

DOWN DISTRICT COUNCIL

STANDING ORDERS



DOWN DISTRICT COUNCIL

FOREWORD

These Standing Orders are the "legislation" which the Council has itself enacted for the efficient functioning of its own proceedings.

In a very real and practical way they are the rules by which Councillors have decided to be governed in their debates and other proceedings.

These Standing Orders have been definitively approved by the Council on 26 January 2009 and are now applicable.

John McGrillen
Clerk of the Council and Chief Executive

26 January 2009.

DOWN DISTRICT COUNCIL

STANDING ORDERS

INDEX		Page
1.	Annual and Monthly Meetings	7
2.	Hour of Meeting	7
3.	Chair to be taken	7
4.	Quorum of Council	7
5.	Adjournment of Meetings	8
6.	Press	8
7.	Attendance by Members of the Public	8
8.	Disorderly conduct	9
9.	Deputations to the Council	9
10.	Order of Business	10
11.	Submission of minutes	11
12.	Motions and Amendments	11
	12.1 Notice of motions	
	12.2 Motions and amendments not requiring notice	
	12.3 Power to withdraw motions and amendments	
	12.4 Motions affecting persons employed by the Council	
	12.5 Consent of the Council	
	12.6 Definition of an amendment	
13.	Rules of debate	14
	13.1 Motions and amendments to be reduced to writing and seconded	
	13.2 Reserving speech	
	13.3 Precedence in speaking	
	13.4 Duration of speeches	
	13.5 Member called to order	
	13.6 Member may rise on a point of order	
	13.7 Definition of a point of order	
	13.8 Ruling of Chairman	
	13.9 Chairman rising during debate	
	13.10 Explanations	
	13.11 Addressing Council	
	13.12 When a motion is under debate no other motion shall be moved	
	13.13 Only one amendment may be moved and discussed at a time	

13.14	Chairman not to receive motion for a direct negative	
13.15	Mover's right to reply	
13.16	"That the Council proceeds to the next business"; "That the question be now put"; "That the debate be now adjourned"; "That the Council do now adjourn"	
14.	Rescission of a preceding resolution	17
15.	Voting	18
16.	Recorded vote	18
17.	Voting on ad hoc appointments arising following the AGM	18
18.	Questions	18
19.	Committees	19
19.1	Council in Committee	
19.2	Appointment of Committee	
19.3	Appointments at AGM to Council Committees and External Bodies	
19.4	Quorum at Committees	
19.5	Notice of and summoning of Committee Meetings	
19.6	Special Meetings of Committees	
19.7	Election of Committee Chairman and Vice Chairman	
19.8	Vacancies	
19.9	Reports of Committees	
19.10	Adoption of Minutes of Standing Committees and Special Committees	
19.11	Voting in Committees	
19.12	Chairman responsible	
19.13	Sub-Committees	
19.14	Attendance at Committees and Sub-Committees	
19.15	Order of Business in Committees and Sub-committees	
19.16	Cameras and recorders at meetings	
20.	Seal	23
20.1	Custody of Seal	
20.2	Sealing of Documents	
20.3	Attesting Seal	
20.4	Record of Documents Sealed to be kept	
21.	Authentication of documents for legal proceedings	24
22.	Duties of Members in relation to Council Works and Employees	24
23.	Canvassing	24
24.	Relatives of Councillors and Officers	24

25.	Suspension of Standing Orders	26
26.	Standing Order of Committee	26
27.	Amendment of Standing Orders and repeals	26
28.	Interpretation of Standing Orders	26
29.	Standing Orders to be given to Members	26
Appendix I -		27
	Sections 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 27, 28, 29, 30, 46, 47 and 120 of Local Government Act (Northern Ireland) 1972	
Appendix II -		42
	Schedule 2 of Local Government Act (Northern Ireland) 1972	
Appendix III -		46
	Northern Ireland Code of Local Government Conduct	
Appendix IV -		56
	D'Hondt Example	
Appendix V -		58
	Voting on Ad Hoc Appointments Arising Following The AGM Examples	

NOTES

1. STATUTORY PROVISIONS

For information, convenience and completeness, certain provisions of the Local Government Act (Northern Ireland) 1972 as amended are set out in the Appendices immediately following the Standing Orders.

2. CONTRACTS

The relevant Standing Orders dealing with Contracts will require at all times to conform with E.C. regulations and directives.

3. DEFINITIONS

In these Standing Orders unless the text otherwise demands, the following terms have the meaning assigned to them.

"the 1972 Act" - the Local Government Act (Northern Ireland) 1972 (as amended);

"Council" - a district council established under section 1 of the Local

Government Act (Northern Ireland) 1972;

"committee" - a committee of the Council;

"sub-committee" - a sub-committee of a committee;

"meeting" - a Council, committee or sub-committee meeting, as the case may be;

"member" - in relation to the Council, a member of the Council; in relation to any committee or sub-committee a person appointed as a member of that committee or sub-committee, whether or not entitled to vote;

"Chairman" - the person elected in accordance with Section 11(1) of the 1972 Act;

"Vice-Chairman" - the person elected in accordance with Section 13(1) of the 1972 Act;

"person presiding" - the person entitled, or appointed, to preside at any meeting;

"Chief Executive" - Clerk of the Council appointed in accordance with section 41(1) of the 1972 Act, or other officer acting for him in his absence or with his permission;

"without comment" - in relation to the moving, seconding or putting of a motion, without any person speaking except to indicate the wording of the motion, the fact that it is being moved, seconded or put, or (in the case of the person presiding) the effect of adopting the motion;

In these Standing Orders the masculine gender shall include the feminine gender.

DOWN DISTRICT COUNCIL

STANDING ORDERS

1. Annual and Monthly Meetings

In addition to the Annual Meeting of the Council held each year in pursuance of the provisions of Schedule 2 of the 1972 Act, a meeting of the Council for the transaction of the general business of the Council shall, subject to any deviation which special circumstances may render desirable, be held on the fourth Monday of each month. Any such Monthly Meeting shall not, however, take place on a Bank/Public Holiday, Saturday or Sunday, but shall be held on the next following weekday instead; save where in the opinion of the Chairman special circumstances may render it desirable.

2. Hour of Meeting

Except where otherwise fixed by statute or by special summons the time of the meeting of the Council should be 6.00 pm.

3. 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.

If it is necessary to choose a member of the Council to preside in the absence of the Chairman and Vice-Chairman, the Chief Executive shall call on members present to elect a member of the Council to preside.

4. Quorum of Council

- (a) No business shall be transacted at a meeting of the Council unless at least one quarter of the whole number of Councillors are present.
- (b) If, during any meeting of Council, the person presiding, after the number of members present are counted, declares that there is not a quorum present, the meeting shall be adjourned for fifteen minutes.
- (c) If after fifteen minutes, and after the number of members present are counted, the person presiding declares that there is still no quorum present, the meeting shall end.
- (d) Any uncompleted business on the agenda of a meeting brought to an end under Standing Order No 4(c) above, shall be postponed to the next meeting of the Council.

5. Adjournment of Meetings

The Council may adjourn any meeting to a later hour on the same day, or to any other day and hour. Any meeting of the Council which has lasted continuously for four hours shall stand adjourned unless a majority of the members of the Council present shall by resolution determine to continue sitting. In the event of an adjournment the Council shall fix the date and time for the adjourned meeting for the continuation of the debate on the motion 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. If any meeting be adjourned to a specified date the adjourned meeting shall be deemed a continuation of the original meeting. If a meeting is adjourned sine die any business left unfinished shall be postponed until the next meeting. When any meeting is adjourned to another day, notice of the adjourned meeting shall, wherever practicable, be sent by the Chief Executive to each member of the Council not present at the original meeting at the time of adjournment. No business shall be transacted at any adjourned meeting which was not included in the notice convening the meeting of which it is an adjournment, unless notice thereof shall have been sent by the Chief Executive to each member of the Council at least three clear days previous to such meeting.

6. Press

The Council shall at all times, so far as is practicable, cause to be made available, to duly accredited representatives of newspapers attending a meeting of the Council, open to the public for the purpose of reporting proceedings at the meeting, reasonable facilities for taking reports of those proceedings and, on payment by those representatives of newspapers of any expenses which may be incurred, for transmitting such reports to their newspapers.

7. Attendance by Members of the Public

The public may attend only in that part of the Council Chamber provided for their accommodation at meetings of the Council subject to the number of people not exceeding the maximum permitted occupancy level, unless specifically excluded by a resolution of the Council, during the whole part of the proceedings at the meeting, subject to the following:-

- (a) That the admission be upon the understanding that they must continue at all times seated and that no expression of opinion or noise of any kind be allowed from them.

- (b) That the person presiding may at any time during the proceedings, if he thinks 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.

For the purposes of this order a member of the public is defined as any person present at a meeting of the Council not being a member of the Council or employee of the Council or other person having business with the Council at the meeting in question.

8. Disorderly Conduct

- (a) If, at a meeting, any member of the Council, in the opinion of the person presiding or any member present at that meeting, misconducts himself by persistently disregarding standing orders or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the Council the person presiding or any other member may move "That the member be not further heard" and the motion, if seconded, shall be put and determined without discussion.
- (b) If the member named continues his misconduct after a motion under the foregoing paragraph has been carried in aforesaid manner, the person presiding or any member may:-
 - (i) move "That the member named do leave the meeting", in which case the motion shall be put and determined without seconding or discussion, or
 - (ii) if the person presiding is of the opinion that the due and orderly dispatch of business is impossible he, in addition to any other power vested in him, may, without question put, adjourn the meeting of the Council for such period as he in his discretion, shall consider expedient.

9. Deputations to the Council

- (a) Deputations shall only be admitted to address Council, provided the Chief Executive received seven days' notice of the intended deputation and the Council or one of its committees has agreed to the deputation being received, or in the case of an emergency the Chairman in consultation with the Chief Executive has agreed to the deputation being received.

- (b) The privilege of such a deputation shall be confined to the presentation of a memorial, statement or copy of resolutions. A deputation will consist of no more than six people in attendance with a ten minute maximum for the presentation. The Council shall not discuss the subject matter until the deputation has withdrawn.
- (c) Deputations shall be heard in the order in which notice of them is received by the Chief Executive without any distinction being made between them.

10. 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) Any business specially brought forward by the person presiding
- (b) Declaration of interest
- (c) Confirmation of minutes: The minutes to be confirmed shall be taken as read provided that a copy shall have been sent to each member of the Council at least 24 hours previously and no discussion shall take place upon the minutes except upon their accuracy and any question of accuracy shall be raised by motion. If no such question is raised, or if it is raised then as soon as it has been disposed of, the person presiding shall sign the minutes.
- (d) Business arising out of the minutes of such meeting or meetings.
- (e) Business required by statute to be done at the meeting.
- (f) Adoption of the minutes of the proceedings of any committees and consideration of reports, if any, from such committees.
- (g) Deputations
- (h) Reports of officers, public bodies, agencies etc, if any, may be considered and such orders given thereon as may be deemed necessary.
- (i) Consideration of motions of which due notice has been given, in the order in which they have been received.
- (j) Area meetings and working group minutes where no actions or recommendations are contained. Correspondence and matters not already dealt with.
- (k) Sealing of documents.

- (l) Any other relevant business.
Provided that the order of business as aforesaid may at any meeting be altered or varied if it is expedient to do so in the opinion of the person presiding and/or the majority of members present. Dealing with business out of order shall not invalidate the proceedings of the meeting.

11. Submission of Minutes

In order to give sufficient time for the preparation and printing of the minutes and for their perusal by the members of the Council, minutes or extracts from the minutes of meetings of a committee held less than seven clear days before the meeting of the Council shall not be submitted to that meeting for approval except where the committee in question decided otherwise, such decision to be recorded on their minutes where the Chief Executive is of the opinion that it is practicable to do otherwise.

12. Motions and Amendments

12.1 Notice of Motions

Notice of every motion other than a motion which under Standing Order No. 12.2 shall be given in writing, signed by the member of the Council giving the notice and delivered before 12 o'clock noon at least ten clear days before the next meeting of the Council, at the office of the Chief Executive by whom it shall be dated and numbered in the order in which it is received. The Chief Executive shall set out in the summons for every meeting of the Council all motions of which notice has been duly given in the order in which they have been received. No motion shall be admissible unless it be relevant to some matter in relation to which the Council has powers, or duties or which particularly affects the district; the decision of the person presiding as to the relevancy of a motion shall be final. If a motion thus set out in the summons be not moved either by a member who gave notice thereof or by some other member on his behalf, it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice. If the subject matter of any motion of which notice has been duly given comes within the province of any committee or committees it shall, upon being moved and seconded, stand referred without discussion to such committee or committees, or to such other committee or committees as the Council may determine, for consideration and report; provided that the person presiding may, if he considers it convenient and conducive to the dispatch of business, allow the motion to be dealt with at the meeting at which it is brought forward.

12.2 Motions and Amendments not requiring notice

Save with the permission of the person presiding, if he considers it convenient and conducive to the dispatch of business, and subject to the provision of Standing Order No. 12.1 only the following motions and amendments may be moved without notice:

- (a) Election of a Chairman of the meeting at which the motion is made;
- (b) Motions relating to the accuracy of the minutes;
- (c) That an item of business specified in the summons have precedence;
- (d) Remission to a committee;
- (e) Appointment of a committee or members thereof, occasioned by an item mentioned in the summons to the meeting;
- (f) Adoption of reports and recommendations of committees or officers and any consequent resolutions;
- (g) That leave be given to withdraw a motion;
- (h) Extending the time limit for speeches;
- (i) Amendment to motions;
- (j) That the Council proceeds to the next business;
- (k) That the question be now put;
- (l) That the debate be now adjourned;
- (m) That the Council do now adjourn;
- (n) That a member named under Standing Order No. 8(b) be not further heard or do leave the meeting.
- (o) In accordance with section 23(2) and (3) of the 1972 Act to exclude the public from a meeting whenever publicity would be prejudicial to the public interest.
- (p) Any question arising out of the business of the meeting.

Where a committee has sat since the previous meeting

of the Council and time has not allowed the preparation of minutes or a report of the committee for circulation to members prior to the next meeting of the Council, the person presiding may raise at such meeting of the Council, any urgent business requiring its decision.

12.3 Power to withdraw Motions and Amendments

A motion or amendment, once proposed and seconded, shall not be withdrawn or amended without the consent of the Council. No member may speak upon it after the member has asked permission for its withdrawal or alteration, unless such permission shall have been refused.

12.4 Motions affecting persons employed by the Council

If any question arises at a meeting of the Council as to the appointment, promotion, dismissal, salary or conditions or service or as to the conduct of any person employed by the Council it shall be considered by the Council in committee unless it otherwise resolves.

12.5 Consent of the Council

Where the consent of the Council is required for anything, that consent may be given either:-

- (a) by the person presiding asking the meeting whether there are objections to the consent being given, and if no objection is raised giving that consent; or
- (b) if objection is raised, or if the person presiding so chooses, by a motion moved, seconded and put to the meeting.

12.6 Definition of an Amendment

An amendment shall be relevant to the motion and the decision of the person presiding as to the relevancy of the amendment shall be final and the amendment shall be either:

- (a) to refer a subject of debate to a committee, sub-committee or an officer for consideration or reconsideration;
- (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 negating the motion before the Council. If an amendment be rejected, other amendments may be moved to the original motion. If an amendment be carried, the motion as amended shall take the place of the original motion, and shall become the question to be put to the meeting and upon which any further amendment may be moved.

13. Rules of Debate

13.1 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 No. 12.1 it shall, if required by the person presiding, be put into writing and handed to the person presiding before it is further discussed or put to the meeting.

13.2 Reserving Speech

A member when seconding a motion or amendment may, if he then declared his intention to do so, reserve his speech until a later period of the debate.

13.3 Precedence in Speaking

Whenever two or more members offer together to speak the person presiding shall decide who shall have precedence.

13.4 Duration of Speeches

In submitting a motion, the mover shall not speak for more than ten minutes and in replying for not more than five minutes. Other speakers shall each be allowed five minutes. Duration of speeches may be extended by permission of the person presiding.

13.5 Member Called to Order

If any member, while speaking, be called to order, he shall resume his seat, and shall not again address the Council until the person presiding shall have disposed of the question of order.

13.6 Member may rise on a point of order

A member may rise on a point of order and shall be entitled to be heard forthwith.

13.7 Definition of a point of order

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

13.8 Ruling of Chairman

The ruling of the person presiding upon all questions of order shall be final and shall not be open to discussion.

13.9 Chairman rising during debate

Whenever the person presiding rises during a debate a member then standing shall resume his seat and the Council shall be silent.

13.10 Explanations

A member desirous of making an explanation of matters referred to by any member may do so with the consent of the person presiding.

13.11 Addressing Council

The Council during its sitting shall not, unless by permission of the majority of members present, be addressed by any person who is not either a member of the Council or the Chief Executive of the Council or his nominee / representative.

13.12 When a motion is under debate no other motion shall be moved

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

- (a) to amend the motion;
- (b) to adjourn the meeting;
- (c) to postpone considering the motion;

- (d) to adjourn the debate;
- (e) to proceed to the next business;
- (f) that the question be now put;
- (g) that a member be not further heard;
- (h) by the person presiding, under Standing Order No. 8, that a member do leave the meeting;
- (i) that the subject of debate be referred back to a committee.

13.13 Only one amendment may be moved and discussed at a time

Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of. If an amendment be lost, other amendments may be moved on the original motion. If an amendment be carried, the motion as amended shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved. A member may with the consent of the Council signified without discussion:-

- (a) alter a motion of which he has given notice; or
- (b) with the further consent of his seconder alter a motion which he has moved;

if (in either case) the alteration is one which could be made as an amendment thereto.

13.14 Chairman not to receive motion for a direct negative

The person presiding 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.

13.15 Mover's right to reply

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

13.16 "That the Council proceeds to the next business" "That the question be now put" "That the debate be now adjourned" "That the Council do now adjourn"

A member may move without comment at the conclusion of a speech of another member, "That the Council proceeds to the next business", "That the question be now put", "That the debate be now adjourned", or "That the Council do now adjourn", on the seconding of which the person presiding shall proceed as follows:-

- (a) on a motion to proceed to the next business, unless in his opinion the matter before the meeting has been insufficiently discussed, he shall first give the mover of the original motion a right to reply, and then put to the vote the motion to proceed to the next business;
- (b) on a motion that the question be now put, unless in his opinion the matter before the meeting has been insufficiently discussed and provided no speech be interrupted for the purpose, he shall first put to the vote the motion that the question be now put, and if it is passed then give the mover of the original motion his right to reply under Standing Order No. 13.2 before putting his motion to the vote;
- (c) on a motion to adjourn the debate or the meeting, if in his opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion he shall put the adjournment motion to the vote without giving the mover of the original motion his right of reply on that occasion.

14. Rescission of a Preceding Resolution

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 No. 12.1 bears the names of at least as many Councillors as would constitute a quorum of the Council. 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; this Standing Order shall not apply to motions moved in pursuance of a recommendation of a committee.

15. Voting

Subject to Standing Order No. 16 the mode of voting at meetings of the Council shall, except in the case of the appointment of committees as set out in Standing Order No. 19.3 or otherwise resolved by the Council, be by show of hands. The number of votes for and against shall be recorded.

16. Recorded vote

Before the voting on any question, on the requisition of any Councillor, the voting shall be recorded so as to show whether each Councillor present gave his vote for or against that question or did not vote on that question and the question shall be decided by the recorded vote.

17. Voting on Ad Hoc Appointments Arising Following The AGM

Where there are more than two persons nominated for any position / positions or office to be filled by the Council, and of the votes given there is not a majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and in the event of an equality of votes at the lower end of the scale, the Council, before proceeding further with the voting in regard to the other and higher candidates shall vote as between those persons having an equality of votes to determine which of these shall be struck off and thereafter a fresh vote shall be taken in regard to the remaining candidates and so on until a majority of votes is given in favour of one person. Where there is not unanimity and there is more than one appointment to be made they shall be dealt with individually as aforementioned (See Appendix V for examples). This shall not apply to election of committees which shall be undertaken in accordance with Standing Order No. 19.3.

18. Questions

- (a) A motion or amendment shall not be made or proposed, or any discussion allowed upon the confirmation of the proceedings of the several committees of the Council, which does not appear upon the reports/minutes submitted to the meeting. Any member desiring further information regarding any matters appearing in the reports submitted to the Council for approval, and who shall state his request in writing to the Chief Executive so that it will be in the hands of the Chairman 24 hours before the commencement of the meeting of Council, shall be entitled to a reply when the proceedings are submitted.
- (b) A member of the Council may, if six clear days notice in writing has been given to the Chief Executive, ask the Chairman or the

Chairman of any committee any question on any matter in relation to which the Council or committee has powers or duties or which directly affects the district.

- (c) If the person presiding at a meeting considers that it is desirable that a question shall be asked at that meeting, although due notice of the question has not been given, he may permit the question to be asked.
- (d) Every question shall be put and answered, but the person to whom a question has been put may decline to answer except as set out in Standing Order No. 18(a) and 18(b).
- (e) An answer may take the form of:
 - (i) a direct oral answer;
 - (ii) where the desired information is contained in a publication of the Council, a reference to that publication; or
 - (iii) where the reply to the question cannot conveniently be given orally, a written answer circulated to members of the Council.

19. Committees

19.1 Council In Committee

The Council may at any meeting resolve itself into committee for the purpose of transacting any business on the agenda for that meeting.

The Council in committee shall not consider any matter not referred to it by the resolution resolving the Council into committee, but if it should be deemed necessary to consider any matter not included in the terms of reference, the Council shall be resumed, and the person presiding may ask leave of the Council to take up the consideration in committee of such additional matters as may be deemed desirable.

When the Council in committee submits its report 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.

The Council in committee shall not have power to adjourn its own sittings, or to adjourn a debate to a future sitting but, if the business referred to it be not transacted, the Council may be resumed and the person presiding may move that the Council be again put into committee on a future day. If the

Council in committee shall have transacted part only of the business referred to it, the person presiding may, with leave of the committee, report progress and ask the Council for permission to sit again.

19.2 Appointment of Committee

The Council shall at the Annual Meeting appoint such committees as it is required to appoint by or under any statute and may appoint at any time such other committees, including standing committees, as are necessary to carry out the work of the Council. Subject to any statutory provision in that behalf:

- (a) the Council shall not appoint any member of a committee so as to hold office later than the next Annual Meeting of the Council; with the exception of the Audit Committee where members are appointed for the life of the Council (e.g. four years)
- (b) the Council may at any time dissolve a committee or alter its membership;

19.3 Appointments at AGM to Council Committees and External Bodies

The Council AGM applies the d'Hondt system for the appointment of Councillors to Committees and External Bodies. Based on the number of seats held by parties on the first day after the election, it ensures proportional allocation of these positions of power. The mathematical formula seeks to reflect the strength of a party's total support by taking into account its share of votes in relation to the number of seats won. The largest party has the first choice followed by the second largest party, and so on. (See Appendix IV for example of d'Hondt).

Ad Hoc appointments arising following the AGM will be allocated in accordance with Standing Order 17.

19.4 Quorum at Committees

No business shall be transacted at a meeting of a committee unless three members or one-quarter of the whole number of members on the committee (whichever is the greater) are present, and in the case of a Sub-committee the quorum will be three members.

19.5 Notice of and Summoning of Committee Meetings

Every committee shall be summoned by the Chief Executive, who shall send to each member a notice of such meeting so that the same may be delivered to the member seven days at least before the day of the meeting. Such notice shall contain particulars of any special business to be transacted at such meeting.

19.6 Special Meetings of Committees

The Chairman or the Chairman of the committee may call a special meeting of a committee at any time. Subject to any statutory provision in that behalf, a special meeting shall also be called on the requisition of not less than as many members as will constitute a quorum of the committee, delivered in writing to the Chief Executive. The summons to the special meetings shall set out the business to be considered thereat, and no business other than that set out in the summons shall be considered at that meeting.

19.7 Election of Committee Chairman and Vice Chairman

The Council applies the d'Hondt system for the appointment of Chairman and Vice Chairman to Committees.

19.8 Vacancies

A vacancy occurring on a committee shall be filled by the Council at the next convenient meeting of the Council subsequent to the occurrence of the vacancy.

19.9 Reports of Committees

A standing committee shall, subject to Standing Order No. 11, report to the meeting of the Council immediately following the meeting of such standing committee, unless otherwise permitted by the Council.

19.10 Adoption of Minutes of Standing Committees and Special Committees

The minutes of proceedings at a meeting of any committee shall be circulated with the notice convening the appropriate meeting of the Council where practicable.

19.11 Voting in Committees

Voting at a meeting of a committee or sub-committee shall be by the same method as decided at a meeting of Council.

19.12 Chairman Responsible

The Chairman of each committee shall be responsible to the Council for the general direction of the business entrusted to his committee, and he shall take charge of, or in his absence arrange for, the moving of the adoption of the report of his committee at the meeting of the Council to which it is submitted.

19.13 Sub-Committees

Each standing committee may appoint sub-committees for specific purposes. A sub-committee shall meet as often as necessary for the transaction of the business for which it was appointed. The report of the sub-committee shall, except in cases of urgency, whether appointed under this Standing Order or otherwise, be submitted to the parent committee for confirmation prior to being brought before the Council.

19.14 Attendance at Committees and Sub-Committees

Every member of the Council may attend meetings of any committee or sub-committee but he shall not, unless he is a member of the committee or sub-committee, vote in any division or propose any resolution or amendment.

19.15 Order of Business in Committees and Sub-committees

- (1) At least five working days before every meeting of a committee or sub-committee, the Chief Executive shall send to every member and every other person entitled to receive papers of the committee or sub-committee, a copy of the agenda for the meeting.
- (2) The agenda shall include:
 - (a) All items of business which have been or deemed to have been referred to the committee or sub-committee by the Council or by another committee or sub-committee;
 - (b) All reports submitted to the committee or sub-committee by the Chief Executive or his representatives;
 - (c) Any item of business directed to be included by the person appointed to preside at the meetings of the committee or sub-committee;
 - (d) Any other item of relevant business which has been given to the Chief

Executive by a member. Fourteen clear days notice is required in such case and no member (other than the person appointed to preside at meetings of the committee or sub-committee) may give notice of more than one item of business for any one meeting.

19.16 Cameras and Recorders at Meetings

Cameras or tape recorders or amplification equipment or similar instruments shall not be permitted for use by Councillors, members of the public, press or other persons at meetings of the Council and its committees unless prior permission has been given by the Council.

20. Seal

20.1 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 any deputy authorized by him for the purpose.

20.2 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.

20.3 Attesting Seal

Every instrument to which the seal of a Council is affixed shall be signed by a member of the Council and by the Chief Executive of the Council or some other person appointed by the Council for the purpose.

20.4 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.

21. Authentication of Documents for Legal Proceedings

Where any document will be a necessary step in legal proceedings involving the Council it shall be signed by the Chief Executive of the Council unless any enactment otherwise requires or authorises, or the Council gives the necessary authority to some other person for the purpose of such proceedings.

22. Duties of Members in Relation to Council Works and Employees

- (a) A member of the Council shall not issue any order to or make any request of a Council employee respecting any works or duties which are being carried out by or on behalf of the Council or claim by virtue of his membership of the Council or have any right as such to inspect or to enter upon any lands or premises which the Council have the power or duty to inspect or enter.
- (b) A member of the Council shall not, by virtue of such membership, have any right to reprimand any employee of the Council in connection with the performance of his duties but shall in the first instance report his comments to the appropriate Head of Department.

23. Canvassing

Canvassing of officers or members of the Council, directly or indirectly, in connection with any appointment under the Council shall disqualify the candidate. An officer or a member of the Council shall not solicit for any person any appointment under the Council.

24. Relatives of Councillors and Officers

- 24.1** Officers and members of the Council involved as voting or non-voting members in any part of the shortlisting or selection process will not participate in such procedures if a family relationship, as defined in Standing Order No. 24.4, is known to exist between the panel member and any person who has applied for a particular post with the Council.
- 24.2** Every Councillor shall disclose to the Council in writing any relevant family relationship, as defined in 24.4, known to him to exist between himself and any person who he knows either holds, or is a candidate for appointment to, any office under the Council.
- 24.3** All disclosures made under 24.2 shall as soon as practicable be brought by the Chief Executive to the notice of the Council and:-

- (a) it shall be the duty of the Council to record in its minutes particulars of the disclosure; and
- (b) if the Councillor required to make the disclosure is present at any meeting of the Council at which any question relating to or affecting the appointment, remuneration, tenure or conditions of service, promotion, status, conduct, dismissal, suspension, retirement or superannuation of the person to whom he stands in a relevant family relationship is under consideration, he shall withdraw from that meeting while that question is being considered and his withdrawal shall be duly recorded in the minutes of the proceedings of that meeting.
- (c) In addition, the Chief Executive shall enter in a separate book to be kept by him for the purpose, a record of every such disclosure or withdrawal and of every disclosure or withdrawal required to be made under section 30 or 46 of the 1972 Act and that book shall be available at all reasonable hours for inspection by any Councillor or by any local elector for the District of the Council.

24.4 A relevant family relationship shall be deemed to exist between a Councillor and an Officer or candidate if they are husband / wife / partner or if the Officer or candidate, or the husband / wife / partner of the Officer or candidate is the:

- parent
- grandparent
- grandson or grand-daughter
- son or daughter
- brother or sister
- uncle or aunt
- nephew or niece

of the Councillor or of the husband / wife / partner of the Councillor.

25. Suspension of Standing Orders

In the case of any emergency requiring immediate action on the part of the Council or for the purpose of affording greater freedom of debate any of the Standing Orders may be suspended at any meeting of the Council so far as regards business at such meeting, upon a motion duly made, seconded and carried unanimously or by a vote of the majority of the members present. Previous notice of any such motion shall not be necessary.

26. Standing Order of Committee

The Standing Orders relating to the procedure at meetings of the Council shall in so far as they are applicable, govern the proceedings at meetings of committees, and sub-committees subject as herein before mentioned and provided that the restrictions as to speaking in the Council shall not apply.

27. Amendment of Standing Orders and repeals

These Standing Orders may be altered or rescinded by resolution of the Council passed at one meeting and confirmed by another meeting of the same and such alterations shall take effect from the date of the Council meeting at which the minutes of the second (confirmation) meeting referred to herein before are presented for adoption.

28. Interpretation of Standing Orders

The ruling of the person presiding as to the construction or application of any of these Standing Orders, or as to any proceedings of the Council, shall not be challenged at that meeting of the Council, and in the case of a committee or sub-committee the ruling of the person presiding at the committee or sub-committee as to the construction or application of any of these Standing Orders, or as to any proceedings of the committee or sub-committee, shall not be challenged at that meeting of the committee or sub-committee.

29. Standing Orders to be given to Members

A printed copy of these Standing Orders shall be given to each member of the Council and its committees by the Chief Executive of the Council upon delivery to him of the members declaration of acceptance of office on the member's being first elected to the Council or as soon as possible thereafter and copies of amendments shall likewise be issued as soon as possible after adoption by the Council.

APPENDIX I

LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1972 (As amended by the Local Government (Miscellaneous Provisions) (Northern Ireland) Orders 1985 and 1992

CHAIRMAN AND VICE-CHAIRMAN

11. (1) The Chairman of a Council shall be elected annually by the Council from among the Councillors.
 - (2) (Repealed)
 - (3) Subject to paragraph 3(4) of Schedule 2, the Chairman shall, unless he resigns or becomes disqualified, continue in office until his successor becomes entitled to act.
 - (4) During his term of office, the Chairman of a Council shall continue to be a member of the Council, notwithstanding the provisions of section 11(2)(c) of the Electoral Law Act (Northern Ireland) 1962 (retirement of Councillors).
12. A Council may pay to the Chairman of the Council such allowance as the Council considers to be reasonable to meet the expenses of his office.
- 12(A) (1) The election of the Chairman shall be the first business transacted at the annual meeting of the Council.
- (2) If, apart from section 11(4) or 13(1), the person presiding at the meeting would have ceased to be a member of the Council, he shall not be entitled to vote in the election except in accordance with paragraph (3).
- (3) In the case of an equality of votes, the person presiding at the meeting shall give a casting vote in addition to any other vote he may have.
13. (1) A Council may elect a Councillor to be Vice-Chairman of the Council and, subject to paragraph 3(4) of Schedule 2, the Vice-Chairman shall, unless he resigns or becomes disqualified, hold office until the Chairman elected at the next annual meeting of the Council becomes entitled to act, and during that time shall continue to be a member of the Council notwithstanding the provisions of section 11(2)(c) of the Electoral Law Act (Northern Ireland) 1962.
- (2) Subject to any standing orders made by the Council, anything authorised or required to be done by, to or before the Chairman in relation to the business of the Council may be done by, to or before the Vice-Chairman.

- (2A) Payment of Allowance to Vice-Chairman
- A Council may pay to the Vice-Chairman of the Council such allowance as the Council considers to be reasonable to meet the expenses of his office.
- (3) Notwithstanding anything in section 18(3)(a) of the Interpretation Act (Northern Ireland) 1954, no function shall be exercisable by or in relation to a Deputy Mayor or a Deputy Lord Mayor that is not exercisable by or in relation to any other Vice-Chairman of a Council.
14. (1) A person elected to the office of Chairman or Vice-Chairman of a Council shall not act in that office until he has made a declaration that he accepts the office and has served the declaration on the Clerk of the Council.
- (2) If a person elected to the office of Chairman or Vice-Chairman does not make the declaration mentioned in subsection (1), and serve it on the Clerk of the Council, within the period of two months from the day of his election, the office of the person elected shall at the expiration of that period become vacant.
15. (1) A person elected to the office of Chairman or Vice-Chairman of a Council may at any time resign his office as such by notice signed by him and served on the Clerk of the Council.
- (2) A resignation shall take effect upon the receipt by the Clerk of the notice of resignation.
16. (1) If the Chairman of a Council is continuously absent from the District of the Council for which he acts, except in case of illness, for a period exceeding three months, he shall, as from the expiration of that period, cease to hold his office as Chairman.
- (2) Where a person ceases to be Chairman of a Council under subsection (1), the Council shall forthwith declare his office as Chairman to be vacant and signify the vacancy by notice signed by the Clerk of the Council and published in such a manner as the Council directs.
17. (1) On a casual vacancy occurring in the office of Chairman of a Council, the Councillors shall elect one of their number to be Chairman.
- (2) An election under subsection (1) shall be held not later than the next ordinary meeting of the Council held after the date on

which the vacancy occurs, or if that meeting is held within fourteen days after that date, then not later than the next following ordinary meeting of the Council, and shall be the first business transacted at the meeting in question.

- (3) A meeting of a Council for the purposes of an election under subsection (1) may be convened by the Clerk of the Council.
- (4) A person elected to fill a casual vacancy shall hold office until the date upon which the person in whose place he is elected would regularly have retired, and he shall then retire.

COMMITTEES

- 18. (1) A Council may appoint a committee for any such general or special purpose as in the opinion of the Council would be better regulated and managed by means of a committee, and may delegate to a committee so appointed, with or without restrictions or conditions, as the Council thinks fit, any functions exercisable by the Council with respect to either the whole or a part of the District of the Council, except the power of making a rate, or of borrowing money or of acquiring, holding or disposing of land, and any transferred provision regulating the exercise of a function by a Council shall also apply to regulate the exercise of that function by a committee.
- (2) The number of members of a committee appointed under this section, their term of office, and the area, if any, with respect to which the committee is to exercise its functions shall be fixed by the Council.
- (3) A committee appointed under this section may include persons who are not Councillors, but at least two-thirds of the members of every committee shall be Councillors.
- (4) A committee appointed under this section may, subject to any directions of the Council, appoint a sub-committee for the exercise of any function which in the opinion of the Council or the committee would be better exercised by a sub-committee, and may if so authorised by the Council delegate to such sub-committee with or without restrictions or conditions as the committee think fit any functions of the Council delegated to the committee under subsection (1).

- (5) A sub-committee appointed under subsection (4) may include persons who are not Councillors, but the majority of the members of every sub-committee shall be Councillors.
 - (6) Every member of a committee or sub-committee appointed under this section who was a Councillor at the time of his appointment shall, upon ceasing to be a Councillor, cease to be a member of the committee or sub-committee.
 - (7) A Council which appoints a committee, or a committee which appoints a sub-committee, may revoke any appointment made under this section and, in the case of a Council, may revoke or vary anything delegated, or any restriction or condition imposed, under subsection (1) or anything fixed under subsection (2).
 - (8) A member of a committee or sub-committee who is not a Councillor shall have the same exemption from personal liability as if he were a Councillor.
- 19.
- (1) A Council may concur with any one or more than one other Council in appointing a committee of those Councils (in this Act referred to as a 'joint committee') for any purpose in which they are jointly interested, and may delegate to the joint committee, with or without restrictions or conditions as the Council thinks fit, any functions of the Council relating to the purpose for which the joint committee is formed, except the power of making a rate, or (except where the joint committee is constituted as a body corporate by an order under subsection (9) and power in that behalf is conferred by the order) the power of borrowing money or of acquiring, holding or disposing of land, and any transferred provision regulating the exercise of a function by a Council shall also apply to regulate the exercise of that function by a joint committee.
 - (2) Subject to the provisions of this section, the number of members of a joint committee, their term of office and the area, if any, with respect to which the joint committee is to exercise its functions shall be fixed by the appointing Councils.
 - (3) The persons appointed by a Council to a joint committee may include persons who are not Councillors, but at least two-thirds of the members of the joint committee who are so appointed shall be Councillors.
 - (4) A joint committee may appoint a sub-committee for the exercise of any function which in the opinion of the joint committee would be better exercised by a sub-committee.

- (5) A sub-committee appointed under subsection (4) may include persons who are not Councillors, but the majority of the members of every sub-committee shall be Councillors of the Councils which appointed the joint committee.
- (6) Every member of a joint committee or sub-committee who at the time of his appointment was a member of a Council which concurred in appointing the joint committee shall, upon ceasing to be a member of that Council, also cease to be a member of the joint committee or sub-committee.
- (7) A member of a joint committee, unless his term of office earlier expires, shall continue in office until the day after the first meeting of the Council by which he was appointed that is held after an election of Councillors (other than an election to fill a casual vacancy), and at that first meeting the Council shall appoint the members of the joint committee whom it is entitled to appoint.
- (8) A Council which appoints members of a joint committee, or a joint committee which appoints a sub-committee, may revoke any appointment made under this section, and Councils which concur in delegating any function, or imposing any restriction or condition, under subsection (1), or in fixing anything under subsection (2), may concur in revoking or varying anything so delegated, imposed or fixed.
- (9) The Ministry concerned, on the application of all the Councils concerned, may by order make provision for the purpose of:
 - (a) constituting a joint committee a body corporate with perpetual succession by the name specified in the order;
 - (b) fixing the functions of the body corporate so constituted;
 - (c) applying to that body any transferred provision, subject to the modifications (if any) specified in the order;
 - (d) providing for the winding-up and dissolution of any body corporate so constituted.
- (10) A member of a joint committee or sub-committee who is not a Councillor shall have the same exemption from personal liability as if he were a Councillor.

- 19(a) (1) A person who
- (a) is a member of a committee appointed under section 18(1) by a Council and is not a member of that Council; or
 - (b) is a member of a joint committee appointed under section 19(1) by 2 or more Councils and is not a member of any of those Councils; or
 - (c) is a member of a sub-committee appointed under section 18(4) or 19(4) by such a committee as is mentioned in paragraph (a) or (b) and is not a member of the Council, or one of the Councils, which appointed that committee

shall for all purposes be treated as a non-voting member of that committee, joint committee or, as the case may be, sub-committee.

- (2) Where a person is treated by virtue of this section as a non-voting member of any committee, joint committee or sub-committee, he shall not be entitled to vote at any meeting of the committee, joint committee or sub-committee on any question which falls to be decided at that meeting.
- (3) In this section any reference to voting includes a reference to making use of a casting vote.

PROCEDURE OF COUNCIL AND COMMITTEES

22. (1) Subject to the following provisions of this section, the provisions of Schedule 2 shall have effect as respects meetings and proceedings of Councils and their committees.
- (2) Regulations may require Councils, subject to such variations as may be authorised by the regulations
- (a) to incorporate such provision as may be prescribed by the regulations in standing orders for regulating their proceedings and business; and
 - (b) to make or refrain from making such other modifications of any such standing orders as may be so prescribed.

- (3) Without prejudice to the generality of subsection (2), regulations under that subsection may require such standing orders as are mentioned in that subsection to contain provision which, notwithstanding any statutory provision or the decision of any Council or committee or sub-committee of a Council, authorises persons who are members of such a Council, committee or sub-committee
 - (a) to requisition meetings of the Council or of any of its committees or sub-committees;
 - (b) to require a decision of a committee or sub-committee of the Council to be referred to and reviewed by the Council itself or by a committee of the Council;
 - (c) to require that a vote with respect to a matter falling to be decided by the Council or by any of its committees or sub-committees is to be taken in a particular manner.
- (4) Regulations under subsection (2) may contain such incidental provision and such supplemental, consequential and transitional provision in connection with their other provisions as the Department considers appropriate.

ADMISSION TO MEETINGS

- 23. (1) Subject to the provisions of this section and section 27, every meeting of a Council shall be open to the public.
- (2) A 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) whenever publicity would be prejudicial to the public interest
 - (a) by reason of the confidential nature of the business to be transacted at the meeting; or
 - (b) for such special reasons as may be specified in the resolution being reasons arising from the nature of the business to be transacted or of the proceedings at the meeting.
- (3) Without prejudice to the generality of subsection (2), a Council may treat the need to receive or consider recommendations or advice from sources other than Councillors, or committees or sub-committees of the Council, or joint committees as a special reason for the purposes of subsection (2)(b) without regard to the subject or purport of the recommendations or advice.

- (4) Where at a meeting of a Council the Council resolves itself into committee, the proceedings in committee shall for the purposes of this Act be treated as forming part of the proceedings of the Council at the meeting.
24. Where a meeting of a Council is required by section 23 to be open to the public during the whole or any part of the proceedings at the meeting, the Council shall, if so requested by or on behalf of a newspaper and on payment by or on behalf of that newspaper of postage or other necessary expenses which may be incurred for transmission, supply for the benefit of that newspaper
- (a) a copy of the agenda as circulated to members of the Council with the omission of any item during the proceedings on which the meeting is likely not to be open to the public; and
- (b) such further statements or particulars and copies of such other documents as are necessary to indicate the nature of any item included in the copy of the agenda so supplied.
25. At all times during which a meeting of a Council is required by this Act to be open to the public, the Council shall, so far as 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 those proceedings and, on payment by those representatives or their newspapers of any expenses which may be incurred, for transmitting such reports to their newspapers.
26. Where a Council supplies to any member of the public attending a meeting of the Council or, pursuant to section 24, supplies for the benefit of a newspaper copies of the agenda, statements, particulars, and copies of other documents mentioned in that section, the publication of any defamatory matter contained in the agenda, statements, particulars or documents so supplied shall be privileged unless the publication is proved to be made with malice.
27. Nothing in section 23 or 25 shall
- (a) affect or derogate from any power of excluding persons from a meeting for the purpose of suppressing or preventing disorderly conduct or other misbehaviour at, or disturbance of, the meeting;
- (b) require a Council to permit the taking of photographs of any proceedings or the use of any means to enable person not present at a meeting to see or hear any of the proceedings (whether at the time or later) or the making of any oral report on any proceedings as they take place.

PECUNIARY INTERESTS

28. (1) Except as provided by section 29 and subject to subsection (2), it shall be the duty of every Councillor who has any pecuniary interest, direct or indirect, in any contract or proposed contract or other matter and is present at any meeting of the Council at which that contract, proposed contract or other matter is, or is to be, considered to disclose openly to the meeting and as soon as practicable after the commencement thereof the nature of his interest and
- (a) not to preside over or take any part in the consideration or discussion of, or to vote on any question with respect to, that contract, proposed contract, or other matter; and
 - (b) unless the contract, proposed contract or other matter is under consideration by the Council merely as part of a report of a committee or sub-committee thereof and does not itself become the subject of separate debate, to withdraw from the meeting while that matter is being considered.
- (2) Where the Councillor in question is treated as having a pecuniary interest by reason only of his beneficial ownership of shares in a company or other body to which section 146(1)(b) applies and the total nominal value of those shares does not exceed the lesser of
- (a) five hundred pounds; or
 - (b) one-hundredth of the total nominal value of either the issued share capital of the company or body or, where that capital is issued in shares of more than one class, of the issued share capital of the class or classes of shares in which he has an interest
- sub-section (1) shall not have effect in relation to that pecuniary interest.
- (3) It shall be the duty of every Council to record in the minutes of a meeting particulars of any disclosure made to that meeting under subsection (1) and of any subsequent withdrawal from the meeting pursuant to that subsection.

- (4) In addition, the Clerk of the Council shall enter in a separate book to be kept by him for the purpose, a record of every such disclosure or withdrawal and of every disclosure or withdrawal required to be made under section 30 or 46 and that book shall be available at all reasonable hours for inspection by any Councillor or by any local elector for the District of the Council.
 - (5) Subject to subsection (6) and without prejudice to section 31, any person who acts in contravention of subsection (1) shall be guilty of an offence and shall be liable
 - (a) on conviction on indictment, to imprisonment for a term not exceeding one year or to a fine or to both; or
 - (b) on summary conviction, to a fine not exceeding level 3 on the standard scale.
 - (6) It shall be a defence for the person charged with an offence under subsection (5) to prove that at the time of the offence
 - (a) he did not know and had no reason to believe that the contract, proposed contract or other matter in which he had a pecuniary interest was being considered at the meeting; or
 - (b) that he believed, in good faith and upon reasonable grounds, that he had no pecuniary interest which he would be required to disclose under subsection (1).
 - (7) A prosecution for an offence under this section shall not be instituted except by or with the consent of the Attorney-General, and the bringing of, or the failure to bring, such a prosecution shall not affect any proceedings instituted by the Attorney-General under section 31 with respect to any transaction to which that section applies.
 - (8) A reference in this section to a person being a Councillor shall include a reference to his sitting or voting or otherwise acting as a Councillor.
29. (1) Where (whether on the application of any Council or of any Councillor or in any other case) the Ministry is satisfied with respect to any pecuniary interest giving rise or likely to give rise to a disability under section 28 (1) that
- (a) the number of Councillors who would for the time being be subject to disability on account of the pecuniary interest constitutes so great a proportion of the whole as to impede the transaction of the business of the Council; or

- (b) in any other case, it is, having regard to all circumstances appearing to the Ministry to be relevant, in the interests of the persons represented on a Council that the pecuniary interest should not give rise to a disability under section 28;

the Ministry may, subject to such conditions as it thinks proper, direct that so much of section 28 as would, but for this section, operate to impose any disability on account of that interest or to penalise any person on account thereof shall not apply in relation to that interest.

- (2) Section 28 shall, in its application in relation to any Council in respect of which a direction is made by the Ministry under subsection (1), have effect subject to and in accordance with that direction.
 - (3) Notwithstanding anything in section 28, a Councillor shall not be subject to any duty, disability or penalty under that section by reason of his taking part in the consideration or discussion of, or vote on, the question whether any application should be made to the Ministry for a direction under this section.
- 30.
- (1) Every Councillor shall disclose to the Council in writing any relevant family relationship known to him to exist between himself and any person who he knows either holds, or is a candidate for appointment to any office under the Council.
 - (2) All disclosures made under subsection (1) shall as soon as practicable be brought by the Clerk of the Council to the notice of the Council and
 - (a) it shall be the duty of the Council to record in its minutes particulars of the disclosure; and
 - (b) if the Councillor required to make the disclosure is present at any meeting of the Council at which any question relating to or affecting the appointment, remuneration, tenure or conditions of service, promotion, status, conduct, dismissal, suspension, retirement or superannuation of the person to whom he stands in a relevant family relationship is under consideration, he shall withdraw from that meeting while that question is being considered and his withdrawal shall be duly recorded in the minutes of the proceedings of that meeting.

- (3) Subsections (4), (7) and (8) of section 28 shall have effect for the purposes of this section as they have effect for the purposes of that section.
- (4) Any Councillor who acts in contravention of subsection (1) or subsection (2)(b) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) It shall be a defence for a Councillor charged with an offence under subsection (2)(b) to prove that
 - (a) he did not know and had no reason to believe that a question relating to or affecting a person to whom he stood in a relevant family relationship was being considered at the meeting referred to in that subsection; or
 - (b) the person to whom he stood in a relevant family relationship was only one of a class or category of persons similarly affected or likely to be similarly affected by a decision taken by the Council with respect to the matter referred to in that subsection.
- (6) A relevant family relationship shall be deemed to exist between a Councillor and an Officer or candidate if they are husband and wife or if the Officer or candidate, or the husband or wife of the Officer or candidate is the
 - (a) parent;
 - (b) grandparent;
 - (c) grandson or granddaughter;
 - (d) son or daughter;
 - (e) brother or sister;
 - (f) uncle or aunt; or
 - (g) nephew or niece;

of the Councillor or of the husband or wife of the Councillor.

OFFICERS

- 46. (1) If it comes to the knowledge of an officer of a Council that a contract in which he has any pecuniary interest, direct or indirect (not being a contract to which he is himself, openly and in his own name, a party), has been, or is proposed to be entered into by or on behalf of the Council he shall as soon as practicable disclose to the Council in writing the nature of his interest in that contract.

- (2) All disclosures made under subsection (1) (including disclosures made by the Clerk himself) shall be brought by the Clerk of the Council to the notice of the Council at the meeting of the Council next thereafter occurring and:-
- (a) it shall be the duty of the Council to record in its minutes particulars of the disclosure; and
 - (b) if the person making the disclosure is present at any meeting of the Council at which the contract in respect of which the disclosure was made is under consideration he shall withdraw from that meeting while the contract is being considered and his withdrawal shall be duly recorded in the minutes of the proceedings of that meeting.
- (3) For the purposes of this section subsections (2) and (4) of section 28 shall (without prejudice to any provision of those subsections) apply in relation to the officers of a Council as they apply in relation to Councillors.
- (4) Subject to subsection (5) and without prejudice to section 31 as applied by subsection (9), any person who acts in contravention of subsection (1) shall be guilty of an offence and shall be liable:-
- (a) on conviction on indictment, to imprisonment for a term not exceeding one year or to a fine or to both; or
 - (b) on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (5) It shall be a defence for the person charged with an offence under subsection (4) to prove that at the time of the offence:-
- (a) he did not know and had no reason to believe that the contract or proposed contract in which he had a pecuniary interest was being considered at the meeting; or
 - (b) that he believed, in good faith and upon reasonable grounds that he had no pecuniary interest which he would be required to disclose under subsection (1).

- (6) A prosecution for an offence under this section shall not be instituted except by or with the consent of the Attorney-General, and the bringing of, or the failure to bring, such a prosecution shall not affect any proceedings instituted by the Attorney-General under section 31, as applied by subsection (9), with respect to any transaction to which that section applies.
- (7) Notwithstanding any other transferred provision, a summary prosecution for an offence under subsection (4) may be commenced at any time within the period of one year from the date on which evidence, sufficient in the opinion of the Attorney-General to justify that prosecution, comes to the knowledge of the Attorney-General.
- (8) For the purposes of subsection (7), a certificate purporting to be signed by the Attorney-General as to the date on which the evidence referred to in that subsection came to his knowledge shall be evidence of that date.
- (9) Sections 31, 32 and (so far as is applicable for the purposes of those sections) 33 shall apply with respect to officers of a Council as they apply with respect to Councillors and as if any reference in those sections to a Councillor (except the references in subsection (6) of section 31 and, in section 32, the first and third references in subsection (7), and the references in subsections (8) and (9)) included a reference to an officer of the Council.

47. Delegation of Functions to Officers

- (1) An officer of a Council shall not, under colour of his office or employment, exact or accept (whether directly or indirectly for himself or for or through another) any fee or reward whatsoever other than his proper remuneration.
- (2) If any person acts in contravention of this section he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) In this section "Council" includes a committee or sub-committee of a Council.

- 47(A) (1) A Council may arrange for the discharge of any of its functions, except the power of making a rate, or of borrowing money or of acquiring, holding or disposing of land, by an officer of the Council and any transferred provision regulating the exercise of a function by a Council shall also apply to regulate the exercise of that function by an officer of the Council.
- (2) Where any functions of a Council may be discharged by a committee of the Council, then, unless the Council otherwise directs, the committee may arrange for the discharge of any of those functions by an officer of the Council.
- (3) Where any functions of a Council may be discharged by a sub-committee of the Council, then, unless the Council or the committee otherwise directs, the sub-committee may arrange for the discharge of any of those functions by an officer of the Council.

ADMINISTRATIVE PROVISIONS

120. (1) Every Council shall provide for the safe custody of its common seal (in this section referred to as 'the seal'), which shall be used only
- (a) under the authority of a resolution of the Council, or
- (b) in accordance with standing orders of the Council.
- (2) Every instrument to which the seal of a Council is affixed shall be signed by a member of the Council and by the Clerk of the Council or some other person appointed by the Council for the purpose.
- (3) An instrument which has been sealed with the seal of a Council and signed as mentioned in subsection (2) shall be held to be validly executed whether attested by witnesses or not.
- (4) A person entering into a transaction with a Council shall not be bound to inquire whether authority to affix the seal has been given in accordance with subsection (1)(a) or whether the seal has been used in accordance with standing orders as mentioned in subsection (1)(b); and all instruments executed by a Council under its seal if otherwise valid shall have full force and effect notwithstanding that such authority has not been given or that the use of the seal is not in accordance with standing orders.

APPENDIX II

LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1972 (As amended by the Local Government (Miscellaneous Provisions) (Northern Ireland) Orders 1985 and 1992

SCHEDULE 2

MEETINGS AND PROCEEDINGS OF COUNCILS AND COMMITTEES

HOLDING OF MEETINGS

1. (1) The Council shall in every year hold an annual meeting and such other meetings as the Council thinks necessary for the transaction of general business.
- (2) Subject to subparagraph (3), the annual meeting shall be held in the month of June in every year.
- (3) In any year (including 1972) which is a local election year, the annual meeting shall be held within the twenty-one days immediately following the election day at twelve noon, or at such other time as the Council may fix, at the offices of the Council or at such other place as the Ministry may direct.

CONVENING MEETINGS

2. (1) The Chairman of the Council may call a meeting of the Council at any time.
- (2) If a requisition for a meeting of the Council signed by five Councillors or by one-fifth of the whole number of the Councillors, whichever is the greater, is presented to the Chairman of the Council, he shall call a meeting of the Council to be held within the period of fourteen days from the date of service of the requisition on him.
 - (2A) If the chairman
 - (a) refuses to call a meeting of the Council in accordance with subparagraph (2); or
 - (b) does not, within the period of seven days from the date of service of the requisition on him, call a meeting of the Council in accordance with subparagraph (2),

any five Councillors or one-fifth of the whole number of Councillors, whichever is the greater, may on that refusal or on the expiration of that period forthwith call a meeting of the Council.

- (3) Three days at least before a meeting of the Council
 - (a) notice of the time and place of the intended meeting shall be published at the offices of the Council, and where the meeting is called by Councillors the notice shall be signed by them and shall specify the business proposed to be transacted thereat; and
 - (b) a summons to attend the meeting, specifying the business proposed to be transacted thereat and signed by the Clerk of the Council, shall be left at or sent by ordinary post to the usual place of residence of every Councillor.
- (4) Want of service of a summons under subparagraph (3)(b) shall not affect the validity of a meeting.

CHAIRMAN OF MEETING

3.
 - (1) At a meeting of the Council the Chairman of the Council if present, shall preside.
 - (2) If the Chairman of the Council is absent from a meeting of the Council, the Vice-Chairman of the Council, if present, shall preside.
 - (3) If both the Chairman and Vice-Chairman of the Council are absent from a meeting of the Council, such Councillor as the Councillors present may choose shall preside.
 - (4) Nothing in this paragraph shall authorise any Councillor to preside at so much of any meeting of the Council during which the business of the election of a Chairman or of a Vice-Chairman is transacted where that Councillor is a candidate for election to the office of Chairman or, as the case may be, of Vice-Chairman.

QUORUM

4.
 - (1) Subject to subparagraph (2), no business shall be transacted at a meeting of the Council unless at least one-quarter of the whole number of Councillors are present.
 - (2) Where more than one-quarter of the Councillors become disqualified at the same time, then, until the number of Councillors in office is increased to not less than three-quarters of the whole number of Councillors, the quorum of the Council

shall be determined by reference to the number of Councillors remaining qualified instead of by reference to the whole number of Councillors.

NAMES OF COUNCILLORS PRESENT TO BE RECORDED

5. The names of the Councillors present at a meeting of a Council shall be recorded by the Clerk of the Council.

PERSON AUTHORISED BY MINISTRY MAY ATTEND MEETINGS

6. A person authorised in writing by the Ministry in that behalf shall, at the request or with the agreement of the Council, be entitled to attend any meeting of the Council and to take part in the proceedings at the meeting, but not to vote.

DECISION ON QUESTIONS

7. (1) Subject to any statutory provision, all acts of a Council and all questions coming or arising before a Council shall be done and decided by a majority of the Councillors present and voting thereon at a meeting of the Council.
(2) In the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote.

MODE OF VOTING

8. (1) The mode of voting at meetings of the Council shall, except as otherwise resolved by the Council, be by show of hands.
(2) On the requisition of any Councillor the voting on any question shall be recorded so as to show whether each Councillor present and voting gave his vote for or against that question.

MINUTES

9. (1) Minutes of the proceedings of a meeting of a Council, or of a committee or sub-committee thereof, shall be drawn up and entered in a bound book, or on loose leaves consecutively numbered, kept for that purpose, and shall be signed at the

same or the next ensuing meeting of the Council or, as the case may be, at the same or any subsequent meeting of the committee or sub-committee by the person presiding thereat, if approved by the meeting at which they fall to be signed.

- (2) Any minute purporting to be signed as mentioned in subparagraph (1) shall be received in evidence without further proof.
- (3) Until the contrary is proved, a meeting of a 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.

STANDING ORDERS

10. Subject to the provisions of this Act, a Council may make standing orders for the regulation of the proceedings of the Council and business, and may vary or revoke any such orders.

VACANCIES, ETC NOT TO INVALIDATE PROCEEDINGS

11. The proceedings of a Council or of a committee or sub-committee thereof shall not be invalidated by any vacancy among its number or by any defect in the election or qualification of any of its members.

PROCEEDINGS OF COMMITTEES

12. (1) A Council appointing a committee, and Councils who concur in appointing a joint committee, may make, vary and revoke standing orders respecting the quorum, proceedings and place of meeting of the committee or joint committee, but subject to any such standing orders and to sections 22(2) to (4) the quorum, proceedings and place of meeting shall be such as the committee or joint committee may determine.
- (2) The person presiding at a meeting of any committee or joint committee shall, in the case of an equality of votes, have a second or casting vote.

Appendix III

**A CODE OF RECOMMENDED PRACTICE FOR THE
GUIDANCE OF COUNCILLORS
March 2003**

**The Northern Ireland Code of Local Government
Conduct**

Contents

Part 1 – Introduction

Part 2 - General Duties

Part 3 - Declaration and Registration of Interest

Appendix - Protocol for Relations between
councillors and employees in Northern Ireland district councils

Part 1 - Introduction

Guidance

1. This code of conduct provides guidance to councillors of Northern Ireland district councils on the standards of conduct expected of them in carrying out their official duties and in maintaining working relationships with fellow councillors and council employees. The behaviour of councillors will be judged against these standards of conduct.
2. The Department of the Environment has issued this code under Section 7A of the Local Government Act (Northern Ireland) 1972. It supersedes the previous Northern Ireland Code of Local Government Conduct for Councillors which issued under the former Department of the Environment for Northern Ireland's letter dated 30 October 1992 (Circular No. LG 50/92) .
3. As required by Section 7A, before issuing this code the Department has consulted district councils, bodies representing local government and other interested parties.
4. Section 7 of the 1972 Act requires councillors, on election, to serve on their councils declarations affirming that they have read and will be guided by this code of conduct.

Part 2 - General Duties

Public duties

5. As a councillor, you should observe this code whenever you:
 - conduct the business of your council;
 - undertake the role of councillor to which you were elected; and
 - act as representative of your council.
6. If you represent your council on another body, you should comply with this code unless it conflicts with any legal or other obligations associated with service on that body. If you become aware of any such conflict, you should draw it to the attention of your council and the other body as soon as it becomes apparent.
7. Where your appointment to another body does not arise from your position as a councillor, this code will not apply to that appointment. You will, however, be expected to have regard to the code and ensure that you do not bring your position as a councillor, or your council, into disrepute.
8. You are reminded that councils have specific responsibilities under equality legislation. That legislation underpins many of the requirements of this code. You

should ensure that you are familiar with the relevant statutes and provisions' and, in particular, with the obligations contained in your council's equality scheme to promote equality of opportunity and good relations between persons of different religious belief, political opinion or racial group.

9. As a councillor, you are expected to maintain and strengthen public trust and confidence in the integrity of your council. You should promote and support this code at all times and encourage fellow councillors to follow your example.
10. You should assist your council to act, as far as possible, in the interests of the whole community. Whilst individuals are entitled to pursue their own personal concerns about local issues, you are not obliged to represent their views above the wider public interest.

Working relationships with other councillors

11. You are expected to work responsibly with fellow councillors for the benefit of your whole community. You should therefore abide by any council procedures or standing orders and you are expected to promote an effective working environment within your council. You should show respect and consideration for fellow councillors at all times.

1. The relevant statutes and provisions mentioned in paragraph 8 above include the Equal Pay Act (NI) 1970 (amended 1984); the Sex Discrimination (NI) Order 1976 (amended 1988); the Disability Discrimination Act 1995; the Fair Employment and Treatment (NI) Order 1998; the Race Relations (NI) Order 1997; the Northern Ireland Act 1998 (sections 75 and 76); the Rehabilitation of Offenders (NI) Order 1978; and the Exceptions Order 1979.

Working relations with council employees

12. You should also show respect and consideration for council employees at all times and ensure that your actions do not compromise their impartiality. You should abide by the Department's "Protocol for Relations between Councillors and Employees in Northern Ireland District Councils" which is appended to this code.

Accountability and openness

13. You are accountable to the public for your actions and for your personal role in the decision-making process of your council. You should therefore be as open as possible about the decisions and actions you take as a councillor. This means being able to explain the reasons for your decisions and actions and not withholding information unless required to do so by the law or in the public interest.
14. You should not prevent any person from gaining access to information to which that person is entitled by law (e.g. under the terms of the Data Protection Act 1998 or the Freedom of Information Act 2000).

Confidentiality

15. If you have access to confidential material and information, you should handle it in accordance with council rules. You should not use information received in confidence for private purposes or personal gain

Duty to uphold the law

16. Like all members of the public, you should uphold the law at all times. In addition, you should not behave in a manner that could be regarded as bringing your role as a councillor, or your council, into disrepute. You should report to the council's Chief Executive the conduct of any fellow councillor which you believe is, or is likely to be, in breach of this code. However, you should not make unfounded accusations or malicious complaints against other councillors.

Selflessness and stewardship

17. You should act in the public interest at all times. In particular, you should not, either officially or otherwise, use your position to gain advantage (financial or other) for yourself, a family member or a friend² or business associate.
18. You should use council resources and facilities prudently and effectively in the interests of the public and in accordance with the law. These resources should be used in accordance with council requirements and not for any personal benefit or to any political party or group interests. This will apply, for example, to the use of transport, secretarial assistance, stationery and equipment (such as telephones and computers).
19. You should comply with legislation and determinations relating to councillors' allowances and expenses.
20. The Statement of Recommended Practice on Local Authority Accounting requires the disclosure of related party transactions. You should co-operate with your council with regard to providing the necessary information to be included in the annual accounts of the council.

Objectivity and propriety

21. Whilst council business decisions will normally be made solely on merit, you may on occasions be expected to have regard to formal council policy on allocating appointments in accordance with political proportionality³. This policy does not apply to the appointment of council employees or the award of contracts.
22. If you have a pecuniary, or private or personal non-pecuniary, interest in a matter being considered by your council, you should exclude yourself from discussions and decisions on that matter (see also Part 3 of the Code).

2. No attempt has been made in the code of conduct to define "a family member or a friend" as mentioned in paragraph 17 or "a family member" as mentioned in paragraph 24. Such a task would be fraught with difficulty. The key principle is the need for transparency so that a member of the public, acting reasonably, could not regard any of your decisions or actions as being favourable towards an individual (who appears to be a family member or a friend) and contrary to your responsibility as a councillor to act in the public interest at all times.
3. Many councils operate a policy of political proportionality (as mentioned in paragraph 21 above) in determining appointments to office. In these circumstances, appointments may not necessarily be made solely on merit.

Integrity

23. You should avoid placing yourself under any obligation (financial or other) that might be considered to influence you in the performance of your duties as a councillor. You should avoid any appearance of improper behaviour and take personal responsibility for your view and vote on any council business.
24. You should not seek or accept gifts or offers of hospitality that might be intended (or might be considered) to influence your judgement on council matters. Similarly, it is your duty to discourage gifts and offers of hospitality to a family member². As a general rule, you should refuse any such offers except for:
 - 'one-off' gifts of a trivial nature or inexpensive seasonal gifts;
 - civic gifts received on behalf of your council; and
 - normal hospitality associated with the performance of your duties as a councillor.

Part 3 - Declaration and Registration of Interests

Pecuniary and non-pecuniary interests

25. Section 28 of the Local Government Act (Northern Ireland) 1972 requires you to declare any pecuniary interest (including that of a spouse you are living with) that you may have in any matter coming before any meeting of your council (including a committee or sub-committee meeting). Such interests will be recorded in the statutory register kept by your council for this purpose.
26. You should 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.
27. You should also declare any significant private or personal non-pecuniary interest in a matter arising at a council meeting (including a committee or sub-committee meeting). An interest will 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. Private or personal interest also extends to

your membership of, or association with, any business, club, society, voluntary body or other organisation.

28. You should declare any significant private or personal non-pecuniary interest in a matter as soon as it becomes apparent. You should then withdraw from any council meeting (including a committee or sub-committee meeting) when the matter is being discussed. It is your own personal responsibility to determine, having regard to this code of conduct and council advice and guidance, whether you have any such interest.

Dispensations

29. In exceptional circumstances, you may be able to get a dispensation to speak and vote at a council meeting (including a committee or sub-committee meeting) in spite of a pecuniary interest. The Department may grant such a dispensation under Section 29 of the Local Government Act (Northern Ireland) 1972.
30. On occasions, you may feel that it would be to your council's benefit if you were to remain in a council meeting (including a committee or sub-committee meeting) when a matter in which you have a significant private or personal non-pecuniary interest is to be debated. Before doing so, you should 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 or members of the committee who are required to withdraw due to their personal interests in the matter, would leave the council or committee without a quorum.
31. 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 should declare that decision and your reasons for doing so.
32. In the case of a sub-committee which is very small and where a large proportion of councillors or members declare personal interests in a matter, it will usually be more appropriate for the matter to be referred to the parent committee.
33. It would, however, be appropriate for you to remain at a council meeting (including a committee or sub-committee meeting) and speak and vote on a matter in which you have declared a significant private or personal non-pecuniary interest if your interest arises because you are:
- a member of a public body; or
 - a member or supporter of a charity, voluntary body or other organisation formed for a public purpose (i.e. not for the personal benefit of members). However,

except where you have been appointed by your council as a representative on the organisation, you should not vote (although you may speak) on any matter directly affecting the finances or property of the organization if you are a member of the organisation's management committee or governing body.

34. You should apply the principles of disclosure of interests in your dealings with council employees and in your unofficial relations with fellow councillors.

Membership of committees and sub-committees

35. You should not seek, or accept, membership of any committee or sub-committee if it would involve you in disclosing an interest so often that it would be of little value to the committee or sub-committee or it would damage public confidence in the committee or sub-committee.

Chair of council, committee or sub-committee

36. You should not seek or accept the position of chair of the council, or of any council committee or sub-committee, if you have a substantial financial interest in, or are closely related to, the business affairs of the council or committee or sub-committee.

Family relations who hold, or apply for, council appointments

37. Section 30 of the Local Government Act (Northern Ireland) 1972 requires you to disclose in writing to your council any relevant family relationship (as defined in that section) known to exist between you and any person who, to your knowledge, either holds or is a candidate for appointment to any office in the council.

Protocol for Relations between councillors and employees in Northern Ireland district councils

Purpose

1. This protocol is intended to guide councillors and council employees in their behaviour towards each other. It does so by focusing on some issues of common interest. It is hoped that the recommended approach will "read across" to other issues.
2. The protocol seeks to reflect the content of the respective codes of conduct for councillors and employees. Both codes aim to maintain and further enhance the status and integrity of local government. They therefore demand high standards of personal conduct at all time.

General

3. Councillors and council employees should be courteous and respectful to one another when working together. They should not seek to take unfair advantage of their respective positions.

Relations between council employees and committee chairs

4. In particular, it is important that there should be good working relationships between council employees and chairs of committees and sub-committees. However, such relationships should not be allowed to become so close as to cast doubt either on an employee's ability to deal impartially with other councillors or a chair's ability to deal impartially with other employees.
5. Employees will regularly consult chairs of committees and sub-committees on the preparation of agendas and reports. Ultimately, however, employees will be responsible for any material submitted in their names and should never exceed the authority given to them by their senior management. Chairs should bear this in mind in their dealings with employees.
6. Any issues of concern should be referred to the Chief Executive who should discuss these with the council Mayor or Chair.

Employees' advice to political groups

7. Employees should treat all political groups and individual councillors equally and fairly. They must observe any council rules about access by political groups to employees and must remain politically neutral at all times.

8. Employees should only provide political groups with advice and information in relation to council business. They should not normally be expected to attend meetings where any business matters relating to a political group are to be discussed. Employees will, however, be expected to provide all relevant information to committees and sub-committees on matters that are due for discussion.
9. Where employees attend a political group meeting, the Chair must ensure that councillors present are clear about the basis on which those employees are in attendance. Employees must respect the confidentiality of discussions at any political group meetings which they attend and must not relay details to another political group or individual councillor.
10. Any issues of concern should be raised with the Chief Executive who will discuss them with the relevant political group leaders.

Correspondence

11. Employees should not normally copy correspondence with an individual councillor to any other councillor. Where it is considered necessary to do so, this should be made clear at the time to the original addressee.

Appointment of employees

12. Where councillors are involved in the appointment of employees, they must act fairly and openly, judging applicants solely on merit. Appointments must be made in accordance with the Local Government Staff Commission's Code of Procedures on Recruitment and Selection.

Personal relationships

13. Positive, friendly working relationships between councillors and employees will help project a positive image of the council to local people. However, close personal relationships could affect the perception of local people regarding the objectivity and professionalism of councillors and employees. Discretion and caution should therefore be exercised by councillors and employees in developing close personal friendships while they have official working relationships.

Public comment

14. Councillors and employees should not publicly discuss the conduct of fellow councillors and employees.

Support services to councillors and political groups

15. Employees can provide councillors with support services to help them discharge their roles as councillors. However, such services must not be provided for political, campaigning or private purposes.

Councillors' access to council documents and information

16. Councillors may ask any council department to provide information that they need to discharge their roles as councillors. Such an approach should normally be made through the senior employee of the department concerned. Councillors should only use such information for the purpose for which it was provided.

Appendix IV

ALLOCATION OF SEATS IN THE ASSEMBLY EXECUTIVE AND CHAIRS AND DEPUTY CHAIRS OF COMMITTEES

D'HONDT SYSTEM

Seats in the Assembly Executive and Chairs and Deputy Chairs of the Departmental

Committees will be allocated on the basis of the **D'Hondt system**. This system, also known as the highest average method is named after Victor D'Hondt, a Belgian lawyer from the last century.

The principle of the system is that seats are won singly and successively on the basis of the highest average. The method requires that the number of seats each party gained in the Assembly will be divided initially by one and thereafter by one more than the number of seats won, until all the seats are won.

By reference to the consolidated list of political parties and their members, the Speaker calculates each party's figure for the purpose by applying the formula -

$$\frac{S}{1 + C}$$

where

S is the number of seats which were held by members of that party on the day on which the Assembly first met following its election. C is the number of chairpersons and deputy chairpersons of statutory committees established under Standing Orders who are members of the party.

Where two or more parties have an identical figure they shall be ranked by applying the formula -

$$\frac{V}{1 + C}$$

where

V is the total number of first preference votes cast for the party at the most recent general election of members of the Assembly, and C has the same meaning as above.

Example:

	Seats in Assembly	Divisor	Average
Party A	30	1	30*
Party B	24	1	24
Party C	18	1	18

*Party A wins the first seat and its divisor becomes 2

	Seats in Assembly	Divisor	Average
Party A	30	2	15
Party B	24	1	24*
Party C	18	1	18

*Party B wins the second seat and its divisor becomes 2

	Seats in Assembly	Divisor	Average
Party A	30	2	15
Party B	24	2	12
Party C	18	1	18*

*Party C wins the third seat and its divisor becomes 2

	Seats in Assembly	Divisor	Average
Party A	30	2	15*
Party B	24	2	12
Party C	18	2	9

*Party A wins the fourth seat and its divisor becomes 3

Appendix V

Down District Council Standing Order 17 Voting in Ad Hoc Appointments Arising Following the AGM

Example 1

On the first count, between candidates A, B and C, candidate C has the lowest number of votes and is eliminated. On the second count, between candidates A and B, candidate B has the highest number of votes and is elected.

Candidate	1st Count	2nd Count
A	10	10
B	7	11 (Elected)
C	4 (Eliminated)	

Example 2

On the first count, between candidates A, B and C, candidates B and C have the same number of votes. On the second count, between candidates B and C, candidate C has the lowest number of votes and is eliminated. On the third count, between candidates A and B, candidate B has the highest number of votes and is elected.

Candidate	1st Count	2nd Count	3rd Count
A	10		9
B	5	11	11 (Elected)
C	5	9 (Eliminated)	