

May 28th, 2025

**Notice Of Meeting**

You are requested to attend the meeting to be held on **Wednesday, 4th June 2025 at 11:00 am** in **Hybrid - City Hall, Bangor & via Zoom.**

# Agenda

## Agenda

 *AM 04.6.2025 Agenda.pdf*

*Page 1*

- 1. Prayer**
- 2.. Apologies**
- 3. Declarations of Interest**
- 4. Mayor's Review**
- 5. Appointments to Positions of Responsibility**

Report attached

 *5. Appointment to Positions of Responsibility.pdf*

*Page 3*

 *5. Appendix 1 - d'Hondt calculations for positions of responsibility.pdf*

*Page 6*

- 6. Appointments to Sub-Committees, Working Groups and Outside Bodies**

Report attached

 *6. Appointment to Sub-Groups and Outside Bodies.pdf*

*Page 7*

 *6. Appendix 1 - List of Sub Groups & Outside Bodies.pdf*

*Page 9*

- 7. Council Governance**

- 7a. (a) Updates to the Scheme of Delegation**

Report attached

 *7a. Update to the Scheme of Delegation.pdf*

*Page 14*

 *7a. Appendix 1 - Scheme of Delegation 3.2 proposed changes new format.pdf*

*Page 17*

 *7a. Appendix 2 - Scheme of Delegation 3.2 Clean.pdf*

*Page 57*

- 7b. (b) Updates to the Council Constitution**

Report attached

 **7b. Update to the Council Constitution.asd.pdf**

**Page 96**

 **7b. Appendix 1 - Council Constitution with changes highlighted.pdf**

**Page 100**

## **8. Playing of National Anthem**

## **ARDS AND NORTH DOWN BOROUGH COUNCIL**

28 May 2025

Dear Sir/Madam

You are hereby invited to attend a Hybrid meeting (in person and via Zoom) of the Annual Meeting of Ards and North Down Borough Council which will be held in the **Council Chamber, City Hall, Bangor** on **Wednesday, 4 June 2025** commencing at **11.00am**.

A Council photograph will be taken at 10.15am. Lunch will be served in the Craig Room following the meeting. Members are asked to confirm with Democratic Services if they plan to attend for lunch.

Yours faithfully

Susie McCullough  
Chief Executive  
Ards and North Down Borough Council

### **A G E N D A**

1. Prayer
2. Apologies
3. Declarations of Interest
4. Mayor's Review
5. Appointments to Positions of Responsibility (Report attached)
6. Appointments to Sub-Committees, Working Groups and Outside Bodies (Report attached)
7. Council Governance:
  - (a) Update to the Scheme of Delegation (Report attached)
  - (b) Update to the Council Constitution (Report attached)
8. Playing of National Anthem

**MEMBERSHIP OF ARDS AND NORTH DOWN BOROUGH COUNCIL**

Alderman Adair	Councillor Hennessy
Alderman Armstrong-Cotter	Councillor Hollywood
Alderman Brooks	Councillor S Irvine
Alderman Cummings	Councillor W Irvine
Alderman Graham	Councillor Irwin
Alderman McAlpine	Councillor Kennedy
Alderman McRandal	Councillor Kendall
Alderman McDowell	Councillor Kerr
Alderman McIlveen	Councillor McBurney
Alderman Smith	Councillor McClean
Councillor Ashe	Councillor McCollum
Councillor Blaney	Councillor McCracken
Councillor Boyle	Councillor McKee
Councillor Cathcart (Mayor)	Councillor McKimm
Councillor Chambers (Deputy Mayor)	Councillor McLaren
Councillor Cochrane	Councillor Moore
Councillor Douglas	Councillor Morgan
Councillor Edmund	Councillor Thompson
Councillor Gilmour	Councillor Smart
Councillor Harbinson	Councillor Wray

Unclassified

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**ITEM 5****Ards and North Down Borough Council**

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Other
Date of Meeting	04 June 2025
Responsible Director	Chief Executive
Responsible Head of Service	
Date of Report	21 May 2025
File Reference	CX210
Legislation	Local Government Act (Northern Ireland) 2014
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Appointment to Positions of Responsibility
Attachments	Appendix 1 - D'Hondt Positions of Responsibility Order

**Background**

Appointments to Positions of Responsibility are governed by Part 3 and Schedule 1 of the Local Government Act (Northern Ireland) 2014. In accordance with the Act, the Council agreed at its Annual Meeting on 7 June 2023 a list of 91 positions to be appointed as Positions of Responsibility, and that such appointments would be made using the d'Hondt method. Party Nominating Officers and Independent Members thereafter proceeded to select Positions of Responsibility in the order determined by the d'Hondt calculation.

Where Positions of Responsibility were not for the full four-year term of the Council, Party Nominating Officers were only required to specify the individual Party Members taking Year 1 (2023/24) Positions. Year 2 – Year 4 Positions were allocated on a Party basis and individual Party Members are appointed to these by the Nominating Officers at the Annual Meeting in the relevant year.

Not Applicable

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### Year 3 Positions of Responsibility to be appointed

Party Nominating Officers should identify the Members to be appointed to the year 3 (2025/26) Positions of Responsibility as follows:

Position	Year 3
Mayor	Alliance
Deputy Mayor	Alliance
Corporate Services Committee - Chair	DUP
Corporate Services Committee – Vice Chair	Alliance
Place and Prosperity Committee - Chair	Alliance
Place and Prosperity Committee - Vice Chair	DUP
Planning Committee - Chair	DUP
Planning Committee - Vice Chair	UUP
Environment Committee - Chair	Green
Environment Committee - Vice Chair	Alliance
Community and Wellbeing Committee - Chair	Alliance
Community and Wellbeing Committee - Vice Chair	Councillor W Irvine
Audit Committee - Chair	DUP
Audit Committee - Vice Chair	Councillor S Irvine

Please note, Members of the Audit Committee shall not hold the position of Mayor, Deputy Mayor, Chair of Committee or Chair of Sub Committee, with the exception of the Audit Committee.

The allocations made at the Annual Meeting did not account for the seats of the Audit Committee appointed by d'hondt as Positions of Responsibility and of which Councillor S Irvine is not a member. Therefore, this did not account for the appointment to the Position of Responsibility of Vice Chair of the Audit Committee in Year 3, Councillor S Irvine. In order to correct this anomaly, it is recommended to increase the membership of the Audit Committee by one seat, for one year only - Year 3, 2025/26 to enable Councillor S Irvine to sit on Audit Committee as Vice Chair.

Should any Party or Independent not wish to avail of a Position of Responsibility to which they are entitled, the Position would be allocated using d'Hondt to the next Party in line for making a choice, which at present is the UUP (see list attached at Appendix 1).

### RECOMMENDATION

It is recommended that the following Party Nominating Officers confirm the Members to be appointed to the Positions of Responsibility as outlined in the table above:

- Alderman McIlveen (DUP)
- Alderman McRandal (Alliance)
- Alderman Smith (UUP)
- Councillor McKee (Green)

Not Applicable

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It is further recommended that Council agree to increase the membership of the Audit Committee by one seat for one year, Year 3, 2025-26.



## Appendix 1

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### D'Hondt calculation for selection order of Positions of Responsibility

1	DUP	41	DUP	81	DUP
2	Alliance	42	Alliance	82	Alliance - PCSP
3	UUP	43	UUP	83	UUP - PCSP
4	DUP	44	DUP	84	DUP - PCSP
5	Alliance	45	Alliance	85	Alliance - PCSP
6	DUP	46	DUP	86	DUP - PCSP
7	Alliance	47	Alliance	87	Alliance - PCSP
8	UUP	48	UUP	88	UUP - PCSP
9	DUP	49	DUP	89	DUP - PCSP
10	Alliance	50	Alliance	90	Alliance - PCSP
11	DUP	51	DUP	91	DUP - PCSP
12	UUP	52	UUP	92	UUP (spare)
13	Alliance	53	Alliance	93	Alliance (spare)
14	DUP	54	DUP	94	DUP (spare)
15	DUP	55	DUP	95	DUP (spare)
16	Alliance	56	Alliance	96	Alliance (spare)
17	UUP	57	UUP	97	UUP (spare)
18	Green	58	Green	98	Green (spare)
19	DUP	59	DUP	99	DUP (spare)
20	Alliance	60	Alliance	100	Alliance (spare)
21	UUP	61	UUP	101	UUP (spare)
22	DUP	62	DUP	102	DUP (spare)
23	Alliance	63	Alliance	103	Alliance (spare)
24	DUP	64	DUP	104	DUP (spare)
25	Alliance	65	Alliance	105	Alliance (spare)
26	UUP	66	UUP	106	UUP (spare)
27	DUP	67	DUP	107	DUP (spare)
28	Alliance	68	Alliance	108	Alliance (spare)
29	DUP	69	DUP	109	DUP (spare)
30	UUP	70	UUP	110	UUP (spare)
31	Alliance	71	Alliance		
32	DUP	72	DUP		
33	DUP	73	DUP		
34	Alliance	74	Alliance		
35	UUP	75	UUP		
36	Green	76	Green		
37	SDLP	77	SDLP		
38	IRVINE, S	78	IRVINE, S		
39	IRVINE, W	79	IRVINE, W		
40	MCKIMM	80	MCKIMM		

#### Note –

- The order of selection of up to 110 positions of responsibility has been provided in the table for reference purposes should any additional positions be created during this Council term.

Unclassified

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## ITEM 6

### Ards and North Down Borough Council

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Other
Date of Meeting	04 June 2025
Responsible Director	Chief Executive
Responsible Head of Service	
Date of Report	21 May 2025
File Reference	CX210
Legislation	Local Government Act (Northern Ireland) 2014
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Appointments to Sub-Committees, Working Groups and Outside Bodies
Attachments	Appendix 1 - List of Sub-Committees, Working Groups and Outside Bodies for nomination.

### Background

At the Council's Annual Meeting on 7 June 2023, appointments were made to Sub-Committees, Working Groups and Outside Bodies by way of nomination. Some of those appointments were for a one-year term only. These one-year appointments are outlined in the tables attached at Appendix 1, including any further changes to the composition of the groups since then.

Nominations are now sought to fill the one-year appointments as outlined in Appendix 1 for the year 2025/26. It has been normal practice to fill these positions using single transferrable vote where the number of nominations exceeds the number of places available.

Not Applicable

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### RECOMMENDATION

It is recommended that the Council proceeds to appoint Members to the Sub-Committees, Working Groups and Outside Bodies listed in Appendix 1 by way of nomination.

**SUB-GROUPS AND OUTSIDE BODIES**

The following positions were appointed for year one and year two and therefore now require nominations for 2025/26:

**CORPORATE SERVICES COMMITTEE**

**Body: Diversity Champions – 3 Places (1 Year Appointment)**

	2024/25	2025/26
1	Councillor McCollum	
2	Councillor Hollywood	
3	- (No nominations made to replace Councillor McKimm February 2025)	

**COMMUNITY AND WELLBEING COMMITTEE**

**Body: Arts and Heritage Advisory Panel – 5 Places (1 Year Appointment)**

	2024/25	2025/26
1	Councillor Thompson	
2	Councillor Kennedy	
3	Councillor Smart	
4	Councillor Harbinson	
5	Councillor Wray	

**Body: Billiard Room Trustees – 7 Places (1 Year Appointment) (Newtownards Town DEA Members)**

*Although nominations were initially for a one-year period, as these places are for Newtownards DEA Members, therefore the current membership should be retained for the Council term.*

	2024/25	2025/26
1	Alderman Armstrong-Cotter	
2	Councillor Kennedy	
3	Councillor Moore	
4	Alderman McDowell	
5	Alderman McIlveen	
6	Councillor S Irvine	
7	Councillor Smart	

**Body: Community Development Grants Working Group – 5 Places (1 Year Appointment)**

	2024/25	2025/26
1	Councillor McCollum	

2	Alderman Cummings	
3	Councillor L Douglas	
4	Councillor Smart	
5	Councillor McKee	

**Body: Age Champions – 3 Places (1 Year Appointment)**

	2024/25	2025/26
1	Councillor Thompson	
2	Alderman McAlpine	
3	-	

**Body: North Down Coastal Path Working Group – 15 Places (1 Year Appointment) (First Meeting 23 January 2024)**

	2024/25	2025/26
1	Alderman Graham	
2	Councillor Cochrane	
3	Councillor McBurney	
4	Councillor Harbinson	
5	Councillor Hollywood	
6	Councillor Irwin	
7	Councillor McClean	
8	Councillor W Irvine	
9	Councillor McCracken	
10	Councillor McCollum	
11	Councillor McKee	
12	Councillor McKimm	
13	Councillor McLaren	
14	Alderman McRandal	
15	Councillor Hennessy ( <i>replaced Councillor Rossiter October 2024</i> )	

**Body: Aurora Pool Joint Management Committee – 1 Place (1 Year Appointment)**

	2024/25	2025/26
1	Councillor Blaney	

**ENVIRONMENT COMMITTEE**

# **Kerbside Working Group – 11 Places (1 Year Appointment – members are elected by D’hont)**

*Its should be noted that this is a Task and Finish Group, and although nominations were initially for one-year period, it is recommended that the current membership is retained for the lifetime of the working group.*

	2024/25	2025/26
1	Alderman Adair	
2	Alderman Graham	
3	Alderman McAlpine	
4	Alderman McIlveen	
5	Councillor Cathcart	
6	Councillor Irwin	
7	Councillor McKee <i>(replaced Councillor McKimm February 2025)</i>	
8	Councillor Morgan	
9	Councillor Harbinson <i>(replaced Councillor Rossiter October 2024)</i>	
10	Councillor Smart	
11	Councillor Wray	

## **EXTERNAL APPOINTMENTS**

### **Body: North Down and Ards Road Safety Committee – 7 Places (1 Year Appointment)**

	2024/25	2025/26
1	Alderman McRandal	
2	Councillor Thompson	
3	Councillor Morgan	
4	Councillor Cochrane	
5	Councillor Wray	
6	-	
7	-	

### **Body: Northern Ireland Amenity Council – 2 Places (1 Year Appointment)**

	2024/25	2025/26
1	Alderman Adair	
2	Councillor Ashe	

### **Body: Percy French Management Committee – 4 Places (1 Year Appointment)**

	2024/25	2025/26
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1	Councillor Hennessy	
2	Councillor McCollum	
3	-	
4	-	

**Body: Bangor Alternatives Advisory Committee – 1 Place (1 Year Appointment)**

	2024/25	2025/26
1	Councillor W Irvine	

**Body: Portaferry Regeneration Ltd – 1 Place (1 Year Appointment)**

	2024/25	2025/26
1	Councillor Boyle	

**Body: Northern Ireland Drainage Council – 2 Places (1 Year Appointment)**

	2024/25	2025/26
1	<i>Vacant - Cllr Thompson was nominated to apply as non-executive member at November 2024 Council but was unsuccessful.</i>	
2	Councillor Wray	

**Body: All Party Group on Climate Action – 2 Places (1 Year Appointment)**

	2024/25	2025/26
1	Councillor Moore ( <i>Replaced Councillor Rossiter October 2024</i> )	
2	Councillor Kendall	

**Body: Ards Community Hospital – Multi Agency Forum – 2 Places (1 Year Appointment)**

	2024/25	2025/26
1	Councillor Smart	
2	Councillor Moore ( <i>replaced Councillor Creighton 30.10.24</i> )	

**Body: Community Advice Ards and North Down – 4 places (1 Year Appointment)**

	2024/25	2025/26
1	Councillor Moore	
2	Councillor McKee	

<b>3</b>	Councillor Smart	
<b>4</b>	Councillor McCollum	

**Body: Somme Heritage Centre Management Committee – 3 Places (1 Year Appointment)**

	<b>2024/25</b>	<b>2025/26</b>
<b>1</b>	Councillor Thompson <i>(replaced Councillor MacArthur April 2024)</i>	
<b>2</b>	Councillor McLaren	
<b>3</b>	Councillor S Irvine	
<b>4</b>	Alderman Cummings	

**Body: Community Resuscitation Group – 2 Places (1 Year Appointment)**

	<b>2024/25</b>	<b>2025/26</b>
<b>1</b>	Councillor Harbinson <i>(replaced Councillor Creighton October 2024)</i>	
<b>2</b>	Councillor Thompson <i>(Replaced Councillor McKimm February 2025)</i>	
<b>3</b>	Councillor McKee <i>(Replaced Councillor McKimm February 2025)</i>	

**Body: Kilcooley Neighbourhood Partnership – 1 Place + 1 Substitute (1 Year Appointment)**

	<b>2024/25</b>	<b>2025/26</b>
<b>1</b>	Councillor Gilmour	
<b>Sub</b>	-	



Unclassified

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**ITEM 7a****Ards and North Down Borough Council**

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Other
Date of Meeting	04 June 2025
Responsible Director	Chief Executive
Responsible Head of Service	Head of Finance
Date of Report	27 May 2025
File Reference	FIN58
Legislation	Section 3 Local Government Finance Act (NI) 2011
Section 75 Compliant	Yes <input type="checkbox"/> No <input type="checkbox"/> Other <input checked="" type="checkbox"/> If other, please add comment below:
Subject	Updates to the Scheme of Delegation
Attachments	Appendix 1 - Scheme of Delegation v4.0 (tracked changes) Appendix 2 - Scheme of Delegation v4.0 (clean - for publication)

**Background**

Last year Council revised its scheme of delegation for the first time in a number of years. Part of this review included the undertaking to review this each year.

**Proposed Changes**

The main changes are in:

- Section 3 Council Reserved Matters  
Previous list of 21 items has been combined and rationalised down to 12 with no substantive change powers retained by Council

Not Applicable

- Section 4
  - Revised 4.1 to explicitly include contract extensions and joint committee awards
  - Revised 4.2 to clarify which land transactions are delegated
  - Added 4.4 to delegate approval of charging schedules when needing Council approval
  - Added 4.5 to delegate approval of grant schemes made under the new grants policy
  - Revised 4.6 expanded the list of licenses which may be awarded under delegation and restricted these to only the ones where objections are received. Other applications which have no objections will be approved by officers under delegation Op5 below.
  - Added 4.7 to allow the speedy action for the writing letters to government departments etc on matters of interest to Council.
- Section5 and Appendix 8 included the updated planning delegations (approved in December 2024).
- Section 12
  - Generally tried to reduce the wordiness of the delegations to improve readability.
  - Arranged the financial delegations in logical groups and revised numbering.
  - Fin 6 and Fin7 expanded expenditure and grant authorisation thresholds, based on analysis from the interim electronic purchase ordering system which demonstrates there are not enough bands to allow efficient operations.

These are set out below and will only apply to electronic systems as they are rolled out across Council.

Current Thresholds		Proposed Thresholds	
Minimum Grade	Maximum Authorisation	Minimum Grade	Maximum Authorisation
6	£1,000	6	£1,000
PO1	£3,000	SO2	£3,000
		PO2	£5,000
PO4	£10,000	PO4	£15,000
		PO6	£25,000
PO11	£30,000	PO11	£100,000
DO1	No limit	DO1	No limit

- Added new Fin12 to formalise the system regarding budget transfers
- Added Fin13 to formalise the system regarding unbudgeted expenditure which will require retrospective approval.

Not Applicable

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- Added HR16 to delegate severance payments not explicitly covered by an approved business case, but which facilitate its objectives.
- Added Op5 to delegate non-contentious licence applications to officers
- Deleted Pr1 which was in conflict with 3.14.
- Appendix 1 Updated to committee terms of reference to reflect above changes, expand the membership for one year only to account for over allocated positions of responsibility and other minor tweaks
- Appendices 2– 6 Updated to committee terms of reference to reflect above changes and other minor tweaks.

Members will note recent guidance on good practice for Audit Committees which was issued by the Northern Ireland Audit Office and presented to the Audit Committee in May 2025. Due consideration will be given by Officers in collaboration with the Audit Committee to the good practice suggestions made by the Northern Ireland Audit Office with a view to having an impact on the scheme of delegation review next year, or as part of the new Council mandate in 2027/28.

The next formal review of the scheme will be for the annual meeting in June 2026.

### **RECOMMENDATION**

It is recommended that Council approves version 4 of the Scheme of Delegation and authorises the updating of all policies, procedures, plans, strategies etc with changes contained in this scheme.



Document Control

Policy Title	Scheme of Delegation
Document Reference	CS-FIN02.04
Policy Summary	The purpose is to set a framework within which Council delegates authority to Committees and officers to ensure that services are delivered effectively and efficiently to achieve its corporate objectives, in line with its risk appetite.
Review Requirements	May 2026
Document Owner/Job title	Stephen Grieve – Head of Finance
Document Owner is responsible for ensuring that it is reviewed in line with the requirements of the Council's Policy Review Procedure and is kept up to date.	
Council Approval Date	Target 4 June 2025

Version Control Record

Version Number	Version Date	Author(s)	Comments
2.0	2019	Andrew Scott	Periodic Review
3.0	July 2024	Stephen Grieve	Periodic Review
4.0	June 2025	Stephen Grieve	Annual Review

Consultation

	CLT	HOST	SCC	Unions
Date completed				

Screening

Reference No	338
EQIA Required?	Yes    No



The current version of this document is available to all individuals accessing the Council's information and other associated assets and is published on the Council's intranet.

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## 1. Purpose of the Scheme of Delegation

- 1.1. The Council is committed to setting and securing the highest standards in decision making and the Scheme of Delegation provides the framework and guidance for the powers delegated to Committees of Council and to management within the Council.
- 1.2. Like all local authorities, the Council is only able to do what the law empowers it to do. In the absence of a decision by the Council to the contrary, all of its powers would have to be exercised through meetings of the full Council.
- 1.3. Recognising that this would be unworkable and would detract from the achievement of the Council's objectives and values, the Council has chosen to exercise one of the powers available to it – the power to delegate. There are, however, some powers that the law says cannot be delegated and others that the Council chooses to keep for itself.
- 1.4. The Local Government Act (Northern Ireland) 2014 requires local authorities to maintain a list specifying those powers of the Council that are exercisable by Officers of the Council and stating the title of the Officer by whom each of the powers so specified is so exercisable (except in cases where the arrangements for discharge by Officers are for a specified period not exceeding six months).
- 1.5. The Planning Act (Northern Ireland) 2011 also sets out provisions relating to the exercise of the Planning functions. The Scheme of Delegation for Planning is set out in Appendix 8.
- 1.6. Every decision taken under delegated power is considered to be a decision of the Council.
- 1.7. By delegating responsibility for specific duties to Officers, Members will have more opportunity to concentrate on the most important strategic decisions of Council Policy, including both corporately significant decisions and service delivery issues. This will allow Officers to deal with operational issues in a more expedient way and reduce the overall administrative burden on the political process.
- 1.8. Delegation also provides Officers confidence in the parameters within which they are working and the knowledge of when matters need to be escalated.
- 1.9. Delegated authority is designed to aid the integrated management of the organisation, the effective deployment of resources and the efficient delivery of services and this Scheme should be considered in that light. The delegations in this Scheme should be interpreted widely to assist with the smooth running of the organisation, the effective deployment of resources, the efficient delivery of services, and the achievements of the Council's vision and objectives.



- 1.10. The purpose of the Scheme is, therefore, to set out the decisions and authorisations that Members agree can be made or granted without any further reference to Council. This authorisation will be conditional upon Council receiving regular assurance on the delivery of Council services. Assurance should be provided to Council through the various elements of the Council's governance framework, including performance reports, health and safety reports, finance reports, statements of assurance, internal audit reports and risk management reports.
- 1.11. Decisions made by Officers under delegated authority are not subject to reconsideration under 'Call-in' Part 7, paragraph 41 of the Local Government Act (NI) 2014, which applies only to decisions made by the Council or a Committee of the Council.
- 1.12. For the purposes of this Scheme, 'Officers' refers to those Council Officers undertaking roles to which powers are delegated i.e. the Chief Executive, Directors, Heads of Service and Service Unit Managers. Authority to take decisions and other actions under the Scheme should be exercised in the name of the delegated Officer but not necessarily personally by them. In the absence or unavailability of the Officer to whom a function is delegated, the function may be exercised by the Officer(s) responsible for the performance of their duties during such absence.
- 1.13. In a case where the exercise of a delegated power involves considerations within the remit of another Officer(s), the Officer exercising the power shall consult with that Officer(s) prior to taking any final decision.
- 1.14. Delegations under this Scheme are subject to and in accordance with:
  - the agreed plans (including but not limited to Community, Corporate, Service and Improvement Plans), strategies, policies, programmes and objectives approved by the Council;
  - approved financial budgets;
  - the due process set out in Standing Orders, Financial Regulations, Human Resources policies, Equality Scheme, Codes of Conduct and other relevant governance policies contained within the Council's Constitution;
- 1.15. An Officer must always escalate for advice and/ or direction any circumstance where they have doubt with respect to the appropriateness of a decision being proposed to be taken.
- 1.16. In exercising these delegated powers, broad discretion may be used to obtain the most efficient and effective means available, including the deployment of staffing and other resources within their control and the procurement of other resources as considered necessary.
- 1.17. Each Officer should consult the

- a. Director of Corporate Service or Head of Finance in relation to any matter within his or her area of responsibility which is likely to have a material impact on the finances of the Council before incurring any commitment or liability, whether provisional or otherwise, and by reporting the matter to a Committee in accordance with the Financial Regulations as appropriate.
  - b. Director of Corporate Services or Head of Human Resources and Organisational Development for any item that is likely to have a significant employee relations impact for Council.
  - c. Head of Communications and Marketing for any item that is likely to have a significant reputational impact on the Council.
- 1.18. Authority to exercise any delegated power includes the authority to take all reasonable, necessary actions of an incidental or consequential nature and to take all operational decisions, within agreed policies, in relation to the Services for which they are responsible.
- 1.19. Officers may, if they choose, and notwithstanding their power of delegation, refer any delegated matter to the relevant Committee in any case. Any decision that would otherwise be delegated under the Scheme should be reported to the relevant Committee if it is high profile; politically contentious; sensitive; there is a need, or it is considered prudent to raise public awareness; or if it is otherwise in the public interest to do so.
- 1.20. Any reference in the Scheme to a statutory enactment should be taken to include any subsequent modification, re-enactment, regulations or subordinate legislation made thereunder.
- 1.21. The Chief Executive shall be responsible for ensuring that assurance is provided to Members on the use of the Scheme of Delegation and that any developments and amendments to the Scheme are correctly recorded so that it remains relevant and up to date.
- 1.22. Delegated matters are governed by robust policies covering financial regulations, procurement, human resources, ICT, enforcement etc. Key policy areas are subject to periodic internal audit and external audit review. In addition, the governance framework is reviewed and reported annually in the Annual Governance Statement that forms part of the published financial statements.
- 1.23. The table below outlines delegations at Service Unit Manager and above. Should the delegated decision involve the SUM, HoS, Director or CEO, the delegated power will fall to the next level of seniority (e.g. when a Service Unit Manager makes a request for flexible working, this will be determined by their Head of Service in accordance with policy, in consultation with Human Resources Manager – Resourcing or if a purchase order is placed by a SUM this will need approved by a Head of Service).





- 1.24. Nothing in the Scheme of Delegation shall impair the discharge of the direct accountability to the Council by the Chief Executive and the Corporate Leadership Team (CLT).

## 2. Definitions

Term or Abbreviation	Meaning
Financial Regulations	<p>The collective term for all of the following policies (whether or not under the control of the Finance Service):</p> <ul style="list-style-type: none"> <li>• Anti-fraud, bribery, corruption</li> <li>• Asset Management</li> <li>• Budgeting</li> <li>• Charging and Income</li> <li>• Employment Payments (in development)</li> <li>• Grants</li> <li>• Inventories</li> <li>• Procurement</li> <li>• Purchasing and Payments</li> <li>• Reserves</li> <li>• Sustainable Travel and Expenses (in development)</li> <li>• Treasury Management Policy Statement</li> <li>• Capital Strategy</li> </ul>
Regulatory Services	Defined in Appendix 7
Strategic Funds	<p>Includes those set out in the Reserves Policy:</p> <ul style="list-style-type: none"> <li>• Transformation Fund</li> <li>• Sustainability Fund</li> <li>• Tax Base Development Fund</li> <li>• Capital Fund</li> <li>• Multi-Year Budgeting Fund</li> </ul>
DCS	Director of Corporate Services
HoF	Head of Finance
HoA	Head of Administration
HoPC	Head of Parks and Cemeteries
CEO	Chief Executive
Duty Director	Nominated Director per the Emergency Plan rota
FOA	Financial Operations Accountant
HoS	Head of Service
SUM	Service Unit Manager
Investment Assurance Panel	Panel established in the Budgeting Policy to improve the quality of business cases. Its composition is as follows:

Term or Abbreviation	Meaning														
	<table> <tr> <th>Business Area</th><th>Head of Service</th></tr> <tr> <td>Staffing</td><td>HR&amp;OD and Finance</td></tr> <tr> <td>Transformation</td><td>STaP and Finance</td></tr> <tr> <td>Sustainability</td><td>Administration and Finance</td></tr> <tr> <td>Tax Base Development</td><td>Finance + another</td></tr> <tr> <td>Capital</td><td>Finance + another</td></tr> <tr> <td>Other</td><td>Finance + another</td></tr> </table>	Business Area	Head of Service	Staffing	HR&OD and Finance	Transformation	STaP and Finance	Sustainability	Administration and Finance	Tax Base Development	Finance + another	Capital	Finance + another	Other	Finance + another
Business Area	Head of Service														
Staffing	HR&OD and Finance														
Transformation	STaP and Finance														
Sustainability	Administration and Finance														
Tax Base Development	Finance + another														
Capital	Finance + another														
Other	Finance + another														

### 3. Council Reserved Matters

The Scheme does not delegate:

- 3.1. any matter reserved to full Council and which, by law, may not be delegated - that is, the power of setting the district rate, or of borrowing money or of acquiring, holding or disposing of land;
- 3.2. the adoption of any new policy, or major change to an existing agreed Council policy, strategy, organisational structure or similar corporate document.
- 3.3. electing the Mayor/ Deputy Mayor and Aldermen
- 3.4. establishing Committees and determining the delegation of functions to these
- 3.5. appointing Members to serve on Committees and as Chairs and Vice Chairs
- 3.6. appointing Members to serve on Sub Committees, Joint Committees and external organisations
- 3.7. approving, reviewing and amending the Council's Standing Orders, Constitution, Scheme of Delegation and Scheme of Members' Allowances Financial Regulations
- 3.8. approving the strategic direction of the Council including endorsing the Community Plan and approval of Corporate, Service and Performance Improvement plans and Directorate strategies
- 3.9. approving proposals on desired organisational culture, values and behaviours
- 3.10. approving the Organisational Development Strategy
- 3.11. undertaking an annual review of, and setting, the Council's rate
- 3.12. determining any expenditure that does not keep to financial regulations or is not included in the annual revenue budget or capital programme
- 3.13. determining any process for the selection, appointment, payment, disciplinary action or dismissal of the Chief Executive or Directors

**Commented [SG1]:** Financial regulations are covered by 3.2 as they are all policies

**Commented [SG2]:** Covered by expanded 3.2

**Commented [SG3]:** Covered by expanded 3.2 above.

**Commented [SG4]:** Covered by 3.1. Reviewing the budget is delegated to CSC.



- 3.14. approving any significant changes in operating models including, but not limited to, outsourcing or co-operating/ co-ordinating with other local authorities in providing services
- ~~3.15. determining a Scheme of Members' Allowances~~
- 3.16. determining any issues relating to the maintenance of standards and conduct; ~~determining the delegation of functions to Officers; and taking any other decisions that cannot by law be delegated to a Committee or an Officer~~
- 3.17. first granting of all new licences in respect of applications for sex establishments
- ~~3.18. acquisition and disposal of land, leasing, licensing and the granting of property rights; and use of land outside of the Council's policy~~
- ~~3.19. creation of new posts at Head of Service level or above~~
- ~~3.20. authority to recruit permanent posts at Director level and above~~
- ~~3.24. certain functions of the Council in relation to Planning matters~~

Delegation to deal with any matter shall not supersede the Council's power, or that of relevant Committees.

The Council is only permitted to do what statute empowers it to do and certain elements of the Council's statutory powers cannot be delegated.

## 4. Committees

Scrutiny delegations to Committees are contained in each Committee's terms of reference, which are set out in Appendices 1 – 6.

In addition, in order to speed up decision making, Committees are delegated with Council powers to:

- 4.1. Award all contracts over the statutory limit of £30,000 (as revised from time to time), including contract extensions and approvals for joint committees to award;
- 4.2. Grant licences of less than 9 months, which are not effectively disposals and which are not subject to the Business Tenancies Order, in relation to land and/or property which comply with the Council's Land and Property Policy
- 4.3. Approve travel outside the UK and Ireland.
- 4.4. Approve charging schedules in line with the Charging and Income Policy
- 4.5. Approve grants schemes in line with the Grants Policy
- 4.6. Grant new licences in respect of applications for entertainment, cinemas, and street trading, pavement cafes, places of marriage and civil partnerships and amusement permits for which objections have been received.

**Commented [SG5]:** Now included in 3.7 as it is a similar document.

**Commented [SG6]:** Covered by 3.7

**Commented [SG7]:** Included in expanded 3.2

**Commented [SG8]:** Covered by 3.13

**Commented [SG9]:** @McCullough, Ann @Kerr, Gail I suggest this states what these functions are

**Commented [KG10R9]:** Would remove as all 3 areas of Planning - Development Management, enforcement and Development Plan delegated

**Commented [GS11R9]:** spot on, thanks

4.7. Instruct officers to write letters on matters of interest to Council (eg. to Government departments or Ministers).

**5. Planning Delegations**

These are set out in Appendix 8.

**6. Chief Executive**

The Chief Executive shall retain authority for all decisions on significant matters associated with the professional management of the Council within the strategic and policy context set by Council and in support of the achievement of the Council's vision.

**7. Corporate Leadership Team**

The Corporate Leadership Team shall retain authority for decisions on significant cross Council initiatives within current policy frameworks.

**8. Directors**

Individual Directors retain authority for decisions affecting multiple Service Units within their Directorate or those affecting a single Service Unit of strategic importance.

**9. Heads of Service Team**

The Heads of Service Team (HOST) shall focus on, and retain authority for, decisions on operational cross-cutting Service matters, within the strategic and policy context set by Council and in support of the achievement of the Council's vision.

**10. Heads of Service**

Individual Heads of Service shall retain authority for decisions affecting multiple Service Units within their Service or those affecting a single Service Unit of significant operational importance.

**11. Service Unit Managers**

Individual Service Unit Managers shall retain authority for decisions affecting their Service Unit.



12. Officer Delegations

Ref	Wording	Authority	Committee	CLT	CEO	Director	HoST	HoS	SUMs	Notes
Adm1	Resolve complaints in line with policy	Complaints				Stage 2		Stage 2		Stage 1 – frontline response
Adm2	Instructing solicitors to take legal proceedings where there is no wide significance to the Council.	Purchasing and Payments Policy				No limit		≤ £30k	≤ £10k	CLT or Council for potentially significant financial or public relations impacts
Emg1	Invoking, and making whatever arrangements are necessary, for action under the Council's Emergency Plan and Business Continuity Plan.	Emergency Plan Business Continuity Plan				Duty Director				
Emg2	Taking decisions on any urgent or pressing matter deemed appropriate or necessary where there is insufficient time for Committee/Council approval to be obtained, subject to seeking retrospective approval thereafter.	Standing Order 31			CEO					or Director appointed by CEO, except for reserved matters



Ref	Wording	Authority	Committee	CLT	CEO	Director	HoST	HoS	SUMs	Notes
Fin1	<del>Approving business cases for to access strategic funds, in conjunction with Investment Assurance Panel</del>									
	a. Strategic Funds within budgets	Budgeting Policy		No Limit						All business cases must be reviewed by the Investment Assurance Panel except those going through the Project Management Process
	b. Strategic Funds outside budgets			≤ £250k						
	c. Approving applications for apprenticeships etc					DCS				
	d. Staffing and other expenditure within budgets			≤ £1M		≤ £250k		≤ £100k		
Fin2	<del>Approving business cases for staffing and other expenditure in line with agreed budgets in conjunction with Investment Assurance Panel</del>	Budgeting Policy								<del>Except those going through the Project Management process.</del> All other business cases must be reviewed by the Investment Assurance Pane
Fin2	Approving in-year budget transfers between Services in consultation with the Performance Accountant.	Budgeting Policy				No Limit		≤ £30k	≤ £10k	In consultation with the Performance Accountant
Fin3	Approving charging schedules	Charging and Income Policy	Major Deviations			Minor Deviations		In line with policy		

Commented [SG12]: Merged with Fin1

Ref	Wording	Authority	Committee	CLT	CEO	Director	HoST	HoS	SUMs	Notes
Fin4	Writing off any loss of money (including bad debts) and loss of stores and obsolete equipment and materials in accordance with the limits outlined in the Financial Regulations and in consultation with the Head of Finance.									
	a. Loss of money and bad debts	Charging and Income	>£10k			≤ £10k DCS		≤ £3k HoF	≤ £1k FOA	≤ £10 Scale 6 in appropriate Service (such as till overs and unders)
	b. Loss of stores		>£10k			≤ £10k		≤ £10k	≤ £1k	
	c. Obsolete equipment	Asset Management						No Limit	≤ £10k	
Fin5	Approving travel		Outside UK and Ireland					Within UK	Within NI and ROI	
Fin6	Approving the award of grants in line with Council approved grants schemes	Grants Policy				No limit		≤ £100k	Depends on Scale	≤ £25k Scale PO6 ≤ £15k Scale PO4 ≤ £5k Scale PO2 ≤ £3k Scale SO2 ≤ £1k Scale 6  New thresholds apply only to electronic purchase orders Old thresholds apply to paper purchase orders
Fin7	Approving expenditure and signing contracts (incl. for sale of land)	Procurement Policy Purchasing and Payments Policy								
Fin8	Signing letters of offer and claims, where permitted by the funder, from external bodies (for budgeted programmes).	Charging and Income								





Ref	Wording	Authority	Committee	CLT	CEO	Director	HoST	HoS	SUMs	Notes
Fin9	Signing letters of offer issued by Council	Grants								
Fin10	<del>Approving settlement of insurance claims in line with policy</del>									
	a. Settlement of insurance claims	Purchasing and Payments Policy				DCS No Limit		HoA ≤ £100k		
	b. Approving of loan repayments	Purchasing and Payments Policy				DCS No Limit		HoF ≤ £100k		
	c. car loan applications	Employee Payments Policy (in draft)						HoF		
Fin11	<del>Approving borrowing applications in line with the Treasury Management Policy and Strategy Statements</del>	Treasury Management Policy & Strategy Statement			CEO	DCS		HoF		Any two
Fin12	Approving budget transfers	Budgeting Policy				No limit		≤ £100k	≤ £20k	

Ref	Wording	Authority	Committee	CLT	CEO	Director	HoST	HoS	SUMs	Notes
Fin13	Approving urgent unbudgeted expenditure				✓					In consultation with party leaders group where possible.
HR1	Determining requests for flexible working, in accordance with policy, <del>in consultation with Human Resources Manager</del> <del>Resourcing</del>	Agile Working Policy						HoS		With HROD Manager
HR2	<del>Conducting disciplinary proceedings investigations in respect of employees, within the terms of the Council's approved disciplinary procedures, in conjunction with Human Resources Manager</del>	Disciplinary Policy								Line manager equivalent or
HR3	Conducting disciplinary hearings, in conjunction with <del>Human Resources Manager</del>	Disciplinary policy				Stage 4 Director to nominate Hearing lead				Stages 1, 2 and 3 - Senior to Investigating Officer
HR4	Conducting disciplinary appeal hearings, in conjunction with <del>Human Resources Manager</del>	Disciplinary policy				Stage 4		Stage 3		Stages 1 and 2 - Manager more Senior to Disciplining Officer
HR5	Taking action, including terminating or varying contracts of employment in respect of employees, following	Disciplinary Policy				Stage 4 Appeal		Stage 4		With HoHROD



Ref	Wording	Authority	Committee	CLT	CEO	Director	HoST	HoS	SUMs	Notes
	consultation with the Head of Human Resources and Organisational Development.									
HR6	Approving the award of honorarium to an employee, in accordance with relevant policy and approved budgets, in consultation with Human Resources Manager	Honoraria and Acting Up Allowances Policy						✓		With HROD Manager
HR7	Part-time Study Applications, in line with existing policy guidelines and approved budgets, in consultation with the Human Resources Manager	Learning and Development Policy						✓		With HROD Manager
HR8	Approving the creation, re-grading or re-evaluation of any post at or below Service Unit Manager level in consultation with the Director of Corporate Services					✓				With DCS
HR9	Approving the re-grading or re-evaluation of any post at Head of Service level.			✓						
HR10	Authority to recruit posts.					For HoS		For SUMs	✓	

Ref	Wording	Authority	Committee	CLT	CEO	Director	HoST	HoS	SUMs	Notes
HR11	Approval payments in lieu of notice, <del>in consultation with Human Resources Manager Resourcing.</del>								✓	With HROD Manager
HR12	Approval of individual training requests and development events <del>within the UK and Ireland in line with policy guidelines.</del>	Learning and Development Policy							✓	
HR13	Approval of Training and Development plan <del>in line with agreed budget.</del>	Learning and Development Policy					✓			
HR14	Appointment of successful applicants to agreed establishment posts									Delegated to properly constituted recruitment panels
HR15	Conclusion of negotiations on settlement of Employment Tribunal and legal matters					DCS				
HR16	Agreeing severance payments, which are not explicitly covered by a formal business case.	Redundancy Policy		✓						
Op1	Authorising or withdrawing authorisation of an Officer to fulfil the Council's responsibilities under specific legislation listed in Appendix 7.					✓				

**Commented [SG13]:** @McCullough, Rosemary I would have thought this is covered by FIN11. I think as its phrased it'll likely raise questions.

Are there any other HROD delegations that should be included.

**Commented [SG14R13]:** Okayed by Rosie on phone.



Ref	Wording	Authority	Committee	CLT	CEO	Director	HoST	HoS	SUMs	Notes
Op2	Signatory on Cemetery Grave Certificates							HoPC		
Op3	Agreement on corporate/ cross-cutting content in Service Plans.	HoST Terms of Reference					✓			
Op4	Responding on behalf of the organisation, to consultation documents on operational and technical matters that do not have local or regional significance or financial implications.					✓		✓		All response requirements to be determined by CLT
Op5	Granting new licences in respect of applications for entertainment, cinemas, and street trading, pavement cafes, places of marriage and civil partnerships and amusement permits.		With objections					Without objections		
Pr1	<del>Entering into collaborative arrangements with other public authorities or bodies for the provision of services where there is a clear benefit in doing so.</del>	Procurement Policy				No limit		≤ £100k	≤ £20k	CLT or Council for potentially significant financial or public relations impacts

Commented [FT15]: @Daye, Stephen - Did you get an answer from Melanie around the need for right of burial/transfers to go to Council for sealing, following the issue at Christmas? If it doesn't, assuming the cemetery procedures rules and regulations booklet and the forms themselves are to be updated.

Commented [DS16R15]: @Thompson, Frances @Grieve, Stephen this matter is with the solicitor and I believe they will be advising that this can be done by the HoS/Director and does not require council approval so this can stay.

Commented [SG17]: In conflict with 3.14.

## Appendix 1 Audit Committee Terms of Reference

### Authority

Under the Local Government Act (Northern Ireland) 2014 11 (1) “for the purpose of discharging any functions in pursuance of arrangements made under this part (a) a Council may appoint a committee of the council ...Subject to this Act the number of members of a committee appointed under subsection (1), their term of office and the area (if restricted) within which the committee is to exercise its authority must be fixed by the appointing council ..”

### Overall Purpose and Objectives

The Audit Committee will assist Council in fulfilling its oversight responsibilities and has primary responsibility for overseeing the governance process. The Committee will agree and annual work plan which will include the review of the system of internal control and management of risks; the financial reporting process; the audit process and the Council's processes for monitoring compliance with laws and regulations and compliance with its own Standing Orders, policies and procedures.

In reaching its decisions the Audit Committee will have due regard to its impact on, and implications for the Council's commitment to ensuring equality of opportunity and, where possible and practicable, to ensure that the actions of the Committee are proactive in this respect.

The Committee is a main committee of the Council and is independent of all other operational committees of the Council. The Committee will report to Council and accordingly Council authorises the Committee, within the scope of its responsibilities, to:

- Seek any information it requires from any Council employee or external party;
- Obtain external legal or professional advice as appropriate;
- Ensure the attendance of Council Officers at meetings as appropriate;
- Approve the annual governance statement and financial statements;
- Receive reports from the external auditor (in respect of financial and performance improvement audits) and the internal auditor;
- Approve the appointment of an Internal Auditor and receive regular reports therefrom;
- Receive notification of all significant Whistleblowing or Data Protection incidents.
- Receive progress reports & any investigation reports as part of the Council's Fraud Response Plan into any significant incident of potential Fraud, Bribery or Corruption.
- Regularly meet with the External and Internal Auditors in the absence of management and no less than once per year in line with best practice.



Correspondingly, all employees are directed by Council to co-operate with any request made by the Committee.

### Standing Delegations

The following standing delegations apply to this Committee insofar as the activity falls within the scope of the Committee as set out above and do not require ratification by Council:

- award internal audit contracts over the statutory limit of £30,000 (as revised from time to time)

### Membership

#### The Audit Committee will comprise:

- 10 Members who are appointed by Council for a four-year term for the purposes of continuity of expertise and knowledge plus one independent member, appointed through public advertisement with the exception of Year 3, 2025/26 when the Committee will be comprised of 11 Elected Members to account for Positions of Responsibility appointed in 2023;
- Membership should not include Mayor, Deputy Mayor, chairs of Committees or Sub-committees.
- Council will nominate the Chair of the Committee in accordance with the procedures for appointing positions of responsibility.

### Meetings

The Audit Committee will meet quarterly in Church Street, Newtownards at 7.00pm in March, June, September and December or January.

Special meetings may be convened as required.

The Chief Executive, Director of Corporate Services and Head of Finance will attend all meetings.

External and Internal Auditors will be invited to attend all meetings and the Audit Committee can invite other persons as it deems necessary, who may be asked to make presentations to the Committee as appropriate.

The Audit Committee will comply with the Council's standing orders.

**Commented [FT18]:** @Grieve, Stephen - given that it also references the fact that the committee is appointed for a four year term for continuity of expertise, which would not be the case in year 3, do you want to tag on the end the following? Or rewrite the whole thing?:  
10 Members who are appointed by Council for a four-year term for the purposes of continuity of expertise and knowledge plus one independent member, appointed through public advertisement, with the exception of Year 3, 2025/26 when the Committee will be comprised of 11 Elected Members to account for Positions of Responsibility appointed in 2023;

**Commented [19R18]:** I'd wondered about changing the ToR. Have you chatted with Susie regarding our proposed solution?

**Commented [GS20R18]:** Ok seen her email now.

## Appendix 2 Community and Wellbeing Terms of Reference

### Authority

Under the Local Government Act (Northern Ireland) 2014 11 (1) *“for the purpose of discharging any functions in pursuance of arrangements made under this part (d) a Council may appoint a committee of the council ...*

*... Subject to this Act the number of members of a committee appointed under subsection (1), their term of office and the area (if restricted) within which the committee is to exercise its authority must be fixed by the appointing council ..”*

### Overall Purpose and Objectives

The Community and Wellbeing Committee will assist Council in fulfilling its role in the areas of:

- Arts and Museum
- Biodiversity
- Cemeteries
- Community Development
- Countryside
- Environmental Health
- Good Relations
- Leisure facilities
- Parks and Open Spaces
- Peace IV
- Playgrounds
- Policing and Community Safety Partnership (PCSP)
- Sports development
- anything else appropriate delegated to it by Council

In reaching its decisions the Community and Wellbeing Committee will have due regard to its impact on, and implications for the Council's commitment to ensuring equality of opportunity and, where possible and practicable, to ensure that the actions of the Committee are proactive in this respect.

The Committee is a main committee of the Council and is independent of all other operational committees of the Council. The Committee will report to Council and accordingly Council authorises the Committee, within the scope of its responsibilities, to:

- Seek any information it requires from any Council employee or external party;
- Obtain external legal or professional advice as appropriate; and
- Ensure the attendance of Council Officers at meetings as appropriate.

Correspondingly, all employees are directed by Council to co-operate with any request made by the Committee.





### Standing Delegations

The following standing delegations apply to this Committee insofar as the activity falls within the scope of the Committee as set out above and do not require ratification by Council:

- award all contracts over the statutory limit of £30,000 (as revised from time to time)
- grant leases and licences over land that comply with Lands and Property Policy.
- approve travel outside the UK and Ireland.
- grant new licences in respect of applications for entertainment, cinemas and street trading, pavement cafes, places of marriage and civil partnerships and amusement permits for which objections have been received.
- Instruct officers to write letters on matters of interest to Council (eg. to Government departments or Ministers).

### Membership

The Community and Wellbeing Committee will comprise of 16 members who are appointed by Council on an annual basis.

Council will appoint the Chair of the Community and Wellbeing Committee on an annual basis in accordance with the procedures for appointing positions of responsibility.

### Meetings

The Community and Wellbeing Committee will meet in Church Street, Newtownards at 7.00pm on the second Wednesday of each month except during July and August. Special meetings may be convened as required.

The Community and Wellbeing Committee will comply with the Council's standing orders.

Appendix 3 Corporate Services Terms of Reference

Corporate Services Committee

Authority

Under the Local Government Act (Northern Ireland) 2014 11 (1) *“for the purpose of discharging any functions in pursuance of arrangements made under this part (a) a Council may appoint a committee of the council ...*  
*... Subject to this Act the number of members of a committee appointed under subsection (1), their term of office and the area (if restricted) within which the committee is to exercise its authority must be fixed by the appointing council ..”*

Overall Purpose and Objectives

The Corporate Services Committee will assist Council in fulfilling its role in the areas of:

- |  |  |
|--|--|
| <ul style="list-style-type: none"><li>• Administration</li><li>• Asset management</li><li>• Business Continuity</li><li>• Community Planning</li><li>• Corporate strategy</li><li>• Corporate Plan</li><li>• Communications and Marketing</li><li>• Customer Service</li><li>• Efficiency and Transformation</li><li>• Emergency Planning</li><li>• Equality</li><li>• Finance</li></ul> | <ul style="list-style-type: none"><li>• Health and Safety</li><li>• Human Resources and</li><li>• Organisational Development</li><li>• ICT Digital</li><li>• Legal</li><li>• Organisational Development</li><li>• Performance Management</li><li>• Policy and Governance</li><li>• Procurement</li><li>• Special Projects</li><li>• Sustainable Development</li><li>• Climate Change and Sustainability</li><li>anything else appropriate</li><li>delegated to it by Council</li></ul> |
|--|--|

In reaching its decisions, the Corporate Services Committee will have due regard to its impact on, and implications for the Council's commitment to ensuring equality of opportunity and, where possible and practicable, to ensure that the actions of the Committee are proactive in this respect.

The Committee is a main committee of the Council and is independent of all other operational committees of the Council. The Committee will report to Council and accordingly Council authorises the Committee, within the scope of its responsibilities, to:

- Seek any information it requires from any Council employee or external party.
- Obtain external legal or professional advice as appropriate; and
- Ensure the attendance of Council Officers at meetings as appropriate.



Correspondingly, all employees are directed by Council to co-operate with any request made by the Committee.

**Standing Delegations**

The following standing delegations apply to this Committee insofar as the activity falls within the scope of the Committee as set out above and do not require ratification by Council:

- award all contracts over the statutory limit of £30,000 (as revised from time to time)
- grant leases and licences over land that comply with Lands and Property Policy.
- approve travel outside the UK and Ireland.
- grant new licences in respect of applications for entertainment, cinemas and street trading.
- Instruct officers to write letters on matters of interest to Council (eg. to Government departments or Ministers).

**Membership**

The Corporate Services Committee will comprise 16 members who are appointed by Council on an annual basis. Council will appoint the Chair of the Corporate Services Committee on an annual basis in accordance with the procedures for appointing positions of responsibility.

**Meetings**

The Corporate Committee will meet in Church Street, Newtownards at 7.00pm on the second Tuesday of each month except during July and August. Special meetings may be convened as required.

The Corporate Services Committee will comply with the Council's standing orders.

## Appendix 4 Environment Committee Terms of Reference

### Environment Committee

#### **Authority**

Under the Local Government Act (Northern Ireland) 2014 11 (1) *“for the purpose of discharging any functions in pursuance of arrangements made under this part*

*(b) a Council may appoint a committee of the council ...*

*... Subject to this Act the number of members of a committee appointed under subsection (1), their term of office and the area (if restricted) within which the committee is to exercise its authority must be fixed by the appointing council ..”*

#### **Overall Purpose and Objectives**

The Environment Committee will assist Council in fulfilling its role in the areas of:

- building control
- building maintenance
- borough inspection
- car parks
- estate management/maintenance
- licensing
- marinas and harbours
- markets
- public conveniences
- recycling
- waste management and cleansing
- anything else appropriate delegated to it by Council

In reaching its decisions the Environment Committee will have due regard to its impact on, and implications for the Council's commitment to ensuring equality of opportunity and, where possible and practicable, to ensure that the actions of the Committee are proactive in this respect.

The Committee is a main committee of the Council and is independent of all other operational committees of the Council. The Committee will report to Council and accordingly Council authorises the Committee, within the scope of its responsibilities, to:

- Seek any information it requires from any Council employee or external party;
- Obtain external legal or professional advice as appropriate; and
- Ensure the attendance of Council Officers at meetings as appropriate.

Correspondingly, all employees are directed by Council to co-operate with any request made by the Committee.



### Standing Delegations

The following standing delegations apply to this Committee insofar as the activity falls within the scope of the Committee as set out above and do not require ratification by Council:

- award all contracts over the statutory limit of £30,000 (as revised from time to time)
- grant leases and licences over land that comply with Lands and Property Policy.
- approve travel outside the UK and Ireland.
- Grant new licences in respect of applications for entertainment, cinemas, and street trading, pavement cafes, places of marriage and civil partnerships and amusement permits for which objections have been received.
- Instruct officers to write letters on matters of interest to Council (eg. to Government departments or Ministers).

### Membership

The Environment Committee will comprise of 16 members who are appointed by Council on an annual basis.

Council will appoint the Chair of the Environment Committee on an annual basis in accordance with the procedures for appointing positions of responsibility.

### Meetings

The Environment Committee will meet in Church Street, Newtownards at 7.00pm on the first Wednesday each month except during July and August. Special meetings may be convened as required.

The Environment Committee will comply with the Council's standing orders.

## Appendix 5 Place and Prosperity Terms of Reference

### Place and Prosperity Committee

#### **Authority**

Under the Local Government Act (Northern Ireland) 2014 11 (1) *“for the purpose of discharging any functions in pursuance of arrangements made under this part (c) a Council may appoint a committee of the council ...*

*... Subject to this Act the number of members of a committee appointed under subsection (1), their term of office and the area (if restricted) within which the committee is to exercise its authority must be fixed by the appointing council ..”*

#### **Overall Purpose and Objectives**

The Place and Prosperity Committee will assist Council in fulfilling its role in the areas of:

- Economic Development
- EU Funds and Projects
- Regeneration
- Rural Development
- Tourism Development and Marketing-Visitor Servicing
- Tourism Events
- Tourism Facilities (including Exploris and Pickie Funpark and Bangor Marina)
- Capital Projects
- Subsidy Control
- anything else appropriate delegated to it by Council

In reaching its decisions the Place and Prosperity Committee will have due regard to its impact on, and implications for the Council's commitment to ensuring equality of opportunity and, where possible and practicable, to ensure that the actions of the Committee are proactive in this respect.

The Committee is a main committee of the Council and is independent of all other operational committees of the Council. The Committee will report to Council and accordingly Council authorises the Committee, within the scope of its responsibilities, to:

- Seek any information it requires from any Council employee or external party;
- Obtain external legal or professional advice as appropriate; and
- Ensure the attendance of Council Officers at meetings as appropriate.

Correspondingly, all employees are directed by Council to co-operate with any request made by the Committee.



**Membership**

The Place and Prosperity Committee will comprise of 16 members who are appointed by Council on an annual basis. Council will appoint the Chair of the Place and Prosperity Committee on an annual basis in accordance with the procedures for appointing positions of responsibility.

**Standing Delegations**

The following standing delegations apply to this Committee insofar as the activity falls within the scope of the Committee as set out above and do not require ratification by Council:

- award all contracts over the statutory limit of £30,000 (as revised from time to time)
- grant leases and licences over land that comply with Lands and Property Policy.
- approve travel outside the UK and Ireland.
- grant new licences in respect of applications for entertainment, cinemas and street trading.
- Instruct officers to write letters on matters of interest to Council (eg. to Government departments or Ministers).

**Meetings**

The Place and Prosperity Committee will meet in Church Street, Newtownards at 7.00pm on the first Thursday each month except during July and August. Special meetings may be convened as required.

The Place and Prosperity Committee will comply with the Council's standing orders.

## Appendix 6 Planning Committee Terms of Reference

### REMIT OF THE PLANNING COMMITTEE

#### ***Development Management***

1. The main role of the Planning Committee is to consider planning applications made to the Council as the local planning authority and decide whether or not they should be approved. To this end, the Planning Committee of Ards and North Down Borough Council has full delegated authority, meaning that the decisions of the Committee, in respect of planning applications, will not go to the full Council for ratification.

#### ***Development Plan***

2. Ards and North Down Borough Council is required by Section 8 of the Planning Act (NI) 2011 to prepare a plan for its district. This plan forms the basis for public and private investment decisions, providing a degree of certainty as to how land will be developed. In law, planning applications must be determined in accordance with the development plan unless other material considerations indicate otherwise. This means that where land is zoned for a particular use, the Planning Committee should ensure it is reserved for that use: for example, an application for housing in an area zoned for housing should be approved unless the design and layout fails in terms of the environmental, open space and access standards, or its design and layout has a detrimental impact on the character of the area or neighbouring amenity.
3. The Planning Committee's role in relation to the Local Development Plan is to contribute to the development of and approve the Local Development Plan before it is passed by resolution of the Council. The Planning Committee should also ensure that the Local Development Plan is monitored annually, particularly in terms of the availability of housing and economic development land, and that it is reviewed every five years, giving consideration to whether there is a need to change the Plan Strategy, or the zonings, designations and policies as contained in the Local Policies Plan.

#### ***Development Plan Transition Arrangements***

4. Until such time as Ards and North Down Borough Council has adopted its Plan Strategy the local development plans for the Council area will be taken to be the extant Departmental development plans, namely, the North Down and Ards Area Plan 1984- 1995 and the Ards and Down Area Plan 2015, with the draft Belfast Metropolitan Area Plan 2015 being a material consideration.
5. When the Council's Plan Strategy is formally adopted, the Local Development Plan





will be the Council's adopted Plan Strategy and the extant Departmental development plans, namely the North Down and Ards Area Plan 1984-1995 and the Ards and Down Area Plan 2015, read together, with the draft Belfast Metropolitan Area Plan 2015 being a material consideration. If there is a conflict between the Council's Plan Strategy and the extant Departmental development plan(s) the conflict shall be settled in favour of the Council's adopted Plan Strategy.

6. When the Council has adopted its Local Policies Plan, the Local Development Plan will be the Council's adopted Plan Strategy and Local Policies Plan as defined in Section 6 of the 2011 Act.

### **Enforcement**

7. The enforcement of planning controls is delegated to appointed officers with the Planning Committee receiving regular reports on the progress of enforcement activities.

### **SIZE OF THE PLANNING COMMITTEE**

8. Ards and North Down Borough Council Planning Committee comprises of 16 Members with no substitutions being permitted.
9. The quorum for the Planning Committee will be six (6) Members present and eligible to vote. Where there are less than six Members present eligible to debate an application and vote, the Committee shall be inquorate and the planning application cannot be determined. The application should therefore be withdrawn from the agenda and returned to the next Planning Committee meeting.
10. Where the Planning Committee becomes inquorate, not due to Committee Members being absent but due to Committee Members declaring an interest, the planning application concerned should be deferred to the next Planning Committee meeting to allow each Member to seek advice as to whether their interest of concern is in fact an interest which would prevent them considering and voting upon the planning application. In the event that a Member or Members, on receipt of advice, are comfortable that there is in fact no interest to prevent them considering and voting upon the application, the reasoning for such a position should be so recorded in the minutes of the next Planning Committee meeting.
11. In the event of Planning Committee still being inquorate, due to Members declaring an interest, the Council is deemed to not be able to determine the application, which is then referred to the Department.
12. The Head of Planning will normally attend all Planning Committee meetings in addition to planning officers presenting application reports and recommendations.

FREQUENCY OF MEETINGS

In accordance with the Council's Standing Orders, Committees will be held on a monthly basis. The Planning Committee of Ards and North Down Borough Council will meet on the first Tuesday in every month at 7pm in the Council Chamber at 2 Church Street, Newtownards. In exceptional circumstances the Committee shall from time to time fix its own day and hour of meeting and notify the Council. Committee meeting dates and times will be published monthly on the Council's website in advance of each meeting.

Commented [KG21]: We don't hold a meeting in January  
g



## Appendix 7 Statutory Powers and Duties of the Council

In exercise of its powers under Section 7 of The Local Government Act (Northern Ireland) 2014, Council delegates as follows:

- a) The discharge of Regulatory Functions by the Council may be delegated to Officers within the Neighbourhood Environment, Licensing and Building Control Service Units and Environmental Health, Protection and Development Service by, and under the supervision of, the Director of Community and Wellbeing and the Director of Environment.
- b) In respect of the delegation of power to grant, withdraw, suspend and refuse approvals under EC Regulation 853/2004 the Director of Community and Wellbeing must specify in writing the name of the officer and the specific power being delegated.
- c) Its function to institute legal proceedings pursuant to offences committed under the provisions listed in this appendix to relevant Officers under the guidance of the Director of Community and Wellbeing and Director of Environment. Such delegated authority to be exercised in accordance with the Council's Enforcement Policy on Regulatory Functions and to be reported to the Council thereafter. Such legal proceedings will be subject to consultation with the Council's solicitors as appropriate.

**Regulatory Services** include powers under the following legislation:

1. Belfast Corporation Act 1930 (in respect of illegal shellfish gathering from the Belfast Lough Foreshore)
2. Building (Prescribed Fees) (Amendment) Regulations (Northern Ireland) 2013 (As amended)
3. The Betting, Gaming, Lotteries & Amusements (Northern Ireland) Order 1985
4. The Building Regulations (Northern Ireland) 2012 (As Amended)
5. The Building Regulations (Northern Ireland) Order 1979 (as amended)
6. Caravans Act (Northern Ireland) 1963
7. Caravans Act (Northern Ireland) 2011
8. The Children & Young Persons (Protection from Tobacco) (Northern Ireland) Order 1991
9. The Cinemas (Northern Ireland) Order 1991
10. Clean Air (Northern Ireland) Order 1981
11. Clean Neighbourhoods and Environment Act (Northern Ireland) 2011
12. The Construction Products Regulations 2013
13. Consumer Protection Act 1987
14. Consumer Rights Act 2015
15. Criminal Justice and Police Act 2001
16. The Dangerous Dogs (Northern Ireland) Order 1991
17. The Dogs (Northern Ireland) Order 1983
18. The Energy Performance of Buildings (Certificates and Inspections) Regulations (Northern Ireland) 2008 As Amended
19. The Environment (Northern Ireland) Order 2002
20. Explosives Act (NI) 1970
21. The Fire and Rescue Services (Northern Ireland) Order 2006 Part III
22. The Fluorinated Greenhouse Gases Regulations (Northern Ireland) 2009
23. Food & Environment Protection Act 1985 Part III
24. Food Hygiene Rating Act (Northern Ireland) 2016
25. The Food Safety (Northern Ireland) Order 1991 (as amended) and any orders or regulations made thereunder or relating to the foregoing or having effect by virtue of The European Communities Act 1972 and modification or reenactment to the foregoing
26. The General Product Safety Regulations 2005
27. Hairdressers Act (Northern Ireland) 1939
28. Health and Personal Social Services (Northern Ireland) Order 1978
29. The Health and Personal Social Services and Public Health (N.I.) Order 1991 (for services rendered to the trust in respect of infectious disease)
30. Health and Safety at Work (Northern Ireland) Order 1978
31. Health (Miscellaneous Provisions) Act (Northern Ireland) 2016
32. High Hedges Act (Northern Ireland) 2011
33. Houses in Multiple Occupation Act (Northern Ireland) 2016
34. The Housing (Northern Ireland) Order 2003 (for Rent Book Regulation enforcement)
35. Housing (Northern Ireland) Order 1981 (re fitness standard)
36. The Housing (Amendment) Act (Northern Ireland) 2011
37. The Industrial Pollution Control (Northern Ireland) Order 1997

**Commented [AC22]:** @Grieve, Stephen should this be a list of ALL legislation that we have to comply with as a council, EMS assessors are looking for a comprehensive register of all legislation and what the council are doing to comply with this.. Would this be the best place for it or are you aware of there being a register somewhere else

**Commented [23R22]:** This is only a list of Regulatory Services, not all services. It would be pretty difficult to pull a list of all the legislation that Council has to comply with as it would cover all sorts of general stuff like VAT, Income Tax, Brexit, employment law, pensions law besides all the stuff on service delivery.

**Commented [CA24R22]:** Ok no problem, I will start to compile a separate list and use this info as a starting block.



38. Intoxicating Substances (Supply) Act 1985
39. Licensing of Pavement Cafés Act (Northern Ireland) 2014
40. The Litter (Northern Ireland) Order 1994
41. Local Government Act (Northern Ireland) 1972
42. The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985
43. The Local Government (Northern Ireland) Order 2005
44. Noise Act 1996
45. Office and Shops Premises Act (Northern Ireland) 1966
46. Petroleum (Consolidation) Act (Northern Ireland) 1929 (as amended)
47. Petroleum Regulation Acts (Northern Ireland) 1929 & 1937
48. Poisons (Northern Ireland) Order 1976
49. Pollution Control and Local Government (NI) Order 1978
50. The Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013
51. The Pollution Prevention and Control (Industrial Emissions) (Amendment) Regulations (Northern Ireland) 2018
52. Private Tenancies Act (Northern Ireland) 2022
53. The Private Tenancies (Northern Ireland) Order 2006
54. The Private Water Supplies Regulations (Northern Ireland) 2009
55. Public Health Acts 1878-1967
56. Rats & Mice (Destruction) Act 1919
57. Rent (Northern Ireland) Order 1978
58. The Road Traffic Regulation (Northern Ireland) Order 1997
59. The Safety of Sport Grounds (Northern Ireland) Order 2006
60. The Shops (Sunday Trading) (Northern Ireland) Order 1997
61. The Smoking (Northern Ireland) Order 2006
62. Street Trading Act (NI) 2001
63. Sunbeds (Northern Ireland) Act 2011
64. Tobacco Advertising and Promotion Act 2002
65. Tobacco Retailers Act (Northern Ireland) 2014
66. Town Improvements Clauses Act, 1847 – Section 75 as adopted by
67. Towns Improvement (Ireland) Act, 1854 – Section 39 (Ruinous and Dangerous Buildings)
68. The Volatile Organic Compounds in Paint, Varnishes and Vehicle Refinishing Products Regulations 2005
69. The Waste & Contaminated Land (Northern Ireland) Order 1997 (including Article 44 Part II of the Order - obtaining of information)
70. Welfare of Animals (Northern Ireland) Act 2011
71. Welfare Services Act (NI) 1971

## Appendix 8 Planning Delegations

### Part A – Mandatory applications for determination by Planning Committee

By statute certain types of application must be determined by the Planning Committee and therefore cannot be delegated to officers:

- Applications which fall within the Major category of development as specified within the Planning (Development Management) Regulations (NI) 2015;
- Applications where the application is made by the Council or an elected member of the Council;
- Applications relating to land in which the Council has an estate.

### Part B – Non-Mandatory applications for determination by Planning Committee

- A Local development application attracting six or more separate individual objections which are contrary to the officer's recommendation, and where a material planning matter has been raised.

In determining if the threshold of six or more separate objections is met, the following clarification shall apply for the purposes of the calculation:

- Multiple letters of objection from one individual person (or body including any corporate entity) will constitute one objection;
- Multiple letters of objection from one address (whether by one individual or more) will constitute one objection;
- Pro-forma objection letters will constitute one objection;
- Petitions will constitute one objection.
- A Local development application which is a significant departure from the Local Development Plan which is recommended for approval (the Head of Planning to adjudicate on this where necessary in liaison with the Chair).
- A Local development application called-in to Planning Committee by the Head of Planning.
- A Local development application called-in to Planning Committee from the delegated list<sup>1</sup> as set out in the Council's Protocol for the Operation of the Planning Committee by a member of that Committee – a sound material planning reason having been given for such a referral.

**Commented [KG25]:** Steve - we updated our Scheme of Delegation December 2024

<sup>1</sup> Paragraph 25 of The Protocol for the Operation of the Planning Committee



- A Local development application called-in by any Councillor within 25 working days<sup>2</sup> of the application being validated – a sound material planning reason having been given for such a referral (as set out in the Council's Protocol for the Operation of the Planning Committee).
- A planning (legal) agreement or modification to a legal agreement is required.

### **Part C – Delegated Applications**

The appointed officer is the Head of Planning within the Council and any officer nominated by the Head of Planning, who will be responsible for determining the following:

- All local development applications whether for approval or refusal, with the exceptions listed at Part B above.

### **Part D – Enforcement and Determination of Other Planning Matters**

In relation to other planning responsibilities, the following matters are delegated to the appointed officer:

- All investigation of breaches of planning control and decisions on enforcement to include:
  - Service of an Enforcement Notice
  - Service of a Listed Building Enforcement Notice
  - Service of Hazardous Substances Contravention Notice
  - Service of a Stop Notice
  - Service of a Temporary Stop Notice
  - Service of a Breach of Condition Notice
  - Service of Tree Replanting Notice
  - Withdrawal/modification of any of the Notices specified above, as appropriate
  - Service of Warning Letters and Planning Contravention Notices
  - Determination of applications for Certificates of Lawfulness of Existing Use or Development
  - Service of a Fixed Penalty Notice, except in circumstances where the person appointed considers the breach of planning control could result in immediate public danger or development which may result in permanent damage to the environment. Examples include: the demolition of, or works to, a listed building; the felling of protected trees; the demolition of a building in a conservation area; or the commencement of building operations without permission.
  - Service of a Discontinuance Order.
  - The instigation of court proceedings e.g. prosecution for non-compliance with a statutory notice or injunction proceedings.

<sup>2</sup> Paragraph 24 of The Protocol for the Operation of the Planning Committee

- The instigation of court proceedings e.g. prosecution for non-compliance with a statutory notice or injunction proceedings.

Other planning matters to include:

- The determination of applications for Certificates of Lawfulness of Proposed Use or Development;
- The serving/affixing of a Building Preservation Notice;
- The withdrawal of a Building Preservation Notice;
- The making and serving of a provisional Tree Preservation Order;
- The making and serving of a Tree Preservation Order;
- Revocation of a Tree Preservation Order;
- Determination of any application to carry out works to a protected tree (i.e. a tree the subject of a Tree Preservation Order or within a Conservation Area);
- Determination as to appropriate replanting in relation to tree(s) the subject of a Tree Preservation Order or within a Conservation Area;
- Determination of non-material change applications to planning permissions;
- Determination of any application for Conservation Area consent;
- Determination of any application for advertisement consent;
- Determination of any application for listed building consent;
- Determination of any application for hazardous substances consent;
- Revocation or modification of any of the above consents;
- Issuance of Urgent Works Notice;
- The screening of and determination decisions on development proposals required under the Environmental Impact Assessment or Habitats Regulations;
- Discharge of planning conditions;
- Determination of any application for variation or removal of condition(s) previously attached to permission to develop land;
- Drafting of legal agreements.

## Part E – Legal Challenge

The Council provides delegated authority to the Head of Planning to instigate or defend judicial review proceedings on behalf of the Council, and instruct such Counsel or experts in association with the Council's solicitor deemed necessary to defend any decision of the Council, or a challenge to such a decision, the Head of Planning sees fit in the interests of the Council.

## Part F – Publicity

The Council has made a copy of this Scheme of Delegation available on the Council's website at [www.ardsandnorthdown.gov.uk](http://www.ardsandnorthdown.gov.uk) and it is also available on request at the Council's offices at 2 Church Street, Newtownards, BT23 4AP.

**Planning Service** includes powers under the following legislation:

### Primary Legislation





- Planning Act (NI) 2011
- Planning (Compensation, etc.) Act (Northern Ireland) 2001
- The Land Compensation (Northern Ireland) Order 1982
- The Planning Blight (Compensation) (Northern Ireland) Order 1981
- The Enterprise Zones (Northern Ireland) Order 1981
- The Private Streets (Northern Ireland) Order 1980
- The Land Acquisition and Compensation (Northern Ireland) Order 1973
- Planning and Land Compensation Act (Northern Ireland) 1971
- The Land Development Values (Compensation) Act (Northern Ireland) 1965
- Lands Tribunal and Compensation Act (Northern Ireland) 1964
- Caravans Act (Northern Ireland) 1963

#### **Local Development Plans**

- The Planning (Local Development Plan) (Amendment) Regulations (Northern Ireland) 2016
- The Planning (Local Development Plan) Regulations (Northern Ireland) 2015
- The Planning (Statement of Community Involvement) Regulations (Northern Ireland) 2015

#### **Planning Control**

- The Planning (General Permitted Development) (Amendment) Order (Northern Ireland) 2023
- The Planning (General Permitted Development) (Amendment) Order (Northern Ireland) 2020
- The Planning (Development Management) (Amendment) Regulations (Northern Ireland) 2015
- The Planning (Development Management) Regulations (Northern Ireland) 2015
- The Planning (General Development Procedure) (Amendment) Order (Northern Ireland) 2016
- The Planning (General Development Procedure) Order (Northern Ireland) 2015
- The Planning (General Permitted Development) Order (Northern Ireland) 2015
- The Planning (Use Classes) Order (Northern Ireland) 2015
- The Planning General (Amendment) Regulations (Northern Ireland) 2015
- The Planning General Regulations (Northern Ireland) 2015
- Listed Buildings and Conservation Areas
- The Planning (Conservation Areas) (Consultation) Regulations (Northern Ireland) 2015
- The Planning (Conservation Areas) (Demolition) Regulations (Northern Ireland) 2015
- The Planning (Listed Buildings) (Amendment) Regulations (Northern Ireland) 2016
- The Planning (Listed Buildings) Regulations (Northern Ireland) 2015

#### **Planning Fees**

- The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2024
- The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2023
- The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2019
- The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2015
- The Planning (Fees) Regulations (Northern Ireland) 2015

#### **Miscellaneous**

- The Planning (Avian Influenza) (Special Development) Order (Northern Ireland) 2015
- The Planning (Claims for Compensation) Regulations (Northern Ireland) 2015
- The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015
- The Certificates of Alternative Development Value Regulations (Northern Ireland) 2015
- The Planning (Amount of Fixed Penalty) Regulations (Northern Ireland) 2015
- The Planning (Modification and Discharge of Planning Agreements) Regulations (Northern Ireland) 2015
- The Planning (Simplified Planning Zones) Regulations (Northern Ireland) 2015
- The Planning (Trees) Regulations (Northern Ireland) 2015
- Commencement Orders
- The Planning (2011 Act) (Commencement No.1) Order (Northern Ireland) 2011
- The Planning (2011 Act) (Commencement No.2) Order (Northern Ireland) 2015
- The Planning (2011 Act) (Commencement No.3) and (Transitional Provisions) Order (Northern Ireland) 2015

#### **EU Transposition of Directives**

- The Environmental Assessment of Plans and Programmes Regulations (Northern Ireland) 2004
- The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995
- The Conservation (Natural Habitats, etc.) (Amendment) Regulations (Northern Ireland) 2015
- The Planning (Hazardous Substances) (No.2) Regulations (Northern Ireland) 2015
- The Planning (Hazardous Substances) (No.2) (Amendment) Regulations (Northern Ireland) 2016
- The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017
- The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 1999, S.R. 1999 No.73
- The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015, S.R. 2015 No.74
- The Planning (Management of Waste from Extractive Industries) Regulations (Northern Ireland) 2015



- The Planning (Environmental Assessments and Miscellaneous Amendments) (EU Exit) (Northern Ireland) Regulations 2018
- The Planning (Environmental Assessments and Technical Miscellaneous Amendments) (EU Exit) Regulations (Northern Ireland) 2020

Document Control

Policy Title	Scheme of Delegation
Document Reference	CS-FIN02.04
Policy Summary	The purpose is to set a framework within which Council delegates authority to Committees and officers to ensure that services are delivered effectively and efficiently to achieve its corporate objectives, in line with its risk appetite.
Review Requirements	May 2026
Document Owner/Job title	Stephen Grieve – Head of Finance
Document Owner is responsible for ensuring that it is reviewed in line with the requirements of the Council's Policy Review Procedure and is kept up to date.	
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2.0	2019	Andrew Scott	Periodic Review
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Consultation

	CLT	HOST	SCC	Unions
Date completed			-	-

Screening

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EQIA Required?	No



The current version of this document is available to all individuals accessing the Council's information and other associated assets and is published on the Council's intranet.

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## 1. Purpose of the Scheme of Delegation

- 1.1. The Council is committed to setting and securing the highest standards in decision making and the Scheme of Delegation provides the framework and guidance for the powers delegated to Committees of Council and to management within the Council.
- 1.2. Like all local authorities, the Council is only able to do what the law empowers it to do. In the absence of a decision by the Council to the contrary, all of its powers would have to be exercised through meetings of the full Council.
- 1.3. Recognising that this would be unworkable and would detract from the achievement of the Council's objectives and values, the Council has chosen to exercise one of the powers available to it – the power to delegate. There are, however, some powers that the law says cannot be delegated and others that the Council chooses to keep for itself.
- 1.4. The Local Government Act (Northern Ireland) 2014 requires local authorities to maintain a list specifying those powers of the Council that are exercisable by Officers of the Council and stating the title of the Officer by whom each of the powers so specified is so exercisable (except in cases where the arrangements for discharge by Officers are for a specified period not exceeding six months).
- 1.5. The Planning Act (Northern Ireland) 2011 also sets out provisions relating to the exercise of the Planning functions. The Scheme of Delegation for Planning is set out in Appendix 8.
- 1.6. Every decision taken under delegated power is considered to be a decision of the Council.
- 1.7. By delegating responsibility for specific duties to Officers, Members will have more opportunity to concentrate on the most important strategic decisions of Council Policy, including both corporately significant decisions and service delivery issues. This will allow Officers to deal with operational issues in a more expedient way and reduce the overall administrative burden on the political process.
- 1.8. Delegation also provides Officers confidence in the parameters within which they are working and the knowledge of when matters need to be escalated.
- 1.9. Delegated authority is designed to aid the integrated management of the organisation, the effective deployment of resources and the efficient delivery of services and this Scheme should be considered in that light. The delegations in this Scheme should be interpreted widely to assist with the smooth running of the organisation, the effective deployment of resources, the efficient delivery of services, and the achievements of the Council's vision and objectives.
- 1.10. The purpose of the Scheme is, therefore, to set out the decisions and authorisations that Members agree can be made or granted without any

further reference to Council. This authorisation will be conditional upon Council receiving regular assurance on the delivery of Council services. Assurance should be provided to Council through the various elements of the Council's governance framework, including performance reports, health and safety reports, finance reports, statements of assurance, internal audit reports and risk management reports.

- 1.11. Decisions made by Officers under delegated authority are not subject to reconsideration under 'Call-in' Part 7, paragraph 41 of the Local Government Act (NI) 2014, which applies only to decisions made by the Council or a Committee of the Council.
- 1.12. For the purposes of this Scheme, 'Officers' refers to those Council Officers undertaking roles to which powers are delegated i.e. the Chief Executive, Directors, Heads of Service and Service Unit Managers. Authority to take decisions and other actions under the Scheme should be exercised in the name of the delegated Officer but not necessarily personally by them. In the absence or unavailability of the Officer to whom a function is delegated, the function may be exercised by the Officer(s) responsible for the performance of their duties during such absence.
- 1.13. In a case where the exercise of a delegated power involves considerations within the remit of another Officer(s), the Officer exercising the power shall consult with that Officer(s) prior to taking any final decision.
- 1.14. Delegations under this Scheme are subject to and in accordance with:
  - the agreed plans (including but not limited to Community, Corporate, Service and Improvement Plans), strategies, policies, programmes and objectives approved by the Council;
  - approved financial budgets;
  - the due process set out in Standing Orders, Financial Regulations, Human Resources policies, Equality Scheme, Codes of Conduct and other relevant governance policies contained within the Council's Constitution;
- 1.15. An Officer must always escalate for advice and/ or direction any circumstance where they have doubt with respect to the appropriateness of a decision being proposed to be taken.
- 1.16. In exercising these delegated powers, broad discretion may be used to obtain the most efficient and effective means available, including the deployment of staffing and other resources within their control and the procurement of other resources as considered necessary.
- 1.17. Each Officer should consult the
  - a. Director of Corporate Service or Head of Finance in relation to any matter within his or her area of responsibility which is likely to have a material impact on the finances of the Council before incurring any commitment or liability, whether provisional or otherwise, and by

reporting the matter to a Committee in accordance with the Financial Regulations as appropriate.

- b. Director of Corporate Services or Head of Human Resources and Organisational Development for any item that is likely to have a significant employee relations impact for Council.
  - c. Head of Communications and Marketing for any item that is likely to have a significant reputational impact on the Council.
- 1.18. Authority to exercise any delegated power includes the authority to take all reasonable, necessary actions of an incidental or consequential nature and to take all operational decisions, within agreed policies, in relation to the Services for which they are responsible.
  - 1.19. Officers may, if they choose, and notwithstanding their power of delegation, refer any delegated matter to the relevant Committee in any case. Any decision that would otherwise be delegated under the Scheme should be reported to the relevant Committee if it is high profile; politically contentious; sensitive; there is a need, or it is considered prudent to raise public awareness; or if it is otherwise in the public interest to do so.
  - 1.20. Any reference in the Scheme to a statutory enactment should be taken to include any subsequent modification, re-enactment, regulations or subordinate legislation made thereunder.
  - 1.21. The Chief Executive shall be responsible for ensuring that assurance is provided to Members on the use of the Scheme of Delegation and that any developments and amendments to the Scheme are correctly recorded so that it remains relevant and up to date.
  - 1.22. Delegated matters are governed by robust policies covering financial regulations, procurement, human resources, ICT, enforcement etc. Key policy areas are subject to periodic internal audit and external audit review. In addition, the governance framework is reviewed and reported annually in the Annual Governance Statement that forms part of the published financial statements.
  - 1.23. The table below outlines delegations at Service Unit Manager and above. Should the delegated decision involve the SUM, HoS, Director or CEO, the delegated power will fall to the next level of seniority (e.g. when a Service Unit Manager makes a request for flexible working, this will be determined by their Head of Service in accordance with policy, in consultation with Human Resources Manager – Resourcing or if a purchase order is placed by a SUM this will need approved by a Head of Service).
  - 1.24. Nothing in the Scheme of Delegation shall impair the discharge of the direct accountability to the Council by the Chief Executive and the Corporate Leadership Team (CLT).



## 2. Definitions

Term or Abbreviation	Meaning														
Financial Regulations	<p>The collective term for all of the following policies (whether or not under the control of the Finance Service):</p> <ul style="list-style-type: none"> <li>• Anti-fraud, bribery, corruption</li> <li>• Asset Management</li> <li>• Budgeting</li> <li>• Charging and Income</li> <li>• Employment Payments (in development)</li> <li>• Grants</li> <li>• Inventories</li> <li>• Procurement</li> <li>• Purchasing and Payments</li> <li>• Reserves</li> <li>• Sustainable Travel and Expenses (in development)</li> <li>• Treasury Management Policy Statement</li> <li>• Capital Strategy</li> </ul>														
Regulatory Services	Defined in Appendix 7														
Strategic Funds	<p>Includes those set out in the Reserves Policy:</p> <ul style="list-style-type: none"> <li>• Transformation Fund</li> <li>• Sustainability Fund</li> <li>• Tax Base Development Fund</li> <li>• Capital Fund</li> <li>• Multi-Year Budgeting Fund</li> </ul>														
DCS	Director of Corporate Services														
HoF	Head of Finance														
HoA	Head of Administration														
HoPC	Head of Parks and Cemeteries														
CEO	Chief Executive														
Duty Director	Nominated Director per the Emergency Plan rota														
FOA	Financial Operations Accountant														
HoS	Head of Service														
SUM	Service Unit Manager														
Investment Assurance Panel	<p>Panel established in the Budgeting Policy to improve the quality of business cases. Its composition is as follows:</p> <table> <tr> <th>Business Area</th><th>Head of Service</th></tr> <tr> <td>Staffing</td><td>HR&amp;OD and Finance</td></tr> <tr> <td>Transformation</td><td>STaP and Finance</td></tr> <tr> <td>Sustainability</td><td>Administration and Finance</td></tr> <tr> <td>Tax Base Development</td><td>Finance + another</td></tr> <tr> <td>Capital</td><td>Finance + another</td></tr> <tr> <td>Other</td><td>Finance + another</td></tr> </table>	Business Area	Head of Service	Staffing	HR&OD and Finance	Transformation	STaP and Finance	Sustainability	Administration and Finance	Tax Base Development	Finance + another	Capital	Finance + another	Other	Finance + another
Business Area	Head of Service														
Staffing	HR&OD and Finance														
Transformation	STaP and Finance														
Sustainability	Administration and Finance														
Tax Base Development	Finance + another														
Capital	Finance + another														
Other	Finance + another														

### 3. Council Reserved Matters

The Scheme does not delegate:

- 3.1. any matter reserved to full Council and which, by law, may not be delegated - that is, the power of setting the district rate, or of borrowing money or of acquiring, holding or disposing of land;
- 3.2. the adoption of any new policy, or major change to an existing agreed Council policy, strategy, organisational structure or similar corporate document.
- 3.3. electing the Mayor/ Deputy Mayor and Aldermen
- 3.4. establishing Committees and determining the delegation of functions to these
- 3.5. appointing Members to serve on Committees and as Chairs and Vice Chairs
- 3.6. appointing Members to serve on Sub Committees, Joint Committees and external organisations
- 3.7. approving, reviewing and amending the Council's Standing Orders, Constitution, Scheme of Delegation and Scheme of Members' Allowances
- 3.8. determining any expenditure that does not keep to financial regulations or is not included in the annual revenue budget or capital programme
- 3.9. determining any process for the selection, appointment, payment, disciplinary action or dismissal of the Chief Executive or Directors
- 3.10. approving any significant changes in operating models including, but not limited to, outsourcing or co-operating/ co-ordinating with other local authorities in providing services
- 3.11. determining any issues relating to the maintenance of standards and conduct;
- 3.12. first granting of all new licences in respect of applications for sex establishments

Delegation to deal with any matter shall not supersede the Council's power, or that of relevant Committees.

The Council is only permitted to do what statute empowers it to do and certain elements of the Council's statutory powers cannot be delegated.

### 4. Committees

Scrutiny delegations to Committees are contained in each Committee's terms of reference, which are set out in Appendices 1 – 6.

In addition, in order to speed up decision making, Committees are delegated with Council powers to:

- 4.1. Award all contracts over the statutory limit of £30,000 (as revised from time to time), including contract extensions and approvals for joint committees to award;
- 4.2. Grant licences of less than 9 months, which are not effectively disposals and which are not subject to the Business Tenancies Order, in relation to land and/or property which comply with the Council's Land and Property Policy
- 4.3. Approve travel outside the UK and Ireland.
- 4.4. Approve charging schedules in line with the Charging and Income Policy
- 4.5. Approve grants schemes in line with the Grants Policy
- 4.6. Grant new licences in respect of applications for entertainment, cinemas, street trading, pavement cafes, places of marriage and civil partnerships and amusement permits for which objections have been received.
- 4.7. Instruct officers to write letters on matters of interest to Council (eg. to Government departments or Ministers).

## 5. Planning Delegations

These are set out in [Appendix 8](#).

## 6. Chief Executive

The Chief Executive shall retain authority for all decisions on significant matters associated with the professional management of the Council within the strategic and policy context set by Council and in support of the achievement of the Council's vision.

## 7. Corporate Leadership Team

The Corporate Leadership Team shall retain authority for decisions on significant cross Council initiatives within current policy frameworks.

## 8. Directors

Individual Directors retain authority for decisions affecting multiple Service Units within their Directorate or those affecting a single Service Unit of strategic importance.

## 9. Heads of Service Team

The Heads of Service Team (HoST) shall focus on, and retain authority for, decisions on operational cross-cutting Service matters, within the strategic and policy context set by Council and in support of the achievement of the Council's vision.

**10. Heads of Service**

Individual Heads of Service shall retain authority for decisions affecting multiple Service Units within their Service or those affecting a single Service Unit of significant operational importance.

**11. Service Unit Managers**

Individual Service Unit Managers shall retain authority for decisions affecting their Service Unit.



## 12. Officer Delegations

Ref	Wording	Authority	Committee	CLT	CEO	Director	HoST	HoS	SUMs	Notes
Adm1	Resolve complaints in line with policy	Complaints				Stage 2		Stage 2		Stage 1 – frontline response
Adm2	Instructing solicitors to take legal proceedings where there is no wide significance to the Council.	Purchasing and Payments Policy				No limit		≤ £30k	≤ £10k	CLT or Council for potentially significant financial or public relations impacts
Emg1	Invoking, and making whatever arrangements are necessary, for action under the Council's Emergency Plan and Business Continuity Plan.	Emergency Plan Business Continuity Plan				Duty Direct or				
Emg2	Taking decisions on any urgent or pressing matter deemed appropriate or necessary where there is insufficient time for Committee/Council approval to be obtained, subject to seeking retrospective approval thereafter.	Standing Order 31			CEO					or Director appointed by CEO, except for reserved matters

Ref	Wording	Authority	Committee	CLT	CEO	Director	HoST	HoS	SUMs	Notes
Fin1	Approving business cases for									
	a. Strategic Funds within budgets	Budgeting Policy		No Limit						All business cases must be reviewed by the Investment Assurance Panel except those going through the Project Management Process
	b. Strategic Funds outside budgets			≤ £250k						
	c. Approving applications for apprenticeships etc					DCS				
	d. Staffing and other expenditure			≤ £1M		≤ £250k		≤ £100k		
Fin2	Approving budget transfers between	Budgeting Policy				No Limit		≤ £30k	≤ £10k	In consultation with the Performance Accountant
Fin3	Approving charging schedules	Charging and Income Policy	Major Deviations			Minor Deviations		In line with policy		
Fin4	Writing off									
	a. Loss of money and bad debts	Charging and Income	>£10k			≤ £10k DCS		≤ £3k HoF	≤ £1k FOA	≤ £25 Scale 6 in appropriate Service (such as till overs and unders)
	b. Loss of stores		>£10k			≤ £10k		≤ £10k	≤ £1k	
	c. Obsolete equipment	Asset Management						No Limit	≤ £10k	

Ref	Wording	Authority	Committee	CLT	CEO	Director	HoST	HoS	SUMs	Notes
Fin5	Approving travel		Outside UK and Ireland					Within UK	Within NI and ROI	
Fin6	Approving the award of grants	Grants Policy								
Fin7	Approving expenditure and signing contracts (incl. for sale of land)	Procurement Policy Purchasing and Payments Policy				No limit		≤ £100k	Depends on Scale	≤ £25k Scale PO6 ≤ £15k Scale PO4 ≤ £5k Scale PO2 ≤ £3k Scale SO2 ≤ £1k Scale 6
Fin8	Signing letters of offer and claims, where permitted by the funder, from external bodies (for approved programmes).	Charging and Income								New thresholds apply only to electronic purchase orders Old thresholds apply to paper purchase orders
Fin9	Signing letters of offer issued by Council	Grants								
Fin10	Approving									
	a. Settlement insurance claims of	Purchasing and Payments				DCS No Limit		HoA ≤ £100k		
	b. Approving of loan repayments	Purchasing and Payments				DCS No Limit		HoF ≤ £100k		



Ref	Wording	Authority	Committee	CLT	CEO	Director	HoST	HoS	SUMs	Notes
	c. car loan applications							HoF		
Fin11	Approving applications	borrowing	Treasury Management Policy & Strategy Statement		CEO	DCS		HoF		Any two
Fin12	Approving budget transfers	Budgeting				No limit		≤ £100k	≤ £20k	
Fin13	Approving urgent unbudgeted expenditure				✓					In consultation with party leaders group where possible.
HR1	Determining requests for flexible working, in accordance with policy	Agile Working						HoS		With HROD Manager
HR2	Conducting disciplinary investigations in respect of employees, in conjunction with Human Resources	Disciplinary Policy								Line manager or equivalent
HR3	Conducting disciplinary hearings, in conjunction with Human Resources Manager	Disciplinary policy				Stage 4 Director to nominate Hearing lead				Stages 1, 2 and 3 - Senior to Investigating Officer

Ref	Wording	Authority	Committee	CLT	CEO	Director	HoST	HoS	SUMs	Notes
HR4	Conducting disciplinary appeal hearings, in conjunction with Human Resources Manager	Disciplinary policy				Stage 4		Stage 3		Stages 1 and 2 - Manager more Senior to Disciplining Officer
HR5	Taking action, including terminating or varying contracts of employment in respect of employees, following consultation	Disciplinary				Stage 4 Appeal		Stage 4		With HoHROD
HR6	Approving the award of honorarium to an employee	Honoraria and Acting Up Allowances						✓		With HROD Manager
HR7	Part-time Study Applications, in line	Learning and Development						✓		With HROD Manager
HR8	Approving the creation, re-grading or re-evaluation of any post at or below Service Unit Manager level					✓				With DCS
HR9	Approving the re-grading or re-evaluation of any post at Head of Service level.			✓						
HR10	Authority to recruit posts.					For HoS		For SUM	✓	
HR11	Approval payments in lieu of notice								✓	With HROD Manager

Ref	Wording	Authority	Committee	CLT	CEO	Director	HoST	HoS	SUMs	Notes
HR12	Approval of individual training requests and development events	Learning and Development							✓	
HR13	Approval of Training and Development plan	Learning and Development					✓			
HR14	Appointment of successful applicants to agreed establishment posts									Delegated to properly constituted recruitment panels
HR15	Conclusion of negotiations on settlement of Employment Tribunal and legal matters					DCS				
HR16	Agreeing severance payments, which are not explicitly covered by a formal business case.	Redundancy Policy	✓							
Op1	Authorising or withdrawing authorisation of an Officer to fulfil the Council's responsibilities as listed in Appendix 7.					✓				
Op2	Signatory on Cemetery Grave Certificates							HoPC		
Op3	Agreement on corporate/ cross-cutting content in Service Plans.	HoST Terms of Reference					✓			

Ref	Wording	Authority	Committee	CLT	CEO	Director	HoST	HoS	SUMs	Notes
Op4	Responding on behalf of the organisation, to consultation documents on operational and technical matters that do not have local or regional significance or financial implications.					✓		✓		All response requirements to be determined by CLT
Op5	Granting new licences in respect of applications for entertainment, cinemas, and street trading, pavement cafes, places of marriage and civil partnerships and amusement permits.		With objections					Without objections		

## Appendix 1 Audit Committee Terms of Reference

### Authority

Under the Local Government Act (Northern Ireland) 2014 11 (1) “for the purpose of discharging any functions in pursuance of arrangements made under this part (a) a Council may appoint a committee of the council ...Subject to this Act the number of members of a committee appointed under subsection (1), their term of office and the area (if restricted) within which the committee is to exercise its authority must be fixed by the appointing council ..”

### Overall Purpose and Objectives

The Audit Committee will assist Council in fulfilling its oversight responsibilities and has primary responsibility for overseeing the governance process. The Committee will agree and annual work plan which will include the review of the system of internal control and management of risks; the financial reporting process; the audit process and the Council's processes for monitoring compliance with laws and regulations and compliance with its own Standing Orders, policies and procedures.

In reaching its decisions the Audit Committee will have due regard to its impact on, and implications for the Council's commitment to ensuring equality of opportunity and, where possible and practicable, to ensure that the actions of the Committee are proactive in this respect.

The Committee is a main committee of the Council and is independent of all other operational committees of the Council. The Committee will report to Council and accordingly Council authorises the Committee, within the scope of its responsibilities, to:

- Seek any information it requires from any Council employee or external party;
- Obtain external legal or professional advice as appropriate;
- Ensure the attendance of Council Officers at meetings as appropriate;
- Approve the annual governance statement and financial statements;
- Receive reports from the external auditor (in respect of financial and performance improvement audits) and the internal auditor;
- Approve the appointment of an Internal Auditor and receive regular reports therefrom;
- Receive notification of all significant Whistleblowing or Data Protection incidents.
- Receive progress reports & any investigation reports as part of the Council's Fraud Response Plan into any significant incident of potential Fraud, Bribery or Corruption.
- Regularly meet with the External and Internal Auditors in the absence of management and no less than once per year in line with best practice.

Correspondingly, all employees are directed by Council to co-operate with any request made by the Committee.

### **Standing Delegations**

The following standing delegations apply to this Committee insofar as the activity falls within the scope of the Committee as set out above and do not require ratification by Council:

- award internal audit contracts over the statutory limit of £30,000 (as revised from time to time)

### **Membership**

#### **The Audit Committee will comprise:**

- 10 Members who are appointed by Council for a four-year term for the purposes of continuity of expertise and knowledge plus one independent member, appointed through public advertisement;
- Membership should not include Mayor, Deputy Mayor, chairs of Committees or Sub-committees.
- Council will nominate the Chair of the Committee in accordance with the procedures for appointing positions of responsibility.

### **Meetings**

The Audit Committee will meet quarterly in Church Street, Newtownards at 7.00pm in March, June, September and December or January.

Special meetings may be convened as required.

The Chief Executive, Director of Corporate Services and Head of Finance will attend all meetings.

External and Internal Auditors will be invited to attend all meetings and the Audit Committee can invite other persons as it deems necessary, who may be asked to make presentations to the Committee as appropriate.

The Audit Committee will comply with the Council's standing orders.

## Appendix 2 Community and Wellbeing Terms of Reference

### Authority

Under the Local Government Act (Northern Ireland) 2014 11 (1) *“for the purpose of discharging any functions in pursuance of arrangements made under this part (d) a Council may appoint a committee of the council ...*

*... Subject to this Act the number of members of a committee appointed under subsection (1), their term of office and the area (if restricted) within which the committee is to exercise its authority must be fixed by the appointing council ..”*

### Overall Purpose and Objectives

The Community and Wellbeing Committee will assist Council in fulfilling its role in the areas of:

- Arts and Museum
- Biodiversity
- Cemeteries
- Community Development
- Countryside
- Environmental Health
- Good Relations
- Leisure facilities
- Parks and Open Spaces
- Peace IV
- Playgrounds
- Policing and Community Safety Partnership (PCSP)
- Sports development
- anything else appropriate delegated to it by Council

In reaching its decisions the Community and Wellbeing Committee will have due regard to its impact on, and implications for the Council's commitment to ensuring equality of opportunity and, where possible and practicable, to ensure that the actions of the Committee are proactive in this respect.

The Committee is a main committee of the Council and is independent of all other operational committees of the Council. The Committee will report to Council and accordingly Council authorises the Committee, within the scope of its responsibilities, to:

- Seek any information it requires from any Council employee or external party;
- Obtain external legal or professional advice as appropriate; and
- Ensure the attendance of Council Officers at meetings as appropriate.

Correspondingly, all employees are directed by Council to co-operate with any request made by the Committee.

## **Standing Delegations**

The following standing delegations apply to this Committee insofar as the activity falls within the scope of the Committee as set out above and do not require ratification by Council:

- award all contracts over the statutory limit of £30,000 (as revised from time to time)
- grant leases and licences over land that comply with Lands and Property Policy.
- approve travel outside the UK and Ireland.
- grant new licences in respect of applications for entertainment, cinemas, street trading, pavement cafes, places of marriage and civil partnerships and amusement permits for which objections have been received.
- Instruct officers to write letters on matters of interest to Council (eg. to Government departments or Ministers).

## **Membership**

The Community and Wellbeing Committee will comprise of 16 members who are appointed by Council on an annual basis.

Council will appoint the Chair of the Community and Wellbeing Committee on an annual basis in accordance with the procedures for appointing positions of responsibility.

## **Meetings**

The Community and Wellbeing Committee will meet in Church Street, Newtownards at 7.00pm on the second Wednesday of each month except during July and August. Special meetings may be convened as required.

The Community and Wellbeing Committee will comply with the Council's standing orders.



## Appendix 3 Corporate Services Terms of Reference

### Corporate Services Committee

#### Authority

Under the Local Government Act (Northern Ireland) 2014 11 (1) *“for the purpose of discharging any functions in pursuance of arrangements made under this part (a) a Council may appoint a committee of the council ...*

*... Subject to this Act the number of members of a committee appointed under subsection (1), their term of office and the area (if restricted) within which the committee is to exercise its authority must be fixed by the appointing council ..”*

#### Overall Purpose and Objectives

The Corporate Services Committee will assist Council in fulfilling its role in the areas of:

- |                                 |  |
|---------------------------------|--|
| • Administration                | • Health and Safety                                  |
| • Asset management              | • Human Resources and Organisational Development     |
| • Business Continuity           | • Digital  |
| • Community Planning            | • Legal  |
| • Corporate strategy            | • Organisational Development                         |
| • Corporate Plan                | • Performance Management                             |
| • Communications and Marketing  | • Policy and Governance                              |
| • Customer Service              | • Procurement  |
| • Efficiency and Transformation | • Special Projects                                   |
| • Emergency Planning            | • Sustainable Development                            |
| • Equality                      | • Climate Change and Sustainability                  |
| • Finance                       | anything else appropriate delegated to it by Council |

In reaching its decisions, the Corporate Services Committee will have due regard to its impact on, and implications for the Council's commitment to ensuring equality of opportunity and, where possible and practicable, to ensure that the actions of the Committee are proactive in this respect.

The Committee is a main committee of the Council and is independent of all other operational committees of the Council. The Committee will report to Council and accordingly Council authorises the Committee, within the scope of its responsibilities, to:

- Seek any information it requires from any Council employee or external party.
- Obtain external legal or professional advice as appropriate; and
- Ensure the attendance of Council Officers at meetings as appropriate.

Correspondingly, all employees are directed by Council to co-operate with any request made by the Committee.

### **Standing Delegations**

The following standing delegations apply to this Committee insofar as the activity falls within the scope of the Committee as set out above and do not require ratification by Council:

- award all contracts over the statutory limit of £30,000 (as revised from time to time)
- grant leases and licences over land that comply with Lands and Property Policy.
- approve travel outside the UK and Ireland.
- grant new licences in respect of applications for entertainment, cinemas and street trading.
- Instruct officers to write letters on matters of interest to Council (eg. to Government departments or Ministers).

### **Membership**

The Corporate Services Committee will comprise 16 members who are appointed by Council on an annual basis. Council will appoint the Chair of the Corporate Services Committee on an annual basis in accordance with the procedures for appointing positions of responsibility.

### **Meetings**

The Corporate Committee will meet in Church Street, Newtownards at 7.00pm on the second Tuesday of each month except during July and August. Special meetings may be convened as required.

The Corporate Services Committee will comply with the Council's standing orders.

## Appendix 4 Environment Committee Terms of Reference

### Environment Committee

#### **Authority**

Under the Local Government Act (Northern Ireland) 2014 11 (1) *“for the purpose of discharging any functions in pursuance of arrangements made under this part*

*(b) a Council may appoint a committee of the council ...*

*... Subject to this Act the number of members of a committee appointed under subsection (1), their term of office and the area (if restricted) within which the committee is to exercise its authority must be fixed by the appointing council ..”*

#### **Overall Purpose and Objectives**

The Environment Committee will assist Council in fulfilling its role in the areas of:

- building control
- building maintenance
- borough inspection
- car parks
- estate management/maintenance
- licensing
- marinas and harbours
- markets
- public conveniences
- recycling
- waste management and cleansing
- anything else appropriate delegated to it by Council

In reaching its decisions the Environment Committee will have due regard to its impact on, and implications for the Council's commitment to ensuring equality of opportunity and, where possible and practicable, to ensure that the actions of the Committee are proactive in this respect.

The Committee is a main committee of the Council and is independent of all other operational committees of the Council. The Committee will report to Council and accordingly Council authorises the Committee, within the scope of its responsibilities, to:

- Seek any information it requires from any Council employee or external party;
- Obtain external legal or professional advice as appropriate; and
- Ensure the attendance of Council Officers at meetings as appropriate.

Correspondingly, all employees are directed by Council to co-operate with any request made by the Committee.

## Standing Delegations

The following standing delegations apply to this Committee insofar as the activity falls within the scope of the Committee as set out above and do not require ratification by Council:

- award all contracts over the statutory limit of £30,000 (as revised from time to time)
- grant leases and licences over land that comply with Lands and Property Policy.
- approve travel outside the UK and Ireland.
- Grant new licences in respect of applications for entertainment, cinemas, street trading, pavement cafes, places of marriage and civil partnerships and amusement permits for which objections have been received.
- Instruct officers to write letters on matters of interest to Council (eg. to Government departments or Ministers).

## Membership

The Environment Committee will comprise of 16 members who are appointed by Council on an annual basis.

Council will appoint the Chair of the Environment Committee on an annual basis in accordance with the procedures for appointing positions of responsibility.

## Meetings

The Environment Committee will meet in Church Street, Newtownards at 7.00pm on the first Wednesday each month except during July and August. Special meetings may be convened as required.

The Environment Committee will comply with the Council's standing orders.

## Appendix 5 Place and Prosperity Terms of Reference

### Place and Prosperity Committee

#### **Authority**

Under the Local Government Act (Northern Ireland) 2014 11 (1) *“for the purpose of discharging any functions in pursuance of arrangements made under this part (c) a Council may appoint a committee of the council ...*

*... Subject to this Act the number of members of a committee appointed under subsection (1), their term of office and the area (if restricted) within which the committee is to exercise its authority must be fixed by the appointing council ..”*

#### **Overall Purpose and Objectives**

The Place and Prosperity Committee will assist Council in fulfilling its role in the areas of:

- Economic Development
- EU Funds and Projects
- Regeneration
- Rural Development
- Tourism Development and Visitor Servicing
- Tourism Events
- Tourism Facilities (including Exploris Pickie Funpark and Bangor Marina)
- Capital Projects
- Subsidy Control
- anything else appropriate delegated to it by Council

In reaching its decisions the Place and Prosperity Committee will have due regard to its impact on, and implications for the Council's commitment to ensuring equality of opportunity and, where possible and practicable, to ensure that the actions of the Committee are proactive in this respect.

The Committee is a main committee of the Council and is independent of all other operational committees of the Council. The Committee will report to Council and accordingly Council authorises the Committee, within the scope of its responsibilities, to:

- Seek any information it requires from any Council employee or external party;
- Obtain external legal or professional advice as appropriate; and
- Ensure the attendance of Council Officers at meetings as appropriate.

Correspondingly, all employees are directed by Council to co-operate with any request made by the Committee.

## **Membership**

The Place and Prosperity Committee will comprise of 16 members who are appointed by Council on an annual basis. Council will appoint the Chair of the Place and Prosperity Committee on an annual basis in accordance with the procedures for appointing positions of responsibility.

## **Standing Delegations**

The following standing delegations apply to this Committee insofar as the activity falls within the scope of the Committee as set out above and do not require ratification by Council:

- award all contracts over the statutory limit of £30,000 (as revised from time to time)
- grant leases and licences over land that comply with Lands and Property Policy.
- approve travel outside the UK and Ireland.
- grant new licences in respect of applications for entertainment, cinemas and street trading.
- Instruct officers to write letters on matters of interest to Council (eg. to Government departments or Ministers).

## **Meetings**

The Place and Prosperity Committee will meet in Church Street, Newtownards at 7.00pm on the first Thursday each month except during July and August. Special meetings may be convened as required.

The Place and Prosperity Committee will comply with the Council's standing orders.

## Appendix 6 Planning Committee Terms of Reference

### REMIT OF THE PLANNING COMMITTEE

#### ***Development Management***

1. The main role of the Planning Committee is to consider planning applications made to the Council as the local planning authority and decide whether or not they should be approved. To this end, the Planning Committee of Ards and North Down Borough Council has full delegated authority, meaning that the decisions of the Committee, in respect of planning applications, will not go to the full Council for ratification.

#### ***Development Plan***

2. Ards and North Down Borough Council is required by Section 8 of the Planning Act (NI) 2011 to prepare a plan for its district. This plan forms the basis for public and private investment decisions, providing a degree of certainty as to how land will be developed. In law, planning applications must be determined in accordance with the development plan unless other material considerations indicate otherwise. This means that where land is zoned for a particular use, the Planning Committee should ensure it is reserved for that use: for example, an application for housing in an area zoned for housing should be approved unless the design and layout fails in terms of the environmental, open space and access standards, or its design and layout has a detrimental impact on the character of the area or neighbouring amenity.
3. The Planning Committee's role in relation to the Local Development Plan is to contribute to the development of and approve the Local Development Plan before it is passed by resolution of the Council. The Planning Committee should also ensure that the Local Development Plan is monitored annually, particularly in terms of the availability of housing and economic development land, and that it is reviewed every five years, giving consideration to whether there is a need to change the Plan Strategy, or the zonings, designations and policies as contained in the Local Policies Plan.

#### ***Development Plan Transition Arrangements***

4. Until such time as Ards and North Down Borough Council has adopted its Plan Strategy the local development plans for the Council area will be taken to be the extant Departmental development plans, namely, the North Down and Ards Area Plan 1984- 1995 and the Ards and Down Area Plan 2015, with the draft Belfast Metropolitan Area Plan 2015 being a material consideration.

5. When the Council's Plan Strategy is formally adopted, the Local Development Plan will be the Council's adopted Plan Strategy and the extant Departmental development plans, namely the North Down and Ards Area Plan 1984-1995 and the Ards and Down Area Plan 2015, read together, with the draft Belfast Metropolitan Area Plan 2015 being a material consideration. If there is a conflict between the Council's Plan Strategy and the extant Departmental development plan(s) the conflict shall be settled in favour of the Council's adopted Plan Strategy.
6. When the Council has adopted its Local Policies Plan, the Local Development Plan will be the Council's adopted Plan Strategy and Local Policies Plan as defined in Section 6 of the 2011 Act.

### ***Enforcement***

7. The enforcement of planning controls is delegated to appointed officers with the Planning Committee receiving regular reports on the progress of enforcement activities.

### **SIZE OF THE PLANNING COMMITTEE**

8. Ards and North Down Borough Council Planning Committee comprises of 16 Members with no substitutions being permitted.
9. The quorum for the Planning Committee will be six (6) Members present and eligible to vote. Where there are less than six Members present eligible to debate an application and vote, the Committee shall be inquorate and the planning application cannot be determined. The application should therefore be withdrawn from the agenda and returned to the next Planning Committee meeting.
10. Where the Planning Committee becomes inquorate, not due to Committee Members being absent but due to Committee Members declaring an interest, the planning application concerned should be deferred to the next Planning Committee meeting to allow each Member to seek advice as to whether their interest of concern is in fact an interest which would prevent them considering and voting upon the planning application. In the event that a Member or Members, on receipt of advice, are comfortable that there is in fact no interest to prevent them considering and voting upon the application, the reasoning for such a position should be so recorded in the minutes of the next Planning Committee meeting.
11. In the event of Planning Committee still being inquorate, due to Members declaring an interest, the Council is deemed to not be able to determine the application, which is then referred to the Department.
12. The Head of Planning will normally attend all Planning Committee meetings in addition to planning officers presenting application reports and recommendations.



## FREQUENCY OF MEETINGS

In accordance with the Council's Standing Orders, Committees will be held on a monthly basis. The Planning Committee of Ards and North Down Borough Council will meet on the first Tuesday in every month at 7pm in the Council Chamber at 2 Church Street, Newtownards. In exceptional circumstances the Committee shall from time to time fix its own day and hour of meeting and notify the Council. Committee meeting dates and times will be published monthly on the Council's website in advance of each meeting.

## Appendix 7 Statutory Powers and Duties of the Council

In exercise of its powers under Section 7 of The Local Government Act (Northern Ireland) 2014, Council delegates as follows:

- a) The discharge of Regulatory Functions by the Council may be delegated to Officers within the Neighbourhood Environment, Licensing and Building Control Service Units and Environmental Health, Protection and Development Service by, and under the supervision of, the Director of Community and Wellbeing and the Director of Environment.
- b) In respect of the delegation of power to grant, withdraw, suspend and refuse approvals under EC Regulation 853/2004 the Director of Community and Wellbeing must specify in writing the name of the officer and the specific power being delegated.
- c) Its function to institute legal proceedings pursuant to offences committed under the provisions listed in this appendix to relevant Officers under the guidance of the Director of Community and Wellbeing and Director of Environment. Such delegated authority to be exercised in accordance with the Council's Enforcement Policy on Regulatory Functions and to be reported to the Council thereafter. Such legal proceedings will be subject to consultation with the Council's solicitors as appropriate.

**Regulatory Services** include powers under the following legislation:

1. Belfast Corporation Act 1930 (in respect of illegal shellfish gathering from the Belfast Lough Foreshore)
2. Building (Prescribed Fees) (Amendment) Regulations (Northern Ireland) 2013 (As amended)
3. The Betting, Gaming, Lotteries & Amusements (Northern Ireland) Order 1985
4. The Building Regulations (Northern Ireland) 2012 (As Amended)
5. The Building Regulations (Northern Ireland) Order 1979 (as amended)
6. Caravans Act (Northern Ireland) 1963
7. Caravans Act (Northern Ireland) 2011
8. The Children & Young Persons (Protection from Tobacco) (Northern Ireland) Order 1991
9. The Cinemas (Northern Ireland) Order 1991
10. Clean Air (Northern Ireland) Order 1981
11. Clean Neighbourhoods and Environment Act (Northern Ireland) 2011
12. The Construction Products Regulations 2013
13. Consumer Protection Act 1987
14. Consumer Rights Act 2015
15. Criminal Justice and Police Act 2001
16. The Dangerous Dogs (Northern Ireland) Order 1991
17. The Dogs (Northern Ireland) Order 1983

18. The Energy Performance of Buildings (Certificates and Inspections) Regulations (Northern Ireland) 2008 As Amended
19. The Environment (Northern Ireland) Order 2002
20. Explosives Act (NI) 1970
21. The Fire and Rescue Services (Northern Ireland) Order 2006 Part III
22. The Fluorinated Greenhouse Gases Regulations (Northern Ireland) 2009
23. Food & Environment Protection Act 1985 Part III
24. Food Hygiene Rating Act (Northern Ireland) 2016
25. The Food Safety (Northern Ireland) Order 1991 (as amended) and any orders or regulations made thereunder or relating to the foregoing or having effect by virtue of The European Communities Act 1972 and modification or reenactment to the foregoing
26. The General Product Safety Regulations 2005
27. Hairdressers Act (Northern Ireland) 1939
28. Health and Personal Social Services (Northern Ireland) Order 1978
29. The Health and Personal Social Services and Public Health (N.I.) Order 1991 (for services rendered to the trust in respect of infectious disease)
30. Health and Safety at Work (Northern Ireland) Order 1978
31. Health (Miscellaneous Provisions) Act (Northern Ireland) 2016
32. High Hedges Act (Northern Ireland) 2011
33. Houses in Multiple Occupation Act (Northern Ireland) 2016
34. The Housing (Northern Ireland) Order 2003 (for Rent Book Regulation enforcement)
35. Housing (Northern Ireland) Order 1981 (re fitness standard)
36. The Housing (Amendment) Act (Northern Ireland) 2011
37. The Industrial Pollution Control (Northern Ireland) Order 1997
38. Intoxicating Substances (Supply) Act 1985
39. Licensing of Pavement Cafés Act (Northern Ireland) 2014
40. The Litter (Northern Ireland) Order 1994
41. Local Government Act (Northern Ireland) 1972
42. The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985
43. The Local Government (Northern Ireland) Order 2005
44. Noise Act 1996
45. Office and Shops Premises Act (Northern Ireland) 1966
46. Petroleum (Consolidation) Act (Northern Ireland) 1929 (as amended)
47. Petroleum Regulation Acts (Northern Ireland) 1929 & 1937
48. Poisons (Northern Ireland) Order 1976
49. Pollution Control and Local Government (NI) Order 1978
50. The Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013
51. The Pollution Prevention and Control (Industrial Emissions) (Amendment) Regulations (Northern Ireland) 2018
52. Private Tenancies Act (Northern Ireland) 2022
53. The Private Tenancies (Northern Ireland) Order 2006
54. The Private Water Supplies Regulations (Northern Ireland) 2009
55. Public Health Acts 1878-1967
56. Rats & Mice (Destruction) Act 1919
57. Rent (Northern Ireland) Order 1978

58. The Road Traffic Regulation (Northern Ireland) Order 1997
59. The Safety of Sport Grounds (Northern Ireland) Order 2006
60. The Shops (Sunday Trading) (Northern Ireland) Order 1997
61. The Smoking (Northern Ireland) Order 2006
62. Street Trading Act (NI) 2001
63. Sunbeds (Northern Ireland) Act 2011
64. Tobacco Advertising and Promotion Act 2002
65. Tobacco Retailers Act (Northern Ireland) 2014
66. Town Improvements Clauses Act, 1847 – Section 75 as adopted by
67. Towns Improvement (Ireland) Act, 1854 –Section 39 (Ruinous and Dangerous Buildings)
68. The Volatile Organic Compounds in Paint, Varnishes and Vehicle Refinishing Products Regulations 2005
69. The Waste & Contaminated Land (Northern Ireland) Order 1997 (including Article 44 Part II of the Order - obtaining of information)
70. Welfare of Animals (Northern Ireland) Act 2011
71. Welfare Services Act (NI) 1971

## Appendix 8 Planning Delegations

### Scheme of Delegation for Ards and North Down Borough Council

#### Part A – Mandatory applications for determination by Planning Committee

By statute certain types of application must be determined by the Planning Committee and therefore cannot be delegated to officers:

- Applications which fall within the Major category of development as specified within the Planning (Development Management) Regulations (NI) 2015;
- Applications where the application is made by the Council or an elected member of the Council;
- Applications relating to land in which the Council has an estate.

#### Part B – Non-Mandatory applications for determination by Planning Committee

- A Local development application attracting six or more separate individual objections which are contrary to the officer's recommendation, and where a material planning matter has been raised.

In determining if the threshold of six or more separate objections is met, the following clarification shall apply for the purposes of the calculation:

- Multiple letters of objection from one individual person (or body including any corporate entity) will constitute one objection;
- Multiple letters of objection from one address (whether by one individual or more) will constitute one objection;
- Pro-forma objection letters will constitute one objection;
- Petitions will constitute one objection;
- Objection(s) to an application by any statutory or non-statutory consultee will not count toward the threshold and for the avoidance of doubt be excluded from any such calculation. A 'consultee' being a body consulted by the Council to ascertain their expert view on the merits of a planning application.

- A Local development application which is a significant departure from the Local Development Plan which is recommended for approval (the Head of Planning to adjudicate on this where necessary in liaison with the Chair).
- A Local development application called-in to Planning Committee by the Head of Planning;
- A Local development application called-in to Planning Committee from the delegated list<sup>1</sup> as set out in the Council's Protocol for the Operation of the Planning Committee by a member of that Committee – a sound material planning reason having been given for such a referral;

- A Local development application called-in by any Councillor within 25 working days<sup>2</sup> of the application being validated – a sound material planning reason having been given for such a referral (as set out in the Council's Protocol for the Operation of the Planning Committee);
- A planning (legal) agreement or modification to a legal agreement is required.

### Part C – Delegated Applications

The appointed officer is the Head of Planning within the Council and any officer nominated by the Head of Planning, who will be responsible for determining the following:

- All Local development applications whether for approval or refusal, with the exceptions listed at Part B above.

### Part D – Enforcement and Determination of Other Planning Matters

In relation to other planning responsibilities, the following matters are delegated to the appointed officer:

- All investigation of breaches of planning control and decisions on enforcement to include:
  - Service of an Enforcement Notice;
  - Service of a Listed Building Enforcement Notice;
  - Service of Hazardous Substances Contravention Notice;
  - Service of a Stop Notice;
  - Service of a Temporary Stop Notice;
  - Service of a Breach of Condition Notice;
  - Service of Tree Replanting Notice;
  - Withdrawal/modification of any of the Notices specified above, as appropriate;
  - Service of Warning Letters and Planning Contravention Notices;
  - Determination of applications for Certificates of Lawfulness of Existing Use or Development;
  - Service of a Fixed Penalty Notice, except in circumstances where the person appointed considers the breach of planning control could result in immediate public danger or development which may result in permanent damage to the environment. Examples include: the demolition of, or works to, a listed building; the felling of protected trees; the demolition of a building in a conservation area; or the commencement of building operations without permission;

<sup>1</sup> Paragraph 25 of the Protocol for the Operation of the Planning Committee

<sup>2</sup> Paragraph 24 of The Protocol for the Operation of the Planning Committee

- Service of a Discontinuance Order;
- The instigation of court proceedings e.g. prosecution for non-compliance with a statutory notice or injunction proceedings.

Other planning matters to include:

- The determination of applications for Certificates of Lawfulness of Proposed Use or Development;
- The serving/affixing of a Building Preservation Notice;
- The withdrawal of a Building Preservation Notice;
- The making and serving of a provisional Tree Preservation Order;
- The making and serving of a Tree Preservation Order;
- Revocation of a Tree Preservation Order;
- Determination of any application to carry out works to a protected tree (i.e. a tree the subject of a Tree Preservation Order or within a Conservation Area);
- Determination as to appropriate replanting in relation to tree(s) the subject of a Tree Preservation Order or within a Conservation Area;
- Determination of non-material change applications to planning permissions;
- Determination of any application for Conservation Area consent;
- Determination of any application for advertisement consent;
- Determination of any application for listed building consent;
- Determination of any application for hazardous substances consent;
- Revocation or modification of any of the above consents;
- Issuance of Urgent Works Notice;
- The screening of and determination decisions on development proposals required under the Environmental Impact Assessment or Habitats Regulations;
- Discharge of planning conditions;
- Determination of any application for variation or removal of condition(s) previously attached to permission to develop land;
- Drafting of legal agreements.

## Part E – Legal Challenge

The Council provides delegated authority to the Head of Planning to instigate or defend judicial review proceedings on behalf of the Council, and instruct such Counsel or experts in association with the Council's solicitor deemed necessary to defend any decision of the Council, or a challenge to such a decision, the Head of Planning sees fit in the interests of the Council.

## Part F – Publicity

The Council has made a copy of this Scheme of Delegation available on the Council's website at [www.ardsandnorthdown.gov.uk](http://www.ardsandnorthdown.gov.uk) and it is also available on request at the Council's offices at 2 Church Street, Newtownards, BT23 4AP.

**Planning Service** includes powers under the following legislation:

### **Primary Legislation**

- Planning Act (NI) 2011
- Planning (Compensation, etc.) Act (Northern Ireland) 2001
- The Land Compensation (Northern Ireland) Order 1982
- The Planning Blight (Compensation) (Northern Ireland) Order 1981
- The Enterprise Zones (Northern Ireland) Order 1981
- The Private Streets (Northern Ireland) Order 1980
- The Land Acquisition and Compensation (Northern Ireland) Order 1973
- Planning and Land Compensation Act (Northern Ireland) 1971
- The Land Development Values (Compensation) Act (Northern Ireland) 1965
- Lands Tribunal and Compensation Act (Northern Ireland) 1964
- Caravans Act (Northern Ireland) 1963

### **Local Development Plans**

- The Planning (Local Development Plan) (Amendment) Regulations (Northern Ireland) 2016
- The Planning (Local Development Plan) Regulations (Northern Ireland) 2015
- The Planning (Statement of Community Involvement) Regulations (Northern Ireland) 2015

### **Planning Control**

- The Planning (General Permitted Development) (Amendment) Order (Northern Ireland) 2023
- The Planning (General Permitted Development) (Amendment) Order (Northern Ireland) 2020
- The Planning (Development Management) (Amendment) Regulations (Northern Ireland) 2015
- The Planning (Development Management) Regulations (Northern Ireland) 2015
- The Planning (General Development Procedure) (Amendment) Order (Northern Ireland) 2016
- The Planning (General Development Procedure) Order (Northern Ireland) 2015
- The Planning (General Permitted Development) Order (Northern Ireland) 2015
- The Planning (Use Classes) Order (Northern Ireland) 2015
- The Planning General (Amendment) Regulations (Northern Ireland) 2015
- The Planning General Regulations (Northern Ireland) 2015
- Listed Buildings and Conservation Areas
- The Planning (Conservation Areas) (Consultation) Regulations (Northern Ireland) 2015



- The Planning (Conservation Areas) (Demolition) Regulations (Northern Ireland) 2015
- The Planning (Listed Buildings) (Amendment) Regulations (Northern Ireland) 2016
- The Planning (Listed Buildings) Regulations (Northern Ireland) 2015

### **Planning Fees**

- The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2024
- The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2023
- The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2019
- The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2015
- The Planning (Fees) Regulations (Northern Ireland) 2015

### **Miscellaneous**

- The Planning (Avian Influenza) (Special Development) Order (Northern Ireland) 2015
- The Planning (Claims for Compensation) Regulations (Northern Ireland) 2015
- The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015
- The Certificates of Alternative Development Value Regulations (Northern Ireland) 2015
- The Planning (Amount of Fixed Penalty) Regulations (Northern Ireland) 2015
- The Planning (Modification and Discharge of Planning Agreements) Regulations (Northern Ireland) 2015
- The Planning (Simplified Planning Zones) Regulations (Northern Ireland) 2015
- The Planning (Trees) Regulations (Northern Ireland) 2015
- Commencement Orders
- The Planning (2011 Act) (Commencement No.1) Order (Northern Ireland) 2011
- The Planning (2011 Act) (Commencement No.2) Order (Northern Ireland) 2015
- The Planning (2011 Act) (Commencement No.3) and (Transitional Provisions) Order (Northern Ireland) 2015

### **EU Transposition of Directives**

- The Environmental Assessment of Plans and Programmes Regulations (Northern Ireland) 2004
- The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995
- The Conservation (Natural Habitats, etc.) (Amendment) Regulations (Northern Ireland) 2015
- The Planning (Hazardous Substances) (No.2) Regulations (Northern Ireland) 2015
- The Planning (Hazardous Substances) (No.2) (Amendment) Regulations (Northern Ireland) 2016
- The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017

- The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 1999, S.R. 1999 No.73
- The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015, S.R. 2015 No.74
- The Planning (Management of Waste from Extractive Industries) Regulations (Northern Ireland) 2015
- The Planning (Environmental Assessments and Miscellaneous Amendments) (EU Exit) (Northern Ireland) Regulations 2018
- The Planning (Environmental Assessments and Technical Miscellaneous Amendments) (EU Exit) Regulations (Northern Ireland) 2020

Unclassified

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## ITEM 7b

### Ards and North Down Borough Council

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Other
Date of Meeting	04 June 2025
Responsible Director	Chief Executive
Responsible Head of Service	
Date of Report	23 May 2025
File Reference	CX210
Legislation	
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Update to the Council Constitution
Attachments	Appendix 1 - The Council's Constitution

The Council is required under Section 2 of the Local Government Act (Northern Ireland) 2014, to prepare and maintain an up-to-date Constitution. The current Constitution was developed in 2015 when Ards and North Down Borough Council was formed. It can be found on the Council website here: [Council Constitution - Ards and North Down Borough Council](#).

Most parts of the Constitution such as the Standing Orders, Finance Policies, Scheme of Delegation and Committee Terms of Reference have since been amended and approved by Council, as well as the new Corporate Plan for 2024/28 'Towards a Sustainable Borough'. As such, some parts of the Constitution are out of date. This has been addressed in the new version.

The structure and layout of the Constitution has been reviewed and consolidated to move all parts into one document. Some articles and Annexes will be accessed via a hyperlink to redirect the user to the appropriate page on the Council's website where this information is held. They are highlighted with an underline.

## Not Applicable

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Some text has been removed or redrafted in order to remove superfluous information and keep the detail at an appropriate level.

Initial discussions have taken place with the Communications team on the design and further discussions will take place following Council approval.

Changes to the text can be found at the following sections (and are highlighted in yellow in the Constitution (Appendix 1):

- Part 1, Article 1.3 - Purpose of the Constitution  
Updated the Council's strategic priorities to reflect the current 2024/28 Corporate Plan.
- Part 1, Article 2 – Members of the Council  
Article 2.1 - Additional information has been added to explain the process following the resignation or other circumstances of an independent Councillor.

The previous version of the Constitution listed the individual Members name and party as per DEA. The inclusion of this level of detail becomes quickly out of date even if the Constitution was updated after every election cycle, due to the potential of co-options in seats. This section was redrafted to reflect the DEAs and the number of seats, referring to the Council website for further details of the political composition.

Article 2.2 - Additional information has been added to explain the position of Alderman for clarity.

Article 2.3 (a)(i) – section was reworded to make more precise and concise.

- Part 1, Article 3.1 – Citizens and the Council  
Under the point 'Citizens have the right to', point (ii), removal of wording 'and the Executive' after 'decisions made by the Council', as the Council do not operate an Executive system.

Further information was added to direct the user to the section on the Council's website on Information management.

Section (b)(ii) was updated to reflect the correct name and contact information of the complaints body, from former title of, 'Northern Ireland Commissioner for Complaints' to, 'Northern Ireland Local Government Commissioner for Standards'.

- Part 1, Article 4.1 – Plans and Strategies  
To keep the Constitution high-level, this section was redrafted to remove the lists of strategies and plans, both required by legislation or as a matter of choice, as the list is not exhaustive and can quickly become outdated.

Budget – language was simplified from 'virements' to 'budget transfer'.

- Part 1, Article 4.2 – Functions of the Council

## Not Applicable

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The roles and responsibilities list was simplified, and language was made more generic, with a redirect to the Council's website for the most up to date and more detailed list of specific services.

The long list of functions was reviewed by senior management and updated to make the list more precise and concise.

- Part 1, Article 6 – Decision-making structures

This was updated to reflect that the Audit Committee is a main Committee of the Council and included in the list of standing Committees, bringing the number of standing Committees to 6.

Reference to the appointment of a Vice-Chair was added, which was detail previously omitted.

The full Terms of Reference for each Committee was removed out of this section and incorporated into the Scheme of Delegation located in Part 2, Annex 4 as previously agreed by Council.

- Part 1, Article 9 – Policy and other Committees

This word was updated to add 'Scheme of Delegation' alongside 'Responsibility for Council Functions'.

- Part 1, Article 11 - Officers

Article 11.2 - Functions of the Clerk to the Council (and subsequent referrals) was reworded to clarify that the Chief Executive is the Clerk to the Council and undertakes the responsibilities of the Clerk. The word 'or' was removed to avoid confusion that this is two roles. Subsequent referrals to the Chief Executive (bar under article 11.3) were changed to 'Clerk' for consistency.

- Part 1, Removal of Articles

12.6 – 'Decision-making under executive arrangements' and 12.7 – 'Decision making by overview and scrutiny committees' as they are not relevant to the governance structure of this Council. As such, the subsequent points under article 12 were renumbered accordingly.

- Part 1, Article 13.5 – Common Seal of the Council

Additional wording added to this section, 'and in accordance with Council Standing Orders' to reflect the wording of the Local Government (Northern Ireland) Act 1972 which states: "Every council shall provide for the safe custody of its common 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."

- Part 1, Article 14 – Review and Revision of the Constitution

Job title updated to reflect current Directorate structure from 'Director of Administration' to 'Director of Corporate Services'.

- Part 1, Article 15 – Publication of the Constitution

## Not Applicable

A change was made to the wording under 15.1(c) Procedure Rules Capable of Suspension to clarify that it refers to the Standing Orders.

An addition was added under 15.3 to update wording from 'printed' to 'electronic' and a referral to the correct page on the Council's website added.

- Part 2, Annex 2 – Joint Arrangements  
Previous version of the Constitution listed each working group, sub-committee and outside body. The inclusion of this level of detail becomes quickly out of date. To address this, this section was redrafted to refer to the frequency of appointments and redirects the user to the Council website for the most up-to-date details of the groups.
- Part 2, Annex 3 – Contracted Out  
This list was updated to reflect current services that have been contracted out.
- Part 2, Annex 4 – updated to include the Scheme of Delegation and the Committee Terms of Reference as the appropriate Council responsibilities.
- Part 3, Annex 5 – Sections updated throughout reflect current practices.

Text added to reflect that Council will consider on a 'case-by-case' basis the supply of hard copies of the agenda and connected reports. Additional text on accessibility added throughout where required: "alternative formats are available on request".

Reference added to the appropriate section on the website where Council papers can be found.

- Removal of all references to 'designated officer' and 'proper officer' as these are not defined in legislation and are unclear as to who this would be. Sections updated to reflect that either it is 'the Council' who would action, or 'the Clerk'.

Section on supply of agendas and connected reports reworded to reflect the above and make it more concise. Removal of sentence 'any further statements or particulars necessary to indicate the nature of the items on the agenda'.

- Part 3, Annex 7 – The list of policies was updated and referral added to the appropriate section on the Council website.

### RECOMMENDATION

It is recommended that the Council approve the updated Constitution.

## Part 1

### Summary, Explanation and Articles of the Constitution

#### Article 1 - The Constitution

##### 1.1 Powers of the Council

Ards and North Down Borough Council will exercise all its powers and duties in accordance with the law and this Constitution.

##### 1.2 The Constitution

This Constitution (including all its appendices) is the Constitution of Ards and North Down Borough Council.

##### 1.3 Purpose of the Constitution

The Constitution of Ards and North Down Borough Council sets out how the Council operates, how decisions are made and the procedures that are followed. This is to ensure that the workings of the Council are effective, efficient and accountable to the ratepayers of the Borough. The purpose of the Constitution is to:

- (a) enable the Council to provide clear leadership to the community, in partnership with citizens, businesses and other organisations.
- (b) support the active involvement of citizens in the process of Council decision-making.
- (c) help councillors represent their constituents more effectively.
- (d) enable decisions to be taken efficiently and effectively.
- (e) create a powerful and effective means of holding decision-makers to public account.
- (f) ensure that no one will review or scrutinise a decision in which they were directly involved.
- (g) ensure that those responsible for decision-making are clearly identifiable to local people and that the decision-makers explain the reasons for decisions; and
- (h) provide a means of improving the delivery of services to the community and against our three strategic priorities:

1. Economic – Increasing economic growth and attracting more businesses and more jobs.
2. Environmental – Reducing carbon emissions as we transition to net zero.
3. Social – Improving wellbeing through social inclusion and reducing inequalities.

## 1.4 Interpretation and Review of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose the option that it thinks is closest to the statements of purpose in paragraph 1.3 above. The Council will monitor and evaluate the operation of the Constitution as set out in Article 14 - Review and Revision of the Constitution.

## Article 2 – Members of the Council

### 2.1 Composition and Eligibility

The Council comprises 40 members, called Councillors. Councillors are elected by the voters of each District Electoral Area (DEA) in accordance with a scheme drawn up by the Electoral Office of Northern Ireland.

Where an individual ceases to be a Councillor, whether by resignation or through other circumstances, the vacancy on the Council will be filled by the co-option of an individual nominated by the political party in whose name the previous individual stood, at the last local general election. In the event of a vacancy created by the resignation or other circumstances of an independent Councillor with a substitutes list, the Clerk will write to the first person on the substitute list asking them to confirm, within 14 days of the date of the letter, that they are willing to take the seat. If the first person fails to respond, the process will be repeated for each subsequent substitute. If a vacancy arises in the seat of an independent member who has not submitted a substitutes list, a by-election must be held to fill the vacancy.

Only registered voters of the district or those living or working there will be eligible to stand for election and hold the office of Councillor.

A total of 40 Councillors are elected in each election cycle to the seven District Electoral Areas (DEAs) that make up the Ards and North Down Borough Council. The DEAs are:

- Ards Peninsula (6 seats)
- Bangor Central (6 seats)
- Bangor East and Donaghadee (6 seats)
- Bangor West (5 seats), Comber (5 seats)
- Holywood and Clondeboy (5 seats)
- Newtownards (7 seats).

Details of the current elected representatives for Ards and North Down is available on the **Council's website**.

### 2.2 Election and terms of Councillors and Aldermen

In line with the Local Government (Transitional, Incidental, Consequential and Supplemental Provisions) Regulations (Northern Ireland) 2015, the Council may elect up to one quarter of the total number of Members as Aldermen. The honorary



title does not confer any additional authority, privileges or responsibility. Appointments will take place in each election year and are for the full four-year term of the Council, except in the case of a casual vacancy. The election of Aldermen will take place at the Annual Meeting of the Council.

The regular election of Councillors will be held in May every four years. The next local government election is scheduled to be held in 2027. The term of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

## 2.3 Roles and duties of all Councillors

### Key roles

(a) All Councillors will have the following key roles:

- (i) Councillors are the ultimate policymakers and will collectively take decisions, including striking the district rate, and oversee the delivery of a number of strategic and corporate management functions.
- (ii) Councillors will represent their communities and bring those views into the Council's decision-making process.
- (iii) Councillors will deal with individual issues and act as an advocate for constituents in resolving particular concerns or grievances.
- (iv) Councillors will balance different interests identified within the District Electoral Area and represent that DEA as a whole.
- (v) Councillors will be available to represent the Council on other bodies.
- (vi) Councillors will maintain the highest standards of conduct and ethics.

### Rights and duties

(b) All Councillors will have the following rights and duties:

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

## 2.4 Conduct

Councillors will at all times adopt high standards of conduct in order to give expression to the Northern Ireland Local Government Code of Conduct for Councillors, issued under section 53 of the Local Government Act (Northern Ireland) 2014.

## 2.5 Allowances

Councillors will be entitled to receive allowances in accordance with the Members Allowances Scheme set out in **Part 6** of this Constitution.

## Article 3 - Citizens and the Council

### 3.1 Citizens' rights

Residents and others who avail of the Council's services have the following rights in relation to the operation of the Council. Their rights to information and to attend meetings of the Council or its committees are explained in more detail in the Access to Information Rules in Part 3 of this Constitution.

#### Information

- (a) Citizens have the right to:
  - (i) attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private with the exclusion of public and press in accordance with schedule 6 of the Local Government Act (Northern Ireland) 2014.
  - (ii) see reports, background papers and any records of decisions made by the **Council** except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private with the exclusion of public and press in accordance with schedule 6 of the Local Government Act (Northern Ireland) 2014.

Further details on how the Council manages information can be found on the Council's website: [Information Management - Ards and North Down Borough Council](#)

#### Complaints

- (b) Citizens have the right to complain to:
  - (i) the Council itself under its complaints [procedure](#); or
  - (ii) the Northern Ireland Local Government Commissioner for Standards in respect of an allegation that a Councillor (or former Councillor) has failed, or may have failed, to comply with the Northern Ireland Local Government Code of Conduct for Councillors. Guidance on making a complaint to the Northern Ireland Local Government Commissioner for Standards is available

on its website: [Northern Ireland Local Government Commissioner for Standards | NIPSO](#)

### 3.2 Citizens' responsibilities

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

## Article 4 – The Council

### 4.1 Plans and Strategies

Ards and North Down Borough Council has developed a series of plans and strategies that are required under legislation as well those adopted as a matter of choice. Details of the Council's plans and strategies are located on the Council's website: [Corporate Strategies](#).

### Budget

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council rate base and setting the district rate. It also includes decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of [the budget transfer](#).

### 4.2 Functions of the Council

The roles and responsibilities of Councils, established in the Local Government Act 2014 and in other legislation, fall into four types:

- Direct – Councils are responsible for the provision and management of services.
- Development – Councils have a role in facilitating economic and community development initiatives.
- Representative – Council nominees sit on statutory bodies.
- Consultative – Councils reflect community views and concerns, and provide a challenge function, in a range of issues including education, health and housing.

Information on the range of specific services Council delivers can be found on the [Council's website](#).

In the performance of the above roles the Council carries out functions in the following areas (this is not an exhaustive list):

- The provision and maintenance of facilities for recreational, social and cultural activities including leisure centres, community centres, parks, open spaces, sports and playgrounds and places of entertainment.

- **Local sports provision.**
- Street cleansing, waste collection and disposal.
- The provision of burial grounds.
- The administration and regulation of certain matters relating to the environment, public health and public safety including building control, food safety, statutory nuisance, dangerous buildings, air pollution, noise pollution, dog control, consumer protection and health and safety **at work.**
- The licensing and regulation of street trading, places of entertainment, amusement centres, sex establishments, society lotteries, cinemas and petroleum stations.
- The making of byelaws and regulation of same.
- **Planning - Local development plan functions, development management and planning enforcement.**
- Off street-parking (except Park and Ride).
- The provision of grant aid to support **leisure**, the arts, community development, good relations and the promotion of tourism and economic development.
- **Regeneration – the design, delivery, and evaluation of various urban and rural projects enabled by the use of Council and/or externally sourced funding. Project themes include, Animation, Connectivity, Placemaking, and Strategic Regeneration specifically aimed at growing the non-domestic rate base.**
- **Community development - functions towards some community development programmes for the voluntary and community sectors.**
- **Housing - registration of houses in multiple occupation, housing fitness and private rented housing standards.**
- **Local Economic Development - Supporting business growth through start up and growth business programmes, youth entrepreneurship, social enterprise development and women in business.**
- Elements of the delivery of the **SEUPB Funding Programmes.**
- **Local tourism - tourism and experience development; business support, visitor servicing and advice on tourism policies and related issues.**
- **Ownership and responsibility for management and maintenance of a number of Harbours and Marinas.**
- Community planning.
- **Registration of Births, Deaths and Marriages.**
- General power of competence **as outlined in Part 11 of the Local Government Act (Northern Ireland) 2014.**
- A wide range of powers and duties placed on the Council by statute.

To enable the Council to provide the above services and perform its other functions, the Council must levy an annual rate and has the power to:

- acquire and dispose of land.
- borrow money.
- employ staff.
- procure goods and services.

### 4.3 Council meetings

There are three types of Council meeting:

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

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

### 4.4 Responsibility for functions

Part 2 of this Constitution sets out the responsibilities for the Council's functions.

## Article 5 - Chairing the Council

### 5.1 Title of the person chairing Council meetings

At a meeting of the Ards and North Down Borough Council, the Mayor of Ards and North Down Borough Council, if present, shall preside.

If the Mayor of Ards and North Down Borough Council is absent from a meeting of the Council, the Deputy Mayor of Ards and North Down Borough Council, if present, shall preside.

If both the Mayor and the Deputy Mayor of Ards and North Down Borough Council are absent from a meeting of the Council, the Members present shall nominate a Member to preside.

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

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

### 5.2 Role and function of the Mayor

The Mayor of Ards and North Down Borough Council and, in their absence the Deputy Mayor, will have the following roles and functions:

- Ceremonial role  
To represent the Council at civic and ceremonial functions and to be an ambassador for the Council.
- Chairing the Council meeting  
The Mayor will be the person presiding over Council meetings.

The Mayor will have the following responsibilities:

- Those identified in the Local Government Act (Northern Ireland) 2014.
- Those identified in the Local Government Code of Conduct for Councillors (LG 27/2014), (Part 4).
- To ensure decisions are taken legally, reasonably and fairly and in accordance with the Council's Standing Orders and policy.
- To uphold and promote the purposes of the Constitution.
- To preside over meetings of the Council so that its business can be carried out effectively and with regard to the rights of councillors and the interests of the community.
- To ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members can hold each other to account.
- To promote public involvement in the Council activities.
- To be the conscience of the Council.
- To attend such civic and ceremonial functions as the Council and Mayor determines appropriate.

## Article 6 – Decision-making structures

### 6.1 Role

Under the Local Government Act (Northern Ireland) 2014 11 (1) *“for the purpose of discharging any functions in pursuance of arrangements made under this part*

*(a) a Council may appoint a committee of the Council ...*

*... Subject to this Act the number of members of a committee appointed under subsection (1), their term of office and the area (if restricted) within which the committee is to exercise its authority must be fixed by the appointing council...”*

There are **six** standing committees:

- Audit Committee
- Community and Wellbeing Committee
- Corporate Services Committee
- Environment Committee

- Place and Prosperity Committee
- Planning Committee
- Each committee, in reaching its decisions, will have due regard to its impact on, and implications for, the Council's commitment to ensuring equality of opportunity and, where possible and practicable, to ensure that the actions of the committee are proactive in this respect.

Each committee is a main committee of the Council and is independent of all other operational committees of the Council. The committee will report to Council and accordingly the Council authorises the committee, within the scope of its responsibilities, to:

- Seek any information it requires from any Council employee or external party;
- Obtain external legal or professional advice as appropriate; and
- Ensure the attendance of Council officers at meetings as appropriate.

Correspondingly, all employees are directed by the Council to co-operate with any request made by the committee.

Each committee will comply with the Council's Standing Orders and special meetings may be convened as required.

In addition, the Council will appoint the Chair and Vice-Chair of the six committees on an annual basis in accordance with the procedures for appointing positions of responsibility.

## 6.2 Form

The Local Government Act (Northern Ireland) 2014 makes provision for Ards and North Down Borough to decide whether to make decisions through executive arrangements or through a committee structure as the preferred form of governance for Council decision-making. Ards and North Down Borough Council has agreed a committee system of governance.

Under the committee system the Council has made arrangements for the discharge of any of its functions by a committee, a sub-committee or an Officer of the Council, as provided for in the agreed Scheme of Delegation set out in Part 2, Annex 4 of this Constitution. Details of the committee structure, remit and membership are also contained in the Scheme of Delegation.

## 6.3 Proceedings of the Committees

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

## Article 7 – The Executive

This Article only applies to Council's operating executive arrangements. Ards and North Down Borough Council has agreed to operate a committee governance system, details of which are contained in Article 6.

## Article 8 – Overview and Scrutiny Arrangements

This Article only applies to Council's operating executive arrangements. Ards and North Down Borough Council has agreed to operate a committee governance system, details of which are contained in Article 6.

## Article 9 - Policy and other Committees

Ards and North Down Borough Council will appoint the committees set out in the **Scheme of Delegation and Responsibility for Council Functions** in Part 2, Annex 4 of this Constitution to discharge the functions as described.

## Article 10 - Joint Arrangements

### 10.1 Joint arrangements

Under Part 4 of the Local Government Act (Northern Ireland) 2014, the Council may establish joint arrangements with one or more local authorities to exercise functions and any such arrangements may involve the appointment of a joint committee with these other authorities.

Details of any joint arrangements including any delegations to joint committees will be found in Part 2, Annex 2 – Joint Arrangements.

### 10.2 Access to information

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

### 10.3 Delegation to and from other Councils

The Council may delegate functions to another local authority.

Other local authorities may delegate functions to the Council and the decision whether or not to accept such a delegation from another local authority shall be reserved for the relevant committee of Ards and North Down Borough Council.

### 10.4 Contracting out

Ards and North Down Borough Council may contract to another body or organisation functions or services where the contractor acts as the Council's agent under usual contracting principles provided there is no delegation of the Council's discretionary



decision making. Details of each service/function that has been contracted out is contained in Part 2, Annex 3 – Contracted Out.

## Article 11 - Officers

Terminology - In this article the use of the word 'Officers' means all employees and persons engaged by Ards and North Down Borough Council to carry out its functions and includes those engaged in short term agency or other contract for services.

### 11.1 Management Structure

The Management Structure of the Council is set out in **Part 6, Annex 14** of this Constitution.

### 11.2 Functions of the Clerk to the Council

The Clerk to the Council is the Chief Executive and has the following functions and responsibilities:

- Overall corporate management and operational responsibility (including overall management responsibility for all officers)
- Discharge of the functions of the Council
- Provision of professional advice to all parties in the decision-making process ensuring lawfulness and fairness
- A system of record keeping of Council decisions
- Representing the Council on partnership and external bodies (as required by statute or by the Council)
- Ensuring that decisions taken by the Council are lawful, reasonable and fair and in accordance with Standing Orders and Council policy.

### 11.3 Functions of the Chief Financial Officer

The Chief Financial Officer has responsibility to:

- Ensure lawfulness and financial prudence of decision making
- Administer financial affairs
- Contribute to corporate management
- Provide advice
- Give financial information.

The Chief Executive has been designated by Council as the Chief Financial Officer.

#### 11.4 Duty to provide sufficient resources to the Chief Financial Officer

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

#### 11.5 Conduct

Officers will comply with the Officers' Code of Conduct and the Local Government Employee and Councillor Working Relationship Protocol set out in **Part 4, Annex 11 and Annex 12** of this Constitution.

### Article 12 – Decision-making

#### 12.1 Responsibility for decision-making

Ards and North Down Borough Council shall issue and keep up to date a record of what part of the Council or which individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This is contained in Part 2, Annex 4 – Scheme of Delegation and Terms of Reference for the Standing Committees.

#### 12.2 Principles of decision-making

All decisions of the Council shall be made in accordance with the following principles:

- Principles of decision making as contained in Section 8 of the Northern Ireland Code of Conduct for Councillors
- Code of Conduct for Officers and Employee and Councillor Working Relationship Protocol – all contained in **Part 4**.

#### 12.3 Decisions to be taken by a qualified majority

The decisions of a Council that must be taken by a qualified majority, i.e. by 80 per cent of the votes of the Members present and voting, are set out in the Council's Standing Orders in **Part 3, Annex 9**, of this Constitution.

#### 12.4 Types of decision

As Ards and North Down Borough Council operates a committee governance system this is not applicable.

#### 12.5 Decision-making by the Council

Meetings of Ards and North Down Borough Council will follow the Council's Standing Orders set out in **Part 3, Annex 9**, of this Constitution when considering any matter.

## 12.6 Decision-making by other committees and sub-committees established by the Council

Council committees and sub-committees will follow those parts of the Council's Standing Orders set out in **Part 3, Annex 9** of this Constitution as apply to them.

## 12.7 Reconsideration of decisions

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

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

The procedures to be followed in relation to a requisition for the reconsideration of a decision are set out in the Council's Standing Orders in **Part 3, Annex 9** of this Constitution.

## Article 13 - Finance, Contracts and Legal Matters

### 13.1 Financial management

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

### 13.2 Contracts

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

### 13.3 Legal proceedings by and against the Council

The Clerk is authorised to institute, defend or participate in legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Clerk considers that such action is necessary to protect the Council's interests.

### 13.4 Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the **Clerk** or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

### 13.5 Common Seal of the Council

The common seal of the Council will be kept in a safe place in the custody of the **Clerk**. A decision of the Council will be sufficient authority for sealing any document necessary to give effect to the decision **and shall be used only in accordance with Council's Standing Orders**. The common seal will be affixed to those documents that, in the opinion of the **Clerk**, should be sealed. The affixing of the common seal will be attested by the **Clerk** and the Mayor or some other person authorised by him/her.

## Article 14 - Review and Revision of the Constitution

### 14.1 Duty to keep the Constitution up to date

The **Clerk** and **Director of Corporate Services** shall monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. **The Constitution will be reviewed every four years following the election cycle, or as required.**

A key role for the **Clerk** and **Director of Corporate Services** is to be aware of the strengths and weaknesses of the Constitution adopted by the Council and to make recommendations for ways in which it could be amended in order to better achieve the purposes set out in Article 1.

In undertaking this task, the **Director of Corporate Services** may:

- Observe meetings of different parts of the Member and Officer structure.
- Undertake an audit trail of sample decisions.
- Record and analyse issues raised with him/her by Members, Officers, the public and other relevant stakeholders.
- Compare practices in this authority with those in other comparable authorities, or national examples of best practice.

### 14.2 Changes to the Constitution

All proposed changes to the Constitution will only be debated and agreed by a majority of the Council after receipt of a written report following consideration of the proposal by the **Clerk** or **Director of Corporate Services**, unless the change is such that it can be made under delegated powers.

Ards and North Down Borough Council will take reasonable steps to consult with the local electorate and other interested persons when drawing up proposals for a change from a committee form of governance to an alternative form of governance.

## Article 15 - Publication of the Constitution

### 15.1 Suspension of the Constitution

#### Limit to suspension

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

#### Procedure to suspend

- (b) A motion to suspend the Constitution shall require the support of a qualified majority vote within the meaning of Section 40 of the Local Government Act (Northern Ireland) 2014. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the statements of purpose of the Constitution set out in Article 1.

#### Procedure Rules capable of suspension

- (c) The Rules of Procedure of this Constitution may be suspended in accordance with the Council's Standing Orders.

### 15.2 Interpretation

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

### 15.3 Publication

An **electronic** copy of this Constitution will be given to each Member of the Council upon receipt of their declaration of acceptance of office (following first elected to the Council).

A copy will also be published on the **Council's website**.

## Part 2

### Responsibility for Functions

#### Annex 1: Principles of Delegation

Ards and North Down Borough Council will undertake its principles of delegations to promote values and behaviours for the Council that will demonstrate how it will uphold good governance and high standards of conduct.

Its principles of delegation include:

- Absoluteness of responsibility
- Parity of authority and responsibility
- Communication

Ards and North Down Borough Council will also have due regard to the seven principles of public life, also known as the "Nolan principles". The Nolan principles established by the Committee on Standards in Public Life Report are:

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

#### Annex 2: Joint Arrangements

Part 4 of the Local Government Act (Northern Ireland) 2014 allows the Council, in order to take the reasonable action needed for the benefit of the authority, its area or persons resident or present in its area, to:

- (a) Enter into arrangements or agreements with any person or body.
- (b) Co-operate with, or facilitate or co-ordinate the activities of, any person or body.
- (c) Exercise on behalf of that person or body any functions of that person or body.

Each year at the Annual Meeting, Ards and North Down Borough Council appoints Members to the standing committees **as well as a number of statutory bodies as required by legislation.**

**In addition, Ards and North Down Borough Council also voluntarily appoint Members to a number of sub-committees, working groups and outside bodies at its Annual Meeting, save for a number of appointments that are made for the four-year term of Council, appointed after each election cycle. Details of these groups are available on the Council's website.**

#### Annex 3: Contracted Out

Ards and North Down Borough Council may contract to another body or organisation functions or services where the contractor acts **on the Council's behalf** under usual

contracting principles provided there is no delegation of the Council's discretionary decision making.

The following services have been contracted out:

- Some aspects of leisure management
- Bangor Marina and Harbour
- Catering Franchise at North Down Museum in Bangor
- Bangor Castle Walled Garden Cafe Catering Franchise
- Parklands Café at Ards Blair Mayne Wellbeing and Leisure Complex
- Exploris Aquarium in Portaferry
- Pickie Fun Park in Bangor.

#### **[Annex 4: Scheme of Delegation and Responsibilities for Council Functions](#)**

## Part 3

### Rules of Procedure

#### Annex 5 – Access to Information Procedure Rules

##### Scope

These rules apply to all meetings of the Council, its Committees and Sub-Committees. They summarise the public's rights to attend meetings and to inspect and copy documents, full particulars of which are contained in Part 8 of the Local Government Act (Northern Ireland) 2014.

##### Additional Right to Information

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

##### Right to Attend Meetings

Members of the public may attend all meetings subject only to the exceptions in these rules.

##### Notice of Meeting

The Council will give at least three **working** days' notice of any of its meetings **by posting details of the meeting on its website**. Where meetings are called at short notice for reasons of urgency, notice of the meetings shall be given as soon as practicable. **Alternative formats are available on request.**

##### Access to Agenda and Reports before and at the Meeting

The Council will make copies of the agenda and all reports that do not contain confidential or exempt information available to the public on its website at least **three working days** before the meeting. If an item is added to the agenda later, the revised agenda will be available from the time the item is added to the agenda. Where a report that does not contain confidential or exempt information is issued after the agenda has been sent out, **the Council shall make such report** available to the public as soon as the report is completed and sent to Councillors.

##### Supply of agendas and connected reports

**The Council will consider on a case-by-case basis the supply of hard copies of any agenda, reports, minutes and records of decisions that are open to public inspection, and should the Council see fit, copies of any other documents supplied to Councillors in connection with an item, on payment of a charge for postage and any other costs.**



### Access to Minutes etc after the Meeting

The Council will retain and make available for the public copies of the following for six years after a meeting:

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

Also, the Council will (subject to copyright of any person other than the Council) supply copies or extracts of any of the above on payment of such reasonable copying fee as may be required. **Alternative formats are available on request.**

Minutes and associated papers can be found on the **Council's website.**

### Background Papers

#### List of background papers

The **Clerk** will set out in every report a list of those documents (called background papers) relating to the subject matter of the report that in his/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report but do not include published works or those which disclose exempt or confidential information.

### Public inspection of background papers

The Council will make available to the public for four years after the date of the meeting, one copy of each of the documents on the list of background papers, **unless they contain confidential information**, and (subject to copyright of any person other than the Council) supply a copy or an extract **electronically via email.** **Alternative formats are available on request.**

### Exclusion Of Access by the Public to Meetings

#### Confidential information – requirement to exclude public

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

#### Exempt information – discretion to exclude public

The public may be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that exempt information would be disclosed.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Schedule 1 Part 1 Article 6 of the Human Rights Act 1998 ("Right to a Fair Trial") may be applicable. In such cases there is a presumption that the relevant part of the meeting will be held in public unless a partial or completely private hearing is deemed necessary for one of the reasons specified in Article 6. These reasons include cases where exclusion of the public is considered to be required in the interests of juveniles or for the protection of the private life of the parties.

#### Meaning of confidential information

Confidential information means information given to the Council by a Government Department on terms that forbid its public disclosure or information that, the public disclosure of, is prohibited by or under any enactment or by the order of a Court.

#### Meaning of exempt information

Exempt information means information falling within the following seven categories (as defined in Schedule 6 of the Local Government Act NI 2014) in column 1 below (subject to any qualifications in column 2 below):

Category	Qualifications
1. Information relating to any individual	<p>Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to Section 79 of the Planning Act (Northern Ireland) 2011.</p> <p>The information may be treated as exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>
2. Information which is likely to reveal the identity of any individual	<p>Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to Section 79 of the Planning Act (Northern Ireland) 2011.</p> <p>The information may be treated as exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>

Category	Qualifications
<p>3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).</p> <p>This includes contemplated as well as past or current activities.</p>	<p>Information within paragraph 3 is not exempt by virtue of paragraph 3 if it is required to be:</p> <p>(a) registered under any one of the following: the Companies Acts (as defined in section 2 of the Companies Act 2006), the Friendly Societies Acts of 1974 or 1992, the Industrial and Provident Societies Acts 1965 to 1978, or the Charities Act 2011 or</p> <p>(b) recorded in the public file of any building society under the Building Societies Act 1986.</p> <p>Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to Section 79 of the Planning Act (Northern Ireland) 2011. The information may be treated as exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>
<p>4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the Council or a Minister of the Crown and employees of, or officer-holders under the Council.</p> <p>Labour relations matter means—</p> <p>(a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute within the meaning of the That Act) or (b) any dispute about a matter falling within paragraph (a).</p>	<p>Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to Section 79 of the Planning Act (Northern Ireland) 2011.</p> <p>The information may be treated as exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>

Category	Qualifications
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	<p>Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to Section 79 of the Planning Act (Northern Ireland) 2011.</p> <p>The information may be treated as exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>
6. Information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.	<p>Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to Section 79 of the Planning Act (Northern Ireland) 2011.</p> <p>The information may be treated as exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	<p>Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant Section 79 of the Planning Act (Northern Ireland) 2011.</p> <p>The information may be treated as exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>

### Exclusion of Access by the Public to Reports

**The Council** may exclude access by the public to reports which, in their opinion, relate to items during the meeting likely not to be open to the public. Such reports will be marked “Not for publication”.

Also, where any report is excluded from the public on the basis that it contains exempt (rather than confidential) information, the report will be marked with the category of exempt information likely to be disclosed.

### Disorderly Conduct, etc.

The public's rights of admission to meetings set out above are subject to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.

### Record of Decisions

After any meeting of a committee or sub-committee, whether held in public or private, the Council will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting, any conflicts of interest declared, and any dispensation granted.

## Annex 6 – Policy Development Process

### Annex 7 – Finance Policies

The below policies outlined in Annex 7 are published on the **Council's website**:

- Anti-Fraud, Bribery and Corruption Policy
- Asset Management Policy
- Budgeting Policy
- Charging and Income Policy
- Inventories Policy
- Purchasing and Payments Policy
- Reserves Policy
- Grants Policy
- Treasury Management Strategy Statement
- Capital Strategy
- Whistleblowing Policy

## Annex 8 – Contracts Procedure Rules

## Annex 9 – Standing Orders

## Part 4

### Codes and Protocols

[Annex 10 - Code of Conduct for Councillors](#)

[Annex 11 - Code of Conduct for Local Government Employees](#)

[Annex 12 - Local Government Employee and Officer Working Relationship Protocol](#)

## Part 5

### Member's Allowances

[Annex 13.1 - Local Government Circular 23/2019: Consolidated Guidance on Councillors' Allowances for District Councils in Northern Ireland.](#)

[Annex 13.2 - Scheme of Allowances](#)

## **Part 6**

### **Officers Management Structure**

#### **Annex 14 - Management Structure**