity** – decisions will not be taken because of outside pressures;
(c) **Objectivity** – decisions will be made on the basis of merit;
(d) **Accountability** – decisions will be subject to appropriate scrutiny;
(e) **Openness** – Council will give reasons for decisions as appropriate;
(f) **Honesty** – decisions will not be influenced by conflict of interest;
(g) **Leadership** – council will support decisions by leadership and example;
(h) **Public Duty** – decisions will uphold the law and the public trust placed in decision makers;
(i) **Equality** – decisions will promote equality of opportunity;
(j) **Promoting Good Relations** – decisions will promote a culture of respect, equity and trust and embrace diversity;
(k) **Respect** – respect and consideration for others will be shown at all times; and
(l) **Good Working Relationships** – both between councillors which should be effective, courteous and respectful; and between councillors and officers which should be professional, courteous, respectful and impartial.

12.3 Decisions to be taken by a qualified majority

The decisions of a council that must be taken by a qualified majority, ie by 80 percent of the votes of the members present and voting, are set out in the Council Standing Orders [standing order no 20.3] in Part 3 of this Constitution.

12.4 Decision-making by the Council

The Council meeting will follow the Council Standing Orders set out in Part 3 of this Constitution when considering any matter. Council decisions can be taken either by:

(a) Full Council;
(b) A committee with delegated council powers; or
(c) An officer acting under delegated authority.

12.5 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 apply to them.

Committee and sub-committee decisions are referred to as recommendations (unless under delegated powers as at point 12.4 (b) above) which are then subject to Council agreement at the next meeting of the Council.

12.6 **Reconsideration of decisions**

Decisions of the Council or a committee of the council will be subject to reconsideration if 15 percent of the members of the Council present to the Clerk and Chief Executive 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:

(a) that the decision was not arrived at after a proper consideration of the relevant facts and issues; and

(b) 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 Standing Orders [standing order no 21] in Part 3 of this Constitution.

Article 13 - Finance, Contracts and Legal Matters

13.1 Financial management

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

13.2 Contracts

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

13.3 Legal proceedings by and against the Council

The Chief Executive and Directors are authorised to instruct the Council's legal advisor to take 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.

13.4 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 Chief Executive, Director or by any other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Any contract with a value of £100,000 entered into on behalf of the local authority in the course of discharge of a function shall be made in writing. Such contracts must either be signed by a designated officer or made under the common seal of the council attested by at least one officer.

13.5 Common Seal of the 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 attachment of the Common Seal will be carried out in the circumstances and manner set out in Standing Orders.

Article 14 - Review and Revision of the Constitution

14.1 Duty to keep the Constitution up to date

The duty to monitor and review the Constitution will rest with the Council's Policy & Resources Committee which is described in Part 2 of this Constitution.

14.2 Changes to the Constitution

Changes to the Constitution will only be approved by a majority of the full Council.

Article 15 - Publication of the Constitution

15.1 Suspension of the Constitution

(a) Limit to suspension
The Articles of this Constitution may not be suspended. Other Rules and protocols may be suspended by the body to which they apply (or if no such body then by the Council) to the extent permitted within those Rules and the law.

(b) Procedure to suspend
A motion to suspend any Procedure Rules will not be moved without notice unless at 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.

(c) Procedure Rules capable of suspension
The Rules of Procedure of this Constitution may be suspended to the extent described in Part 3 of this Constitution, ie this will relate solely to Standing Orders.

15.2 Interpretation

The ruling of the Council 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.

15.3 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.

Part 2 – Responsibility for Functions

Annex 1 – Principles of Delegation

1. Section 7 of the Local Government Act (Northern Ireland) 2014 provides that:

   A Council may arrange for the discharge of any of its functions (except those incapable of delegation) to a committee, sub-committee or an officer, or by any other council. Powers which have been delegated may be exercised by the delegating body.

   Section 7(3) of the Local Government Act (Northern Ireland) 2014 stipulates that '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.

   Under the Local Government Act (Northern Ireland) 2014, the Council has been given a general power of competence, enabling it to do anything that an individual might do. This is subject to certain qualifications.

2. Any delegation to a Committee or a Senior Officer (ie Chief Executive, Directors, Heads of Service) shall be exercised in compliance with the Council's Constitution, any other policies or Conditions imposed by the Council and with the law.

3. In making any decision, regard shall be had to the Council's Priorities and principles of decision making as set out in Article 6 of the Constitution.

4. A Senior Officer may nominate another named Officer to carry out any powers and duties which have been delegated to that Senior Officer.

5. If any officer to whom a function has been delegated is for any reason unable to act, or if the post of any such officer is vacant, the Chief Executive, or in their absence, any other Director, may exercise the delegated power.

6. In an emergency, the Chief Executive is empowered to carry out any function of the Council.

7. A delegated officer must ensure that, where necessary, they obtain appropriate advice from the Council's legal, financial and other specialist staff before action is taken.

Annex 2 – Responsibilities for Council Functions

The following table sets out the key matters which stand referred to Council committees, this is not an exhaustive list and should be interpreted broadly. It will be a matter for Council to determine any matters which it wishes to refer to committee. In carrying out its remit each committee is empowered to consult, insofar as it might consider it necessary or desirable, with any other committee of the Council or with any other Council or outside body or person.

Name of Committee	Associated Powers, Duties and Functions
Environmental Services	The primary role of the Environmental Services Committee is to examine, on behalf of the Council, various policies, strategies and plans in draft, relating to those areas set out below and reporting on these to Council: (a) Waste and recycling (b) Parks and Open Spaces (c) Cemeteries (d) Biodiversity (e) Contracts and Operations (f) Building Control (g) Licensing (h) Animal Welfare and Dog Control (i) Off Street Car Parking To undertake reviews or policy development tasks in relation to any matters falling under the remit of this committee or as requested by Council. To respond to consultations relevant to these matters. To engage on an ongoing basis with all relevant external bodies as to their strategies, policies and proposals which will impact on the Fermanagh and Omagh District. This will include, but will not be limited to: (a) Government departments; (b) TransportNI (ie roads maintenance, adoptions, abandonments, disabled parking bays etc); and (c) NI Environment Agency.
Regeneration and Community	The primary role of the Regeneration and Community Committee is to examine, on behalf of the Council, various policies, strategies and plans in draft, relating to those areas set out below and reporting on these to Council: (a) Tourism and Economic Development; (b) Funding and Investment; (c) Leisure, Recreation and Sport; (d) Arts, Heritage, Tourism facilities; (e) Environmental Health and Investing for Health; (f) Community Services; (g) Policing and Community Safety Partnership; and (h) Health related matters including partnerships with health providers. To undertake reviews or policy development tasks in relation to any matters falling under the remit of this committee or as requested by Council.

	To respond to consultations relevant to these matters. To engage on an ongoing basis with all relevant external bodies as to their strategies, policies and proposals which will impact on the Fermanagh and Omagh District. This will include, but will not be limited to: (a) Government departments; (b) Education Authority; (c) Health and Social Care Trust; (d) Public Health Agency; (e) Health and Social Care Board; (f) Police Service of Northern Ireland; (g) Northern Ireland Housing Executive; (h) Invest Northern Ireland; (i) TransportNI (ie regional and network development proposals); (j) Tourism NI; (k) SportNI; (l) Arts Council of NI; (m) Waterways Ireland; and (n) South West College.
Policy & Resources	The primary role of the Policy & Resources Committee is to examine, on behalf of the Council, various policies, strategies and plans in draft, relating to those areas set out below and reporting on these to Council: (a) Monitor and review of Council Constitution; (b) Policy and Strategic Services; (c) Community Planning, Corporate Planning and Performance Improvement; (d) Human Resources and Organisational Development; (e) Finance, Procurement, Internal Audit; (f) Operations and Estates; (g) Trading Services; (h) Democratic Services; (i) Customer Services; (j) Communications and PR; (k) Reports of Audit Panel; and (l) Use of General Power of Competence. To undertake reviews or policy development tasks in relation to any matters falling under the remit of this committee or as requested by Council. To respond to consultations relevant to these matters. To review and consider urgent matters referred from another committee of the Council. To engage on an ongoing basis with all relevant external bodies as to their strategies, policies and proposals which will impact on the Fermanagh and Omagh District. This will include, but will not be limited to: (a) Government departments; (b) NI Local Government Association; (c) Equality Commission for NI; (d) Sustainable Development Commission NI;

	(e) Disability Action; (f) Office of the NI Ombudsman; (g) Information Commissioner's Office Northern Ireland; and (h) Northern Ireland Audit Office.
Planning	The primary role of the Planning Committee is to exercise full delegated authority for the planning functions of the Council which have not been delegated to officers (see Annex 5) in relation to the Development Plan, Development Management and Enforcement. The main remit of Fermanagh and Omagh District Council's Planning Committee includes: (a) Exercising the Council's powers and duties in relation to local planning policies, plan strategies, the statement of community involvement and any other planning documents; (b) Exercising the Council's powers in relation to listed buildings; (c) Consideration of applications for planning permission and consents in accordance with the Council's Scheme of Delegation; (d) Responding to consultations issued by the Department of the Environment or any other Department in relation to planning matters; (e) Responding to consultations in relation to regionally significant or major applications to be determined by the Department of the Environment; and (f) Scrutiny of the Council's delivery of the Planning functions.
Brexit	The primary role of the Brexit Committee is to monitor and review potential impacts for the Council and the district as a result of the UK leaving the European Union The main remit of Fermanagh and Omagh District Council's Brexit Committee includes: (a) Articulating the Fermanagh and Omagh District specific issues which should be considered as part of the negotiation and transition arrangements; (g) Promoting the retention of the "four freedoms" in any post Brexit scenario; (h) Monitoring of progress and announcements around Brexit; (i) Seeking to influence and contribute to Northern Ireland and island of Ireland considerations of the implications of Brexit on both the work of the Council and on the district; (j) Identifying actions the Council may take to seek to mitigate any adverse impacts arising and capitalising on any opportunities as a result of Brexit; (k) Reviewing changes to legislation arising out of Brexit and analysing the likely impact which they may have upon the delivery of Council services; (l) Fostering and maintaining positive relations and cultural links with the EU; (m) Promoting social cohesion within the district, post Brexit; (n) Monitoring the impact on migrant workers, skills gaps and issues arising with regard to various sectors in the labour market; (o) Considering the financial implications for the Council arising out of Brexit;

	(p) Monitoring the Council's preparations for Brexit and associated Contingency Planning arrangements (q) Identifying the implications for EU grant funding and alternative funding opportunities; (r) Seeking to influence decisions with regard to continuing access to and distribution of EU funds (with a particular focus on LEADER, Peace and Interreg programmes); (s) Continuing to collaborate on a cross border basis and to ensure existing structures are not adversely affected as a result of Brexit; and (t) Hearing evidence from other parties.

Annex 3 – Joint Arrangements

The Local Government Act (Northern Ireland) 2014 empowers councils to put in place joint arrangements. At this point in time, Fermanagh and Omagh District Council has no formal joint arrangements in place, however, there are a number that will be established in due course and this constitution will be updated accordingly.

Annex 4 – Scheme of Delegation

This Scheme of Delegation is made pursuant to the Local Government Act (Northern Ireland) 2014 Section 7 and by reference to the Local Government (Northern Ireland) Act 2014 Section 2 and the Local Government Act 2000 Section 14 and all other enabling powers.

This scheme sets out the delegated powers of officers of the council. However, it should be noted that all officers, at whatever level, are required to carry out day-to-day operational functions within the limits of their appointments/job descriptions.

1. The Directors referred to in this scheme of delegations are:
   (a) Director of Community, Health & Leisure;
   (b) Director of Corporate Services & Governance;
   (c) Director of Environment & Place; and
   (d) Director of Regeneration & Planning.

2. Functions are to be construed in a broad and inclusive fashion and include the doing of anything which is calculated to facilitate or is conductive or incidental to the discharge of any of the specified functions

3. In exercising their delegated powers, the Directors/Heads of Service must act within the law, the Council's Constitution, its Financial and Contract Procedure Rules, other procedures and policies and within appropriate service budgets.

4. In exercising their delegated powers, the Directors will:
   (a) Consult the relevant committee as appropriate; and
   (b) Consult any appropriate Director or relevant Head of Service, in particular where there are significant financial, legal, property or HR implications of the proposed action or decision.

5. Except where they relate to day-to-day operational matters, decisions made under this scheme must be recorded on the Delegated Decision Record and be open to public inspection unless the decision falls within the rules relating to exempt information. A quarterly report and annual report will be presented to the Policy & Resources Committee detailing when the delegated authority has been exercised.

6. Directors may authorise officers within their Service area to exercise powers delegated to them. Directors must maintain proper records of such authorisation. The Director shall remain accountable for any action or decisions taken under that authority.

7. Where this Constitution permits the exercise of delegated powers by Heads of Service, such exercise is subject to the same restrictions and requirements as are applicable to Directors.

8. Any reference to an Act of Parliament includes reference to any subordinate legislation made under it and to any modification and/or replacement of it or of such subordinate legislation.

9. This scheme of delegation came into effect on 1 April 2015.

10. Where it is impracticable to obtain authorisation from the Council body with responsibility for the function and subject to the action being reported (for information) to the next convenient meeting of the council, to take urgent action within legal powers where this is necessary in the interests of the Council, in respect of matters otherwise reserved to the Council.

11. The scheme of delegation in respect of Planning Consents, Certificates and Tree Preservation orders, other determinations and Enforcement and Main Enforcement Powers Relating to Planning Control are detailed separately in the Constitution. (approved February 2015)

Reference	Description of Authority	Postholder
	General Delegation to the Chief Executive	
CEX 1	In consultation, except in cases of urgency, with Council chair, to deal with any matter not reserved to another officer by law and which the Chief Executive considers requires a decision before the next meeting of the council, details of which will be reported to Council for retrospective approval.	Chief Executive
CEX 2	Subject to the Employment Procedure Rules and Staff Policies to be responsible for all staffing matters.	Chief Executive
CEX 3	In consultation with Council and Corporate Directors to be responsible for the implementation of strategic direction, performance, community involvement, management and overall business of the council.	Chief Executive
CEX 4	To Exercise an overall responsibility for officers' use of their delegated powers and in particular to require an officer not to exercise his/her delegated powers in any particular case or to exercise any powers delegated to any Corporate Director or other officer or to nominate any officer to exercise such power.	Chief Executive
CEX 5	Signing Legal documents on behalf of the Council and authorising the affixing of the Council Seal thereto, as appropriate.	Chief Executive
CEX 6	Invoking the Council's Emergency Plan and making whatever arrangements are necessary for action thereunder.	Chief Executive
CEX 7	The Chief Executive is the Head of Paid Service.	Chief Executive
CEX 8	The Chief Executive will act as Proper officer for any purpose detailed within this scheme of delegation or wider constitution.	Chief Executive

Reference	Description of Authority	Postholder
	General Delegation to the Chief Executive & Directors	
CXCD 1	To take any action with regard to any matter within the purview of their appointment, except for the sale and purchase of land, where appropriate and proportionate and provided the action does not conflict with agreed policies and is in accordance with the Financial Regulations.	Chief Executive & Directors
CXCD 2	To delegate any of their delegated powers to other officers, subject to any limitations contained elsewhere within the constitution.	Chief Executive & Directors
CXCD 3	To take all action necessary to implement Council and committee decisions within approved budgets and together with the Chief Executive to be responsible for the implementation of strategic direction, performance, community involvement and management of the Council and their respective Departments.	Chief Executive & Directors
CXCD 4	To take all operational decisions within agreed policies in relation to the service for which they are responsible.	Chief Executive & Directors
CXCD 5	Following Council approval, where appropriate, introduce, set and vary as necessary fees and charges for the delivery of services and for the issue of any licence, registration, permit, consent or approval.	Chief Executive & Directors
CXCD 6	Within service budgets, accept tenders, place contracts and procure other resources within or outside the Council subject to compliance with the Council's Financial and Contract Procedure Rules.	Chief Executive & Directors
CXCD 7	Terminate contractual and other commissioning arrangements	Chief Executive & Directors
CXCD 8	Serve, receive and act upon notices, give or refuse consents, issue determinations, apply for permissions, make orders, grant licences in the exercise of any discretionary power or in complying with any duty of the council.	Chief Executive & Directors
CXCD 9	Exercise virement within the financial limits contained in the Financial Procedure rules.	Chief Executive & Directors
CXCD 10	Responding to consultation documents on matters which are routine or which do not have significant policy or financial implications for the Council.	Chief Executive & Directors
CXCD 11	Instructing the Senior Solicitor to take 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.	Chief Executive & Directors

CXCD 12 HMO Licences	The Director of Community Health and Leisure / Head of Environmental Health are responsible for exercising all powers in relation to the issue, but not refusal, of HMO licences, excluding provisions relating to: • Applications for the grant, renewal or transfer or variation of licences where objections are received; • Applications were officers believe there may be an issue in relation to the fitness of the applicant to hold a Licence; • Approving any guidance documents; • Setting of licence fees; • Revocation of licences, except where in the public interest the Director, in consultation with the Council's solicitor, considers that there are particular circumstances which make it necessary to suspend a licence immediately.	Director of Community Health and Leisure / Head of Environmental Health

Reference	Description of Authority	Postholder
	Delegation to Directors & Heads of Service - in relation to the legislation set out in Appendix I for which the Council has responsibility	
DHOS1	Enforcing all regulations, orders and bye laws made under said legislation.	Directors & Heads of Service
DHOS2	Issuing and serving certificates and notices	Directors & Heads of Service
DHOS3	Granting and refusing authorisations, approvals and consents, and rejecting plans.	Directors & Heads of Service
DHOS4	Exercising any powers in relation to the issue (but not refusal) of permits and licences.	Directors & Heads of Service
DHOS5	Effecting (but not cancelling or refusing to effect) registrations and maintaining statutory registers.	Directors & Heads of Service
DHOS6	Instituting legal proceedings and making legal applications on behalf of the Council.	Directors & Heads of Service
DHOS7	Authorising individual officers for the purpose of exercising any statutory power.	Directors & Heads of Service
DHOS8	Dispensing with or relaxing, or refusing to dispenses with or relax Building Regulations and Inviting representations thereon, and extending prescribed periods.	Directors & Heads of Service
DHOS9	Executing works in default of compliance with any notice and in an emergency where empowered by statue, and recovering Costs.	Directors & Heads of Service
DHOS10	Generally enforcing all other statutory powers conferred on the Council.	Directors & Heads of Service

Appendix I - LIST OF REGULATORY FUNCTIONS LEGISLATION

Animal By-Products Regulations (NI) 2003
Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985
Building Regulations (Northern Ireland) 1973
Building Regulations (Northern Ireland) 1977 (as amended)
Building Regulations (Northern Ireland) Order 1979 (as amended)
Building Regulations (Northern Ireland) 1990 (as amended)
Building Regulations (Northern Ireland) 1994 (as amended)
Building Regulations (Northern Ireland) 2000 (as amended)
Building Regulations (Northern Ireland) 2012 (as amended)
Building (Prescribed Fees) Regulations (Northern Ireland) 1997 (as amended)
Caravans Act (Northern Ireland) 1963
Caravans Act (NI) 1983
Children and Young Persons (Protection from Tobacco) (Northern Ireland) Order 1991
Children and Young Persons (Sale of Tobacco, etc,) (Northern Ireland) Regulations 2008
Cinemas (Northern Ireland) Order 1991
Civil Partnership Act 2004
Clean Air (Northern Ireland) Order 1981
Clean Neighbourhoods and Environment Act (NI) 2011
Construction Products Regulations 1991
Consumer Protection Act 1987
Control of Greyhounds etc. Act (Northern Ireland) 1950
Dangerous Dogs Compensation and Exemption Schemes Order (Northern Ireland) 1991
Dangerous Dogs (Northern Ireland) Order 1991
Dogs (Northern Ireland) Order 1983, as amended
Dogs (Guard Dog Kennels) Regulations (Northern Ireland) 2013
European Communities Act 1972
Food and Environment Protection Act 1985
Food (Northern Ireland) Order 1989
Food Hygiene Rating Act (Northern Ireland) 2016
Food Hygiene Regulations (NI) 2006
Food Safety (Northern Ireland) Order 1991
General Product Safety Regulations 2005
Hairdressers Act (NI) 1939
Health and Safety at Work (Northern Ireland) Order 1978
Health and Personal Social Services (NI) Order 1978
High Hedges Act (NI) 2011
Housing of the Working Classes Act 1885
Litter (NI) Order 1994
Local Government Act (Northern Ireland) 1972 (and bye-laws made thereunder)
Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985
Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992
The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995
Marriage (NI) Order 2003
Petroleum (Regulation) Ads (Northern Ireland) 1929 and 1937
Planning Act (Northern Ireland) 2011
Poisons (Northern Ireland) Order 1976
Pollution Control and Local Government (Northern Ireland) Order 1978
Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013
Private Tenancies (NI) Order 2006
Public Health Acts 1878 to 1971
Public Health and Local Government (Miscellaneous Provisions) Act 1949
Public Health Acts Amendment Act 1907
Rats and Mice Destruction Act 1919

REACH Enforcement Regulations 2008
Regulation of Investigatory Powers Act 2000
Registration of Clubs (Northern Ireland) Order 1996
Rent (Northern Ireland) Order 1978
Shops (Sunday Trading etc.) (Northern Ireland) Order 1997
Smoking (NI) Order 2006
Safety of Sports Grounds (Northern Ireland) Order 2006
Street Trading Act (NI) 2001
Sunbeds Act (Northern Ireland) 2011
The Controls on Ozone-Depleting Substances Regulations (Northern Ireland) 2011
The Houses in Multiple Occupation (HMO) Act 2016
The Ozone-Depleting Substances (Qualifications) Regulations (Northern Ireland) 2011
The Energy Performance of Buildings (Certificates and Inspections) Regulations (NI) 2008 (as amended)
The Fluorinated Greenhouse Gases Regulations (Northern Ireland) 2009
The Transmissible Spongiform Encephalopathies Regulations (NI) 2006
The Anti-Social Behaviour (NI) Order 2004
Tobacco Retailers Act (Northern Ireland) 2014
Town Improvement Clauses Act 1847
Town Improvement (Ireland) Act 1854
Noise Act 1996
Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2005
Waste and Contaminated Land (NI) Order 1997
Welfare Services Act (Northern Ireland) 1971
Welfare of Animals Act (NI) 2011
Welfare of Animals (Dog Breeding Establishments and Miscellaneous Amendments) Regulations (Northern Ireland) 2013

EC Regulations

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
and any Regulations made thereunder and related Regulations made under the European Communities Act 1972

Annex 5

Scheme of Delegation: Delegation of Planning Applications, Enforcement and other Planning Matters

Section 31 of The Planning Act (NI) 2011 requires that the Council must prepare a scheme of delegation by which any application for planning permission for a development within the category of local developments or any application for consent, agreement or approval required by a condition imposed on a grant of planning permission for a development within that category is to be determined by a person appointed by the Council.

Part 4, Section 7 of the Local Government Act (Northern Ireland) 2014 allows a Council Committee to delegate certain matters to an officer of the Council. In relation to the scheme of delegation for planning applications, enforcement and other planning matters the person appointed by the Council to exercise delegated powers is the Head of Planning and other officers nominated by the Head of Planning.

The scheme of delegation for the determination of planning applications was agreed by Fermanagh and Omagh District Council at its meeting of 11 June 2019 following approval by the Department for Infrastructure on 6 June 2019. The approval is in accordance with Section 31 of The Planning Act (NI) 2011. The scheme of delegation takes effect from 11 June 2019.

Part A – Mandatory applications for determination by the Planning Committee

Statutory requirements require that certain types of application must be determined by the planning committee and these cannot therefore be delegated to officers:

- Applications which fall within the Major category of development;
- An application for planning permission where the application is made by the Council or an elected member of the Council; and
- The application relates to land in which the Council has an interest.

Part B – Delegated Applications

To determine all local development applications, whether for approval or refusal, with the exception of:

- Applications which are significant departures from the Development Plan and which are recommended for approval;
- Applications submitted by an employee of the Council (or close relatives, that is, spouse, partner, child(ren), parent(s) or sibling(s)) involved in the consideration of planning applications, including senior council staff;
- Applications made by a close relative (that is, spouse, partner, child(ren), parent(s) or sibling(s)) of an elected member of the Council;
- Applications attracting material objections from statutory consultees, where the officer's recommendation is to approve;
- Applications which a member of the Planning Committee considers should be referred to Committee for determination following publication of the list of new planning applications or notification of a recommendation to refuse a planning application or approve a planning application where there is an objection. A referral must be made in writing within 3 weeks from the notification of new planning applications or within one week from the notification to refuse planning permission or approve permission where there is an objection. A material planning reason eg a reason relating to planning policy, must be given for such a referral;
- Applications which the Head of Planning considers that the proposal merits consideration by the Committee eg an application subject to an Enforcement Notice where the recommendation is to refuse permission; or
- A legal agreement is required.

Part C – Delegation of Enforcement

As well as determining planning applications, the Planning Committee will also have to administer the enforcement of planning. The following matters are delegated to the appointed officer:

- The investigation of formal planning enforcement proceedings through the issuing of enforcement notices, listed building enforcement notices, breach of condition notices, stop notices, temporary stop notices, fixed penalty notices, submission notices and planning contravention notices.

Part D – Delegation of the determination of other consents and planning matters

The following matters are delegated to the appointed officer:

- The serving of a provisional Tree Preservation Order;
- Determination of any application for a certificate of lawful development and all other notifications under the Planning (General Permitted Development) Order 2015 with the exception of Part 16 Permitted Development Rights notifications which will be determined by the Council;
- Determination of any application for listed building consent;
- Determination of any application for conservation area consent;
- Determination of any application for advertisement consent;
- Determination of any application to carry out works to protected trees;
- Determination of any hazardous substance consent;
- Serving of a temporary listed building preservation notice;
- Applications for Non-Material Changes;
- Discharge of planning conditions;
- Determination of a revocation order (where there is agreement with the applicant); and
- The screen of and determination of decisions on development proposals required under the Environmental Impact Assessment or Habitats Regulations.

With the exception of any application made by an employee of the Council (or close relatives, that is, spouse, partner, child(ren), parent(s) or sibling(s)) involved in the consideration of the application, including senior council staff, or by a close relative of an elected member of the Council.

Part E – Publicity

The Council has made a copy of this Scheme of Delegation available on its website at www.fermanaghomagh.com. Copies are also available on request for inspection at the Planning Offices in Enniskillen and Omagh and in the Townhall, Enniskillen and the Grange, Omagh.

Part F – Review

This Scheme of Delegation will be subject to review by the Planning Committee.

Part 3 – Rules of Procedure

Access to Information Procedure Rules

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Rule 11.	Audio Recording of Meetings

1. SCOPE

1.1 Except as otherwise indicated, the Rules apply to all meetings of the Council and committees of the Council.

1.2 These Rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

2. RIGHTS TO ATTEND MEETINGS

Members of the public may attend all meetings subject only to the exceptions in Rule 9.

3. NOTICES OF MEETINGS

3.1 The Council will give at least five days' notice of any meeting by posting details of the meeting at the offices of the Council (the Town Hall and The Grange), and on the Council's website.

3.2 Where the meeting is convened at shorter notice, notice will be posted at the time the meeting is convened.

4. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

4.1 Subject to Rule 10, a copy of the agenda and any report for a meeting will be available for public inspection at the offices of the Council and on the Council's website.

4.2 Any document which is required by Rule 4.1 to be open to public inspection must be available for at least three clear days before the meeting, except that:

(a) where the meeting is convened at shorter notice, a copy of the agenda and associated reports must be available for inspection when the meeting is convened; and

(b) where an item which would be available for public inspection is added to the agenda, copies of the revised agenda and any report relating to the item must be available for inspection when the item is added to the agenda.

5. SUPPLY OF COPIES

5.1 The Council will supply copies of:

(a) any agenda and reports which are open to public inspection;

(b) any further statements or particulars, if any, as are necessary to indicate the nature of the items in the agenda; and

(c) if the Chief Executive thinks fit, copies of any other documents supplied to councillors in connection with an item; to any person (including any newspaper) on payment of a charge for postage, copying and any other costs.

5.2 A reasonable number of copies of the agenda and reports for the public part of the meeting will be available for the use of members of the public present at the meeting.

5.3 The Council will also supply copies of documents available for public inspection under Rule 7 to any person (including any newspaper) on payment of a charge for postage, copying or any other costs.

6. ACCESS TO MINUTES ETC AFTER THE MEETING

6.1 The Council will make available at the Council's offices and on the Council's website, as soon as reasonably practicable after a meeting, copies of the following:

(a) the minutes of the meeting, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
(b) a summary of any proceedings not open to the public where the minutes, open to inspection, would not provide a reasonably fair and coherent record;
(c) the agenda for the meeting; and
(d) reports relating to items when the meeting was open to the public.

6.2 The above documents will be retained by the Council and be open to inspection for six years after the meeting.

7. BACKGROUND PAPERS

7.1 The relevant Chief Officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

(a) disclose any facts or matters on which the report, or an important part of the report, is based; and
(b) which have been relied on to a material extent in preparing the report,

but does not include published works, or those which disclose exempt or confidential information (as defined in Rule 10), and in respect of executive reports, the advice of a political advisor.

7.2 Public inspection of background papers: The Council will make available for public inspection at the Council's offices and on the Council's website one copy of each of the documents on the list of background papers. Such papers will be available from the time the report (to which they are background papers) is available until four years after the date of the meeting.

8. SUMMARY OF PUBLIC'S RIGHTS

A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at, and be available to, the public at the Town Hall, Enniskillen and the Grange, Omagh.

9. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

9.1 **Confidential information** - **requirement to exclude public**
The public must be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that confidential information would be disclosed.

9.2 **Meaning of confidential information**
Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by reason of a Court Order or any enactment.

9.3 **Exempt information - discretion to exclude public**
The public may be excluded from meetings by a resolution passed by the meeting whenever it is likely, in view of the nature of the business to be transacted or the nature of the

proceedings, that exempt information would be disclosed.

9.4 **Meaning of exempt information**
Exempt information means information falling within the following 7 descriptions (subject to any qualifications).

	Description	**Qualification**
1.	Information relating to any individual	Information within paragraph 1 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
2.	Information which is likely to reveal the identity of an individual.	Information within paragraph 2 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
3.	Information relating to the financial or business affairs of any particular person (including the authority holding that information)	Information within paragraph 3 is not exempt information if it is required to be registered under: (a) the Industrial and Provident Societies Act (Northern Ireland) 1969; (b) the Friendly Societies Act 1974 and 1995; (c) the Credit Unions (Northern Ireland) Order 1985; (d) the Building Societies Act 1986; (e) the Companies Acts (as defined in section 2 of the Companies Act 2006; or (f) the Charities Act 1993. Subject to the above, Information within paragraph 3 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
4.	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority	Information within paragraph 4 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
5.	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings	Information within paragraph 5 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

	Description	Qualification
6	Information which reveals that the authority proposes: (a) to give under any enactment, a notice under, or by virtue of, which requirements are imposed on a person; or (b) to make an order or direction under any enactment.	Information within paragraph 6 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
7.	Information relating to any action taken, or to be taken, in connection with the prevention, investigation or prosecution of crime	Information within paragraph 7 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information

9.5 A member, or members of the public, may be excluded from a public meeting by use of a lawful power in order to maintain orderly conduct or prevent misbehaviour at a meeting.

10. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

10.1 If the Chief Executive thinks fit, the Council may exclude access by the public to the whole or part of any reports which, in his or her opinion, relate to items during which, in accordance with Rule 9, the meeting is likely not to be open to the public.

10.2 Where the whole, or any part of a report, is not available for public inspection by virtue of Rule 10.1:

(a) every copy of the whole report or part of the report must be marked "Not for Publication"; and

(b) there must be stated on every copy of the report:

(i) by reference to Local Government (Northern Ireland) Act 2014 section 42(2), (3) that it contains confidential information; or

(ii) by reference to Local Government (Northern Ireland) Act 2014 section 42(4) Schedule 6 the description of the exempt information by virtue of which the public are likely to be excluded during consideration of the item.

11. AUDIO RECORDING OF MEETINGS

The Council will make an audio recording of the public elements of all Council meetings which will be available to the public at the offices of the Council for six years from the date of the meeting and published on the website for two years from the date of the meeting.

Fermanagh and Omagh District Council

Financial Regulations
March 2018

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A General

A.1 The Local Government Finance Act (Northern Ireland) 2011 (the 2011 Finance Act) makes provision for a District Council to make arrangements for the proper administration of its financial affairs. Part 1 of the 2011 Act also makes provisions for:

- A Chief Financial Officer;
- Accounting practices;
- Annual budget;
- Council Reserves;
- Council Funds;
- Council Borrowing and Credit Arrangements;
- Capital expenditure and Capital Receipts; and
- Investment.

A.2 To conduct its business efficiently, the Council needs to ensure that it has sound financial management in place and that roles and responsibilities are formally defined, documented and adhered to. This process is aided by the production of four key documents:

- The Financial Regulations;
- The Standing Orders;
- The Scheme of Delegation; and
- The Accounting Manual.

A.3 The Financial Regulations must comply with the Local Government Finance Act (Northern Ireland) 2011. They set out the overarching financial responsibilities of the Council and its staff and provide the framework within which the Council's financial affairs are to be managed. The Financial Regulations reflect best practice and provide a practical source of advice to assist all Officers in the discharge of their duties.

A.4 The Financial Regulations link with other internal regulatory frameworks which form part of the Council's Constitution, which has been developed in line with the requirements of the Local Government Act (Northern Ireland) 2014, and are supplemented by more detailed financial procedures included within the Accounting Manual.

A.5 The Financial Regulations provide clarity about the accountability of key individuals and groups including the Chief Executive, the Director of Corporate Services and Governance, Directors, other key officers and Committees.

A.6 The Chief Executive is for the purpose of Section 1 of the Local Government Finance Act (Northern Ireland) 2011 the Chief Financial Officer of Fermanagh and Omagh District Council and may, subject to Standing Orders and any resolutions of the Policy and Resources Committee or the Council, do all things necessary to secure the proper administration of the Council's financial affairs. The Chief Executive has delegated the day-to-day operation of the Financial Regulations to the Director of Corporate Services and Governance.

A.7 Each Director shall consult the Director of Corporate Services and Governance concerning any matter within his/her area of responsibility which is likely to have a material impact on the finances of the Council before either incurring any commitment or liability, whether provisional or otherwise, or by reporting the matter to a committee.

A.8 The Director of Corporate Services and Governance will notify Directors of additional Regulations and amendments to existing Regulations following approval by the Policy and Resources Committee and may expand on these regulations, where necessary, by issuing instructions, guidance notes, circulars etc.

A.9 The Policy and Resources Committee must approve any variation to, or waiver of, the application of these Regulations.

B Responsibilities for the Operation of Accounting Systems

B.1 The Council has a statutory responsibility to prepare its accounts to present a true and fair view of the financial performance and results of its activities during the year and is responsible for approving and publishing those annual statements in accordance with the timetable specified in the Accounts and Audit Regulations (Northern Ireland) 2015.

B.2 The Chief Financial Officer is responsible for ensuring that the Council prepares the annual statement of accounts in compliance with “the Code”, The Department for Communities (DfC) Accounts Direction and other relevant accounting standards and statutory provisions.

B.3 The Council will properly account for all financial transactions and maintain its accounts in agreement with statutory requirements and professional standards as prescribed by the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice on Local Authority Accounting in the United Kingdom (“the Code”) and the Director of Corporate Services and Governance shall decide on all the accounting procedures and records that Council should adopt in accordance with the Code, consulting with other Directors as appropriate.

B.4 Any proposed new or amended financial system must be agreed in advance with the Director of Corporate Services and Governance.

B.5 Each Director is responsible for the conduct of the financial affairs within his/her directorate in line with Council policy and procedures and for ensuring that an appropriate audit trail exists. He/she must also establish proper security and confidentiality over these procedures and records and in doing so must comply with the requirements of the Data Protection Act 1998.

C Internal Audit

C.1 The purpose, authority and responsibility of Fermanagh and Omagh District Council's Internal Audit function is defined in the **Internal Audit Charter**.

C.2 The requirement for Internal Audit is laid down in the Local Government (Accounts and Audit) Regulations (Northern Ireland) 2015, "A local government body must undertake an adequate and effective internal audit of its accounting records and of its system of risk management, internal control and governance processes using internal auditing standards in force from time to time".

C.3 Internal audit is governed by Public Sector Internal Auditing Standards (PSIAS). The PSIAS sets out the responsibility for the 'Chief Audit Executive' to ensure compliance with the standards. There is no requirement within the PSIAS to adopt this job title and for simplicity the preferred term for the Chief Audit Executive is the Internal Auditor.

Definition and Purpose

C.4 Internal Audit is an independent, objective assurance and consulting activity designed to add value and improve an organisations' operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes. (PSIAS definition)

C.5 The Council has a shared Internal Audit Service and the scope of the service covers the Council's entire control environment and allows for unrestricted access to all records and assets deemed necessary within the course of the audit. In addition, where necessary, Internal Audit will have unrestricted access to the Chair of the Audit Panel, the Chief Executive, Members, Individual Directors/Heads of Service and all employees.

C.6 Internal Audit will provide assurance services to management, the Councillors and the Audit Panel in terms of reviewing the adequacy of the systems of governance, risk management and internal control across the Council. Internal Audit will also provide a consulting role in helping promote and facilitate the development of effective systems of governance, risk management and internal control.

C.7 In addition, and subject to availability of resources, Internal Audit will seek to respond to management's requests for other reviews and investigations, addressing these issues remains the responsibility of management.

C.8 In order to achieve its objectives effectively, Internal Audit must be seen to be independent. This is achieved by:

- Organisational status of Internal Audit and the objectivity of Internal Audit;
- Ability to report to all senior management and to members;
- Not being part of systems and procedures being audited and ensuring that Internal Audit is free from any conflicts of interest; and
- Where Internal Audit is asked to provide any services in a consultancy role, this should be made clear in the project brief.

Authority and Access Rights

C.9 The Local Government (Accounts and Audit) Regulations (Northern Ireland) 2015 states that, "any Officer or Member of a Local Government Body shall, if internal audit requires, make available any such documents of the body which relate to its accounting and other records, as appear to that body to be necessary for the purposes of the audit and supply the body with such information and explanations as the body considers necessary for that purpose".

C.10 Internal Audit shall therefore, have:

- unrestricted access to all Council records, assets, personnel and premises;

- the authority to obtain such information and explanations as it considers necessary to fulfil its responsibilities;
- require any employee to account for cash, stores and any other Council asset under their control; and
- access records belonging to third parties i.e. contractors and partner organisations, when required (this must be written into all agreements and contracts entered into with third parties).

Responsibility

C.11 Internal Audit's main areas of responsibility are:

- Agreeing a long term audit strategy with the Audit Panel, based on an audit needs assessment of all of the Council's activities;
- Agreeing an annual audit plan with the Audit Panel and carrying out the agreed work in line with appropriate professional standards;
- Reviewing, appraising and reporting on the extent to which assets and interests are accounted for and safeguarded from loss; the soundness, adequacy and application of internal controls; the suitability and reliability of financial and other management data; identification and management of business risks; and compliance with laws, regulations, established policies, procedures and good practices;
- Providing assurances, opinions and making recommendations to improve processes and systems where appropriate;
- Following up recommendations made to evaluate action taken;
- Reporting to the Audit Panel and the Chief Financial Officer any significant business risks, serious control weaknesses, significant fraud or other major control breakdown;
- Liaising with External Audit;
- Offering consulting services of an advisory nature without assuming management responsibility or jeopardising achievement of the audit plan;
- Providing performance measures to demonstrate effectiveness of the Internal Audit service;
- Producing an annual report for the Audit Panel and the Chief Financial Officer, giving an opinion on the Council's control environment; and
- Helping to keep the Audit Panel informed of perceived best practice.

Fraud

C.12 Internal Audit does not have responsibility for the prevention or detection of fraud and corruption, however, Internal Audit will be alert in all their work to risks and exposures that could allow fraud or corruption and to any indications that fraud or corruption may have been occurring. In line with the Fraud and Corruption Policy, Internal Audit will be notified of all suspected or detected fraud, corruption or impropriety.

Reporting

C.13 The Internal Audit function reports to the Audit Panel and has direct access to the Chief Financial Officer and Chair of the Audit Panel. For administrative and budgetary purposes, Internal Audit operates within the Directorate of Corporate Services and Governance.

C.14 All audit assignments will be the subject of formal reports. Draft reports will be sent to the Director of the department under review for agreement to the factual accuracy of the findings. After agreement, the reports will be issued to the relevant Director. The reports will also be issued to the Chief Executive and the Audit Panel ahead of each meeting of the Audit Panel.

Audit Panel

C.15 The purpose of an Audit Panel is to provide independent assurance of the risk management framework and the associated control environment, independent scrutiny of the Council's financial and non-financial performance to the extent that it affects the Council's exposure to risk and weakens the control environment and to oversee the financial reporting process alongside the Council's arrangements to secure continuous improvement in its functions.

C.16 The membership of the Audit Panel is made up of five members of the Council (cross-party representation) who are appointed for the term of the Council and two independent members (an external qualified accountant with experience of Local Government Finance and Audit and an externally recruited independent member) who attend in a non-voting capacity. The Chairperson of the panel is appointed at the first Annual General Meeting of each new Council for the term of the Council. Members of the Audit Panel will not hold the chair of any other panel or committee as this could give rise to a perceived conflict of interest.

C.17 The Audit Panel will meet at least four times a year and a minimum of three elected members of the Audit Panel will be present for the meeting to be deemed quorate. The minutes of each meeting will be presented to the Policy and Resources Committee for recommendation. Audit Panel meetings will normally be attended by the Chief Executive, the Director of Corporate Services and Governance, the Head of Finance, the Internal Auditor and a representative of External Audit. The Audit Panel may ask any other officials of the Council to attend to assist it with its discussions on any particular matter.

C.18 The Council has approved Audit Panel Terms of Reference which provides detail on Membership, Information on Meetings, Access, Reporting and Responsibilities of the Audit Panel.

External Audit

C.19 The Northern Ireland Audit Office (NIAO) is the Council's external auditor. The main objective of the external auditor is to certify the financial statements of the Council. In reaching a position where it can certify the financial statements, the NIAO may place reliance on the work of Internal Audit. The degree of reliance is a matter for the NIAO. Internal Audit will seek to maintain effective relationships with external audit by avoiding duplication of work by consulting on respective plans.

D Fraud

D.1 The Council is committed to carrying out business fairly, honestly and openly and has a zero tolerance towards fraud, bribery and corruption and it expects full compliance with the requirements of the Bribery Act 2010 from Councillors, Employees, Agents, Partners, Suppliers and Groups or Individuals applying for, or in receipt of, grant aid. The Council is committed to developing, implementing and maintaining effective procedures and controls to prevent any occurrence of fraud and corruption and has in place a Fraud and Corruption Policy.

D.2 The responsibility for the development and maintenance of appropriate systems and controls lies with Management. However, internal audit can play an important role by examining and evaluating the adequacy and effectiveness of those systems and controls.

D.3 Any potential case which could involve fraud or corruption is dealt with in the strictest confidence. The Policy outlines how a suspicion is to be reported and a fraud response plan including notification to the Northern Ireland Audit Office and the Department for Communities. The Policy also reflects the requirement for employees in relation to Hospitality and Gifts and to regularly review their personal circumstances to avoid conflict of interest and declare any financial or non-financial interests that they consider could bring about a conflict with the Council's interests which will be maintained on a Register of Interest as directed by the Director of Corporate Services and Governance.

Code of Conduct

D.4 Standards of conduct for employees are set out in the Code of Conduct for Local Government Employees (included in Part 4 of the Council's Constitution) and this covers:

- Standards of Behaviour, Impartiality and Conflicts of Interest;
- Disclosure of Information;
- Political Neutrality;
- Potential Conflict of Interest Situations;
- Appointments and Other Employment Matters;
- Outside Commitments;
- Personal Interests;
- Equality Issues;
- Separation of Roles During Procurement;
- Fraud and Corruption;
- Use of Financial Resources;
- Hospitality and Gifts;
- Sponsorship - Giving and Receiving;
- Whistleblowing; and
- Breaches of the Code of Conduct.

D.5 Standards of conduct for Councillors are set out in the Code of Conduct for Councillors is included within Part 4 of the Council's Constitution.

D.6 The Code of Conduct for Councillors outlines their responsibilities in relation to:

- General Conduct;
- Registration of Interests;
- Disclosure and declaration of interests;
- Lobby and access to councillors;
- Decision making; and
- Application of the Code of Conduct with regard to planning matters.

D.7 The Council has also adopted the Local Government Employee and Councillor Working Relationship Protocol which sets out the working relationship between Councillors and

Employees of the Councils. It relates to all aspects of the working environment, both physical and virtual. The protocol also advises of the steps to be taken to deal with concerns at an early stage to reduce negative impacts upon Councillors or Employees and ensure the prompt resolution of any difficulties which may arise. All issues raised under the remit of this protocol must be dealt with in the strictest confidence (included in Part 4 of the Council's Constitution).

Whistleblowing Policy

D.8 The Council has developed a Whistleblowing Policy the purpose of which is to document proper whistleblowing arrangements where employees are encouraged to raise their concerns. The aim of these Whistleblowing arrangements is to act as a deterrent to malpractice, encourage openness, promote transparency, underpin the risk management systems of the council and help protect the reputation of the Council. The policy details how to raise a concern, the Council's assurance to employees who raise a concern and how those concerns will be dealt with.

E Risk Management

E.1 The Local Government (Accounts and Audit) Regulations (Northern Ireland) 2015 (the regulations) places a responsibility on local government bodies to ensure that the financial management of the local government body is adequate and effective and that there is a sound system of internal control which facilitates the effective exercise of its functions and which includes arrangements for the management of risk.

E.2 The regulations also places responsibility on local government bodies to conduct a review at least once in each financial year of the effectiveness of its system of internal control and for the findings of the review to be considered at a meeting, either of the local government body as a whole or a committee of the local government body whose remit includes audit of governance functions. Following consideration of the findings of the review the local government body as a whole or committee must approve an annual governance statement prepared in accordance with proper practices on internal control.

E.3 Risk is the threat that an event or action will adversely affect the Council's ability to achieve its stated objectives, to deliver its services and to successfully deliver approved strategies. The Council has in place a **Risk Management Policy**, the aim of which is to establish and operate appropriate risk management procedures and to promote an organisational culture which ensures that risk management is an integral part of every activity. The Policy is supported by Risk Management Procedures.

E.4 The Policy outlines the Council's approach to risk management and outlines the roles and responsibilities of the following groups and individuals for the risk management framework and processes to ensure the successful implementation of the policy:

- Audit Panel
- Chief Executive
- Senior Management Team
- Heads of Service
- Corporate Risk Management Team
- Internal Audit
- All Employees

E.5 The Local Government (Accounts and Audit) Regulations (Northern Ireland) 2015 place a requirement on the Council to produce an Annual Governance Statement. This Statement is produced as part of the Council's Annual Financial Statements and is subject to review by the Council's external auditors. As part of producing this statement, Directors and Heads of Service within the Council are required to produce individual, signed annual assurance statements, setting out the risk control framework in place for their area of responsibility and disclosing any significant governance issues and the action planned to address them.

F Financial Planning

Annual Budget

F.1 In compliance with Part 1 (3) of the Local Government Finance Act (Northern Ireland) 2011 the Council shall cause to be submitted to it estimates of income and expenditure of the Council during the next financial year. The Council, before the prescribed date of 15th February:

- shall consider the estimates for the next financial year;
- may revise the estimates in such a manner as the Council thinks fit;
- shall approve the estimates, subject to any revisions under paragraph (b);
- shall authorise the expenditure included in the estimates;
- shall fix, for the next financial year, the amount estimated to be required to be raised by means of rates made by the Council; and
- set the non-domestic and domestic rate for the next financial year.

F.2 The Council may consider the establishment of a Members Estimates Working Group which will meet at agreed intervals to consider the Estimates of Income and Expenditure before they are presented to the Policy and Resources Committee or a meeting of the full Council.

F.3 The Chief Executive and the Director of Corporate Services and Governance, in conjunction with the other Directors, must present to the Policy and Resources Committee, or a full meeting of the Council:

- Estimates of revenue income and expenditure for the next financial year;
- Estimates of capital expenditure for the next financial year together with proposed funding;
- The estimated de-rating grant, rates support grant and transferred functions grant for the next financial year;
- The estimated contribution to/from reserves for the next financial year;
- The estimated penny product, non-domestic rate, domestic rate and conversion factor for the next financial year;
- A Medium-Term financial plan;
- A report on the adequacy of the proposed level of reserves as prescribed by the Local Governance Finance Act (Northern Ireland) 2011; and
- A statement on the robustness of the estimates as prescribed by the Local Government Finance Act (Northern Ireland) 2011.

Together with such statements, reports and recommendations as each committee requires.

The estimates and statements must be in agreement with all financial policies of the Council and consistent with the Community Plan 2030, the Corporate Plan and Departmental Plans.

Revenue Expenditure and Income

F.4 Directors must prepare a detailed budget of revenue expenditure and income in respect of their Departmental responsibilities for the forthcoming year in accordance with guidance issued by the Director of Corporate Services and Governance and these draft estimates of income and expenditure must be considered by the Senior Management Team before they are presented to the Estimates Working Group, the Policy and Resources Committee or a meeting of the full Council.

F.5 On an annual basis, and at the time when the revenue estimates are formulated, each Director shall review and propose levels of all fees and charges under his/her remit and present a report and recommendation to the relevant committee detailing proposed fees for the forthcoming year.

Capital Expenditure

F.6 Capital expenditure results in the acquisition of, or the construction of, or the addition of subsequent costs to noncurrent assets (tangible and intangible) in accordance with section 19 of the Local Government Finance (Northern Ireland) Act 2011.

F.7 The Local Government (Capital Finance and Accounting) Regulations (Northern Ireland) 2011 provides that expenditure of councils shall be treated for the purposes of Section 19 of the Local Government Finance (Northern Ireland) Act 2011 as being, or not being, capital expenditure. The Department may also, by direction, provide that expenditure of a particular council shall be treated for the purposes of Section 19 as being, or not being, capital expenditure.

Options Appraisals (Economic Appraisals and Business Cases)

F.8 In order to comply with the Local Government Finance Act (Northern Ireland) 2011 and the Prudential Code an options appraisal, including an assessment of long-term affordability is necessary to justify capital investment. The Council has developed an Options Appraisal Policy which can also be applied to revenue expenditure.

F.9 The aim of the Policy is to provide guidance on the appraisal process from assessing the level of appraisal required right through to assessment, reporting and project evaluation. The Policy specifies:

- Appraisal limits
  - Full economic appraisal – level of expenditure > £250,000
  - Full Business case – level of expenditure > £30,000 but less than £250,000
  - Business case Short Form – level of expenditure £10,000 to £30,000
  - Like-for-like Expenditure Request Form - level of expenditure £10,000 to £30,000
- Clarifies the extent of appraisal required in relation to the level of expenditure
- Outlines where the responsibility for appraisal lies
- Documents the assessment and reporting process, and
- Highlights the need and specifies the requirements for post project evaluation.

F.10 Appraisals will be assessed through the Funding and Investment Unit against a scoring matrix. A minimum score must be achieved. On a monthly basis, the Funding and Investment Unit will provide monthly reports, for approval (depending on the level of expenditure) to the Senior Management Team and to the Regeneration and Community Committee.

F.11 Financing of capital expenditure can come from a variety of sources, such as Grants, Capital Receipts and Borrowing. In order to account for the repayment of the Councils' borrowing, irrespective of when the timing of loan receipts and payments might take place, the council will make an annual prudent provision for repayment through a charge to the General Fund referred to as Minimum Revenue Provision (MRP).

F.12 The Council has a statutory requirement, to charge to its general fund, an amount of Minimum Revenue Provision (MRP) which it considers to be "prudent" under Regulation 6 of the Local Government (Capital Finance and Accounting) Regulations (Northern Ireland) 2011. The regulations also state that authorities are required to prepare an annual statement of their policy on making MRP for approval by the Council. The Council will need to consider its calculation of the Capital Financing Requirement (CFR) when making an assessment of the level of MRP required. MRP should make provision for re-payment of the CFR over the medium-term.

F.13 The Director of Corporate Services and Governance is responsible for developing an Annual **Minimum Revenue Provision Policy** and reporting the policy to the Policy and Resources Committee or a full meeting of the Council for approval.

F.14 The 'CIPFA Prudential Code for Capital Finance in Local Authorities' requires local authorities to set **Prudential Indicators**. It details a number of measures/limits/parameters (Prudential Indicators) that are required to be set each financial year:

- External debt indicators;
- Affordable borrowing limit;
- Capital expenditure indicators;
- Affordability indicators;
- Prudence indicators; and
- Treasury and external debt indicators.

F.15 The Director of Corporate Services and Governance is responsible for advising on the Prudential Indicators that the Council should set in accordance with the Code and reporting to the Policy and Resources Committee or a full meeting of the Council all matters that the Council needs to take into account when setting and reviewing such indicators.

F.16 The Director of Corporate Services and Governance is responsible for ensuring that the Council's Reserves are efficiently, effectively and appropriately applied in the financial planning process and for providing advice and guidance to the Chief Financial Officer on the level and adequacy of the Minimum General Reserves Balance for the following financial year in compliance with Part 6 and 7 of the Local Government Finance Act (Northern Ireland) 2011.

Medium Term Financial Plan

F.17 The Council is required by Regulation to have regard to CIPFA's Prudential Code for Capital Finance in local authorities under Part 1 of the Local Government Finance Act (Northern Ireland) 2011. The Code requires the development of three-year revenue forecasts as well as three-year capital expenditure plans. The capital plan will be informed by projects that have been appraised in line with the Council's Options Appraisal Policy. The capital plan will be supported by a Financing Plan for the Policy and Resources Committee to consider.

The Medium Term Financial Plan will include:

- The Council's Estimated Revenue Income and Expenditure Plan
- The Council's Capital Plan
- Minimum Revenue Provision Plan
- Prudential Indicators
- The Council's Affordable Borrowing Limit
- Treasury Management Policy.

Financial Contingency Plans

F.18 The Director of Corporate Services and Governance is responsible for putting in place Financial Contingency Plans which will include scenario planning, sensitivity and risk analysis and options to fund proposed Revenue spending plans in the event that risks and uncertainties identified in any financial planning process materialises which haven't been included in the Budget as potential financial costs.

G. Treasury Management

G.1 The Council, in carrying out its functions under Part 1 (Financial Adminstration) of the Local Government Finance Act (Northern Ireland) 2011 and Regulation 19 of the Local Government (Capital Finance and Accounting) Regulations (Northern Ireland) 2011 shall have regard to the CIPFA Code of Practice in 'Treasury Management in the Public Services'.

G.2 The Council defines its treasury management activities as:

- the management of its investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activies and the pursuit of optimum performance consistent with those risks;
- The Council regards the successful identification, monitoring and control of risk to be the prime criteria by which the effectiveness of its treasury management activities will be measured. Accordingly, the analysis and reporting of treasury management activities will focus on their risk implications for the Council, and any financial instruments entered into to manage these risks; and
- The Council acknowledges that effective treasury management will provide support towards the achievement of its business and service objectives. It is therefore committed to the principles of achieving value for money in treasury management.

G.3 The Council has approved a **Treasury Management Policy** incorporating Treasury Management Practices (TMPs) based on the above legislation and Code as well as CIPFA's Prudential Code and Guidance from the Department of the Environment.

The aim of the policy is to set out the expected treasury management activities and treasury management practices and will be reviewed and updated on an annual basis. The Policy is linked to the Council's Medium-Term Financial Plan, Capital Plan and the Council's Corporate Plan.

G.4 The Strategy for treasury management covers:

- Council's current Treasury positon;
- Capital borrowing;
- Debt Rescheduling;
- Prospects for Interest Rates;
- Annual investment Strategy; and
- Treasury Management Advisors.

G.5 The Policy and Resources Committee has responsibility for the implementation, regular monitoring of and approval of treasury management policies and practices. The Committee will also receive regular updates regarding revenue budgets and expenditure as well as updates on capital expenditure. It will also approve the selection of external service providers.

G.6 The Director of Corporate Services and Governance has overall responsibility for the implementation and monitoring of the Policy and will report to the Policy and Resources Committee on the Council's treasury management policies, practices and activities, including an annual strategy and plan in advance of the year, a mid-year review and an annual report after its close, in the form described in its TMPs.

G.7 The Director of Corporate Services and Governance shall make proper arrangements to:

- Operate such banking accounts as he/she may consider necessary;
- Make all arrangements with the Council's bankers;
- holding blank cheques safely; and
- prepare, sign and dispatch cheques;
- make BACs payments and online bank transfers;

- invest on its behalf, such surplus monies of the Council as he/she believes is appropriate;
- realise or change such investment as he/she may believe to be necessary and desirable for the benefit of the Council; and
- to ensure that investment securities are safe and secure and that appropriate records of all transactions are maintained.

H Financial Management

Budgetary Responsibility

H.1 In compliance with Part 1 Section 3 (3) of the Local Government Finance Act (Northern Ireland) 2011, no expenditure shall be incurred by, or on behalf of, a council unless:
(a) previously authorised in accordance with the estimates approved by the council;
(b) otherwise previously authorised by the council; or
(c) if not so authorised, necessarily incurred in circumstances of emergency.

H.2 But any expenditure under c above shall, as soon as reasonably practicable, be reported to the council with a view to being approved by the Council.

H.3 Each Director is responsible for ensuring that their Departments' receive all income and that it does not spend more than the amount of expenditure if has estimated. Where a Director intends to vary or undertake new policy initiatives which have significant financial consequences then he/she must consult the Director of Corporate Services and Governance before seeking approval from the Policy and Resources Committee.

H.4 It is the responsibility of the Director of Corporate Services and Governance to establish an appropriate framework of budgetary management and control which ensures that:

- services are provided within agreed budgets unless the Council agrees otherwise;
- each Director is provided with timely information on income and expenditure on each budget heading;
- all officers responsible for committing expenditure comply with corporate guidance, Financial Regulations and Standing Orders;
- significant variances from budget are investigated on a timely basis;
- ensure that relevant training is provided to Managers responsible for budget monitoring;
- a scheme of budget virement; and
- reserves are maintained.

H.5 It is the responsibility of a Director to ensure that he/she identifies Heads of Departments/Managers to be accountable for each item of income and expenditure under his/her control. As a general principle, the responsibility for managing a budget should be aligned as closely as possible to those roles that are responsible for deciding to commit expenditure. It is the responsibility of Directors to:

- ensure all income and expenditure is properly recorded and accounted for;
- ensure that individual sub-budgets are not overspent;
- exercise discretion in managing the service's budgets;
- ensure that a monitoring process is in place; and
- provide explanations for variations to the Director of Corporate Services and Governance.

Budget Profiling

H.6 Each Director is responsible for profiling his/her budget in each financial year to reflect the pattern of expenditure that he/she anticipates.

Variance Analysis

H.7 Monthly income and expenditure reports (adjusted for accruals) and forecasting information must be included as a standing item on the agenda for meetings of the Senior Management Team and Departmental Management Teams. Quarterly reports on the Capital Expenditure and funding streams will be presented individually, as part of the reporting requirements under the Prudential Indicators and in conjunction with the Funding and Investment Unit.

H.8 Directors are responsible for investigating the cause of and variance identified. In carrying out their investigations, they must:

- review the original budget;
- review the assumptions they made about the budget profile;
- analyse the transactions for the year to date;
- report to the Director of Corporate Services and Governance, explaining the cause of the variance and the action that the service will take to correct the variance; and
- any other action agreed with the Director of Corporate Services and Governance including:
  - re-profiling a budget;
  - extracting in-year savings or other methods to fund the shortfall.

Virement

H.9 Directors are responsible for ensuring that spending remains within individual budget limits. It is however, permissible that in certain circumstances, resources are transferred between budget headings subject to the necessary approval. The transfer of resources between budget headings is referred to as a virement.

H.10 Directors must submit proposals for virement to the Director of Corporate Services and Governance who may either approve the request or refer it to the Policy and Resources Committee according to the following guidelines:

- The Director of Corporate Services and Governance may approve a virement within an operational budget, or across budget areas within a Directorate unless, in her judgement, the sum involved is material in relation to the Council service area in which case she will refer the request to the Policy and Resources Committee for approval:
- Virements against future charges or other uncertain sources of income is not permitted; and
- Directors may not use savings of a non-recurring nature to justify a decision to incur expenditure that also brings a continuing commitment into later years.

H.11 When a sudden emergency creates need, then Financial Regulations shall not prevent a Director from incurring essential expenditure but in such circumstances the Director must report immediately to the Director of Corporate Services and Governance, the Chief Executive and the Chairperson of the Policy and Resources Committee the action that has been taken.

Budget Reporting - Revenue Expenditure

H.12 The Director of Corporate Services and Governance must present a report detailing Net Expenditure v Budget Expenditure to the Senior Management Team and the Policy and Resources Committee on a monthly basis unless otherwise agreed by that Committee, in line with the Council's Financial Reporting Procedures.

H.13 The Director of Corporate Services and Governance must report quarterly to the Policy and Resources Committee any relevant financial matter including forecast outturn from Property Service (LPS) forecast of the Actual Penny Product for the year and must seek approval for any revisions or amendments to any related Financial Policy.

H.14 The Director of Corporate Services and Governance must report on the draft financial outturn for the year to the Policy and Resources Committee by the 30th June following the year-end and the final financial outturn to both the Audit Panel and the Policy and Resources Committee. The report must include commentary on the level and adequacy of the Council's general reserves.

Management of the Capital Programme

H.15 The Director of Corporate Services and Governance and the Director of Environment and Place are responsible for monitoring monthly, the income and expenditure of capital schemes. Once capital expenditure has been approved, it is the responsibility of the Director of Environment and Place to ensure that the approved sums are not exceeded.

H.16 Where a sudden emergency creates needs, then Financial Regulations shall not prevent the Director of Environment and Place from incurring essential expenditure but, in such circumstances, that Director must report immediately to the Director of Corporate Services and Governance and the Chief Executive the action that they have taken and must, at the next opportunity, report such action to the Policy and Resources Committee.

H.17 The Director of Environment and Place is responsible for reporting to the Director of Corporate Services and Governance on all matters of a financial nature relating to the Capital Programme.

H.18 Virement does not apply to capital expenditure.

Oversight Arrangements

H.19 On a quarterly basis, the Director of Regeneration and Planning will present a report on the progress of the capital plan. This report will detail for all major contracts awarded, issues on spend to date, adherence to the agreed timetable, any contractual issues, any major onsite issues which have arisen, any variations to date and any potential difficulties which are foreseen. As the report may refer to confidential contractual negotiations, it is proposed it will be dealt with 'in committee'.

H.20 In addition to this, for any project with projected overall spend greater that £1.5m or projects with a lesser value which are perceived to have particular complexities or to be of strategic importance to the district a project board/working group will be established to oversee the delivery of each project.

H.21 Terms of Reference (ToR) will be drafted for each group and agreed at the initiation of the project. These ToR should cover:

- The scope of the project;
- Membership of the group, frequency of meetings, projected timescale for operation of group;
- The reporting arrangements for the group;
- The role of the group; and
- Key actions at each stage of the project – design stage, construction phase.

Capital Receipts

H.22 Funds received in respect of a disposal of a non-current asset known as capital receipts. The Council must apply capital receipts in accordance with Local Government Finance Act (Northern Ireland) 2011. An amount equal to the whole or any part of a capital receipt may be used only to meet capital expenditure or debts or other liabilities (including revenue expenditure funded from capital under Statute).

H.23 In accordance with the Local Government (Capital Finance and Accounting) Regulations (Northern Ireland) 2011, the Council will not treat, as such, those receipts which meet all other criteria for recognition as a capital receipt, if the sum received does not exceed £5,000.

I Income

I.1 The Council receives income from various sources e.g. charges made for its services and the supply of goods. All income due shall have a proper base, which is derived from law, Council decision or delegated authority. The Council receives cash/credit and debit card and cheque payments on a daily basis from its customers as immediate payment and in other instances invoices are raised to customers with standard terms and conditions of payment.

I.2 Departments must follow procedures issued by the Director of Corporate Services and Governance in relation to:

- receipts and lodgements;
- banking arrangements;
- recording of income;
- raising invoice/credit requests;
- recovery of debt; and
- safe custody of documents/records retention.

I.3 Directors responsible for the collection of monies due to the Council must collect and receipt income promptly and record and bank the money they receive without undue delay. Departments must not make any deduction from income unless the Director of Corporate Services and Governance specifically authorises them to do so.

I.4 Charges should be reviewed at least annually to ensure that income levels are maintained and new services are charged for. The relevant Council Committee will approve charges.

I.5 Invoices will not be raised for the supply of goods and services with a value of less than £40, unless in exceptional circumstances and as agreed by the Director of Corporate Services and Governance.

I.6 The Council has standard terms which require payments to be made within 30 days upon receipt of an invoice; payment by instalments will be considered by the Director of Corporate Services and Governance if requested in writing and payment is received by standing order or direct debit in an agreed instalment plan.

I.7 It is the overall responsibility of the Director of Corporate Services and Governance to issue the invoices and follow up overdue accounts. However, each Department has a responsibility to assist in the collection of monies.

I.8 No debt should be written off unless all possible steps have been taken to recover the amount. Write off shall only be authorised where:

- there is a properly established enforceable debt; which
- remains unpaid in whole or in part; and is
- irrecoverable at reasonable effort and expense; and is
- not attributable to fraud, theft, irregularity or the negligence of an officer.

I.9 Debts up to the amount of £500 may be written off by the Director of Corporate Services. Debts to be written off exceeding this amount must be presented to the Policy and Resources Committee for approval.

J Salaries, Wages and Pensions

J.1 The Council will pay all salaries, wages, pensions, compensation and other emoluments to employees, former employees or the legal personal representatives of employees or former employees of the Council and in line with the Terms and Conditions of contract, policies and rates of pay that are approved.

J.2 The Council will make appointments of all employees in accordance with the regulations of the Council and the establishments, grades and rates of pay that it has approved.

J.3 The Director of Corporate Services and Governance must prescribe or approve the form in which the Council prepares time records or other pay documents relating to salaries and wages. The Director of Corporate Services and Governance or someone acting with her authority, must certify such time records and other pay documents.

J.4 The Director of Corporate Services and Governance is responsible for putting in place appropriate controls to ensure that:

- payments are only authorised to bona fide employees;
- payments are only made where there is a valid entitlement;
- conditions and contracts of employment are correctly applied;
- employees' names listed on the payroll are checked at regular intervals;
- accuracy, completeness and continued employment are verified; and
- there is an effective system of checking and certifying payroll forms.

K Travelling and Subsistence Allowances

K.1 The Director of Corporate Services and Governance is responsible for the payment of expense claims to employees making claims in line with the Council's Travel and Subsistence Policy and associated procedures. The aim of the Policy is to ensure a consistent approach to the full and prompt reimbursement of travel and subsistence costs necessarily incurred by staff in the course of their duties and in line with the National Joint Council rates.

K.2 The Director of Corporate Services and Governance will:

- require employees to be responsible for ensuring that any vehicle, motorcycle or bicycle they use for travelling is in good working order and to provide vehicle documents and a valid driving licence in line with the policy;
- determine, in line with Directors status of employees as casual as a default position, or essential;
- make arrangements for paying all authorised travel and subsistence claims; and
- ensure that taxable allowances and benefits are accounted for, recorded and returned to HMRC where appropriate.

K.3 The Director of Corporate Services and Governance is also responsible for making payments to Members and Independent Members, where appropriate, who are entitled to claim travelling or other allowances, under arrangements that the Director of Corporate Services and Governance approves and controls. Members making expense claims must do so in accordance with the provision **Scheme of Allowances for Councillors**.

K.4 Officers and Members must submit claims monthly. The Director of Corporate Services and Governance will not reimburse claims from Officers or Members relating to expenses that were incurred more than three months from the date of submission.

K.5 In certifying claims, the Director of Corporate Services and Governance will take this to mean that the certifying officer is satisfied that:

- an appropriate person authorised the Officer's journeys;
- the expenses were properly and necessarily incurred;
- the employee was authorised to incur the costs and private vehicles are appropriately insured and are roadworthy; and
- the allowances are properly payable by the Council.

L Procurement of Goods, Services and Works

L.1 Procurement is the process of obtaining supplies, services and construction works usually by means of a contractual arrangement spanning the life cycle of the asset or service contract by applying effective and up-to-date procurement procedures and processes following public competition, where relevant, in line with the Council's **Procurement Policy**. It is a strategic process which follows a clearly defined method and undertakes a 'whole life approach' beginning with the initial definition of the business need right through to the end of the useful life of the asset or service contract. The process will also include a review of the delivery of the service/contract highlighting any lessons learned for future procurement. The Policy aims to support the delivery of the Community Plan 2030 and the Council's Corporate Plan in a consistent manner which makes the best use of resources whilst achieving value for money (i.e. the most advantageous combination of cost, quality and sustainability) and constantly seeking improvement.

L.2 The Council requires goods and services to efficiently meet the needs of the Council area. These goods and services will be procured as outlined within the Procurement Policy.

L.3 The key objectives of the Policy are to ensure that the procurement process is high quality, clear, open and transparent; that there is consistency in approach; that overall value for money is achieved including economic, environmental and social value and that the process focuses on continuous improvement in terms of quality, effectiveness and efficiency.

L.4 The purpose of the Procurement Policy is to provide a framework for undertaking procurement on behalf of the Council and it is supported by procurement procedures. It details:

- The Council's procurement approach;
- How the 12 principles guiding public procurement in Northern Ireland (Public Procurement Policy in Northern Ireland), which complement the shared values and principles within the 2030 Community Plan, will be applied to all Council procurement;
- The application of social value in procurement; and
- Procurement Approval limits.

L.5 Directors must apply the principles detailed in the policy and supporting procedures to all procurement exercises including compliance with the purchasing limits and they will be accountable for the procurement process under their directive.

L.6 The Council has in place the following purchasing limits, but, where appropriate, the use of Government Procurement Service Frameworks and other relevant frameworks will be explored, collaborative procurement opportunities should also be considered where relevant:

- Up to £999.99 – no written quotations required but documentary evidence must be retained to show that value for money was achieved. Officers must ensure that goods are fit for purpose and be satisfied that there is a clear need and sufficient financial resources. Orders to be approved by authorised Officers;
- £1,000 to £4,999.99* - Up to £999 one or two price comparisons is required through written/email/internet information. At least 3 written quotations must be received (£1k - £4,999). All quotations received must be subject to an assessment process and documentary evidence retained to show that value for money was achieved. Orders to be approved by authorised Officers;
- £5,000 to £9,999.99* - at least 3 written quotations must be received to demonstrate value for money and technical compliance check. All quotations received must be subject to an assessment process and documentary evidence retained. Orders to be approved by authorised Officers;
- £10,000 to £29,999.99* - at least 4 written quotations must be received to ensure most economically advantageous arrangements. All quotations received must be subject to an assessment process and documentary evidence retained. Orders to be approved by

authorised Officers; and

- £30,000 and above Public Tender in accordance with Tender Procedures. EU Thresholds and procurement guideline should be followed where applicable.

* Exception Rule: Where the required number of quotations has not been received, the assessment report should be discussed with the relevant Head of Service and the Procurement department should be informed. The officer responsible for seeking the quotations should complete a Procurement Authorisation Form documenting the process followed and the rationale for proceeding, this should then be authorised by the relevant Director before the purchase can proceed.

L.7 To support the Procurement Policy, the Council has approved Procurement Procedures which provide detailed guidance on its approach to the procurement of Supplies, Services and Works.

Purchase Orders

L.8 Each purchase will be initiated by a lead responsible officer who has identified a need for supplies, services or works to be procured to fulfil a requirement within their relevant service area. This officer must have the appropriate authority to procure the Supplies, Services or Works and ensure that the purchasing need is legitimate. Having identified a need, the officer must ensure that the Council's Options Appraisal Policy along with Procurement Policy have been adhered to.

L.9 Every purchase order represents a contractual agreement between the Council and a supplier of works, goods or services. Departments may issue electronic purchase orders only where the resulting expenditure complies with the requirements of the Council's Standing Orders, Financial Regulations and Accounting Manual.

L.10 Directors are responsible for all purchase orders that his/her Department issues and is responsible to make sure that there is sufficient provision to fund the expenditure in the relevant budget that the Council has approved.

L.11 Departments must issue official purchase orders for all work, goods or services that they wish suppliers to provide to the Council, except for supplies of public utility services, for periodic payments such as rent or rates or such other exceptions as the Director of Corporate Services and Governance may approve.

L.12 Departments must use the electronic purchase ordering system that the Director of Corporate Services and Governance has established for this purpose unless the Director of Corporate Services and Governance approves other arrangements.

L.13 All works, goods and services received must be checked on receipt to ensure they are in accordance with the purchase order before receipting or authorising payment.

L.14 For confirming receipt of a purchase order item, the Director is responsible for ensuring that accounting procedures are complied with particular regard to the following:

- the supplier has delivered or completed the work, goods or services and goods received note has been obtained;
- the officers have examined and approved the work, goods or services;
- the expenditure was incurred properly, and is within the relevant original or revised budget; and
- appropriate entries have been made in respect of inventories, stores records or stock books as necessary.

L.15 Departments must record confirmation of receipt of goods and services at the time when a supplier delivers the goods or completes the service.

L.16 The process of ordering, receipting and authorising payment will be carried out by separate officers to maintain appropriate segregation of duties.

M Tenders, Quotations and Contracts for Goods, Services and Works

M.1 When a procurement need has been identified (subject to budget) and the determined level of expenditure is in excess of £30,000, it will be necessary for Directors to undertake the following steps:

- Appraise the purchasing need – in line with the Council's Options Appraisal Policy;
- Consider the use of a purchasing framework;
- Complete and sign a pre-tender form before the tender opportunity can be advertised;
- Prepare tender documents – it is the responsibility of the relevant departments to prepare tender documents with assistance from the procurement function; and
- Liaise with the Council's central procurement function.

M.2 All tender processes, including advertising and responding to clarifications, will be centrally co-ordinated through the Corporate Services and Governance Directorate. The economic appraisal/business case will be reviewed, assessed and reported on by the Director of Regeneration and the Pre-tender form will be reviewed by Corporate Services and Governance to ensure that the expenditure is included within the estimates or that the relevant funding is in place prior to advertising the Tender opportunity.

M.3 Assessment Moderation Panels should be identified prior to the issue of the Tender document. The Corporate Services and Governance Directorate will co-ordinate the assessment process. All panel members will be required to complete a Conflict of Interest Form prior to assessment. Where a conflict is declared, the officer concerned should not be involved in the assessment process.

M.4 The Director of Corporate Services and Governance will present a monthly report to the Policy and Resources Committee detailing:

- Tenders opened;
- Tenders awarded;
- Tenders opened and awarded; and
- Any other relevant procurement issues which require approval.

M.5 Council approval is required to seek approval to proceed to tender and to award to the Most Economically Advantageous Tender in line with the assessment criteria.

M.6 Arrangements for contract signing will be co-ordinated by Corporate Services and Governance Directorate. Work should not commence until the contract has been signed. Following the completion of the Tender process the Corporate Services & Governance Directorate will hand over the project to the acquiring directorate who will take responsibility for delivery and contract management.

Project Management and Post Project Evaluation

M.7 Regardless of the value of the Supplies, Services or Works, the appropriate personnel within the acquiring directorate must monitor progress and spend to ensure that there is no overrun in either cost or delivery.

M.8 Where it becomes evident that there is likely to be an overrun, it is important that the Director of Corporate Services is informed as such factors will have an impact on cash flow.

M.9 Where a variation in the original contract arises, ie something that is still within the scope of the original contract, delegated authority is awarded to the relevant director to authorise these unless such variations lead to an increase of more than 5% of the original overall tender amount or where the level of variation exceeds the authority level which rests with that officer.

M.10 All variations will be reported to Council for approval where possible in advance or, if this causes delay and potential claims, at the first possible opportunity.

M.11 Where it is judged that the nature of the variation or change to the scope of the project may impact on future negotiations with the contractor, delegated authority will rest with the director to approve these.

M.12 Update reports will be presented to the Council at key stages.

M.13 Where there are variations which are deemed to be outside the scope of the original contract, it is essential that the Director of Corporate Services is notified at the earliest opportunity, as an additional procurement exercise may be required. Details should be reported to the Council for approval at the earliest possible opportunity.

M.14 A requirement of the Options Appraisal Policy is to carry out a post-project evaluation between 12 months and 18 months following project completion. The post-project evaluation should follow the format as detailed by the Director of Corporate Services and Governance and include, as a minimum, the following elements:

- Overview of Project Purpose;
- Achievement of Expected Benefits;
- Unexpected Benefits;
- Unexpected Problems;
- User Reaction/Feedback; and
- Budget.

N Payment of Accounts/Petty Cash payments

N.1 The Council recognises the importance of cash flow within the supply base and wishes to ensure that the payment process to suppliers is effective and efficient with payments processed as promptly as possible.

N.2 The Director of Corporate Services and Governance must pay all accounts in line with the Council's Payment Policy and detailed payment procedures.

N.3 The standard payment term of the Council is to provide payment within 30 days from the receipt of a valid invoice subject to satisfactory delivery of the goods and/or services to which the invoice relates. There possible, the Council will make payment within 10 working days in line with guidance issued by the Department for Communities (LG 19/16, Guidance on Prompt Payment of Invoices). Both Council employees and suppliers have a role to play in facilitating a prompt and efficient payment process. The Council encourages suppliers to adopt similar payment terms to pay their subcontractors.

N.4 Departments must adhere to the procedures issued by the Director of Corporate Services and Governance in relation to the payment of accounts.

N.5 Where the Council pays grants and contributions to persons and outside bodies, then these payments should be made according to the payment procedures.

N.6 All payments will be denominated in pounds sterling unless in exceptional one-off circumstances as agreed by the Head of Finance. The preferred payment method of the Council is facilitated through BACS (Bank Automated Clearing System). In exceptional circumstances, where suppliers are unable to accept payment via BACS, cheques will be issued by the Director of Corporate Services and Governance.

N.7 The Council regularly keeps its payment performance under review and information regarding payment performance will be published on the Council website and submitted to the Department for Communities on a quarterly basis. Details of payments made to suppliers will be supplied to:

- The National Fraud Initiative (the Council is a mandatory participant);
- Any request for information on payments made to suppliers in compliance with the Freedom of Information Act 2000; and
- To HMRC in compliance under the Taxes Management Act 1970 and Schedule 23 of the Finance Act 2011.

Petty Cash

N.8 Departments, from time to time, incur petty cash expenses. The Director of Corporate Services and Governance shall therefore provide such petty cash accounts as he/she considers appropriate for the purpose of reimbursing these expenses.

N.9 The Director of Corporate Services and Governance shall:

- maintain a record of petty cash floats made and verify balances as soon as possible after 31 March;
- periodically review the arrangements that Departments have made to control advances and keep them safe and secure;
- examine the petty cash vouchers that have been retained before reimbursement is made via the payments process; and
- reimburse as often as may be necessary the amounts expended.

N.10 Departments must not make a disbursement from any petty cash balances other than to reimburse reasonable and proper expenses of the Council. Requests for the reimbursement of petty case must be accompanies by a signed memo/evidence of review by an appropriate

authoriser of the receipts provided to allow payment to be made. Petty cash should only be used in exceptional circumstances and VAT can only be reclaimed on the production of a valid VAT receipt.

Use of Corporate Credit Card

N.11 The Council will always encourage the purchase of goods and services and payment of suppliers in accordance with the Procurement Policy, Purchasing Procedures and the Payment Policy of the Council. However, it is recognised that there are occasions when this will not be possible to make all payments via BACs and it will be necessary to utilise alternative methods of purchase and payment.

N.12 The Council has a **Credit Card Policy** to ensure good financial management and sound corporate governance is adhered to when using corporate credit cards. No personal expenditure is permitted on the corporate credit cards. The policy:

- Outlines the occasions where the use of a credit card is acceptable;
- Describes the procedures to be followed in departments in relation to the purchase of goods/ services using a credit card;
- Describe the responsibilities of the Director of Corporate Services and Governance in relation to credit card administration and storage; and
- Details type of expenditure when payment by credit card is deemed acceptable and the process for requesting such payment.

N.12 The Council holds two corporate credit cards, in line with the Policy, which are only to be used in select instances by restricted and authorised personnel and their usage will be closely monitored to ensure no misuse. It is crucial that a clear and transparent trail of all transactions is maintained for the purpose of good governance and sound financial management. Each card has a limit of £2,000.

O. Assets and Asset Management

O.1 The purchase of an asset represents an investment being made by the Council to contribute towards service delivery to the public. Given the significant level of investment which has been made in assets (by legacy councils) and the continued investment which will take place, the Council has established an **Asset Management Policy**.

O.2 The purpose of the Policy is to the document the Council's approach to the acquisition, maintenance, disposal and recording of its Capital and Tagged assets. The Policy is supported by detailed financial procedures.

O.3 It is the responsibility of each Director to put procedures in place to safeguard assets from loss or damage and to ensure appropriate routine security practices are applied. Directors also have a responsibility to ensure that records maintained in relation to assets are an accurate reflection of the current asset holding.

O.4 "Capital Assets" are defined as items of value in excess of £3,000 which will be of long-term benefit to the Council (i.e. more than one year). Capital Assets includes Land and Buildings, Vehicles, plant and equipment.

"Groups of Assets" – assets purchased together/in bulk, which will be of long-term benefit to the Council (i.e. more than one year), where the combined purchase price is in excess of £3,000. The combined purchase will be treated as a Capital Asset.

"Information Technology" – items such as PCs, IT servers, routers, video-conferencing equipment, software costs, software implementation and the costs of bringing the equipment into use e.g. the cost of external consultants used to install and set-up equipment. Where the combined purchase of Information Technology is in excess of £3,000, and the combined purchase will be of long-term benefit to the Council (i.e. more than one year), will be treated as a Capital Asset.

Land and Buildings

O.5 Land and Buildings can be categorised as Operational Assets, Community Assets, Surplus Assets or Investment Properties. The Director of Corporate Services and Governance shall put in place procedures to ensure that a register of all land and buildings owned or occupied by the Council is in place.

O.6 The Council shall acquire land and buildings only if the Policy and Resources Committee or other Committee resolves to do so, subject to the Council ratifying this resolution.

O.7 Any acquisition must be completed in line with the Council's procurement procedures.

O.8 According to Section 96 of the Local Government Act (Northern Ireland) 1972, unless the Department for Communities (acting on behalf of the Secretary of State) approves otherwise, the Council must dispose of land at the best price, or for the best rent or otherwise, on the best terms that it can reasonably obtain.

O.9 The Council shall dispose of land and buildings only if the Policy and Resources Committee resolves to do so, subject to the Council ratifying this resolution.

O.10 Any Director wishing to dispose of land and buildings must seek approval initially from the Director of Corporate Services & Governance who will agree the terms of the disposal.

Heritage Assets

O.11 Heritage Assets are assets with historical, artistic, scientific, technological, geophysical or environmental qualities that are held and maintained principally for their contribution to

knowledge and culture. The Council's Heritage Assets are held mainly in the Enniskillen Castle Museum ('the Museum') as well as several pieces of Public Art held at various Council buildings. Acquisitions of Heritage assets are made by purchase or donations. Acquisitions are initially recognised at cost and donations are recognised at valuation provided by external valuers and in accordance with the Council's policy on revaluations.

O.12 The Council will occasionally dispose of heritage assets which have a doubtful provenance or are unsuitable for public display. The proceeds of such items are accounted for in accordance with the Council's general provisions relating to the disposal of property, plant and equipment.

Vehicles, Plant and Equipment

O.13 Directors/Heads of Service are responsible for:

- Ensuring that any acquisition is completed in line with the Council's procurement procedures;
- receiving any additions in their Departments;
- holding vehicles, Plant and Equipment safely and securely;
- providing means of identification on all Vehicles, Plant and Equipment;
- maintaining suitable records in a form and manner that the Director of Corporate Services and Governance has approved;
- ensuring that the same employees are not involved in requisitioning, ordering, certifying the receipt of assets and the processing of payments to creditors; and
- preparing and maintaining Departmental procedures, which must clearly define who has the responsibility to authorise additions and disposals of Vehicles, Plant and Equipment.

O.14 A register of all vehicles plant and equipment owned, acquired and disposed of will be maintained by Directors in line with procedures established by the Director of Corporate Services and Governance.

O.15 It is the responsibility of the Director of Corporate Services to put procedures in place to ensure that assets are accounted for in the appropriate manner for the purpose of financial reporting.

Tagged Assets

O.16 Items of value in excess of £150 and below the threshold of £3,000 for capital assets and those which could be considered 'desirable' in nature.

O.17 Each Director must ensure records are maintained of all moveable assets that his/her Directorate holds on behalf of the Council in a form that the Director of Corporate Services & Governance has approved. This will include furniture, fittings and equipment, vehicles, plant and machinery in excess of £150 and below the threshold of £3,000 for Capital assets.

O.18 Departments must dispose of surplus and obsolete items by competitive tender or public auction unless:

- of a minimal value; or
- the Director of Corporate Services and Governance decides otherwise.

O.19 Unless Directors concerned specifically directs otherwise, then his/her staff must not:

- remove from Council premises property that the Council owns or leases other than is necessary for conducting normal Council business; or
- use such property for purposes other than conducting normal Council business.

Accounting Treatment

O.20 Assets should be accounted for in line with The Local Government Finance Act (Northern Ireland) 2011, CIPFA's Code of Practice on Local Authority Accounting and Departmental Circulars which may be issued from time to time.

P. Stocks and Stores

P.1 Stock and Stores are assets held for sale in an ordinary course of business; in the process of production for such sale or in the form of materials or supplies to be consumed in the production process or in the rendering of services.

P.2 Directors are responsible for managing and safeguarding stock and stores in line with procedures developed by the Director of Corporate Services and Governance.

P.3 All departments must ensure that all stock received is physically checked for quantity, quality and price against the delivery docket. Any anomalies need to be rectified.

P.4 All departments must effectively safeguard stocks and stores from loss, theft or damage. Access to stores must be strictly controlled by an authorised officer.

P.5 Departments shall ensure that such stocks shall not be in excess of the normal requirements except in circumstances that the Director of Corporate Services and Governance has approved.

P.6 The Director of Corporate Services and Governance shall determine general principles governing the issue prices of materials and equipment that Departments draw from stores.

P.7 Each Director will provide to the Director of Corporate Services and Governance such information as he/she requires in relation to stores for the purposes of accounting, costing, and keeping financial records.

P.8 Departments shall arrange to carry out a stock-take independently of the employees responsible for the custody of stocks and stores, so that their Department checks all items at least once a year and shall provide as soon as possible after 31 March a certified account detailing quantities in hand at 31 March and the value of such stocks.

P.9 The Council will write off deficiencies or adjustments related to individual stock items on the authority of:

- the relevant Director for amounts not exceeding £250, subject to an overall limit equivalent to 1% of opening stock, provided that he/she notifies the Director of Corporate Services and Governance;
- the Director of Corporate Services & Governance for amounts not exceeding £2,000; or
- the Policy and Resources Committee for individual adjustments exceeding £2,000.

P.10 Departments must dispose of surplus and obsolete stocks and stores by competitive tender or public auction unless it is of a minimal value or the Director of Corporate Services and Governance decides otherwise.

P.11 All discrepancies on stocks and stores should be taken seriously. Where there is any suspicion that the discrepancy is a result of theft or fraudulent activity, this must be reported immediately to the Director of Corporate Services and Governance.

Q Insurances

Q.1 The Director of Corporate Services and Governance shall arrange all insurance cover, maintain adequate records of insurance transactions and keep in safe custody all insurance policies of the Council.

Q.2 The Director of Corporate Services and Governance shall, in consultation with other Directors/Heads of Services, keep under continuous review the adequacy of the Council's insurances, and shall periodically supply to each Directorate/Head of Service an overview of the insurances that the Council maintains together with details relating to procedures for reporting new risks, claims and a summary of the main insurance requirements with which insurers expect the Council to comply.

Q.3 Each Director shall promptly notify, in writing, the Director of Corporate Services and Governance the extent and nature of all new risks arising from the operation of his/her Directorate, including additional properties or vehicles and of any alterations in the duties and functions of his/her Directorate which add to, or reduce, insurance risks.

Q.4 Each Director shall notify, in writing, the Director of Corporate Services and Governance immediately of any loss, damage, liability or any event likely to lead to a claim in connection with his/her Directorate and, in appropriate cases, shall also inform the police.

Q.5 Every Director shall be responsible for ensuring that his/her Directorate complies with all the requirements of the insurer as to security precautions and other relevant conditions of policies.

Q.6 Directors shall inform the Director of Corporate Services and Governance and the Council's Solicitor regarding:

- the terms of any indemnity which anyone asks the Council to give; and
- insurance conditions in legal contracts which could affect the Council's insurance cover.

Q.7 Any employee of the Council who is authorised to make use of his/her own motor vehicle in the execution of the Council's business shall maintain adequate insurance cover for such use and shall produce to his/her Director, on request, evidence of such insurance.

R. Security

R.1 Each Head of Service is responsible for maintaining proper security at all times for all assets of the Council under their management, including buildings, stocks, stores, furniture, equipment, cash etc. under his/her control. They must consult their relevant Director in any case where he/she believes security is defective or where he/she considers that special security arrangements are required.

R.2 The Head of Operations and Estates is responsible for maintaining proper security at all times for all administration buildings which don't have a single departmental manager i.e. The Grange, Lisnamallard House, the Sperrin Centre, The Townhall, The Intec Centre, The County Buildings).

R.3 Each Head of Service must agree maximum limits for cash holdings with their relevant Director and the Director of Corporate Services and Governance and must not exceed these limits without their express permission.

R.4 Each Head of Service is responsible for establishing the arrangements within his/her own Department for holding securely the keys to safes and similar receptacles and must notify these arrangements to their relevant director and the Director of Corporate Services and Governance in writing. Loss of keys must be reported immediately to their relevant Director and the Director of Corporate Services and Governance.

R.5 Every Head of Service is responsible for taking appropriate security measures against unauthorised access to, or alteration or destruction of, personal data and against accidental loss or destruction of personal data held in his/her Department.

R.6 Every Head of Service is responsible for ensuring that all business critical systems are identified and that these systems are adequately documented. Heads of Service are also responsible for ensuring that arrangements are in place for the continuity of service in the event of a disaster and that these arrangements have been tested in advance, where practicable.

Data handling and access

R.7 All information and records held in relation to the Financial Regulations will be held in line with the Council's Records Retention and Disposal Schedule and in compliance with legislation and guidance including the General Data Protection Regulations 2018.

R.8 Departments must restrict access to systems to those users that need it. Departments must strictly control access to raw data and, as far as possible, make only anonymous data readily available. Only authorised people can access, alter, disclose or destroy personal data.

R.9 Access to information must be in line with the Council's Access to Information Policy and the Computer Usage Policy.

Procurement Policy

Updated May 2017

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1. Background

Fermanagh and Omagh District Council (the Council) require goods, services, construction works and other supplies to efficiently meet the needs of the Council.

Procurement:

- is the process of obtaining or buying these goods, services, construction works and other supplies usually by means of a contractual arrangement after public competition to fulfil the strategic objectives of the Council;
- is a strategic process which follows a clearly defined method (i.e. applying effective and up-to-date procurement procedures and processes);
- includes the processing of a demand/requirement as well at the end receipt and spans the whole life cycle of the asset or service contract from initial conception and definition of the needs of the service through to the end of the useful life of an asset or the end of a contract; and
- seeks to achieve 'value for money' i.e. the most advantageous combination of cost (whole life cost), quality (meeting a specification which is fit for purpose and meets the Council's requirements) and sustainability (economic, social and environment benefits).

The award of grants is not included within the activity of procurement however, grant recipients are expected to apply the Council's Procurement Policy to their expenditure.

The Policy is based on the EU procurement principles of equal treatment, non-discrimination, proportionality and transparency. It has been prepared taking account of the NI Public Procurement Policy and current relevant UK and EU legislation.

2. Aim

The Fermanagh and Omagh 2030 Community Plan outlines 4 Themes and 9 shared outcomes and this Policy aims to achieve a number of outcomes across 3 of these Themes:

- Theme 2: Economy, Infrastructure and skills;
- Theme 3: Environment; and
- Theme 4: Supporting Service Delivery.

The supporting Council Actions makes clear the commitment of the Council to direct and govern the way in which it does business. It also provides opportunity for further development and will enable the Council to respond to the changing public sector procurement environment and legislative requirements.

This Policy aims to support the delivery of those Actions in a consistent manner which makes the best use of available resources whilst achieving value for money and constantly seeking continuous improvement.

3. Scope

The Policy is applicable to all employees (and agency workers) of the Council who have a role in procuring goods, services and construction works.

Consultants working on behalf of the Council who are involved in the procurement process must ensure their documentation complies with this Policy.

4. Objectives

By working in accordance with this Policy the Council aims to ensure that:

- Goods, services, contract works and other supplies are properly procured to meet the needs of the Council;
- Value for money is achieved in the procurement process;
- The procurement process is high quality, clear, open and transparent;
- Compliance with relevant legislation and guidance is achieved;
- Procurement Principles are defined;
- The procurement process is as straightforward as possible for the Council and potential suppliers and raises supplier awareness;
- There is consistency in approach which includes standard documented procurement procedures utilised by officers who have undertaken training on the Procurement Policy and Procedures;
- Sustainability and social value considerations in procurement activities is maximised within the procurement processes;
- Procurement is undertaken in a professional manner which seeks to share best practice and includes participation in the Local Government Procurement Group; and
- The processes focus on continuous improvement in terms of quality, effectiveness and efficiency; identifies opportunities for collaborative working between Council departments and with other Councils; and which continually seeks to improve the way in which the Council's procurement function and processes operate.

These objectives are consistent with the shared values and principles of the Community Plan which promote Openness, Accountability and Transparency; Equality, Inclusivity and Diversity; Sustainability and Continuous Improvement.

5. Policy Responsibility

The Director of Corporate Services and Governance has overall responsibility for the Procurement Policy. All employees are expected to follow this Policy and take the appropriate action to meet the aims and objectives.

6. Review

The Procurement Policy will, under normal circumstances, be reviewed every two to three years, and, from time to time, updates will be re-issued and circulated.

However, the Policy will be reviewed sooner in the event of any one or more of the following:

- Failure or weaknesses in the Policy is highlighted;
- Changes in legislative requirements; or
- Changes in Council/Government or other directives and requirements.

7. Linkages (to other policies)

This policy provides the framework for undertaking procurement on behalf of the Council and is supported by procurement procedures. The policy should be read in conjunction with the Council's Financial Regulations which are included in the Council's Constitution, the Council's Fraud and Corruption; Payments Policy; Credit Card Policy and the Options Appraisal Policy (Economic Appraisals and Business Cases).

8. Procurement Approach

The Council adopts a hybrid approach whereby a central procurement function supports trained and competent staff within directorates.

However ultimate responsibility for procurement resides in the Council service area where the expenditure is being incurred. The Council aims to ensure that each directorate has sufficient capacity to implement the Council's procurement policies and processes.

The Council has in place procurement limits but, where appropriate, the use of Government Procurement Service Frameworks and other relevant frameworks will be explored. Collaborative procurement opportunities should also be considered where relevant.

Regularly used supplies, services and works will be procured through the 'tenders for services and supplies' process. These will be reviewed at appropriate intervals.

9. Procurement Principles

The 12 principles guiding public procurement in Northern Ireland (Public Procurement Policy in Northern Ireland), which complement the shared values and principles of the Fermanagh and Omagh 2030 Community Plan, will be applied to all Council procurement:
The twelve procurement principles are:

- **Accountability:** Effective mechanisms must be in place in order to enable Council Officers to discharge their personal responsibility on issues of procurement risk and expenditure.
  - Council officers in the relevant departments will be **accountable** for the procurement process. Council officers will have a sufficient understanding of procurement procedures and legislation and maintain high professional standards as well as retain full documentation to evidence a transparent and clear procurement process.

(b) **Competitive Supply:** Procurement should be carried out by competition unless there are convincing reasons to the contrary.
  - Procurement will be carried out in a competitive manner in line with the Council's procurement limits.

(c) **Consistency:** Suppliers should, all things being equal, be able to expect the same general procurement policy across the public sector.
  - All suppliers will be treated in a consistent manner across all departments.

(d) **Effectiveness:** Public bodies should meet the commercial, regulatory and socio-economic goals of government in a balanced manner appropriate to the procurement requirement.
  - The Council will put in place mechanisms in which the procurement method will be effective by affording appropriate consideration to the goods, services and construction works being procured.
  - All major procurement shall consider the impact on the social, economic and environmental well-being within the District.
  - Social considerations can be included in the procurement process provided they are considered at business case and relate to the subject matter of the contract or the performance of the contract.

(e) **Efficiency:** Procurement processes should be carried out as cost effectively as possible.
  - The procurement process will be carried out as cost effectively as possible. All major procurement will have due regard to the issue of sustainability and social value and early decisions will be taken to ensure that procurements are developed so as to encourage delivery in the most efficient manner meeting the needs of the end user within budget.

(f) **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.
  - The Council will endeavour to treat everyone in an equitable and fair manner

regardless of religious belief, political opinion, racial group, age, marital status, sexual orientation, between men and women generally, between persons with a disability and persons without and between persons with dependants and persons without.
- Suppliers should be treated fairly and without unfair discrimination including protection of commercial confidentiality where relevant. The tendering process should not place unnecessary burdens or constraints on current or potential suppliers.

(g) **Integration:** In line with the NI Executive's policy on joined-up government, procurement policy should pay due regard to the Executive's other economic and social policies, rather than cut across them.
- The Policy will integrate with other policies and will take account relevant legislation, best practice and guidance.

(h) **Integrity:** There should be no corruption or collusion with suppliers or others.
- All Council officers will conduct themselves with integrity in a professional and ethical manner at all times. There will be no corruption, bribery or collusion with suppliers. Such behaviour will not be tolerated by the Council.
- The risks associated with all procurement shall be assessed and minimised accordingly.

(i) **Informed decision-making:** Public bodies need to base decisions on accurate information and to monitor requirements to ensure that they are being met.
- Accurate, timely information will provide the basis for informed decision making with the purpose and intended outcomes of the procurement always kept in mind.

(j) **Legality:** Public bodies must conform to European Union and other legal requirements.
- All Council procurement will be carried out in line with relevant legislation and guidance.

(k) **Responsiveness:** Public bodies should endeavor to meet the aspirations, expectations and needs of the community served by the procurement.
- The Council's procurement process should result in an end product which is responsive to the needs of the end user identified at the initiation phase of the procurement within budget and on time.

(l) **Transparency:** Public bodies should ensure that there is openness and clarity on procurement policy and its delivery.
- The Council's procurement process should be transparent; open and clear.

10. Social Value in Procurement

The Public Services (Social Value) Act 2012 (the Act) requires an authority to consider how:
(a) what is proposed to be procured might improve the economic, social and environment well-being of the relevant area and,
(b) in conducting the process of procurement, it might act with a view to securing that improvement.

The Act does not apply in Northern Ireland, but cognisance will be taken of the Act.

The 2014 Public Contracts Regulations (the Regulations) were transposed into UK law in 2015 and these Regulations implement the 2014 EU Public Sector Procurement Directive, they aim to make public procurement more accessible to small businesses and encourage better integration of social and environmental procedures.

The Directives offer scope for taking account of social considerations, provided in particular they are linked to the subject-matter of the contract and are proportionate to the requirement and as long as the principles of value for money and equal access for all EU suppliers are observed.

Award criteria relating to social value therefore will be used only if they:
(a) are being used to assess Most Economically Advantageous Tender (MEAT) in achieving value for money;

(b) are linked to the subject matter of the contract;
(c) do not confer an unrestricted freedom of choice on a contracting authority;
(d) comply with EU Treaty obligations, and specifically are not directly or indirectly discriminatory;
(e) are compatible, generally, with EU law;
(f) can be compared and / or assessed objectively; and
(g) Are properly advertised in the contract notice and / or contract documents.
(Buying Social: A guide to Taking Account of Social Considerations in Public Procurement', European Commission publication)

The Northern Ireland Procurement Board agreed a standard approach (**Buy Social Model**) to be used in the procurement of construction projects from 01 April 2016. The Buy Social model was developed by the Strategic Investment Board and Central Procurement Directorate in conjunction with central government departments and it is a way of maximising the benefits from public procurement in terms of personal well-being, social cohesion and inclusion, equal opportunities and sustainable development. The Model does not apply to Local Government but will be considered within the Council's procurement.

The Council aim to incorporate the following 10 steps to delivering Social Value through Procurement into its procurement processes:
(a) Maintain a 'Request for Quotation' **Supplier Database** – Local suppliers are encouraged to register their interest in participating in quotation exercises.
(b) **Engage with Suppliers** - provide support and guidance to local suppliers, Small and Medium Enterprises (SMEs) and social enterprises in terms of building capacity and knowledge /skills in relation to participating in Council procurement and other public sector procurement opportunities.
(c) **Use of Lots** to encourage participation of SMEs and inclusion of a clause requiring Tenderers to pay sub-contractors within 30 days.
(d) **Publish future Tender** opportunities to allow SMEs and Social Enterprises time to prepare for future procurement opportunities.
(e) **Streamline procurement processes** to ensure that unnecessary burden is not placed on supply base
(f) **Business cases** – ensure social value is considered from the beginning of the procurement process and identify any opportunities to link social value considerations to the subject matter of the contract, which must be proportionate to the value of the contract. Where social value is not clearly linked to the subject matter of the contract consider use of a contract condition / voluntary requirement.
(g) **Pre-Tender Form** - consideration of Social Value within each Tender.
(h) **Identify contracts** that are suitable for the incorporation of social clauses relating to the employment of long term unemployed, provision of apprenticeships or provision of training opportunities.
(i) Ensure **social value clause**s are included in Tender documents for Building Contracts, Civil Engineering Contracts and Services Contracts in line with Northern Ireland Procurement Board recommendations.
(j) Investigate the possibility of **partnering** with local educational or training organisations with the view of encouraging training opportunities for local students within supply base through voluntary clause in procurement documents.

11. Procurement - Approvals

The table below details the Procurement Limits to be followed in the procurement process and the responsibility of Council officers.

Where the required number of quotations has not been received, the officer responsible for seeking the quotations must complete a Procurement Authorisation Form documenting the process

followed and the rationale for proceeding, this must then be authorised by the relevant Director before the purchase can proceed.

Once the quotations/tenders have been assessed electronic requisitions must be raised and electronic purchase orders must be approved by authorised Officers, a list of which is maintained by the central procurement function.

Council approval is required to proceed to Tender and to award to the Most Economically Advantageous Tender in line with the assessment criteria.

A schedule of Tender opening times and locations is issued to Members for information.

Following a Tender opening a schedule listing the Company name and address of all tenderers along with the range of prices will be reported to committee for information. Details of the pre-tender estimate will be included within this report.

Officers will assess Tender submissions in line with the Tender Criteria and will proceed to award unless the Most Economically Advantageous submission is above the pre-tender estimate or only one tender has been received, in this instance a report detailing the outcome of the Tender assessment will be provide to committee for information.

A Monthly schedule of all Tenders awarded will be reported for information.

12. Procurement - Limits

Procurement Objective and Process	Procurement Limit	Evidence Requirement	Responsibility
Demonstrate Value for Money - Obtain price comparison through written/email/internet information - Complete Record of quotation & scan/retain quote information - Use annual tenders/ existing Frameworks (1 quote) - Consider supplier database/catalogue/ other sources (2 -3 quotes)	Up to £999 £1k - £4,999k	1 or 2 quotes 3 quotes	Directorate Staff
Demonstrate VfM & Technical compliance check - Obtain quotation using 'Request for Quotation' (RfQ) price only template (or full RfQ if quality assessment required) - Evaluate, assess and complete RfQ record: Scan/retain quote information	£5k - £9,999	3 quotes	Directorate Staff
Ensure Most Economically Advantageous arrangements - Preparation of specification for full RfQ (assessing quality & price) - RfQ administered by Procurement through NI CPD procurement portal - Procurement arrange evaluation, assessment, completes & retains documentation	£10k - £29,999	4 quotes	Procurement section
Ensure Most Economically Advantageous Tender arrangements - Preparation of specification for Tender including supporting requirements involving work by Directorate staff and Procurement section - Public advertisement and NI CPD procurement portal listing - Specialist/expert advice sought if requires - Formal evaluation, assessment, completion and retention of documentation *OJEU arrangements for contracts above EU thresholds*	£30K +	Public advertisement	Procurement section

Fermanagh and Omagh District Council
Standing Orders

June 2018

Introduction

In accordance with Section 37 of the Local Government Act (Northern Ireland) 2014, councils are required to make Standing Orders for the regulation of the proceedings and business of the council. A council's Standing Orders will include elements that the Act states they must include, elements that the Regulations state must be included and other elements which a council may consider should be included. The Draft Standing Orders provide a robust, clear and accountable framework to demonstrate how it will conduct meetings and transact business at those meetings.

Section 38 of the Act provides the Department with an enabling power to make Regulations about Standing Orders.

The proposed Regulations will make more detailed provision in relation to:

- decisions that will require a qualified majority vote;
- the operation of the process for the reconsideration of a decision;
- the timescales in which the appointment of a councillor to hold a position of responsibility must take place; and
- the procedure for appointing members of committees, where the council wishes to appoint more than one committee at a time

Statutory Provisions

For information, convenience and completeness, provisions of the Local Government Act (Northern Ireland) 2014 have been cited in these Standing Orders.

It is considered correct that actual standing orders should make no reference to statutory provisions as such provisions cannot be part of standing orders.

Glossary of Terms

- "2014 Act" means the Local Government Act (Northern Ireland) 2014
- "2014 Executive Arrangements Regulations" means the Local Government (Executive Arrangements) Regulations (Northern Ireland) 2014
- "2014 Standing Orders Regulations" means the Local Government (Standing Orders) Regulations (Northern Ireland) 2014
- "call-in" means a requisition for the reconsideration of a decision as provided for in section 41(1) of the 2014 Act.

<u>In Standing Order 21</u>

- "budget" means the expenditure authorised by a council under section 3 of the Local Government Finance Act (Northern Ireland) 2011;
- "Chief Executive" means the Chief Executive to the council appointed under section 41 of the Local Government Act (Northern Ireland) 1972 or in his absence his nominated officer;
- "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;

- "executive" means a cabinet-style executive or a streamlined committee executive as provided for in section 21(2) of the 2014 Act;
- "executive decision" means a decision taken by a decision maker in connection with the discharge of a function which is the responsibility of the executive of a council;
- "key decision" means a decision under executive arrangements which is likely -
  (a) to result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council's annual budget for the service or function to which the decision relates; or
  (b) to be significant in terms of the effects on communities living or working in an area comprising two or more electoral areas in the local government district of the council;
- "member" means a member of the council; and
- "policy framework" means the policies and procedures agreed by the council in relation to the delivery of a function or functions of the council.

<u>In Standing Order 23</u>

- "2000 Act" means the Political Parties, Elections and Referendums Act 2000;
- "member" means councillor;
- "nominating officer" in relation to a party, means:
  (a) the person registered under the 2000 Act as the party's nominating officers; or
  (b) a member of the council nominated under the 2000 Act for the purposes of Schedule 1 to the 2014 Act; and
- "party" means a party registered under the 2000 Act in the Northern Ireland register (within the meaning of that Act).

Save where otherwise appears these Standing Orders apply in relation to a committee or sub-committee of Council as they apply in relation to the Council.

1. Annual and Monthly Meetings

1.1 In every year that is not a local election year Council shall hold an Annual meeting in the month of June.

1.2 In any year which is a local government election year, the Annual Meeting shall be held within twenty-one days immediately following the election, at such time as Council may fix at the offices of Council or at such other place as the Department may direct.

1.3 A meeting of 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 Tuesday of every month. Other meetings of Council for the transaction of general business shall be held as Council considers necessary.

1.4 Meetings of Council shall not take place on a Public or Bank Holiday, a Saturday or a Sunday. When the day of a meeting falls on one of these days, the meeting shall be held on the next following weekday instead.

2. Time and place of meetings

2.1 The Annual Meeting and other meetings of the Council shall be held at 7pm and will alternate between The Grange, Mountjoy Road, Omagh and the Townhall, 2 Townhall Street, Enniskillen except where otherwise fixed by statute or by special summons. Meetings of the Committees shall be held at 7pm and will alternate between The Grange, Mountjoy Road, Omagh and the Townhall, 2 Townhall Street, Enniskillen except where otherwise fixed by statute or by special summons.

2.2 <u>Duration of Meetings</u>
Subject to paragraphs 2.3 and 2.4, any meeting of the Council which lasts continuously for three hours shall stand adjourned. In the event of an adjournment, any business left unfinished shall be adjourned until the next meeting of the Council.

2.3 The Council may, by ordinary resolution, extend the time of a meeting by not longer than 30 minutes should it appear to the members that the business of the meeting may be concluded in that time. If the remaining business has not been transacted within the additional 30 minutes, then the meeting will stand adjourned at the expiry of the additional 30 minutes.

2.4 A meeting of the planning committee may last for four hours before standing adjourned.

3. Convening Special Meetings

3.1 The Chairperson of the Council may call a meeting of the Council at any time.

3.2 The Chairperson may call a meeting of the Council if a requisition for such a meeting, signed by five members or one-fifth of the whole number of members, whichever is the greater, is presented to them; and, if they refuse to call a meeting on such a requisition or if, without so refusing they do not call such a meeting within the period of seven days from the date of service of the requisition on them, any five members or one-fifth of the whole number of members, whichever is the greater, may on that

refusal or on the expiration of that period forthwith call a meeting of the Council.

4. Notice and Summons of Meetings

Five days at least before a meeting of the Council, a Committee or Sub-Committee:

(a) 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 Councillors, the notice shall be signed by them and shall specify the business proposed to be transacted thereat;

(b) A summons to attend the Meeting, specifying the business proposed to be transacted thereat and signed by the Chief Executive shall be sent electronically to the Council email account of every Councillor. Want of service of this summons shall not affect the validity of a Meeting;

(c) Except in the case of business required by statute, or where in the opinion of the Chairperson of 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.

(d) In the event of an emergency deemed to be so by the Chairperson, Vice-Chairperson and Chief Executive, a Special Council meeting can be called without giving the required five days' notice, but with not less than 2 days' notice. All Members must be notified by a member of Council staff speaking to them, or by text or email.

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

6.1 At a Meeting of the Council, the Chairperson of the Council, if present, shall preside.

6.2 If the Chairperson is absent from a Meeting of the Council, the Vice Chairperson, if present, shall preside.

6.3 If both the Chairperson and the Vice Chairperson are absent from a Meeting of the Council, the members present shall nominate a member to preside in their absence.

6.4 If discussion arises on the allocation of the position of the Chairperson, the Chief Executive shall exercise the powers of the Chairperson to assist in the regulation of that discussion.

6.5 Any power of the Chairperson in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

7. Quorum

7.1 Subject to sub-paragraph 7.4, no business shall be transacted at a Meeting of the Council unless at least one-quarter of the whole number of councillors are present.

7.2 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 fifteen minutes, they shall declare the meeting adjourned.

7.3 Any uncompleted business on the agenda of a meeting adjourned under Standing Order 7(2) 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.

7.4 Where more than one-quarter of the members become disqualified at the same time then, until the number of members in office is increased to not less than three-quarters of the whole number of members, the quorum of the Council shall be determined by reference to the number of members remaining qualified instead of by reference to the whole number of members.

7.5 No business may be transacted at a meeting of the planning committee unless at least one half of the whole number of members of the planning committee are present.

8. Admission to meetings

8.1 Subject to the provisions of this Standing Order, every Meeting of the Council shall be open to the public.

8.2 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.

8.3 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.

8.4 At all times during which a Meeting of the Council is open to the public, the Council shall, 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.

8.5 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.

8.6 The use of social media by councillors, 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 shall be recorded by the Chief Executive.

10. Exclusion of the public

10.1 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.

10.2 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.

10.3 The Chairperson may at any time during the proceedings, if they think 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.

10.4 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.

10.5 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.

10.6 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.

10.7 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

11.1 Deputations, from any source, shall only be admitted to address the Council, provided the Chief Executive has received five working days' notice of the intended deputation and a statement of its objective, and subject to the agreement of the Council.

11.2 In the case of an emergency, Deputations, from any source, shall only be admitted to address the Council provided the Chief Executive has received one working day's notice of the intended deputation and a statement of its objective, and subject to the agreement of the Chairperson.

11.3 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 10 minutes.

11.4 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.

11.5 No discussion shall take place by the Council on the subject matter until the deputation has withdrawn**.**

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) confirmation of the Minutes of the last stated Meeting and of all adjourned meetings and special meetings held since the last stated Meeting;
(c) declaration of members' interests;
(d) matters arising;
(e) deputations;
(f) business required by statute to be transacted at the Meeting;
(g) adoption of the minutes of the proceedings of any committees and consideration of reports, if any, from such committees;
(h) reports of officers, public bodies, agencies etc., if any, may be considered and such orders given thereon as may be deemed necessary;
(i) reports on decisions/recommendations subject to the reconsideration procedure;
(j) other Reports;
(k) correspondence and matters not already dealt with;
(l) sealing of documents;
(m) consideration of motions of which due notice has been given, in the order in which they have been received; and
(n) any urgent and relevant business.

13. Minutes of the Council

13.1 Keeping of; as evidence; etc.

(a) 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.
(b) No discussion shall take place upon the Minutes except upon their accuracy.
(c) Any minute purporting to be signed as mentioned in sub-paragraph (1) shall be received in evidence without further proof.
(d) 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.
[Paragraphs 10(2) and 10(3) of Schedule 5 to the 2014 Act applies].

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, if approved by the meeting at which they fall to be signed.
[Paragraph 10(1) of Schedule 5 to the 2014 Act applies].

13.3 Recording of Meetings

All Council and Committee Meetings, including the Planning Committee, will be recorded. Recordings will be paused during discussions on confidential matters.

14. Submission of Minutes

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.

15. Minutes of Committees

15.1 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.

15.2 Any member wishing to raise an issue regarding any matters appearing in the minutes submitted to the Council for approval and who states their 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.

15.3 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.

15.4 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 Chief Executive of the Council shall be identified, and may not be the subject of discussion at that meeting.

16. Motions

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

16.2 The decision of the Chairperson as to the relevancy of a motion shall be final.

16.3 <u>On notice</u>
- (a) 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 Chief Executive not later than at least seven 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 that seven clear days before the meeting.
- (b) A motion shall be rejected if, in the opinion of the Chairperson (having taken advice), the wording or nature of the motion is considered unlawful, improper or irrelevant.
- (c) 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.
- (d) Notices of motion shall be entered by the Chief Executive in their proper place upon the Summons Paper in the order in which they are received.
- (e) If a motion set out in the Summons is not moved either by a member who gave notice, or by some other member on their behalf, it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without

fresh notice.

(f) 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 may, if they consider 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.

(g) 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 Chief Executive by the member concerned not later than seven clear days, at least, before the Council meeting.

(h) 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.

a) 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; or
(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

17.1 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;
(b) that the Council do now adjourn;
(c) that the debate be adjourned;
(d) that the question be now put; or
(e) that the Council do proceed to the next business.

17.2 To amend the Proposal

- 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.

- 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 negativing the Motion before the Council.
- 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.

17.3 <u>That the Council Do Now Adjourn</u>

(a) 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.

(b) 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.

(c) 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.

17.4 <u>That the Debate be Adjourned</u>

(a) 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.

(b) Before putting to the meeting a proposal "that the debate be adjourned", the Chairperson 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.

(c) 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.

(d) 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.

17.5 <u>That the Question Be Now Put</u>

(a) 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.

(b) If the Chairperson is of the opinion that the subject before the Council has been sufficiently discussed, they 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.

(c) A second proposal "that the question be now put" shall not be made on the discussion of the same question within half-an-hour.

(d) A member shall not move or second more than one proposal "that the question be now put" on the discussion of the same question.

17.6 That the Council Do Now Proceed to the Next Business

(a) 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.

(b) If the Chairperson is of the opinion that the subject before the Council has been sufficiently discussed, they 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.

(c) When a proposal is carried "that the Council do proceed to the next business", the question under discussion shall be considered as dropped.

(d) A second proposal "that the Council do proceed to the next business" shall not be made on the same question within half-an-hour.

(e) 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

18.1 No amendment may be moved to a minute which is a Regulatory Decision.

18.2 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 those powers specified in Executive Arrangements Regulations]; 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

- 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, be put into writing and handed to the Chairperson before it is further discussed or put to the meeting.
- A Member when seconding a motion or amendment may, if they then declare their intention to do so, reserve their speech until a later period of the debate.

19.2 Alteration of motion

- A Member may alter a motion of which they have given notice as proposed with the consent of the meeting. The meeting's consent will be signified without discussion.
- A Member may alter a motion which they have moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- Only alterations which could be made as an amendment may be made.

19.3 Withdrawal of motion

- A Member may withdraw a motion of which they have given notice under Standing Order 16.1 at any time after the meeting has commenced provided that they have not moved the motion or spoken on it and has the consent of the meeting. The meeting's consent will be signified without discussion.
- A Member may withdraw any other motions which they have moved with the consent of both the meeting and seconder. The meeting's consent will be signified without discussion.
- 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 to address the Council's Chairperson. While a Member is speaking, the other members shall remain seated unless rising to a point of order or in personal explanation. A member shall direct their 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 their intention 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 sit in the place allocated to them in the Council Chamber.

19.7 Member called to order

If any member, while speaking, be called to order, 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 they consider 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 the 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 their 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, except:

- to speak once on an amendment moved by another member;
- if the Motion has been amended since they last spoke, to move a further amendment;
- if their first speech was on an amendment moved by another Member to speak on the main issue whether or not the amendment on which they spoke was carried;
- in the exercise of a right to reply given by Standing Order 19.19;
- on a point of order.

19.13 Duration of speeches

a. Except with the permission of the Council, a member, in introducing a formal written notice of Motion, shall not speak for more than five minutes and in replying, for more than three minutes. Other speakers shall be allowed one interaction which will last no longer than three minutes.

b. Except with the permission of the Council, a member, in introducing a Proposal, shall not speak for more than three minutes. Other speakers shall be allowed one interaction which will last no longer than three 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,-the Chief Executive of the Council or other appropriate Officer.

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

- 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.
- If an amendment is not carried, other amendments to the original motion may be moved.
- 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:

- to amend the motion;
- to adjourn the meeting;
- to adjourn the debate;
- to proceed to the next business;
- that the question be now put;
- that a Member be not further heard;
- 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 their amendment.

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 shall be required in relation to a council's decision on:

- the adoption of executive arrangements or prescribed arrangements as the council's form of governance (section 19 of the 2014 Act);
- the method, other than d'Hondt, to be adopted for filling positions of responsibility (Schedule 1 of the 2014 Act);
- the method, other than Quota Greatest Remainder, to be adopted for appointing councillors to committees (Schedule 2 of the 2014 Act);
- the exercise of the general power of competence in accordance with section 79 of the 2014 Act;
- a call-in made in accordance with section 41(1) (b) of the 2014 Act; and
- the suspension of standing orders.

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.

21. 'Call-in' Process

[Mandatory – with effect from operation of the Local Government (Standing Orders) Regulations (Northern Ireland) 2014 in Autumn 2014]

In respect of those decisions to which this standing order applies, a decision of the Council must be reconsidered if a requisition is presented to the Chief Executive of the Council by 15% of the members of the Council.

A requisition may only be presented on either or both of the following grounds:

- **That the decision was not arrived at after a proper consideration of the relevant facts and issues (section 41 (1)(a))**
- **That the decision would disproportionately affect adversely any section of the inhabitants of the district. (section 41 (1)(b))**

21.1 Decisions subject to call-in

a. The following decisions may be subject to call-in in such manner as is specified in these standing orders:
   (i) a decision of the executive;
   (ii) an executive decision taken under joint arrangements in accordance with section 26 of the 2014 Act;
   (iii) a key decision taken by an officer or officers of the council;
   (iv) a decision taken by a committee under delegated authority in accordance with section 7 of the 2014 Act;
   (v) a decision taken by a committee to make a recommendation for ratification by the council; or
   (vi) a decision of the Council other than a decision to ratify a recommendation of a committee.

b. The following decisions shall not be subject to call-in:
   (i) a decision on a regulatory or quasi-judicial function which is subject to a separate appeal mechanism;
   (ii) a decision which is deemed to be a case of special urgency in accordance with regulation 26 of the 2014 Executive Arrangements Regulations;
   (iii) a decision where an unreasonable delay could be prejudicial to the council's or the public's interests;
   (iv) a decision taken by an officer or officers which is not a key decision; or
   (v) a decision by the executive which serves only to note a report from or the actions of an officer or officers.

c. No decision shall be subject to call-in more than once for each of the reasons specified in section 41(1) of the 2014 Act.

21.2 Call-in admissibility

a. A call-in shall be submitted in writing to the Chief Executive by 10am on the fifth working day following issue of the draft minute of the decision to which the call-in relates. If a call-in is received after the specified deadline, it shall be deemed inadmissible.

b. A call-in shall:
   (i) specify the reasons why a decision should be reconsidered; and
   (ii) subject to sub-paragraph (5) of this standing order, be deemed to be inadmissible if the reasons are not specified.

c. In the case of a call-in submitted under section 41(1)(b) of the 2014 Act, members shall state in the reasons specified under sub-paragraph (2) of this standing order:
   (i) the community that would be affected by the decision; and
   (ii) the nature and extent of the disproportionate adverse impact.

d. Within two working days of receipt of a call-in, the Chief Executive shall confirm that:
   (i) it has the support of 15% of the members of the council; and
   (ii) the reasons for the call-in have been specified.

e. Where the reasons have not been specified on the requisition the Chief Executive shall notify the members making the requisition that it shall be considered inadmissible if reasons are not specified in writing within the specified deadline or within 24 hours whichever is the later.

f. Within one working day of receipt of an admissible call-in submitted under section 41(1)(b) of the 2014 Act, the Chief Executive shall seek the opinion of a practicing solicitor or barrister in accordance with section 41(2) of the 2014 Act.

g. Where the legal opinion obtained in accordance with section 41(2) of the 2014 Act confirms that the call-in has merit, the Chief Executive shall:
   (i) furnish the opinion to members; and
   (ii) include the decision on the agenda for the next available meeting of the council, at which it will be taken by a qualified majority.

h. 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 Chief Executive shall:
   (i) furnish the opinion to members; and
   (ii) 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

a. For the purposes of reconsideration of a decision pursuant to a call-in the summary of decisions taken at meetings of a committee which record a decision— (a) taken under delegated authority; or (b) for ratification by the council shall be published in draft within two working days of the conclusion of the meetings. This date shall be regarded as the date of publication for the

purposes of a call in.

b. If a call-in is not received by the deadline specified in paragraph 21.2(1) of this standing order, the decision specified in:
   (i) paragraph 21.3(1)(a) of this standing order shall be implemented; or
   (ii) paragraph 21.3(1)(b) of this standing order shall be tabled for ratification by the council.

c. The tabling for ratification of a decision specified in paragraph 21.3(1)(b) of this standing order, or the implementation of a decision specified in paragraph 21.3(1)(a) of this standing order, shall be postponed (unless the total level of support for the call-in falls below 15% of the members) until the call-in has been resolved. The decision maker may rescind the decision at any time prior to the call-in being resolved.

d. If an admissible call-in is made in accordance with paragraph 21.2(1) of this standing order and section 41(1)(a) of the 2014 Act, the council shall appoint an ad hoc committee of the council, the membership of which will be:
   (i) the chairpersons of all committees of the council; and
   (ii) the deputy chairpersons of all committees of the council to consider the process adopted by the decision-making committee.

e. The chairperson and deputy chairperson of the committee which was responsible for the decision which is the subject of the call-in shall not have voting rights at a meeting of the committee appointed in accordance with subparagraph (4) of this standing order.

f. The members who submitted the call-in, or a member on their behalf, shall 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 shall not have voting rights.

g. A committee appointed in accordance with sub-paragraph (4) of this standing order may:
   (i) refer the decision back to the decision maker;
   (ii) in the case of a decision taken under delegated authority, support the decision; or
   (iii) in the case of a decision for ratification by the council, refer the decision to the council.

h. Where a decision has been supported in accordance with sub-paragraph (7) of this standing order, that decision shall:
   (i) be approved;
   (ii) be inserted in the Register of Decisions; and
   (iii) become operative from the date of the meeting at which the committee appointed in accordance with sub-paragraph (4) of this standing order confirmed support for the decision.

21.4 <u>The call-in process: executive arrangements</u>

i) The proper officer shall, within two working days of the production of a statement in accordance with regulations 28 and 29 of the 2014 Regulations, submit to the council a notice detailing the decision(s) recorded in the statement.

ii) The notice prepared in accordance with sub-paragraph (1) of this standing order shall specify:
   (i) those decisions that are not subject to call-in;
   (ii) the deadline for receipt of a call-in; and
   (iii) the overview and scrutiny committee, as determined by the proper officer, that will consider a call-in in accordance with section 41(1)(a) of the 2014 Act.

iii) If a call-in is not received in respect of a decision, that decision may be implemented after the deadline expires.

iv) If a call-in is received which specifies that the decision was not taken in accordance with the budget or policy framework agreed by the council the call-

in shall be referred to the council for decision.

v) The implementation of a decision shall be postponed (unless the total level of support for the call-in falls below 15% of the members) until the call-in has been resolved. The decision-maker may rescind the decision at any time prior to the call-in being resolved.

vi) The Chief Executive shall place a call-in on the agenda of the overview and scrutiny committee specified in the notice prepared in accordance with sub-paragraph (2) of this standing order. The overview and scrutiny committee shall meet within 5 working days of receipt of the call-in. More than one call-in may be considered at a meeting of an overview and scrutiny committee.

vii) Subject to sub-paragraph (7) of this standing order, the consideration of a matter under sub-paragraph (5) of this standing order by an overview and scrutiny committee may be adjourned, provided that:
   (i) the chairperson presiding at the meeting; and
   (ii) the chairperson of the executive agree a date for the continuation of the meeting.

viii) A meeting convened in accordance with sub-paragraph (5) of this standing order may only be adjourned under sub-paragraph (6) in order to:
   (i) allow for additional information to be obtained; or
   (ii) permit additional witnesses to attend.

ix) The members who submitted the call-in, or a member on their behalf, shall 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 shall not have voting rights.

x) In response to a call-in made in accordance with section 41(1)(a) of the 2014 Act, an overview and scrutiny committee may:
   (i) support the decision; or
   (ii) refer the decision, along with the recommendation of the overview and scrutiny committee, back to the decision maker.

xi) Where a decision has been supported in accordance with sub-paragraph (9) of this standing order, that decision shall:
   (i) be approved;
   (ii) be inserted in the Register of Decisions; and
   (iii) become operative from the date of the meeting at which the overview and scrutiny committee confirmed support for the decision.

xii) Where a decision has been referred back to a decision maker in accordance with sub-paragraph (9)(b) of this standing order, the decision maker shall:
   (i) consider the recommendation of the overview and scrutiny committee; and
   (ii) reconsider the original decision.

21.5 <u>The call-in process - Council arrangements</u>

- For the purposes of reconsideration of a decision pursuant to a call-in under Standing Order 21.1(f) the summary of decisions taken at meetings shall be published in draft within two working days of the conclusion of the meeting. This date shall be regarded as the date of publication for the purposes of a call-in.
- If a call-in is not received by the deadline specified in paragraph 21.2(1) of this standing order, the decision specified in paragraph 21.5(1) shall:
   (i) be approved;
   (ii) be inserted in the registrar of decisions; and
   (iii) become operative from the date of the meeting at which the decision was made.
- If an admissible call-in is made in accordance with paragraph 21.2(1) of this standing order and section 41(1)(a) of the 2014 Act, the council shall:
   (i) refer the matter for further consideration at the next meeting of Council;

or

(ii) in the case of urgency convene a special meeting of Council to consider the matter.

- The members who submitted the call-in, or a member on their behalf, shall be invited to address the meeting and shall have voting rights.
- At a council meeting the council may, in relation to a decision referred to it under paragraph 21.5(3) of this Standing Order:
  (i) refer the decision for further consideration by a committee where the subject matter of that decision falls within the remit of the committee;
  (ii) support the decision; or
  (iii) overturn the decision.
- Where a decision has been supported in accordance with sub-paragraph (5) of this standing order, that decision shall:
  (i) be approved;
  (ii) be inserted in the Register of Decisions; and
  (iii) become operative from the date of the meeting at which the council confirmed support for the decision.

22. Positions of responsibility etc – Time Limits [Mandatory]

22.1 Subject to sub-paragraph (2) of this standing order, in relation to positions of responsibility selected in accordance with paragraphs 2(1) and 2(2) of Schedule 1 to the 2014 Act, the period specified for:

a. the nominating officer to select a position of responsibility and the term for which it shall be held; and
b. the person nominated to accept the selected position shall be 15 minutes.

22.2 An extension to the period specified in sub-paragraph (1) of this standing order 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]

23.1 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 shall agree:

a. the number of committees to be appointed; and
b. the number of councillors that shall constitute the membership of each committee.

23.2 The total number of places to which a nominating officer of a party may nominate councillors 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.

23.3 A nominating officer's function under paragraph 2(1)(b) of Schedule 2 to the 2014 Act shall be exercised in such manner as to ensure that:

a. all members of a committee are not nominated by the same nominating officer;
b. a nominating officer of a party may nominate councillors who stood in the name of that party to fill the majority of places on a committee, if the majority

of councillors stood in the name of that party; and

c. subject to (a) and (b), the number of councillors nominated by each nominating officer of a party, in so far as is reasonably practicable, bear the same proportion to the number of places on that committee as is borne by the number of members who stood in the name of that party.

23.4 Nominations made in accordance with sub-paragraph (3) of this standing order shall take into account any positions of responsibility on a committee held by a councillor who stood in the name of a party.

24. Rescission of a preceding resolution

24.1 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 17.1 bears the names of at least 15% of the members of the Council.

24.2 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.

24.3 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 Speaking through the Chair
When a member speaks at the Council they must address the meeting through the Chairperson. If more than one member wishes to speak, the Chairperson will ask one to speak and will allow the other members to speak in turn.

25.2 Chairperson standing
When the Chairperson speaks during a debate, 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, they in addition to any other powers vested in them may, without question put, adjourn the meeting of the Council for such period as they in their 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. Seal

27.1 Custody of Seal
The common seal of the Council shall be kept in a safe place secured by a lock, the keys of which shall be in the custody of the Chief Executive or such other person authorised by him for the purpose.

27.2 Sealing of Documents
The common seal of the Council shall not be affixed to any document unless the sealing has been authorised by a resolution of the Council or of a committee having lawful powers or to which the Council has delegated its powers in this behalf, but a resolution of the Council (or of a committee where that committee has the power) authorising the acceptance of any tender; the purchase, sale, letting or taking of any property; the issue of any stock; the presentation of any petition, memorial or address; the making of any rate or contract; or the doing of any other thing, shall be a sufficient authority for sealing any document necessary to give effect to the resolution.

27.3 Record of Documents Sealed to be kept
Where the common seal shall have been affixed at any meeting of the Council, an entry of the sealing of every deed and other document shall be made in the minutes of the meeting of the Council at which the affixing of the seal took place.

28 Suspension and amendment of Standing Orders

28.1 Suspension
A member may move a motion for the suspension of one or more of these Council Standing Orders. A motion under this Standing Order shall require the support of a qualified majority vote 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 may not be suspended by a council.

28.2 Amendment
Any proposed amendment to Standing Orders will be discussed through the Policy and Resources Committee and ratified at an ordinary meeting of the Council.

29. Interpretation of Standing Orders

Subject to the Chairperson giving a reason for any ruling, 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.

PLANNING COMMITTEE PROTOCOL

Size of the Planning Committee

1.1 Fermanagh and Omagh District Council has resolved that its Planning Committee will have thirteen members. As previously recommended to the Committee, and in accordance with the Department's guidance, the quorum for the Committee will be 50% of the membership, that is, 7 members.

1.2 There will be no substitution of Members to the Committee; replacement of Members will be dealt with in accordance with the Council's Standing Orders.

1.3 The Planning Committee will be supported by relevant Council officers as required, including, but not limited to, the Chief Executive, the Director of Regeneration and Planning, the Head of Planning, Legal and Administration Officers. It is generally expected that the Head of Planning or their nominated substitute will attend all Committee meetings.

1.4 Environmental Health and other officers with specific technical expertise may also be required to attend Planning Committee meetings.

Frequency of Meetings

1.5 The Council has determined that the Planning Committee will meet monthly, at 2pm on the third Wednesday of each month (with the exception of August). The Committee reserves the right to schedule additional meetings as required.

Format of Planning Committee Meetings

1.6 Fermanagh and Omagh District Council will operate its Planning Committee in line with its approved Standing Orders. In doing so, the following procedural arrangements will apply:

(i) A weekly list of all planning applications received will be sent to the full Council. This list will indicate those applications to be determined by the Planning Committee and those applications delegated to officers. Where an application is delegated to an officer, Councillors who are members of the Planning Committee can request the application be 'called-in'. This should be done within 3 weeks from receipt of the application.
Members of the Planning Committee will also be notified where an application is delegated to officers and the recommendation is to refuse planning permission or the recommendation is to approve planning permission and an objection has been received. In such circumstances, Members have one week from the date of notification to call in the application. An application on the weekly list may be called in by ONE Member of the Planning Committee. A call in must be made in writing and must be accompanied by a clear planning reason such as planning policy issues, departure from the Area Plan etc. Call in of applications is restricted to those applications with all information necessary for a recommendation to be made. The information deemed necessary to determine certain applications is set out in Appendix B.

(ii) All Planning Committee members will be sent a detailed agenda 5 days in advance of the meeting with a list of all the applications to be presented at the meeting and the officers' recommendations. A report on each application outlining the assessment of the application and the reasons for the recommendation will be included for Committee members.

(iii) After the agenda has been issued, there will be no circulation of additional information from any source in respect of planning applications for consideration at the Planning Committee.

(iv) Officers will prepare an addendum to the agenda, or update any reports on the day of the meeting, to inform Members of any new material considerations not previously addressed in the reports.

(v) It is recommended that the Chair of the Planning Committee should hold a pre-

meeting with relevant officers on each application to be considered in advance of the Planning Committee meeting.

(vi) Planning Committee meetings will be open to the public.

(vii) With effect from November 2016, in common with all other Fermanagh and Omagh District Council and Committee meetings, the proceedings of the Planning Committee will be audio recorded.

1.7 The Planning Committee meetings will follow a standard Agenda which should allow for inclusion of the following items:

(i) Notice of meeting;
(ii) Apologies;
(iii) Signing of Minutes;
(iv) Declaration of interests;
(v) Presentations from External Bodies;
(vi) Schedule of Planning Applications;
(vii) Enforcement matters; and
(viii) Development Plan issues.

1.8 Councillors will be required to declare an interest in any item on the agenda at the beginning of the meeting and must leave the meeting for that item. Members will then be invited to return to the meeting and notified of the Committee's decision before consideration of the next item commences.

1.9 Fermanagh and Omagh District Council has resolved that it will not usually receive presentations from external bodies at the Planning Committee. However, on those occasions where the Committee deems it appropriate to receive a presentation on matters of interest relevant to the Committee, this will be accommodated as the fourth item on the Agenda after Declaration of Interests. Such presentations, including Members' Questions and Answers, should not exceed 20 minutes.

1.10 In presenting planning applications to Committee, the following procedures for each application will apply:

(i) Introduction by planning officer;
The Planning Officer presents the application and makes a recommendation on whether the application should be approved, approved with conditions or refused. Plans and photographs may be shown.

(ii) Representation on behalf of applicant, agent or supporter; (10 minutes)
The total time allowed for applicant, agent or supporter to address the Committee will not be more than 10 minutes unless the Committee decide on the day of the meeting to extend the time allowed due to unusual or exceptional circumstances. Such an extension would be at the discretion of the Chair of the Planning Committee.

If more than one supporter wants to speak, the Chairperson may ask the supporters to appoint a spokesperson to represent their views.

No documentation should be circulated at the meeting to members by speakers.

Nor should any new information (verbal or written) which has not previously been included as part of the application be introduced or circulated.

(iii) Members' questions to applicant, agent or supporter;

(iv) Representations – Objectors; (5 Mins)
The total time allowed for objectors to address the Committee will not be more than 5 minutes unless the Committee decide on the day of the meeting to extend the time allowed due to unusual or exceptional circumstances. Such an extension would be at the discretion of the Chair of the Planning Committee.

If an objector speaks, the applicant should be allowed to respond if they wish, even if they have not registered to speak in advance.

If more than one objector wants to speak, the Chairperson may ask the objectors to appoint a spokesperson to represent their views.

No documentation should be circulated at the meeting to members by speakers.

(v) Members' questions to objectors;

(vi) Representations by Councillor(s) and other elected representatives (including MPs and MLAs); (5 Minutes)
The total time allowed for representations by Councillors and other elected representatives will be 5 minutes, unless the committee on the day decide to extend the time allowed due to unusual or exceptional circumstances. Such an extension would be at the discretion of the Chair of the Planning Committee.

(vii) Planning Officer's comments;

(viii) Members' debate including advice from officers; and

(ix) Members' decision.

The Members take a vote on whether or not to agree with the officer's recommendation. The Chairperson has a casting vote.

The following options are available in relation to Members' voting:

(a) Approve the application with conditions as recommended;
(b) Approve the application with amendments to the recommended conditions;
(c) Approve the application contrary to Officer's recommendations;
(d) Refuse the application for the reasons recommended;
(e) Refuse the application with additional, fewer or amended reasons;
(f) Refuse the application contrary to Officer's recommendations; or
(g) Defer the application with a direction for additional information or clarification; or for a Members' site visit.

Members must be present for the entire item, including the officer's introduction and update; otherwise they cannot take part in the debate or vote on that item.

Members can add conditions to a permission but cannot amend the application. Any additional conditions should be proposed and seconded before being voted on by members. Members should be aware of the legal tests conditions need to meet if challenged - they should be necessary, enforceable, reasonable and relevant to planning and the development under consideration. Planning officer comment should be invited, as necessary.

1.11 The Committee can defer consideration of an application to a subsequent meeting for further information, further negotiations or a site visit. Deferrals have an adverse effect on processing times, and the applicant can lodge an appeal after a period of time if the Council has not made a decision. Deferrals should be rare and only supported when the Committee is fully satisfied that any outstanding issue may be fully resolved as a result of the deferral. The Committee will therefore generally defer an application only once. The Member proposing a deferral must provide clear reasons as to why a deferral is necessary.

1.12 The deadline for anyone wishing to request 'Speaking Rights' to address the Planning Committee is 5.00 pm on the Monday immediately before the Committee.

In order to request speaking rights for a particular planning application, please email your request to: democratic.services@fermanaghomagh.com or telephone 0300 303 1777 extension 20207, 20274 or 21213. **These are the only contacts through which Speaking Rights may be requested.**

Those seeking speaking rights should preferably include the planning application reference number in their request. Individuals can only speak to the Committee if they are the applicant, have submitted a written response to an application prior to the recommendation issuing to the Planning Committee or they are listed on the application as the agent/planning consultant acting on behalf of the applicant.

The Chairperson may:

(i) Suspend the public's right to speak if he/she considers it necessary to maintain order at the meeting: or

(ii) Vary the order of representations if he/she feels that it is convenient and will assist the Committee in dealing with the matter, provided that it will not cause prejudice to the parties concerned.

1.13 In lieu of speaking, Council members and members of the public may submit representations in writing for consideration by the Committee. The deadline for anyone wishing to submit such written representations is 5.00 pm on the second day prior to the meeting. Written representations will be reported to the Committee and any new material considerations not previously addressed in the reports will be highlighted and if necessary, circulated in a report on the day of the meeting.

1.14 If a Council Member is unable to attend the Committee and submits representations in writing, such representations will be read out at the Committee provided that the written representations are no more than 300 words, and provided that there is sufficient time within the 5 minutes allocated for council and other elected member representations.

Decision Contrary to Officer Recommendations

1.15 Many planning decision are finely balanced and the Planning Committee will come to its own conclusions, following debate and taking into account all material planning considerations. This Committee decision may differ from the recommendation of the officer. Where the Committee takes a different decision, it must be backed by sound, clear and logical planning reasons, linked to planning policy. The Head of Planning and Planning Officers will have the opportunity to explain the implications of the Planning Committee's decision. Consideration will need to be given to whether such decisions will be capable of being defended on appeal to the Planning Appeals Commission with the potential for award of costs against the Council. The reasons for any decision which are made contrary to the Planning Officer's recommendation must be formally recorded in detail in the minutes and a copy placed on the planning application file/ electronic record.

1.16 Where Members reject a planning application that officers have advised them to accept, the Chairperson should seek the views of officers (including the Council's legal advisers) before going to the vote in terms of reasons for refusal.

In such circumstances, officers should endeavour to summarise what are considered to be the main reasons for refusal referred to by Members during the debate and advise what would be reasonable and unreasonable reasons for refusal.

If officers consider that the suggested planning refusal reasons are reasonable and capable of being defended on appeal, Members should vote on the reasons for refusal. If in the view of officers, the reasons for refusal are either in whole or in part not capable of being defended, then Members should give consideration to deferring determination of the planning application until the next Planning Committee and ask for a further report (and / or site visit) to ensure it has all the relevant information it considers necessary to inform its decision.

Advice and assistance should be sought from the Council's legal advisers, as necessary.

1.17 Deferrals of decision making can have significant impacts on decision times. Deferral of a decision to a later committee meeting has generally been used as a period of reflection in a situation where the committee is minded to refuse a proposal against an officer recommendation to approve. It allows the officer the time to draw up refusal reasons in line with the Committee's debate and decision for agreement at a further meeting. Deferrals should be an exception.

1.18 If the Planning Committee decides to approve an application against an officer's recommendation to refuse, the Planning Committee should be aware that, while there is no right of third party appeal, there is the possibility that the decision could be subject to judicial review. In such circumstances a recorded vote will be taken and the Planning Committee will decide, from amongst those members supporting the proposal who will defend the Committee's decision in court.

Pre-Determination Hearings

1.19 The Planning Committee has a mandatory requirement to hold Pre-Determination Hearings for those major applications which have been referred to the Department for call-in consideration, but have been returned to the Council for determination. The Council's planning committee will therefore have to hold a hearing prior to the application being determined. In addition, the Council may also hold pre-determination hearings, at its own discretion, where it considers it necessary, to take on board local community views, as well as those in support of the development.

1.20 The intention is to make the application process for major applications more inclusive and transparent by giving applicants and those who have submitted representations, the opportunity to be heard by Council before it takes a decision.

1.21 It will be a matter for the Planning Committee to judge when a Pre-Determination Hearing is appropriate, taking account of the relevance of the objections in planning terms, the complexity of the application and level of pre-application community consultation.

1.22 When holding a Pre-Determination Hearing the procedures will be the same as those for normal Planning Committee meetings. The Planning Officer will produce a report detailing the processing of the application to date and the planning issues to be considered. The number of individuals to speak on either side, time available etc will be agreed prior to the hearing.

If the Planning Committee decides to hold the hearing on the same day as it wishes to determine the application, the Planning Officer's report should also contain a recommendation.

Site Visits

1.23 It is recognised that, on occasions, Members of the Planning Committee may need or wish to visit a site to help them make a decision on a planning application. For example, the proposal may be difficult to visualise or the application may be particularly contentious. The purpose of a site visit is a fact-finding exercise during which no debate about the merits of the case should arise.

1.24 Site visits should be an exception as they are time consuming and expensive. If required, they should be identified by planning officers in consultation with the Chairperson prior to the planning committee meeting at which the application is scheduled to be determined. Site visits should only be carried out where there are clear benefits.

1.25 Where a site visit has been agreed, the Planning Committee clerk should contact the applicant/agent to arrange access to the site. Invitations will be limited to Members of the planning committee and Council Planning Officers. Site visits are not an opportunity to lobby Councillors or be used to seek to influence the outcome of a proposal prior to the planning Committee Meeting.

1.26 Councillors should not carry out their own unaccompanied site visits as there may be issues relating to permission for access to land, they will not have the information provided by the planning officer, and, in some circumstances, it may lead to allegations of bias.

1.27 It is recommended that the full Planning Committee should attend site visits, unless there are exceptional reasons. The clerk to the planning committee should record the date of the visit, attendees and any other relevant information.

1.28 The planning officer should prepare a written report on the site visit which should be presented to the Planning Committee meeting at which the application is to be determined.

Legal Adviser

1.29 The Department recommends that the Planning Committee has access to legal advice on planning matters and has suggested that it would prefer legal attendance at each Planning Committee meeting. Fermanagh and Omagh District Council has resolved to have legal representation at each Planning Committee meeting.

Review of Decisions

1.30 It is recommended that on an annual basis, Members should inspect a sample of implemented planning decisions in order to assess the quality of decision making. This should include a sample of decisions delegated to officers to give assurance that the scheme of delegation is operating effectively and in line with the Council's views.

Departmental Comments

1.31 Members are advised that the Department strongly recommends that Councillors sitting on Planning Committees should be required to attend relevant training on an ongoing basis. It also recommends that the Planning Committee chairs should receive separate, additional training in relation to their roles. The Department suggests that a network of Planning Committee Chairs should be established and meet regularly to discuss matters of common interest.

Confidential Matters

1.32 In the event that the Planning Committee is required to go 'into Committee' to consider confidential matters relating to a planning application, those parties with a direct interest in the application who have requested speaking rights in accordance with the Protocol, will be required to sign an undertaking confirming that they will respect the confidentiality of the meeting and the information discussed therein.

Good Practice Guide for Agents/Applicants

1.33 Fermanagh and Omagh District Council has developed a Good Practice Guide for Agents/Applicants (Attached at Appendix A). The rationale behind the development of this Guide is to provide advice and guidance to applicants and agents involved in the planning process to help deliver an efficient development management system, making best use of the Council's limited resources.

The objective is to build understanding, establish good practice and ensure that a full and robust process is undertaken, thus minimising potential delay in the delivery of the planning function, particularly in relation to local planning applications.

The guide sets out the progress of applications through the development management system and identifies the role/responsibilities of Council planning staff and applicants/agents at each stage of the process in order to deliver good quality planning decisions in an efficient manner and at least cost.

The Good Practice Guide for Agents/Applicants takes effect from 1 December 2016 and is an integral component of the Council's Planning Committee Protocol.

Appendix A

Applicant / Agent Protocol – A Good Practice Guide for Processing Planning Applications

Introduction

Fermanagh and Omagh District Council has developed this Guide to provide advice and guidance to applicants and agents involved in the planning process to help deliver an efficient development management system, making best use of the Council's limited resources. The planning reforms introduced with the transfer of the majority of the planning functions to Councils on 1 April 2015, focused on 'front loading' the development management process to speed up the processing of applications and allow resources to be prioritised and dedicated to those more complex applications with greater economic and social significance, major planning applications and preparation of the Local Development Plan.

The Need for this Guide

The majority of applications processed by the Council fall within the 'local' category (mainly single dwellings and householder development such as extensions to dwellings) which should be processed quickly provided all the necessary information is provided at the start of the process.

Experience to date is that applicants and agents are not 'front loading' the application process as required and considerable time and resources is spent on seeking additional information in order to process the application to a positive conclusion. This has implications both in terms of the resources available to deal with other planning matters, additional costs added to the processing of the application because of the need to re-advertise and re notify proposals, the time taken to process the application and our ability to meet the challenging application processing targets set by the Department.

The guide sets out how best to actively manage the progress of applications through the development management system and identifies the role/ responsibilities of Council planning staff and applicants / agents at each stage of the process in order to deliver good quality planning decisions in an efficient manner and at least cost.

The guidance will help those involved understand the development management process, how we as a Council will adopt a more project management approach in dealing with planning application and the type and extent of information that will be required from them when applying for planning permission or for other types of consent. It is intended that over time more detailed guidance will be provided for each category of development, setting out the information that is required in each case.

ROLES AND RESPONSIBILITIES

What Council planning staff will do:

- Respond positively to requests for pre-application advice for major planning applications and more complex local planning applications;
- Ensure that all stages of the development management process are completed within the timescales set out, to ensure that applications are processed efficiently and applicants have a greater degree of certainty about the outcome of their proposal;
- Ensure that all information is uploaded on the Planning Portal in a timely manner;
- Carry out meaningful public consultation in accordance with our Statement of Community Involvement;

- Actively manage consultations regarding the need to consult and the assessment of responses;
- **Consider applications on the basis of the information submitted and only request further information in exceptional circumstances where the need for the information would not have been anticipated by the applicant / agent or to address consultee responses;**
- Request amendments / additional information, where appropriate, as early as possible to avoid unnecessary delay;
- Provide an initial planning opinion as early as possible in the application process, particularly when a proposal is fundamentally unacceptable;
- Assess applications to form a corporate opinion for presentation to Planning Committee for decision or for issuing in the case of delegated applications not 'called in' by the Committee; and
- Issue decisions promptly.

What applicants / agents need to do:

Before submitting a planning application an agent / applicant should:

- Visit the site and carried out a full survey, including, where necessary, site levels;
- Speak to any adjacent neighbouring properties and advise them of the proposal. Anticipate neighbour / community concerns and take appropriate action to resolve potential issues before submitting the application;
- Consider the policies set out in the Local Development Plan, Planning Policy Statements and any supplementary planning guidance;
- Consider the advice provided in this Guide and on the Planning Portal particularly the Northern Ireland Environment Agency practice guides and Standing Advice, including the biodiversity checklist;
- Gather any information needed to address policy issues;
- Front load all applications with all essential information necessary to determine the application. (see Appendix B of the Guide)
- Avail of pre-application advice, when necessary; and
- Complete the necessary planning application forms (see 'Explanatory notes on Applying for Planning Permission, Approval of Reserved Matters and other types of Planning Consent' available on the Planning Portal).

When submitting an application an applicant / agent should: (see 'Explanatory notes on Applying for Planning Permission, Approval of Reserved Matters and other types of Planning Consent' available on the planning portal):

- Submit good quality applications with properly completed applications forms, accurate drawings and all other supporting information necessary to assist the determination of the application;
- Ensure the proposals reflect the planning policy context;
- Anticipate neighbour / community concerns, and address in the supporting information submitted with the planning application;
- Respond promptly to requests for amendments / additional information. Information should be submitted **within 2 weeks** from the request unless a longer period has been agreed with the case officer; and
- Ensure that the information requested is provided in full and is not 'drip fed' into the Council.

The Planning Act (Northern Ireland) 2011 and the Planning (General Development Procedure) Order 2015, set out the statutory minimum information that must be provided to make an application valid.

Stages in processing an application

There are a number of distinct stages in the processing of planning applications where efficiencies can be achieved by adopting a project management approach. These are described in detail below.

Stage 1 - Validation
At the initial stage of the process applications are checked to ensure that the minimum information and the appropriate fee has been submitted to ensure a valid planning application.

Applicants / agents should ensure that all forms have been fully completed, the correct address has been provided and all neighbour details have been correctly supplied. All drawings required to determine the application should be provided to the correct scale. Invalid applications will be returned within 24 hours.

Case officers will determine if the application is a local or major application. The following target dates are recorded on the file:

- The statutory performance target – 30 weeks for major applications, 15 weeks for local applications- the date by which applications should issue;
- Statutory expiry date for neighbourhood notification and press advertisement; and
- Date Council are notified of the application (weekly list) and the 21 day period for 'call in' in the case of delegated applications.

Stage 2 - Allocation
Normally, applications are allocated on a regular basis. The allocating officer, normally SPTO, will offer initial guidance at this stage to case officers, when necessary, on any key issues and ensure that the extent of consultation with statutory bodies is proportional to the type of development proposed. This will avoid omission or unnecessary consultation which could lead to delays and place an unnecessary burden on consultees.

Applicants/agents should ensure that all information needed to enable a consultee to respond fully to the proposal has been submitted eg farm information to demonstrate active farming, transport assessment form, drainage impact assessment.

Stage 3 - Consultation with Statutory Bodies
In view of their impact on timescales it is essential that consultations are carefully managed. As stated above, consultations will be issued on a need to consult basis and only when necessary to inform a planning decision. The Council will therefore only consult in accordance with the requirements of Schedule 3 to the Planning (General Development Procedure) order (Northern Ireland) 2015. Consultations will normally be issued within **three working days** of allocation. Statutory consultees have a duty to respond within 21 days from the date of consultation.

The submission of all necessary information with a planning application will avoid the need for further consultation which overburdens consultees and adds to the processing time of applications.

Consultation responses will be critically examined to ensure that any further information requested is essential to inform a planning assessment of development proposals and ultimately the decision making process. Consultees will be informed when their advice is considered to be inappropriate in the context of the development management process. This will be documented in the Professional Planning Report (PPR).

Normally, requests for further information/amended plans will be issued to applicants/agents within **three working days** of receipt of a consultee response. The request letter will specify a timescale for the submission of information and where appropriate will explain why the amendment/ information is required to enable the application to be processed. The timescale will reflect the complexity of the information required.

The request letter will advise applicants/agents that reminders will not be issued and that information must be submitted within the specified timescale unless there is a justifiable reason to extend the stipulated period for submission. An extension will only be agreed in exceptional circumstances with the case officer. If not received within the timescale stated, the application will be determined on the basis on the information received.

On receipt of amended plans/information case officers will avoid unnecessary repeat consultations. For example, where the information submitted clearly addresses the issues raised by a consultee further consultation may not be necessary. In these circumstances where a further consultation is not deemed necessary, the case officer will contact the consultee to agree draft planning conditions and/or informatives (if necessary).

Stage 4 - Public Consultation (Advertising and Neighbour Notification)
Advertisement and neighbour notification will be carried out in accordance with the legislation normally within **three working days** of allocation (at the same time as consultations are issued).

It is important that the correct site address and information about the proposal is provided on the P1 form. Re-advertisement and re-neighbour notification add to the cost and delays the processing of applications.

Case officers will check on site that the correct neighbour notification has been carried out and will record this in the PPR.

Stage 5 - Site Inspection and Early Assessment
Prior to going on site case-officers will identify and confirm all relevant planning history. Normally a site inspection will be carried out within **ten working days** of allocation. The case officer will:

- Make a full assessment of the site and its context;
- Identify key planning issues;
- Confirm that Neighbour Notification has been completed in accordance with established procedure; and
- Confirm that no further consultations need to be issued because of site specific factors.

As soon as possible after completing their site visit and subject to any discussions that are necessary within Stage 6, Case Officers will record details of the site visit, record relevant policies and consideration of the proposal against the policy, so far as possible pending receipt of consultee response and any third party representations.

Stage 6 - Initial Planning View
Line Managers will review applications with case officers normally within **ten working days** of a site inspection to confirm the basis for assessing each proposal in terms of planning policy and to form an initial planning view.

A clear record of issues discussed and actions agreed will be placed on the application file. The need for this level of guidance will vary depending on the nature of the proposal and the experience of the case officer.

This is a crucial stage of the process towards achieving the statutory performance targets and SPTOs will ensure it is completed within the required timescale.
When an initial planning view is formed applications will normally fall into one of three categories:

(1) **Proposal is acceptable** – applications which can be recommended for approval with no or minor amendment (without requiring negotiation);
(2) **Proposal requires substantial amendment and/or additional information needed** – applications where it is judged that negotiation and amendment could lead to approval;
(3) **Proposal is unacceptable and likely to be refused** – applications where negotiation is unlikely to lead to an acceptable proposal.

(1a) Proposal is acceptable

When it is established that a proposal is acceptable in planning terms, the case officer will complete the PPR as far as possible taking account of representations and consultation responses. Requests for minor amendments/additional information arising from consultation responses and/or representations will be assessed as described at Stage 3 above. Where appropriate, the case officer will consider the use of planning conditions including negative conditions, as an alternative to amended plans/additional information e.g. in relation to access details, archaeological surveys or materials/finishes.

(1b) Proposal requires amendment and/or additional information

Where proposals are deemed to be acceptable in principle on the basis of an initial planning assessment, subject to the submission of amended plans/additional information, case officers will contact the agent/applicant normally within **five working days** to request the information required. It is the responsibility of the case officer to state clearly the amendments/information required with supporting planning reasons as necessary. This will be communicated to the agent/applicant by letter, e-mail, telephone or meeting, whichever is appropriate, depending on the complexity of the issues to be resolved. The guidance outlined at Stage 3 will be followed in relation to timescales for submission of information and the approach to be adopted regarding repeat consultations. Deadlines for submission of amendments or further information will take into account whether any further consultation is likely to be required.

Minor amendment resulting from the applicant responding positively to comments from consultees and/or third party representations will proceed to decision without further consultation, where possible.

Re-consultation will be carried out where there is likely to be a greater or significantly different impact resulting from the amended proposal.

When information is not received within the specified timescale the case officer will complete the Professional Planning Report (PPR) (see Stage 7 below) and include reference to the information requested and the applicant/agent's failure to provide it within the timescale.

A decision refusing planning permission on the basis of insufficient information will clearly identify the information required and the "interests of acknowledged importance" that would be harmed if planning permission was granted in the absence of additional information.

The Council will not again request information that should have been submitted with the application at the outset or following a reasonable request, and which is clearly set out in guidance within this document and any further guidance issued by the Council. In such circumstances, the Council but will proceed to determine the application on the basis of the information submitted.

Where a proposal requires significant amendment, which wholly changes the nature of the proposal or the site or raises new issues which would require further consultation, a new planning application will be required.

Additional information, which should have been submitted either at the outset, or following a request from the Council, which is submitted after a recommendation has been made to the Planning Committee (including the weekly notification of delegated applications recommended for refusal) will only be considered in exceptional circumstances.

Planning applications which are recommended for refusal because information needed to determine the application has not be submitted with the application or information needed by a consultee to determine the application has not been

submitted following a reasonable request for the information, cannot be called in for decision by the Planning Committee.

(1c) Proposal is unacceptable

A proposal that is fundamentally unacceptable in planning terms, taking account of the Development Plan and all other material considerations will be progressed to an opinion to refuse planning permission. Consultee responses will be critically assessed to ensure that requests are not issued for amendments/additional information that will not alter a planning view to refuse planning permission. Applications in this category will be considered at the earliest opportunity.

The Council's opinion to refuse planning permission will be placed on at the earliest appropriate opportunity the weekly list of notifications for delegated applications or the monthly Planning Committee Agenda at the earliest appropriate opportunity. This early indication of the Councils' opinion should avoid unnecessary work by applicants/agents in preparing amendments/additional information when there is no prospect of planning permission being granted.

Stage 7 - Professional Planning Report (PPR)

The case officer will complete the assessment of the application and the PPR. This must include a case officer recommendation for consideration at the group meeting and include any conditions or reasons for refusal.

Stage 8 - Development Management Group (DMG)

The SPTO and case officers will carefully manage the progress of all applications to ensure an efficient and effective delivery of service to the public and to ensure the statutory targets are met. Applications will therefore be discussed on a regular basis and will not be held pending a formal group meeting particularly where the recommendation is to approve and there are no representations or objections from consultees. A formal monthly meeting will be held when all live planning applications will be reviewed to ensure there is no undue delay in processing them. The reason for the delay will be identified and action agreed will be recorded on the file.

Applications which are delegated and where the recommendation is to grant planning permission and there are no objections will be issued following discussions with an authorised officer.

Where the recommendation is to refuse planning permission or there are objections, Councillors on the Planning Committee will be notified of the decision and will have the opportunity to 'call in' the application in accordance with the Planning Committee Protocol. Where an application is 'called in' the application will be presented to the next available Planning Committee meeting. Where there is no 'call in' the application will issue.

Additional or new information is unlikely be accepted at this stage and the application will be issued on the basis of the information received prior to the recommendation being made.

Stage 9 – Planning Committee Meeting

The Planning Committee meets on the third Wednesday of each month with the exception of August. All applications for consideration by Planning Committee will appear on the Agenda which is published on the Council's website (www.fermanaghomagh.com) on the Thursday prior to the meeting. All details submitted with the application including the case officer's report and any discussions with authorised officers will be uploaded on the Planning Portal at the same time as the agenda is published.

Agents will not be notified that their application is on the Committee agenda. It is expected that applicants / agents will regularly refer to the Council's website and track the process of their application on the Planning Portal.

Applicants / agents should not lobby Councillors who are on the Planning Committee and seek to influence the outcome of a proposal prior to the Planning Committee Meeting. 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 Lobbying can lead to the impartiality and integrity of a councillor being called into question. However, other Councillors who are not Members of the Planning Committee can make representations and address the relevant committee on your behalf.

Requests for speaking rights should be made in accordance with the Planning Committee protocol and should be submitted by 5pm on the Monday prior to the meeting.

Stage 10 - Issuing Decisions
Decisions will issue as soon as possible but no later than 5 days after the Committee meeting.

What information should I enclose with my planning application?

- All applications must be accompanied by the correct application form including a written description of the development, along with a postal address of the land to be developed. The name and address of the applicant should be provided and where applicable the name and address of the agent should be provided on the relevant application form.

- A plan sufficient to identify the site and the surrounding locality. This should be an Ordnance Survey based site location plan of 1:1250 or 1:2500 scale. Whilst not specified by legislation the convention for identifying the application site is to outline in red ink. Where the applicant owns neighbouring land, this too must be identified and while the legislation specifies no particular colour, the convention is to outline this land in blue.

- A Certificate of Ownership (Section 42 of the 2011 Act). The purpose of this certificate is to inform all concerned who is in actual possession of the application site and without such information the application will not be valid.

The application should be accompanied by 3 additional copies of the application forms / plans and the appropriate application fee.

However, there is a range of additional information that will be required in order to determine your application depending upon the nature of the proposal. This is set out in Appendix B and also ~~This~~ includes:

- Site Analysis (1:500);
- Existing & proposed topographical cross-sections (1:200);
- Indicative sketches illustrating massing, scale and form of the building where the site is sloping;
- Proposed materials and finishes;
- Existing elevations, sections and floor plans (1:100) (where the proposal involves alterations to a building or replacement dwelling applications);
- Proposed elevations, sections and floor plans (1:100);
- Existing & proposed contextual elevations (where adjacent properties are present);
- Landscaping details – should be included on all full or reserved matters applications;

There is a host of information on the NI Planning Portal, including NIEA Standing Advice and Guidance, to assist applicant and agents in the submission of planning applications. It is also clear

from the Planning Policy Statements and the Strategic Planning Policy Statement the type of information needed to assess an application.

The Council will therefore expect the information to be included with the initial submission. It is not possible for Council to determine all the information required with a particular application since they will not be familiar with the site. Neither is it the role of consultees to advise on the information required in support of an application. However, both the Council and consultees will provide advice and guidance where relevant. Applicants/agents should contact the planning office in either Enniskillen or Omagh if they have any particular query.

The Council will only request information that should have been submitted with the application at the beginning and which is clearly set out in guidance below and any further guidance issued by the Council, and if not submitted following a reasonable request, will proceed to determine the application on the basis of the information submitted.

Appendix B

Information Considered Essential in Determining Planning Applications

The following information is considered essential in order to determine certain planning applications. Failure to "front load" planning applications with this information may result in a recommendation to refuse planning permission.

Planning applications which are recommended for refusal because information needed to determine the application has not been submitted with the application, or information needed by a consultee to determine the application has not been submitted following a reasonable request for the information, cannot be called in for decision by the Planning Committee.

Such necessary information is set out below:

- Air Quality Impact Assessment for all Intensive livestock applications;
- Ammonia report if an intensive livestock application is within 7.5km of an ecologically protected site;
- Biodiversity Checklist for all applications on lands that have a nature conservation value, eg. woodland, wetland or watercourse;
- Biodiversity surveys: for all applications that would impact upon, or have the potential to impact on natural heritage, including designated sites, priority habitats or protected and priority species;
- Contaminated Land Report: for all applications on former industrial sites, petrol filling stations or landfill sites;
- Demolition Justification Report: for all application for demolition of all or a significant part of a Listed Building or a building in a Conservation Area, Area of Townscape character or Area of Village Character;
- Drainage Assessment: for all applications outside flood plains that exceed the thresholds in PPS 15 Policy FLD 3;
- Flood Risk Assessment: for all applications inside a flood plain that are exceptions to Policy FLD 1;
- Landscape and Visual Impact Assessment: for all applications inside a Conservation Area, ATC and AVC and all wind turbines over 25m;
- Noise & Odour Report: for all applications that are likely to cause significant impact upon nearby approved or existing dwellings or other sensitive receptors;
- Retail Impact Assessment, including sequential assessment: for all applications for retailing or other main town centre uses outside a designated town centre;
- Transport Assessment: for applications for development which will have significant transport implications (TAF Guidelines Nov 2006);
- Waste Management Plan: for all applications for intensive livestock development or minerals;
- Tree Survey: for all applications that impact upon trees protected by a TPO.

The following information is essential to enable determination of planning applications for development in the countryside:

Replacement Dwellings

- Block plan clearly identifying the dwelling to be replaced and its curtilage;
- If the new dwelling is sited outside the curtilage of the dwelling being replaced, a written explanation as to why an alternative siting is necessary;
- Bat survey or bat roost survey, where the old dwelling is to be demolished or the site contains trees.

Dwellings on farms (CTY10)

- Application form P1C to include farm business number and details of farming activity;
- Evidence of an active and established farm business for more than 6 years;

- Copies of farm maps to show all land which is part of the farm business;
- Location of the principal group of farm buildings and any other buildings on the farm;
- Details of any dwellings ‘sold off’ over the previous 10 years.

Dwelling based on special personal or domestic circumstances (CTY6)
- A statement detailing the special personal or domestic circumstances;
- Support statement from a suitably qualifies person such as a medical or health professional;
- Details of why care cannot be provided elsewhere;
- Details of other alternatives considered, such as an extension to an existing dwelling, and why this was not suitable.

Agricultural and forestry development (CTY12)
- Details of the farm business and copies of the farm maps showing the location of the main farm buildings and any other buildings on the farm;
- Details of why the new building is required;
- Explanation as to why an existing farm building could not be used;
- Evidence of existing and established farm business for more than 6 years.

Part 4 – Codes and Protocols

Code of Conduct for Councillors

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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) came 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 was 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:

(a) the Northern Ireland Commissioner for Complaints, on the application of the Code and the complaints procedure;
(b) the Department, on planning matters; and
(c) the Equality Commission for Northern Ireland on section 75 obligations. Information on where you can find this guidance and additional contact details are provided at Annex A.

2. REQUIREMENT TO COMPLY WITH THE CODE

Who does the Code apply to?

2.1 The Code applies to councillors of councils established in accordance with section 1 of the Local Government Act (Northern Ireland) 1972 Act (the 1972 Act) as amended by the Local Government (Boundaries) Act (Northern Ireland) 2008.

2.2 The 1972 Act requires a councillor to serve on the Chief Executive of their council, a declaration of acceptance of office before they can act in the capacity of councillor. This declaration includes an undertaking that the councillor has read and will observe the Code (as revised from time to time).

2.3 The 2014 Act requires that a person who is not an elected person, but who becomes a member of any committee of a council, may not act as such unless they have given a written undertaking to the Chief Executive of the council and, in the case of a joint committee, to each of the Chief Executives of the councils constituting the committee. This includes an undertaking that they have read and will observe the Code (as revised from time to time).

2.4 In summary, the Code applies to the following persons:

(a) any person who is elected to office within a council;
(b) any person chosen under section 11(4b) of the Electoral Law Act (Northern Ireland) 1962 to fill a casual vacancy;
(c) any person treated as a non-voting member by section 17 of the 2014 Act; and
(d) any person who is not an elected representative as mentioned in section 28(4) of the 2014 Act.

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

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

When does the Code apply?

2.6 You must observe the Code:

(a) whenever you conduct the business, or are present at a meeting, of your council;
(b) whenever you act, claim to act or give the impression you are acting in the role of a councillor; and
(c) whenever you act, claim to act or give the impression you are acting as a representative of your council.

2.7 You must also observe the Code if you are appointed or nominated to represent your council on another body **unless:**

(a) that body has its own code of conduct relating to its members, in which case you must observe that code of conduct; or
(b) compliance with the Code conflicts with any other lawful obligations to which that body may be subject. (You must draw such conflict to the attention of your council and to the other body as soon as it becomes apparent to you.)

2.8 In addition to the circumstances stipulated in paragraphs 2.7 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

2.9 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.

2.10 The Commissioner may investigate written complaints from any person that a councillor (or former councillor) has failed, or may have failed, to comply with the Code. The Commissioner may also investigate cases of alleged failure to comply with the Code which come to his attention as a result of an investigation of a written complaint.

2.11 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[1], 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.

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.

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[1] Committee on Standards in Public Life, Members of Parliament, ministers, civil servants and quangos (First Report) May 1995

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[2] 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 https://bit.ly/2NlLGDw

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.

[2] The Department notes this Protocol is being reviewed and will update this reference to any revised version.

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 (ie 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; any –

  (i) public authority or body exercising functions of a public nature;

  (ii) company, industrial and provident society, charity, or body directed to charitable purposes;

  (iii) body whose principal purposes include the influence of public opinion or policy;

  (iv) trade union or professional association; or

  (v) 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

(i) 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 (ie 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

The Northern Public Services Ombudsman Telephone: 028 902 33821 Text phone: 028 908 97789 Email: nipso@nipso.org.uk Via Post: The Ombudsman Freepost NIPSO Belfast BT1 6BR OR The Ombudsman Progressive House 33 Wellington Place Belfast BT1 6HN	Equality Commission for Northern Ireland Telephone: 028 90 500 600 Textphone: 028 90 500 589 Fax: 028 90 248 687 Email: information@equalityni.org Website:www.equalityni.org Equality House 7 - 9 Shaftesbury Square Belfast BT2 7DP
Department for Communities Local Government Policy Division Causeway Exchange 1-7 Bedford Street Town Parks Belfast, BT2 7EG Website: www.communities-ni.gov.uk E-mail: communities-ni.gov.uk Telephone: 028 9082 3355 Textphone: 028 905 40642	

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[3] ;

"Chief Executive", means a person appointed as Clerk of a Council; and

"meeting" means any meeting-

(i) of the relevant council or of a committee or sub-committee of the relevant council,
(ii) of the executive of the relevant council or of a committee or sub-committee of the executive of the relevant council,
(iii) 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.

[3] 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.

Annex C

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:

- censure the person in such terms as the Commissioner thinks appropriate;

- 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

- 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.

CODE OF CONDUCT FOR LOCAL GOVERNMENT EMPLOYEES

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APPENDICES

Appendix 1
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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.

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 18 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):

Official Conduct

(a) Employees will maintain conduct of the highest standard such that public confidence in their integrity is sustained.
(b) 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 Principles of Conduct

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)and the five

further principles of conduct that have been adopted by the Northern Ireland Assembly, both emphasise that those in public life should practice:

- **Public Duty** - uphold the law and to act on all occasions in accordance with the public trust placed in them and act in the interests of the community as a whole.
- **Selflessness** - act in the public interest at all times and 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 it.
- **Honestly** - act honestly. 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 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 18 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, page 14 - *Whistleblowing* which provides more detail about an employee's responsibilities in this regard).

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 15 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 must follow all lawful policies of the Council and must not let their own personal or political opinions 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. This does not compromise an officer's rights in relation to collective trade union representation engagement in lawful trade union activity.

Employees who have concerns about whether there is a potential conflict of interest should raise the matter with an appropriate manager.

4.4 Potential Conflict of Interest Situations

As specified in paragraph 4.1, page 4 - *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 4 - *Standards of Behaviour, Impartiality and Conflicts of Interest*, 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.

This does not compromise an employee's rights as a ratepayer to access and/or question the provision of Council services to them through open and transparent Council procedures.

Employees who have concerns about whether there is a potential conflict of interest should raise the matter with an appropriate manager.

Further advice and guidance is given in the Local Government Employee and Councillor Working Relationship Protocol attached at Appendix 2, page 19.

Contact with the 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 the provisions of the Disability Discrimination Act 1995.

No part of the community or service users should be discriminated against.

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 procurement 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, page 15 for a definition of 'family relationship').

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 as soon as they are aware.

Employees must not accept money or any other reward from any organisation, body or individual 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.

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 15 for a definition of 'family relationship'). For further examples of Potential Categories of Interests see Appendix 1, page 16 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

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.

Employers and 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 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 4, page 18);
- 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 Procurement

Employees involved in the procurement process and dealing with contractors should be clear on the separation of client and contractor roles within the Council. All 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, page 15 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 below for guidance on *Hospitality and Gifts*).

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, page 15 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.

Appendix 1

LEGAL AND OTHER PROVISIONS RELATING TO THE CODE OF CONDUCT

1. Disclosure of Information (paragraph 4.2, page 5)

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 Conflict of Interest Situations (paragraph 4.4, page 6)

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 (ie 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
- dependant

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 (ie 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 –
  (i) public authority or body exercising functions of a public nature;
  (ii) company, industrial and provident society, charity, or body directed to charitable purposes;
  (iii) body whose principal purposes include the influence of public opinion or policy;
  (iv) professional association; or
  (v) 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).

3. Appointments and Other Employment Matters (paragraph 4.5, page 9)

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.

4. Equality Issues (paragraph 4.8, page 11)

Legislation

(a) The Employment Equality (Sexual Orientation) Regulations (NI) 2003
(b) The Employment Equality Age Regulations (NI) 2006
(c) Sex Discrimination (NI) Order 1976
(d) Fair Employment and Treatment (NI) Order 1998
(e) Disability Discrimination Act 1995
(f) Race Relations (NI) Order 1997
(g) Rehabilitation of Offenders (NI) Order 1978 and Exceptions Order 1979
(h) Equal Pay Act (Northern Ireland) 1970
(i) Part-Time Workers (Prevention of Less Favourable Treatment) Regulations
(j) (Northern Ireland) 2000
(k) Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations (Northern Ireland) 2002
(l) Parental Rights and Flexible Working under the Employment Rights
(m) (Northern Ireland) Order 1996
(n) Northern Ireland Act 1998
(o) Human Rights Act 1998

5. Fraud and Corruption (paragraph 4.10, page 12)

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.

Appendix 2

Issued: October 2014

Local Government Employee & Councillor Working Relationship Protocol

1.0 Introduction

1.1 The Local Government Act (Northern Ireland) 2014 (the 2014 Act) creates a new environment for Local Government in Northern Ireland. The 2014 Act includes a new ethical framework for local government, a key element of which is the introduction of a mandatory Code of Conduct for Councillors.

1.2 The 2014 Act imposes a mandatory requirement for Councillors to observe the Northern Ireland Local Government Code of Conduct for Councillors (the Councillor Code), which establishes mechanisms for the investigation and adjudication of complaints and for appeals. With the exception of Part 9 (Planning), the Code came into force on 28 May 2014 the Part of the Code which deals with planning will come into effect from 1 April 2015.

1.3 The Local Government Staff Commission for Northern Ireland is responsible for issuing the Code of Conduct for Local Government Employees (2004) (the Employee Code). In conjunction with the Local Government Reform Joint Forum, the Commission has prepared a revised Code of Conduct for Local Government Employees due to come into effect from 1 April 2015.

1.4 Local Government has already established policies and procedures to resolve issues that Employees (for the purpose of this protocol the term 'Employees' or members of staff should be taken to mean any individual employed by a council including those working both full time and part time on a permanent, temporary, fixed term or inward secondment basis. The Protocol also applies to seasonal and casual staff, agency workers and volunteers while they are engaged in carrying out duties for the council), may encounter in the workplace. This protocol does not override any existing Employee policies or legal obligations but seeks to clarify the expected working relationship between Councillors and Employees.

2.0 Purpose

2.1 The 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. The protocol also advises of the steps to be taken to deal with concerns at an early stage to reduce negative impacts upon Councillors or Employees and ensure the prompt resolution of any difficulties which may arise. All issues raised under the remit of this protocol must be dealt with in the strictest confidence.

2.2 The protocol should also assist in furthering and developing a harmonious working environment with positive, constructive and professional relationships between Employees and Councillors.

2.3 The protocol reflects the content of both Employee and Councillor Codes of Conduct that demand the highest standards of personal conduct at all times. It upholds the seven Nolan Principles and the additional principles of public life:-

- **Public Duty** - have 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.
- **Selflessness** - should act in the public interest at all times and should take decisions solely in terms of the public interest. They should not act in order to gain financial or other material benefits for themselves, their family, friends or associates.
- **Integrity** - should not place themselves under any financial or other obligation to outside individuals or organisations, which might reasonably be thought by others to influence them in the performance of their duties.
- **Objectivity** - in carrying out public business, including considering public appointments, awarding contracts, or recommending individuals for rewards and benefits, they should make choices on merit.
- **Accountability** - are accountable to the public for their decisions and actions and for the way that they carry out their responsibilities and must submit themselves to whatever scrutiny is appropriate to their office.
- **Openness** - should be as open as possible about the decisions and actions that they take. They should give reasons for their decisions when required and restrict information only when the wider public interest clearly demands it.
- **Honesty** - should act honestly. They have a duty to declare any private interests relating to their public duties and should take steps to resolve any conflicts between their private interests and public duties at once and in a way that protects the public interest.
- **Leadership** - should 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** - 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** - 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, 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, Employees, Councillors and councils, they should therefore show respect and consideration 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. Employees are ultimately responsible to the Chief Executive[1]; Councillors are responsible to the electorate. 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

[1 A Chief Executive is also an employee and is ultimately responsible to the Council]

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 Conduct of Local Government Employees towards Councillors

3.1 Employees must treat all political groups and individual Councillors equally, fairly and remain politically neutral at all times. Employees will provide professional, impartial and effective support, to enable Councillors to fulfil their role, in and on behalf of, the council. Employees will not seek to influence or lobby a Councillor with regards to personal issues.

3.2 It is important that there should be good working relationships between senior council employees and Chairs of Committees / Mayors. However such relationships should not be allowed to become so close as to cast doubt either on an officer's ability to deal impartially with other councillors, or the Chair/Mayor's ability to deal impartially with other employees.

4.0 Procedure

4.1 In the event that a Councillor wishes to raise either an informal or formal complaint regarding the conduct or behaviour of an Employee, the following process should be followed:

Informal Approach

4.2 A Councillor should seek to raise the matter in the first instance with the relevant Head of Service or Director who should seek to resolve the matter with the Employee concerned. The Councillor must not engage directly with the Employee, nor make any attempt to reprimand or discipline the Employee.

4.3 If the matter is about the conduct of an Employee at Head of Service or Director level, the Councillor should address their concern to the Chief Executive.

4.4 The Head of Service/Director/Chief Executive will undertake to resolve the matter through discussions with the Employee concerned and report on the outcome to the Councillor.

Formal Approach

4.5 If the Councillor is unhappy with the outcome of the informal approach or considers the initial complaint to be of a serious nature, they should raise the matter with the relevant Head of Service or Director and make their Party Group Leader, if relevant, aware of the complaint.

4.6 The relevant Head of Service/Director (or Chief Executive if applicable), will ensure the matter is investigated according to the relevant council procedures consulting with appropriate human resource sections.

4.7 The outcome of the investigation may result in:-

- no further action being required,
- a verbal or written apology to the Councillor with an acknowledgement by the Employee that their conduct failed to meet the agreed standard and an undertaking that there will be no recurrence or
- referral for consideration under the council's disciplinary procedure.

4.8 The Head of Service/Director (or Chief Executive if applicable), will write to the Councillor and Group Party Leader, if relevant, advising of the outcome.

4.9 The Employee will be informed in accordance with the relevant council procedures.

4.10 If the complaint is in relation to the Chief Executive the procedures specified in the Joint Negotiating Committee (JNC) for Chief Executives of Local Authorities or the appropriate mechanism at that time will be followed.

5.0 Conduct of Councillors towards Employees

5.1 Councillors' engagement with Employees must be equitable, reasonable, courteous and respectful and ensure that the impartiality of Employees is not compromised. Councillors must abide by their Code and their council's standing orders.

Procedure

5.2 In the event that an Employee wishes to raise either an informal or formal complaint regarding the conduct or behaviour of a Councillor, the appropriate support must be provided by their respective line manager and the following procedure should be followed:

Informal Approach

5.3 An Employee should seek to raise the matter in the first instance with their relevant Head of Service or Director, providing details of the incident that has occurred. The Employee must not engage directly with the Councillor. If necessary, the Head of Service or Director may involve the Group Party Leader, if relevant.

5.4 The Head of Service or Director will undertake to resolve the matter through discussions with the Councillor concerned and report on the outcome to the Employee and the Chief Executive.

Formal Approach

5.5 If the Employee is unhappy with the outcome of the informal approach or considers their complaint to be of a serious nature, they may wish to consult with their recognised Trade Union representative, if applicable prior to raising the matter formally (verbally or in writing) with the relevant Head of Service or Director. The Employee and their representative may also raise the complaint directly with the senior Human Resource Employee in the Council.

5.6 The relevant Head of Service/ Director, (or senior HR Employee if applicable), will ensure the matter is investigated according to the appropriate council investigatory process.

5.7 The Councillor and Party Group Leader, if relevant, will be advised of the complaint and should agree to co-operate with the investigation to establish the facts.

5.8 The outcome of the investigation may result in:

- no further action being required; or
- a verbal or written apology to the Employee with an acknowledgement by the Councillor that their conduct failed to meet the agreed standards and an undertaking that there will be no recurrence.

5.9 If the Head of Service/Director (or senior HR Employee), considers that the circumstances of the complaint is sufficiently serious or a pattern of behaviour emerges, they may recommend to the Chief Executive that the matter is raised at a formal meeting with the

Party Group Leader, if relevant. The minutes of this meeting should be presented to the appropriate governance committee for consideration.

5.10 The Head of Service/ Director (or senior HR Employee), will write to the Employee (and where appropriate their recognised Trade Union representative) advising of the outcome. If the Employee is unhappy with the outcome, they may request that their complaint be reviewed by the Chief Executive. The Chief Executive will review the complaint and advise the Employee (and their Trade Union representative) of their decision.

5.11 The Councillor and the Group Party Leader, if relevant, will be informed in writing of the outcome of the investigation and consideration of further action.

To note: This protocol does not preclude an employee, at anytime, if they think it necessary to write to the Commissioner for Complaints setting out how, in their opinion, a Councillor has breached the Code.

This protocol is the interface between current Councillor and Employee Codes of Conduct, which require the highest standards of personal conduct, including activities

Part 5 – Members' Allowance Scheme

Scheme of Allowances Payable to Councillors

Effective from 01 April 2019

The Consolidated Councillor Allowances Guidance, produced by the Department for Communities (LG 23/2016, 14 December 2016), requires the Council to have a Scheme of Allowances approved prior to any payments being made to councillors, to have the Scheme published on its website, when approved and before 30 June each year to publish (on its website) details of the payments made at the end of each financial year.

The Scheme of Allowances is separated into six categories as follows:

1. The System of Allowances

2. Chairperson/Vice Chairperson Allowance

3. Councillors' Support Services

4. General

5. Claims, Records, Payments and Information

Appendix 1 – Special Responsibility Allowance
Appendix 2 – Dependants' Carers' Allowance
Appendix 3 – Rates of Travel Allowance
Appendix 4 – Rates of Subsistence
Appendix 5 – Definition of an Approved Duty
Appendix 6 – Dependant Carer's Allowance Claim Form
Appendix 7 – Travel & Subsistence Claim Form

1.0 System of Allowances

The Department for Communities (DfC), in exercise of the powers conferred by Section 31 of the Local Government Finance Act (Northern Ireland) 2011, (the Finance Act) has determined in Circular LG 23/2016, 14 December 2016, with effect from 1 April 2016, the maximum amounts of allowances payable under the Local Government (Payments to Councillors) Regulations (NI) 2012 'the 2012 Regulations'. This Scheme takes account of the guidance.

In this Scheme:

(a) 'approved duty' is defined in Schedule 2, as provided for in the Local Government (Payments to Councillors) Regulations (NI) 2012;
(b) 'committee member' means a person, not being a councillor, appointed to a committee or a sub-committee of a council, or to a joint committee or a sub-committee of a joint committee, under sections 18 or 19 of the Local Government Act (Northern Ireland) 1972(d);
(c) 'Department' means the Department for Communities;
(d) 'Regulations' means the Local Government (Payments to Councillors) Regulations (NI) 2012; and
(e) 'the Finance Act' means the Local Government Finance Act (Northern Ireland) 2011.

1.1 Allowances for Councillors

Provision is made for payment of the following Allowances to Councillors:

(a) Basic Allowance (Regulation 4) – to recognise all the time commitment of all councillors, including such inevitable calls on their time as meetings with officers and constituents. It is intended to cover incidental costs.
(b) Special Responsibility Allowance (Regulation 5) – in recognition of any significant additional responsibilities where the council is satisfied that the councillor has special responsibilities in relation to the discharge of the functions of the Council
(c) Dependants' carers' allowance (Regulation 6) – in respect of such expenses of arranging for the care of their children or dependants as are necessarily incurred in respect of the performance of any approved duty.
(d) Travel and Subsistence allowances; Expenses for Official and Courtesy Visits etc; Expenses incurred in attendance at conferences and meetings (Regulation 7) - recompense councillors or committee members where expenditure on travel or on subsistence is necessarily incurred in the carrying out of an approved duty.
(e) Chair/Vice Chairperson allowance (Section 32 of Finance Act) – an allowance considered reasonable to meet the expenses of those offices.

The payment of Basic Allowance/Special Responsibility Allowance will be reduced by two thirds for those Councillors who are also MLAs, MPs and Members of the House of Lords or MEPs.

1.2 Basic Allowance

Basic allowance is intended to recognise all the time commitment of all Councillors, including such inevitable calls on their time as meetings with officers and constituents, including approved duties (see Appendix 5).

Basic allowance includes £1,061 to cover incidental and consumable costs incurred by councillors in their official capacity, such as the use of their homes, office consumables and the costs of landline rentals, the cost of telephone calls and mobile phone calls.

Aside from an IT connectivity package which includes telephone calls, the Council will not cover the costs of councillor telephone calls or additional data charges.

On request, the Council has discretion to provide councillors with 1 black ink cartridge per year.

Hard copies of electronic documents will not be available as the Council has supplied portable IT readable devices.

The allowance must be the same for each Councillor and no Council therefore may pay more than one basic allowance to a councillor.0

For the year beginning 1 April 2019, Fermanagh and Omagh District Council agreed the payment of an annual basic allowance of £15,071 to each Councillor (LG 07/2019).

1.3 Special Responsibility Allowance

Each Council may also make provision in its Scheme for the payment of Special Responsibility Allowance (SRA), in addition to Basic Allowance, to those Members of the Council who have significant additional responsibilities over and above the generally accepted duties of a Councillor, provided that the Councillor is not getting an external allowance.

In accordance with the Guidelines issued by the Department:

(a) No councillor should be paid more than one SRA, in circumstances where a Councillor qualified for more than one SRA, only the highest SRA would be paid;
(b) No more than 50% of Councillors should receive SRA, the maximum number of SRA allowances payable is 20;
(c) Payment to an individual councillor is limited to one fifth of the SRA maximum rate applicable for the council;
(d) There should be safeguards to ensure a fair distribution of the duties which would attract an SRA across a representative sample of political parties; and
(e) Where a Councillor is also a member of the Northern Ireland Assembly, the House of Lords, a Member of Parliament or the European Parliament the amount of any SRA will be reduced by two thirds.

The amount a Council may spend on SRA is determined by the Department and banded by the size of the Council population. Fermanagh & Omagh District Council's SRA amount is £53,065 per financial year (ie population band less than 120,000).

Appendix 1 details the Special Responsibility Allowances payable for the period starting 1 April 2019.

1.4 Dependants' Carers' Allowance

Each Council may also make provision in its Scheme of Allowances for the payment of a Dependants' Carers' Allowance (DCA). This is an allowance open to all Councillors who are the main carers of a dependant where care is required to enable the Councillor to perform an approved duty which is defined in Appendix 2.

The allowance may be paid for a dependant who requires full-time care and who resides with the Councillor as part of that household.

A dependant is defined as:

- a child under 16 years old;
- a child 16 years old or more, where there is medical or social work evidence that full-time care is required;
- an adult with a recognised physical or mental disability where there is medical or social work evidence that full-time care is required; or
- an elderly relative requiring full-time care.

For the purposes of this allowance, a carer is defined as a responsible person over 16 years old who does not normally live with the Councillor as part of that household and is not a parent/guardian of the dependant child.

A specialist carer is defined as a qualified person who is needed where it is essential to have professional assistance. In these circumstances a receipt must be attached to the claim.

The Department determines hourly rates of DCA for both standard care and specialist care.

The rate for standard care is based on the hourly national living wage for age 25 or over, and the rate for specialised care is double the rate for standard care. The Department sets maximum monthly amounts for standard care and specialist care, capped at the equivalent of 52 hours per month.

It is not intended that DCA will reflect the actual costs that may be incurred by a Councillor, but will provide a reasonable amount towards the care of dependants.

Councillors wishing to claim DCA must complete a claim form and sign a declaration.

Councillors wishing to claim regarding specialist care must obtain receipts from the specialist carer and ensure they accompany the claim form.

Councillors may claim only one DCA in respect of each occurrence of approved duty. Only one DCA is payable even if there are 2 or more children/dependants being cared for.

In most cases, to allow for essential travel time, Councillors may claim for a period starting up to a maximum of one hour before the approved duty starts and ending up to one hour after it finishes. In exceptional cases, with the prior approval of the Council, a greater travel time may be considered.

Councillors must disclose any financial support provided under DCA, when applying for other care services offered by another public body.

Fermanagh & Omagh District Council will assist Councillors on request in identifying where they might access advice on caring facilities and services.

Appendix 2 details the rates of Dependants' Carers' Allowance payable for the period starting 1 April 2019.

1.5 Travel and Subsistence Allowance

Travel and Subsistence Allowances recompense Councillors and committee members for expenditure and subsistence necessarily incurred whilst on council business and approved duties. The Council will pay Travel and Subsistence at the rates as determined by the Department and are reviewed from time to time. For overseas travel the Council will use the Overseas Subsistence Rates produced by the Foreign & Commonwealth Office.

Claims for recoupment of costs must be supported by receipts to cover expenditure.

Legal advice indicates that allowances claimed greater than expenditure incurred would be ULTRA VIRES.

It is a condition of the payment of travel and subsistence allowances that the duty for which they are paid has been approved **before** the duties are performed. The Council cannot decide, after the event, that an allowance should be paid.

Travel and subsistence is payable in respect of Approved Duties as defined in Appendix 5. This list will be kept under review.

In circumstances where Members are nominated by external bodies to represent them at conferences, meetings, etc. these will be considered to come within the scope of Approved Duties and will qualify for travel allowances, if claimed, within the terms of the Scheme and are not otherwise reimbursed by the outside body. It is the responsibility of each member to ensure as far as possible that these costs are borne by the external bodies.

In order to protect the Council it is necessary, however, to include a provision that if any of these duties involve travel outside of Northern Ireland, in excess of £100, and the costs are to be borne by the Council, they will require separate approval by the Council in advance. Members should be mindful that any duty involving a combined cost in excess of £300 should be approved by the Council, as should any duty involving an overnight stay. It will be the responsibility of each Councillor to ensure that the appropriate Council approval is obtained, in advance, otherwise no allowances can be paid.

The following travel and subsistence allowances will be paid to Councillors in respect of expenditure incurred:

- public transport fares;
- motor mileage rates;
- supplements;
- taxi fares;
- air fares;
- day subsistence allowances;
- overnight subsistence allowances; and
- car parking.

The amount of subsistence paid will be reduced in respect of any meals provided free of charge. Except in exceptional circumstances air fares, overnight accommodation, etc. will be arranged centrally and invoiced directly to the Council. This will reduce the expenditure Councillors would otherwise have to incur directly and then recover through a subsistence claim.

The current rates of travel allowance payable for travel by private vehicle are detailed in Appendix 3.

The current rates of subsistence are detailed in Appendix 4. The total maximum rates determined will be reduced by the appropriate amount in respect of any meal allowance, for an absence overnight of a period less than twenty-four hours.

All the maximum rates are subject to the production of receipts and no allowance will be paid without evidence of expenditure being produced.

For absences overseas, the Department produce rates of overseas subsistence which are applicable as appropriate.

Other Costs

Actual Expenditure incurred on such items as car parking, train fares, air fares, taxi fares and other miscellaneous expenditure will be recouped, subject to the production of receipts.

The rate claimed for travel by public transport will be paid at economy/2nd class. It is at the Council's discretion to reimburse for seat reservation where considered necessary.

Where no public transport is available, or where the council deems it applicable, a councillor or committee member may be reimbursed the receipted cost of travel by taxi. Where a

councillor or committee member travels by taxi in preference to public transport the amount reimbursed will be limited to what would have been the cost of the equivalent public transport.

Where the council deems a hired car is necessary a councillor or committee member may be reimbursed the receipted cost of the hired car along with the applicable mileage rate.

Where the council deems air travel is necessary the cost of the air travel inclusive of reasonable luggage allowance and seat allocation may be reimbursed.

In addition to the mileage rate for car travel a councillor or committee member my claim the passenger rate for each passenger who is on council business.

Where the mode of transport limits availability of meal options, such as via airplane or train, the reasonable cost of a meal taken, including VAT, may be reimbursed in full. This is in place of the relevant meal allowance.

2.0 Chairperson/Vice Chairperson Allowance

Section 32 of the Finance Act provides that a Council may pay to the chairperson and vice-chairperson of the council such allowances as it considers reasonable to meet the expenses of the office.

(a) An allowance of £10,000 will be payable to the Chairperson of the Council; and
(b) An allowance of £5,000 will be payable to the Vice Chairperson of the Council.

These allowances are considered totally separate from SRA allowances and will not be taken into account when considering SRA limits.

3.0 Councillors' Support Services

(a) Fermanagh & Omagh District Council provides various levels of support services for their Councillors. For example, in addition to general secretarial services, the Council will:
- provide mobile phones and meet the purchase cost and line rental charge of those phones;
- in circumstances where a Member wishes to use their own mobile phone plan (excluding charges for calls, data etc.) the Council will contribute £10 per month * claims must be made within 3 months of invoice date;
- provides portable computers, printers; and
- pays for the installation of broadband or reimburses the cost of private broadband at £10 per month*; claims must be made within 3 months of invoice date.

* Subject to the production of valid invoices

(b) On occasion, individual Councillors may use the Council's secretarial facilities to assist ratepayers to deal with an issue that presently is not a function of the Council. In such cases, the scale of the assistance required should be measured carefully and discussed with senior officials of the Council. The following advice, however, may be used as a general guide:
- Services available in Councillors' party offices should be used in the first instance;
- Council facilities may, with the agreement of officials, be used for small scale exercises (eg small volume of photocopying); and
- Under no circumstances should Council services be used for the purposes of party political campaigning.

(c) The Council is committed to carrying out a review to provide office facilities eg Members library and meeting rooms within The Grange, Omagh and the Townhall, Enniskillen. This review will be undertaken as part of the review of the Estate which will ensure appropriate level of provision is in place.

4.0 General

This scheme may be revoked or amended at any time but there will be no intervening period of time between one scheme ending and a further scheme commencing.

This scheme reflects the requirements of the Local Government (Payments to Councillors) Regulations (NI) 2012 'the 2012 Regulations'. These Regulations are currently being revised by the DOE and it is the Department's intention that new regulations will be consulted on in March 2015.

Part-Year Entitlements - Provisions for part-year entitlement to basic allowance and SRA may be made to include procedures when:

- a scheme is amended;
- a Councillor becomes or ceases to be a Councillor; and
- a Councillor accepts or relinquishes a special responsibility.

(a) **Part-year entitlement provision when the scheme is amended**
If an amendment is made to the Scheme that affects payment of a basic allowance or an SRA, then the scheme may provide for the amounts of those allowances to be adjusted to reflect the period of entitlement.

(b) **Part-year entitlement provision when a Councillor becomes or ceases to be a Councillor**
The Scheme may provide that, where the terms of office of a Councillor begins or ends otherwise than at the beginning or end of a year, the amount of basic allowance shall reflect the proportion of the year when entitlement existed.

(c) **Part-year entitlement provision when a Councillor accepts or relinquishes a special responsibility**
The Scheme may provide that, where a Councillor has during only part of a year such special responsibilities as attract entitlement to an SRA, the amount of SRA shall reflect the proportion of the year when entitlement existed.

Where a councillor, in accordance with section 59(5) or section 60(1) of the Local Government Act (Northern Ireland) 2014, is suspended from carrying out the duties of a councillor, the part of basic allowance, special responsibility allowance and/or chairperson/vice chairperson allowance payable for the period of suspension to the councillor will be withheld.

4.1 Renunciations

Councillors, may if they wish, renounce their entitlement to basic, chairperson, vice chairperson or responsibility allowances. They can do this by writing to the Chief Executive. A councillor can subsequently withdraw the renunciation. They can also amend a renunciation (e.g. to limit to one kind of allowance only). The withdrawal or amendment cannot have retrospective effect.

4.2 Councillors' Pensions and Tax implications

It is for councils and councillors to satisfy themselves that their tax, pension and insurance arrangements are in order; where necessary consulting advisers as required.

5.0 Claims, Records, Payments and Information

The allowances detailed under 5.1 – 5.3 below will be paid monthly through the BACS system, direct to each Councillor's Bank Account on the 3rd last banking day of each month. The Council will retain bank detail instructions from councillor and committee members on where their allowances are to be paid. Payslips will be emailed to each Councillor's nominated email account.

5.1 Basic Allowance and Special Responsibility Allowance

No claim is required.

5.2 Dependants' Carers Allowances

Claim Forms for Dependants' Carers' Allowance will be issued on request. Claims should be made in writing within **3 months**, and should be accompanied by receipts, where appropriate.

5.3 Travel and Subsistence Allowances

Claims should be made on a monthly basis in arrears and submitted to the Payroll Department. **They must be made within 3 months of the date the duty is performed** in accordance with the Local Government (Payments to Councillors) Regulations (Northern Ireland) 2012. **Claims submitted outside the three month statutory limit will not be valid.**

An email will be issued to Members at the beginning of each month reminding Members to submit claims for reimbursement. Where possible, all claims must be completed online using the Council's electronic system 'Transfare'. Training will be provided. Members are responsible for providing full detail of all claims and other Approved Duties attended during the claim period and attach invoices/receipts to support subsistence claims.

5.4 Records

Fermanagh & Omagh District Council, or as the case may be, a Joint Committee of which Fermanagh & Omagh District Council is a member, shall keep detailed records of all payments made to Councillors or Committee Members under these Regulations, indicating the amounts paid to each Councillor or Committee Member and the Heads under which they were paid, and such records shall be open to inspection, at all reasonable hours, by any local elector for the District or for the Districts appropriate to the Joint Committee.

Fermanagh & Omagh District Council will provide all statutory returns as requested.

5.5 Information

Individual Councillors may obtain information on any aspect of Councillor's Allowances from the Chief Executive.

The allowances payable may be subject to change during the year, and the Scheme of Allowances will be amended to reflect any changes notified by the Department.

5.6 Publication of the Scheme of Allowances Payable to Councillors and Publication of the Payments made under the Scheme

(a) **Publication of the Scheme of Allowances Payable to Councillors**
As soon as possible after making or amending any Scheme of Allowances payable to Councillors, Fermanagh & Omagh District Council must arrange for a copy of the

Scheme to be published on its website, and will make arrangements for its publication, within its District, as it considers appropriate.

(b) **Publication of the payments made under the Scheme of Allowances payable to Councillors**

As soon as possible after the end of a year to which a Scheme relates, and before 30 June, Fermanagh & Omagh District Council will arrange for the amounts of basic allowance, special responsibility allowance, dependants' carers allowance, Chairperson and Vice Chairperson allowance, Official and Courtesy Visits expenses and travel and subsistence allowances it has paid to each Councillor to be published on its website.

Appendix 1

Details of the Special Responsibility Allowances payable for the period starting 1 April 2019

For the period starting 1 April 2019, Fermanagh & Omagh District Council specified the following as the special responsibilities in respect of which responsibility allowances have been payable and agreed the amounts of those allowances payable as follows:

Special Responsibility	**Allowance Rate (£)**
	£
Environmental Services Committee Chair	3,200
Regeneration & Community Committee Chair	3,200
Policy & Resources Chair	3,200
Planning Committee Chair	4,200
Brexit Committee Chair	3,200 (pro rata)
Audit Panel Chair	2,000
Audit Panel Member	1,000 (x 6 members)
Partnership Panel for NI Member	1,000
Group Leader (SF) *	2,475
Group Leader (UUP) *	1,485
Group Leader (SDLP) *	825
Group Leader (DUP) *	825
Independent Representatives x 3 *	165
Total	32,105
Maximum Available Special Responsibility Allowance	53,066
Maximum payable per Member	10,613

* Pro Rata from 6 May 2019 (AGM)

Appendix 2

Details of the rates of Dependants' Carers' Allowance payable for the period starting 1 April 2019

For the period ending 31 March 2020, Fermanagh & Omagh District Council agreed the payment of the following rates of Dependants' Carers' Allowance:

- Standard Allowance: £8.21/hr. Max £427 per month
- Specialist Allowance: £16.42/hr. Max £854 per month

Rates of Travel Allowance **Appendix 3**

The current rates of travel allowance payable for travel by private vehicle are as follows:

Type of Vehicle	Rate per Mile
A pedal cycle	20.0p
A motor cycle (all cylinder capacities)	24.0p
A motor car of cylinder capacity exceeding 450cc but not exceeding 999cc	46.9p * 13.7p
A motor car of cylinder capacity exceeding 999cc but not exceeding 1,199cc	52.2p * 14.4p
A motor car of cylinder capacity exceeding 1,199cc.	65.0p * 16.4p
An electric car	45.0p ** 25.0p
Passenger rate (per passenger)	5.0p

* For mileage above 8,500 miles
** For mileage above 10,000 miles

- Any payment exceeding 45.0p per mile is subject to Tax and National Insurance up to 12,000 business miles.
- Members will be required to identify on their claim whether or not they have established that their home is regarded as a workplace. For homes to be regarded as a workplace a Member must routinely see constituents at home and maintain appropriate records and provide appropriate evidence to HMRC.
- False declarations will result in penalties and interest charges being issued to the Council by HMRC and if this occurs a process will be put in place to recover these costs from the Members concerned.

Subsistence Allowances **Appendix 4**

The current rates of Subsistence payable are as follows:

PERIOD/MEAL		RATES	
		British Isles £	**London* £**
i	An absence, involving an **overnight stay only,** away from the normal place of residence	100.70	122.45
ii	Conditions for **BREAKFAST ALLOWANCE**: more than 4 hours away from the normal place of residence or, where the Council permits, a lesser period, before 11 am.	11.50	
iii	Conditions for **LUNCH ALLOWANCE**: more than 4 hours away from the normal place of residence or, where the Council permits, a lesser period, including the period between 12 noon and 2 pm.	13.50	
iv	Conditions for **TEA ALLOWANCE**: more than 4 hours away from the normal place of residence or, where the Council permits, a lesser period, including the period between 3pm and 6pm.	4.70	
v	Conditions for **EVENING MEAL ALLOWANCE**: more than 4 hours away from the normal place of residence or, where the Council permits, a lesser period, ending after 7pm.	20.95	
vi	Sub-Total Meals	50.65	
vii	Total Maximum Rates (absence of 24 hours)	151.35	173.10

*London or any other place in the British Isles approved by the Department.

Definition of an Approved Duty **Appendix 5**

Regulation 2 of the Local Government (Payment to Councillors) Regulations (Northern Ireland) 2012 defines an approved duty as:

(a) Attendance at a meeting of:
  (i) The Council;
  (ii) A committee or sub-committee of the Council; or
  (iii) A joint committee of which the council is a member, or any sub-committee of a joint committee.

(b) The doing of anything approved by a council or, as the case may be, by a joint committee, or anything of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the council, or any of its committees or sub-committees, or as the case may be, of the joint committee or any of its sub-committees.

In addition, an Approved Duty includes representation on an outside body.

Site visits directly related to Council business are an approved duty, but attendance at site visits on behalf of constituents is not recognised as an approved duty.

Attendance at civic functions is not recognised as Approved Duties.

Dependant Carer's Allowance Claim Form **Appendix 6**

Date care provided: _____

Approved duty covered: _____

Time from: _____ Time to: _____

Total travel time within above hours: _____

Total hours: _____

Cost per hour: £ _____ Total amount to be paid: £ _____

Total amount claimed: £ _____

(claim amount is subject to agreed travel time, hourly and monthly rate limits)

Name of dependant(s) _____ Age _____

Name of dependant(s) _____ Age _____

Name of Carer: _____ (please print)

I declare that I am a responsible person over 16 years old who does not normally live with the Councillor as part of that household; and is not a parent/guardian of the dependant child.

Signature of Carer: _____

National Insurance Number of Carer: _____

Declaration:

I declare that the above named provided a child carer/carer to me as detailed above in order that I could perform the approved duty stated.

Name of Claimant: _____

Signature of Claimant: _____

Date of Claim: _____

NB: Please note that the standard allowance is £8.21 per hour up to a maximum of £427 per month and specialist allowance is £16.42 per hour up to a maximum of £854 per month.

ADMINISTRATIVE COUNCIL FINANCE USE ONLY

Checked By: _____ Date _____

Authorised By: _____ Date _____

Travel & Subsistence Claim Form **Appendix 7**

NAME OF THE NEW COUNCIL: .....

COUNCILLOR'S NAME: …….. PAYROLL NO.: ……...
PRIVATE VEHICLE REG NO.: ……. PERIOD END: …….

Date	Depart	Arrive	Particulars of Journey Start : Destination : Finish	Description of Approved Duties	Mode and Class of Travel	Mileage Claimed	Other Travel Costs	Subsistence	Accommodation
			TOTAL						

_____ MILES @ _____ PER MILE =
OTHER TRAVEL COSTS =
SUBSISTENCE =
TOTAL CLAIM =

DECLARATION

I declare that:

- I have necessarily incurred expenditure on travel and subsistence for the purpose of enabling me to perform the approved duties of the new council.
- I have actually paid the fares shown and all other amounts claimed are in accordance with rates approved by the new council.
- I have attached all necessary receipts in connection with Travel & Subsistence expenses claimed.
- I have not made, and will not make, any other claim under any enactment for Travel & Subsistence expenses in connection with the duties indicated in this form.
- The amounts claimed are strictly in accordance with the Local Government (Payments to Councillors) Regulations (Northern Ireland) 2012.
- Where I am claiming mileage expenses, I have a valid licence and appropriate motor insurance, which covers my vehicle being used for business purposes.
- Where I am a member of both the predecessor and new council, I confirm this claim is only for Travel & Subsistence relating to the work of the new council.

SIGNATURE: _____ DATE: _____

ADMINISTRATIVE COUNCIL FINANCE USE ONLY

Checked By: _____ **Date:** _____

Authorised By: _____ **Date:** _____

DECLARATION ON PLACE OF WORK

I declare that I have established with HMRC that my home is a place of work,
that I routinely meet constituents there and have appropriate evidence to support this.

I declare that I have not established that my home is a place of work.

SIGNATURE _____ **DATE:** _____

GUIDANCE FOR COMPLETION OF CLAIM FORM

The claim form will provide the necessary documentation for Internal and External Audit.

To assist in completion of the form your attention is drawn to the following points:

1. **DATE**

   Please insert date for which expense item is claimed.

2. **TIMES OF DEPARTURE/ARRIVAL**

   Departure/arrival times should be entered for verification of amounts for subsistence where claims relate to overnight subsistence or meal costs, but not where claims relate only to travel.

3. **PARTICULARS OF JOURNEY**

   As meetings and approved duties are held at various locations, it is essential for the calculation of mileage that all locations visited are entered onto the claim form.

4. **DETAILED DESCRIPTION OF APPROVED DUTY**

   Clearly indicate which meeting you have attended or the relevant detail of the approved duty undertaken. Approved duties should indicate – attendance at a meeting of the council, a committee of the council, sub-committee of the council, joint committee, sub-committee of a joint committee or sub-group committee. In addition the doing of anything approved by a council or anything of a class so approved, for the purposes of, or in connection with, the discharge of the functions of the council, or any of its committees or sub-committees, or as the case may be, of the joint committee or any of its sub-committees.

5. **MODE AND CLASS OF TRANSPORT**

   It is essential for the calculation of mileage that the mode of transport – car, motorcycle, bicycle and passenger is entered onto the claim form.

6. **OTHER TRAVEL EXPENSES**

   This column should be used to record claims for public transport, taxi and air fares and any other allowable travel expenses such as car parking for which a receipt is available.

7. **SUBSISTENCE**

   Subsistence relates to overnight accommodation and meals.

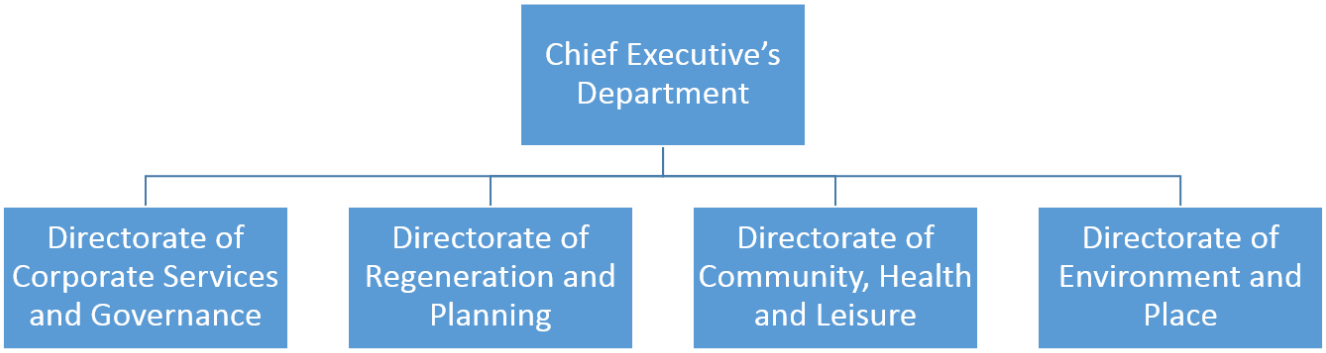
8. **ACCOMMODATION DETAILS**

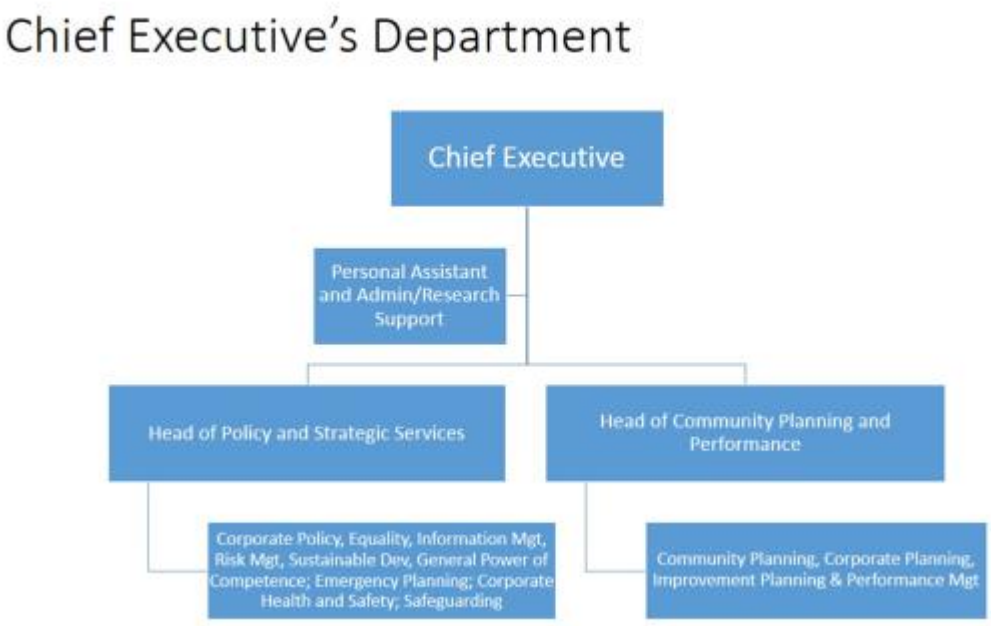
   This column relates to claims for overnight accommodation with friends and family. These must include the address of the accommodation and the name(s) of the friends or family with whom you stayed.

Part 6 – Officers' Management Structure

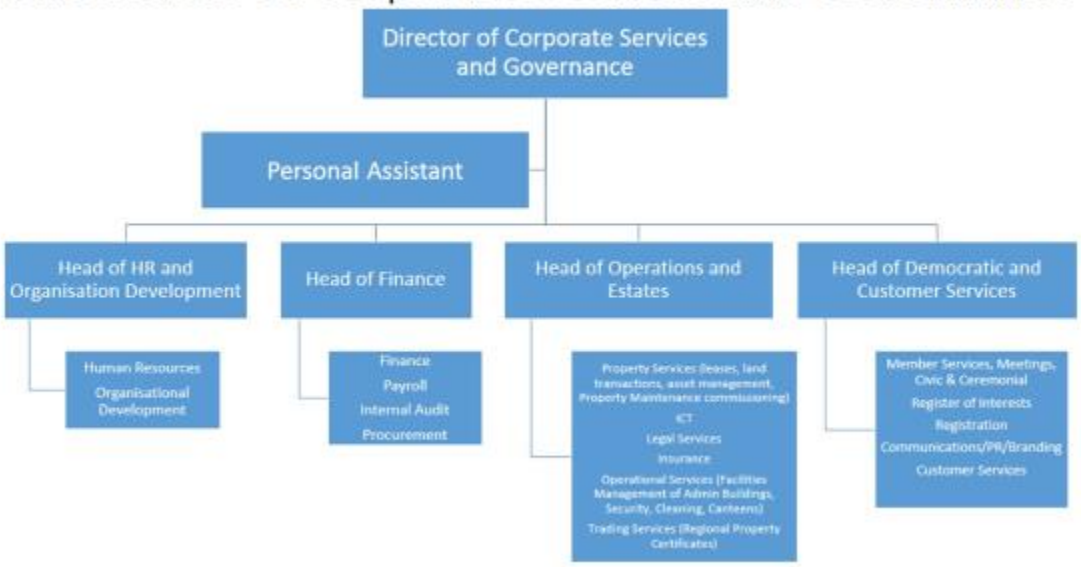
The organisation charts below set out Fermanagh and Omagh District Council's management structure and details of functions of the five Directorates, which include the Chief Executive's Department, and associated service units.

Fermanagh and Omagh District Council – Organisational Structure

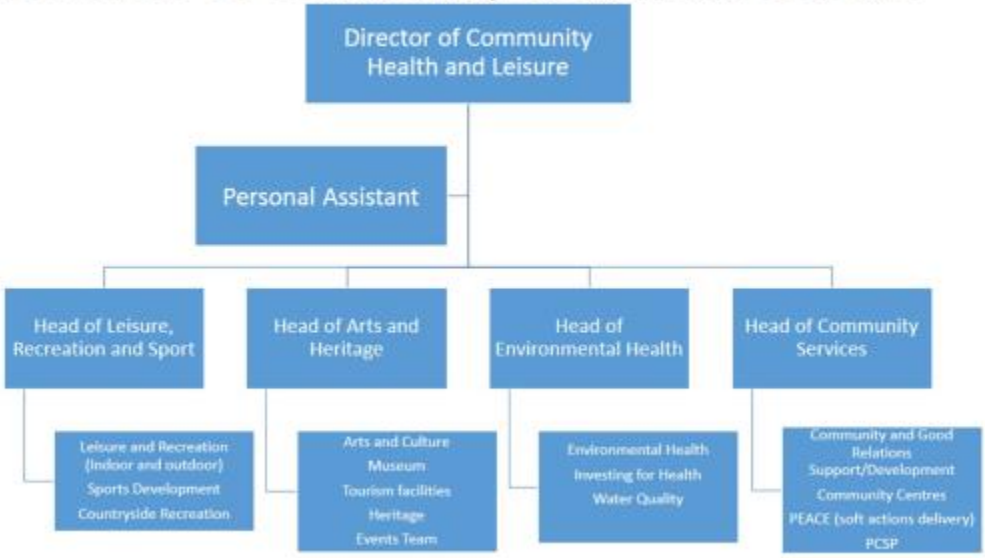




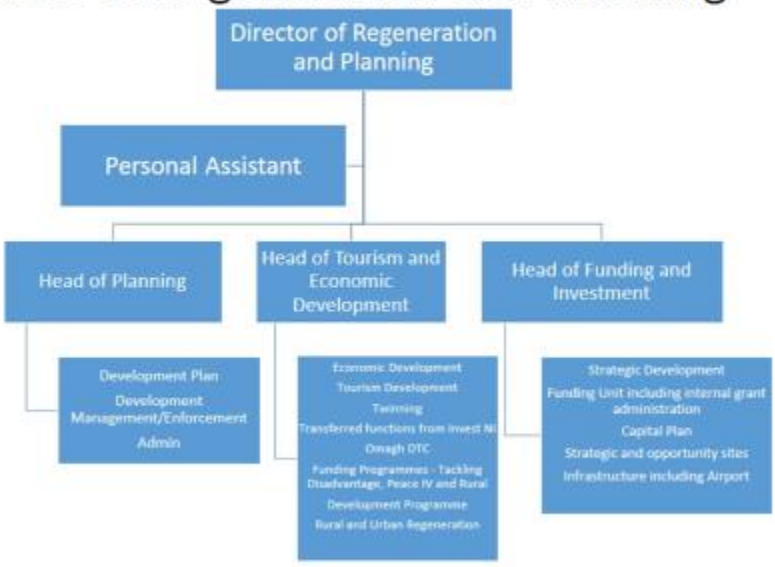
Directorate of Corporate Services and Governance



Directorate of Community Health and Leisure



Directorate of Regeneration and Planning



Directorate of Environment and Place

