

Part 1 – Summary, Explanation and Articles of the Constitution

Summary and Explanation

This Constitution is made in accordance with Section 2 of the Local Government Act (Northern Ireland) 2014. The purpose of the Constitution is to provide a framework of rules governing the way in which the Council exercises its functions and takes decisions. The Council is required to maintain an up to date Constitution.

Lisburn and Castlereagh City Council has agreed a Constitution which 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 citizens. Some of these processes are required by law, while others are a matter for the Council to choose.

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 (including all its appendices) is the Constitution of Lisburn and Castlereagh City 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.
- (i) Enable the Council to provide services and opportunities that are available to all and fairly allocated;
- (j) Provide a robust framework of ethical standards that the Council, councillors and officers will observe in the conduct of Council's business.

And the Constitution is based on the Council's core values of:

- (i) **Accountability** – We believe in our staff being personally responsible and committed to complete the tasks that are assigned, to further the goals of the organisation and community.
- (ii) **Civic Leadership** – We will provide capacity, skills, guidance and inspiration to identify, analyse, collaborate, and solve pressing societal needs and issues through the efforts of broadly engaged citizen organisations.
- (iii) **Transparency** - As a public funded organisation, we believe in our duty to the residents we serve to be transparent in our business operations and outcomes.
- (iv) **Inclusivity** - We will demonstrate inclusivity through effective communication and engagement with the local community and other relevant stakeholders including people who might otherwise be excluded or marginalised, on the grounds of gender, race, class, sexuality, disability.
- (v) **Value for Money** – We will ensure Value for Money by providing services the right way, that are of the right quality and level and cost that reflect the needs and priority of customers, ratepayers and the wider community.
- (vi) **Excellent Standards** - Our aim is to deliver a professional, high-level service in all that we do ensuring all customers receive a consistently high level, timely and quality service irrespective of the service they access or how they access it.

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 review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

Article 2 - Members of the Council

2.1 Composition and eligibility

The Council comprises 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.

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

Key Roles

Councillors have four main roles:

- Activities directly related to council business, that is, attending meetings of the council and its committee and subcommittees, preparation for such meetings - meetings with council officials, travelling to and from council meetings, membership of committees.
- Meeting with organisations on which councillors represent the council.
- Attendance at party meetings in relation to council activities.
- Meeting with the public, including dealing with electors problems, surgeries and pressure groups, attending public consultation meetings.

(Source: Widdicombe Research Volume II: the Local Government Councillor page 41 as cited in Knowles on Local Authority Meetings – seventh edition, by Deborah Upton)

Taken together these roles enable Councillors to:

- (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.
- (vii) Maintain the highest standards of conduct and ethics.

Rights and duties

All councillors will have the following 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 Rules in Part 3 of this Constitution), without the consent of the Council, or divulge information given in confidence to anyone other than a councillor or officer entitled to know it.

2.4 Conduct

Councillors must at all times observe the Northern Ireland Local Government Code of Conduct for Councillors, issued under Section 53 of the Local Government Act (Northern Ireland) 2014, as set out in Part 4 of the Constitution and the Protocol on Member/Officer Relations set out in Part 4 of the 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 Rules in Part 4 of this Constitution.

Information

(a) Citizens have the right to:

- (i) Attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private.
- (ii) See reports and background papers, and any records of decisions made by the Council, except where confidential or exempt information is likely to be disclosed.
- (iii) Inspect the Council's accounts and make their views known to the external auditor.
- (iv) Receive information held by the Council subject to the Freedom of Information Act 2000.
- (v) Inspect the Council's Constitution.

Complaints

(b) Citizens have the right to complain to:

- (i) the Council itself under its complaints scheme; 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.

3.2 Citizens' responsibilities

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

Article 4 - The Council

4.1 Meanings

Policy Framework

(a) The policy framework means the following plans and strategies:

- Corporate Plan
- Community Plan
- Workforce Strategy
- Service Delivery Plans
- Financial Plan
- Local Area Plan
- Partnership Plans

Budget

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

4.2 Council meetings

There are three types of Council meeting:

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

In addition, Lisburn and Castlereagh City Council have a number of Standing Committees (see 6.0 below).

These meetings will be conducted in accordance with the Council Standing Orders in Part 3 of this Constitution.

4.3 Responsibility for functions

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

Article 5 - Chairing the Council

5.1 Chairing Council meetings

The Chairman of the Council (Mayor) will be elected by the Council and will preside over monthly meetings of the Council.

5.2 Role and function of the Mayor

Chairing the Council meeting

The Chairman (Mayor) and in his/her absence the vice-chairman (Deputy Mayor) will have the following roles and functions:

- (i) To uphold the Constitution and interpret the Constitution when necessary and as appropriate.
- (ii) To preside over meetings of the Council so that its business is carried out in accordance with the Council's Standing Orders.
- (iii) To ensure that the Council meeting is a forum for debate on matters of concern to the local community.

Ceremonial role

- The individual holding the office of Mayor shall have precedence in all places in Lisburn & Castlereagh City Council, except in the company of Royalty or the Lord Lieutenant who would then take precedence.
- The Mayor shall remain impartial on controversial subjects particularly regarding religious or political matters.
- The Mayor will take the lead in all civic matters of concern in the life of the Lisburn & Castlereagh City Council.
- The Mayor will receive guests and preside at any civic banquets or similar functions held by Lisburn & Castlereagh City Council.

Article 6 – Decision-making structures

6.1 Form

In accordance with Section 19 of the Local Government Act (Northern Ireland) 2014, Lisburn & Castlereagh City Council have agreed to operate a committee system decision making structure through the following Committees:

- Governance & Audit
- Planning
- Development
- Leisure & Community Development
- Environmental Services
- Corporate Services

6.2 Role

The role of each of the above committees is set out in the Council's Standing Orders contained in Part 3 of this document.

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 - Policy and other committees

7.1 Policy and other committees

The Council will appoint the committees set in Part 2 of this Constitution to discharge the functions described in the right hand column of that table.

Article 8 - Officers

Terminology

The use of the word "officers" means all employees and staff engaged by the Council to carry out its functions. This word has also been used instead of "employees" to cover those engaged under short term, agency or other non-employed situations. However, Councils should, in this Article, use the term they consider most appropriate, whether this is "officers", "staff" or "employees".

8.1 Management structure

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

8.2 Functions of the Clerk to the Council

The functions of the Clerk to the Council are carried out by the Chief Executive who is the Council's Head of the Paid Service and principal adviser on policy issues. The Chief Executive has responsibility for implementing the Council's strategic objectives and ensuring the efficient, effective and equitable discharge of responsibilities of the Council as detailed in legislation.

8.3 Functions of the Chief Financial Officer

The CFO in a public service organisation:

- (i) Is a key member of the Leadership Team, helping it to develop and implement strategy and to resource and deliver the organisation's strategic objectives sustainably and in the public interest.
- (ii) Must be actively involved in, and able to bring influence to bear on, all material business decisions to ensure immediate and longer term implications, opportunities and risks are fully considered, and in alignment with the organisation's financial strategy.
- (iii) Must lead the promotion and delivery by the whole organisation of good financial management so that public money is safeguarded at all times and used appropriately, economically and efficiently.

(Source : The Role of the CFO in Local Government (CIPFA 2010))

8.4 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.

8.5 Conduct

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

Article 9 – Decision-making

9.1 Responsibility for decision-making

The Roles of each of the Council Committees is set out in the Standing Orders contained in Part 3 of the Constitution. A Scheme of Delegation has also been approved and is contained in Part 2 of the Constitution.

9.2 Principles of decision-making

Decisions will be made in accordance with the provisions of Standing Orders and the Scheme of Delegation as contained respectively in Part 3 and Part 2 of the Constitution. Decisions will also be made in accordance with legislation and with due regard to the core values of the Council.

9.3 Decisions to be taken by a qualified majority

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

9.4 Decision-making by the Council

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

9.5 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.

9.6 Reconsideration of decisions

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

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

The procedures to be followed in relation to a requisition for the reconsideration of a decision are set out in the Council's Standing Orders in Part 3 of this Constitution.

Article 10 - Finance, Contracts and Legal Matters

10.1 Financial management

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

10.2 Contracts

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

10.3 Legal proceedings by and against the Council

The Scheme of Delegation in Part 2 of the Constitution sets out the authority to institute, defend or participate in legal proceedings on behalf of the Council.

10.4 Authentication of documents

The arrangements for the authentication of documents necessary to any legal procedures and contracts are contained in the Standing Orders in Part 3 of the Constitution.

10.5 Common Seal of the Council

The arrangements for the custody of the seal, the sealing of documents, attesting the seal and record of documents sealed are contained in the Standing Orders in Part 3 of the Constitution.

Article 11 - Review and Revision of the Constitution

11.1 Duty to keep the Constitution up to date

The Council Constitution will be formally reviewed on annual basis. The documents contained in Parts 2 to 6 will be updated as the Council agrees amendments and updates.

11.2 Changes to the Constitution

All proposed changes to the Constitution will be agreed in the first instance by the Governance and Audit Committee and approved by Council.

Article 12 - Publication of the Constitution

12.1 Suspension of the Constitution

Limit to suspension

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

Procedure to suspend

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

Procedure Rules capable of suspension

- (c) The following Procedure Rules may be suspended in accordance with Article 12.1
- Suspension of Standing Orders as outlined in Part 3 of the Constitution.

12.2 Interpretation

The ruling of the Mayor / Committee Chair 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.

12.3 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 – Schemes of Delegation

Part 3 Rules of Procedure

Annex 2 - Publication Scheme

Annex 3 - Financial Regulation Rules and Contract Procedure Rules

Annex 4 -Council Standing Orders

Part 4 Codes and Protocols

Annex 5 - Code of Conduct for Councillors

Annex 6 - Code of Conduct for Officers

Annex 7 - Local Government Employee and Councillor Working Relationship Protocol

Part 5 Members' Allowance Scheme

Annex 8 - Scheme of Allowances

Part 6 Officers' Management Structure

Annex 9 - Management Structure