

ARDS **AND** NORTH DOWN  
BOROUGH COUNCIL

# COUNCIL CONSTITUTION

VERSION 2  
JULY 2025



Ards and  
North Down  
Borough Council





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## **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 5 of this Constitution.

## Article 3 - Citizens and the Council

### 3.1 Citizens' rights

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

#### Complaints

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 (Northern Ireland) 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
- Active and Healthy Communities 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.

## 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 Cafe 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:

- 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.
- 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.
- the agenda for the meeting; and
- 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:

- disclose any facts or matters on which the report or an important part of the report is based; and
- 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 [Northern Ireland] 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>  |
| <p>3. Information relating to the financial or business affairs of any particular person<br/>(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> |

| Category   | Qualifications  |
|--|---|
| <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– (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> |
| <p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</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> |
| <p>6. Information which reveals that the authority proposes –</p> <p>(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</p> <p>(b) to make an order or direction under any enactment.</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   |
|---|--|
| 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 Councillor  
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