



**Northern Ireland  
Assembly**

**COMMITTEE FOR THE ENVIRONMENT**

**MINUTES OF PROCEEDINGS**

**TUESDAY, 11 FEBRUARY 2014**

**SENATE CHAMBER, PARLIAMENT BUILDINGS**

Present: Ms Anna Lo MLA (Chairperson)  
Mrs Pam Cameron MLA (Deputy Chairperson)  
Mr Cathal Boylan MLA  
Mr Colum Eastwood MLA  
Mr Tom Elliott MLA  
Mr Alban Maginness MLA  
Mr Ian McCrea MLA  
Mr Barry McElduff MLA  
Mr Ian Milne MLA  
Lord Morrow MLA  
Mr Peter Weir MLA

In Attendance: Mrs Sheila Mawhinney (Assembly Clerk)  
Mr Sean McCann (Assistant Assembly Clerk)  
Mr Neil Sedgewick (Clerical Supervisor)  
Ms Antoinette Bowen (Clerical Officer)

Apologies: No apologies received.

*The meeting began in closed session at 12:40pm.*

**1. Consideration of legal advice**

The Committee noted legal advice in connection with the Local Government Bill on whether a power or duty can be “designated upon” a Minister of the NI Executive or if such a power or duty rests solely with the Department in question.

*The meeting continued in public session at 12:42pm*

**2. Apologies**

Apologies were indicated as above.

*Mr Weir joined the meeting at 12:46pm*

### **3. Informal clause by clause consideration of the Local Government Bill**

Linda MacHugh (Director, Local Government Policy Division), Julie Broadway (G7 Local Government Policy Division) John Murphy (Local Government Policy Division) and Mylene Ferguson (Local Government Policy Division) attended the briefing to discuss outstanding issues in relation to the Local Government Bill.

#### **Clause 81: Interpretation**

*Agreed: The Committee was broadly content with this clause.*

#### **Clause 82: Council's general power of competence**

*Agreed: The Committee was broadly content with this clause.*

#### **Clause 83: Boundaries of the general power**

*Agreed: The Committee was broadly content with this clause.*

#### **Clause 84: Limits on charging in exercise of general power**

*Agreed: The Committee was broadly content with this clause.*

#### **Clause 85: Powers to make supplemental provision**

*Agreed: The Committee agreed that the powers expressed in clause 85(1) should be made subject to the super affirmative procedure and a consequential amendment made to clause 125(4)(g.)*

*Mr McCrea joined the meeting at 12:49pm*

*Lord Morrow joined the meeting at 12:51pm*

#### **Clause 86: Limits on power conferred by section 85(1)**

*Agreed: The Committee was broadly content with this clause.*

*Mr Maginness joined the meeting at 12:58pm*

#### **Clause 87: Improvement: general duty**

*Agreed: The Committee was broadly content with this clause.*

#### **Clause 88: Improvement objectives**

*Agreed: The Committee was broadly content with this clause.*

#### **Clause 89: Improvement: supplementary**

*Agreed: The Committee was broadly content with this clause.*

**Clause 90: Consultation on improvement duties**

*Agreed: The Committee was broadly content with this clause.*

**Clause 91: Appropriate arrangements under sections 87(1) and 88(2)**

*Agreed: The Committee was broadly content with this clause.*

*Mr McElduff left the meeting at 1:07pm*

**Clause 92: Performance indicators and performance standards**

*Agreed: The Committee was broadly content with this clause.*

**Clause 93: Collection of information relating to performance**

*Agreed: The Committee was broadly content with this clause.*

**Clause 94: Use of performance information**

*Agreed: The Committee was broadly content with this clause.*

*Mr Elliott left the meeting at 1:11pm*

**Clause 95: Improvement planning and publication of improvement information**

*Agreed: The Committee agreed that Departmental officials should return with a possible amendment to amend the reporting dates specified in the Bill*

*Mr McElduff re-joined the meeting at 1:18pm*

*Mr Boylan left the meeting at 1:19pm*

**Clause 96: Improvement information and planning**

*Agreed: The Committee was content that the Minister would introduce an amendment which would reviews the audit process after 2-3 years and the officials also agreed that the Minister would give an undertaking on this at Consideration Stage.*

**Clause 97: Improvement assessments**

*Agreed: The Committee was broadly content with this clause.*

**Clause 98: Audit and assessment reports**

*Agreed: The Committee agreed that Departmental officials should return with a possible amendment to amend the reporting dates specified in the Bill.*

**Clause 99: Response to section 98 reports**

*Agreed: The Committee was broadly content with this clause.*

*Mr Boylan re-joined the meeting at 1:21pm.*

**Clause 100: Annual improvement reports**

*Agreed: The Departmental officials agreed to consult with the NIAO on a possible amendment to the requirement for the Local Government Auditor to be obliged to produce an annual improvement report every year on all councils.*

**Clause 101: Special inspections**

*Agreed: The Committee was broadly content with this clause.*

**Clause 102: Reports of special inspections**

*Agreed: The Committee was broadly content with this clause.*

**Clause 103: Powers of direction, etc.**

*Agreed: The Committee was broadly content with this clause.*

**Clause 104: Power to modify statutory provisions and confer new powers**

*Agreed: The Committee was broadly content with this clause.*

**Clause 105: Application of certain local government audit provisions**

*Agreed: The Committee was broadly content with this clause.*

**Clause 106: Partnership Panel**

*Agreed: The Committee agreed that Departmental officials would provide the wording of a technical amendment to clause 106 to give every council the power to nominate a representative to the Partnership Panel.*

**Part 14: Control of councils by Northern Ireland Department**

*Agreed: Departmental officials agreed to consider the removal of the word 'control' from the name of this section of the Bill.*

**Clause 107: Power of any Northern Ireland department to intervene in case of default by council**

*Agreed: The Committee was broadly content with this clause.*

**Clause 108: Inquiries and investigations**

*Agreed: Officials agreed to communicate to the Minister Committee concerns that the Bill does not include a right of appeal for a council against the findings of an investigation.*

**Clause 109: Power of any Northern Ireland department to intervene in case of default by council**

*Agreed: The Committee was broadly content with this clause.*

*Mr McCrea left the meeting at 1:32pm.*

**Clause 110: The local government auditor**

*Agreed: The Committee was broadly content with this clause.*

**Clause 111: Power to repeal provisions relating to surcharge, etc.**

*Agreed: The Committee was broadly content with this clause.*

**Clause 112: Minor and consequential amendments**

*Agreed: The Committee was broadly content with this clause.*

**Clause 113: Guidance**

*Agreed: The Committee was broadly content with this clause.*

*Mr Milne left the meeting at 1:33pm*

**Clause 114: Transitional rate relief in consequence of changes in local government districts**

*Agreed: Departmental officials stated that the wording of a DFP amendment would be provided to the Committee to allow for transitional rate relief in consequence of changes in local government districts.*

**Clause 115: Commencement of the Local Government (Boundaries) Order (Northern Ireland) 2012**

*Agreed: The Committee was broadly content with this clause.*

**Clause 116: Exclusion of non-commercial considerations**

*Agreed: The Committee was broadly content with this clause.*

**Clause 117: Control of disposals and contracts of existing councils and their finances**

*Agreed: The Committee was broadly content with this clause.*

**Clause 118: Persons ceasing to hold office**

*Agreed: The Committee was broadly content with this clause.*

**Clause 119: Validity of acts done by unqualified person**

*Agreed: The Committee was broadly content with this clause.*

**Clause 120: Insurance against accidents to councillors**

*Agreed: The Committee was broadly content with this clause.*

**Clause 121: Schemes for transfers of assets and liabilities**

*Agreed: Departmental officials agreed to provide the wording of an amendment to allow for the transfer of Armagh County Museum to the new council.*

**Clause 122: Compensation for loss of office or diminution of emoluments**

*Agreed: Departmental officials agreed to provide the wording of a technical amendment to clause 122 to cover any statutory provisions and not just those specific to the Local Government Bill.*

*Lord Morrow left the meeting at 1:40pm.*

**Clause 123: Supplementary and transitional provisions for the purposes of this Act and other purposes**

*Agreed: Departmental officials agreed to provide the wording of a new clause to replace this current clause.*

**Clause 124: Interpretation**

*Agreed: The Committee was broadly content with this clause subject to consequential amendments to Clauses 122 and 123.*

**Clause 125: Regulations and orders**

*Agreed: Departmental officials agreed to provide the wording of amendments to this clause to include clauses 51 and 54 are subject to draft affirmative resolution and to remove clause 85 from this list.*

**Clause 126: Minor and consequential amendments and repeals**

*Agreed: The Committee was broadly content with this clause.*

**Clause 127: Commencement**

*Agreed: The Committee was broadly content with this clause.*

**Clause 128: Short title**

*Agreed: The Committee was broadly content with this clause.*

**Schedule 1: Disqualifications for being elected or acting as councillor**

*Agreed: The Committee was broadly content with this schedule.*

**Schedule 2: Declaration of councillor**

*Agreed: The Committee was broadly content with this schedule.*

**Schedule 3: Positions of responsibility**

*Agreed: The Departmental officials agreed to return to the Committee with clarification the wording of 'from the district' at Part 3(14).*

**Schedule 4: Appointment of councillors to committees, etc.**

*Agreed: Departmental officials agreed to investigate the possibility of independents being excluded from committees using the Quota Greatest Remainder process.*

**Schedule 5: Declaration on appointment to committee of person who is not a councillor**

*Agreed: The Committee was broadly content with this schedule.*

**Schedule 6: Overview and scrutiny committees: voting rights of co-opted members**

*Agreed: The Committee was broadly content with this schedule.*

**Schedule 7: Meetings and proceedings**

*Agreed: The Committee was broadly content with this schedule.*

**Schedule 8: Access to information: exempt information**

*Agreed: The Committee was broadly content with this schedule.*

**Schedule 9: Minor and consequential amendments relating to local government audit**

*Agreed: The Committee was broadly content with this schedule.*

#### **Schedule 10: Transfer schemes**

*Agreed: Departmental officials agreed to provide wording of an amendment to paragraph 2(3)(d)*

#### **Schedule 11: Minor and consequential amendments: general**

*Agreed: The Committee was broadly content with this schedule.*

#### **Schedule 12: Repeals**

*Agreed: The Committee was broadly content with this schedule.*

*Agreed: Departmental officials stated they would provide the wording of an amendment to allow for the abolition of the Local Government Staff Commission and an amendment to the transfer of functions grant.*

The briefing was recorded by Hansard.  
*Mr Eastwood left the meeting at 1:54pm*

#### **4. Matters arising**

4.1 The Committee noted a briefing paper listing items still under consideration or where amendments are to be tabled by the Department in relation to the Local Government Bill.

4.2 The Committee considered and noted Departmental replies to the Committee on the following issues relating to the Local Government Bill:

- 1998 European Court judgement: Council employees being elected or being a councillor
- Note on how council staff becoming councillors is dealt with in other European countries
- Super-affirmative procedure
- Model constitution
- Current use of co-option to councils
- Legislation specifying the details of vacation of office in the event of non-attendance
- Summary of the latest drafts of subordinate legislation relating to the Bill.

4.3 The Committee noted an Assembly Research paper on Call In – Protection of Minorities in Divided Communities.



4.4 The Committee considered correspondence from the Fermanagh Trust on Community Planning and Benefits.

*Agreed: The Committee agreed to forward the correspondence to the Department for comment.*

**5. Any Other Business**

No business was discussed.

**6. Date, time and place of next meeting**

The next meeting will be held on 13<sup>th</sup> February 2014 at 10:00am in the Senate Chamber, Parliament Buildings.

*The Chairperson adjourned the meeting at 1:57pm*

**Anna Lo, MLA**  
**Chairperson, Committee for the Environment**  
**20 February 2014**