

Local Government (Meetings and Performance) Bill

[AS INTRODUCED]

LEGISLATIVE COMPETENCE

At Introduction the Minister for Communities had made the following statement under section 9 of the Northern Ireland Act 1998:

“In my view the Local Government (Meetings and Performance) Bill would be within the legislative competence of the Northern Ireland Assembly.”

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BILL

TO

Make provision relating to requirements as to meetings and performance of district councils.

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

PART 1

MEETINGS AND PERFORMANCE

Conduct of meetings

Meetings: effect of regulations under the Coronavirus Act

- 5 1.—(1) In section 78 (local authority meetings) of the Coronavirus Act 2020, subsection (3) is repealed.
- (2) The Local Government (Coronavirus) (Flexibility of District Council Meetings) Regulations (Northern Ireland) 2020 have effect on and after the day on which this Act comes into operation as if never (and are to be treated as having been made as if not) subject to the provision repealed by this section.
- 10

Meetings: power to make similar or further provision

- 2.—(1) The Department for Communities may by regulations make provision relating to—

- 15 (a) requirements to hold district council meetings,
- (b) the times at or by which, periods within which or frequency with which such meetings are to be held,
- (c) the places at which such meetings are to be held,
- (d) the manner in which persons may attend, speak at, vote in or otherwise participate in such meetings,
- 20 (e) public admission and access to such meetings,

(f) the places at which and manner in which documents pertaining to such meetings are to be open to inspection by or otherwise available to members of the public.

5 (2) Provision which may be made in regulations under this section includes provision—

(a) for persons to attend, speak at, vote in or otherwise participate in district council meetings without all of the persons, or without any of them, being together in the same place,

(b) for standing orders of district councils to—

10 (i) specify the basis or process for considering whether (including who is to assess or decide whether) such meetings should or are to be held without all of the attendees, or without any of them, being together in the same place,

15 (ii) govern the arrangements for and conduct of such meetings whenever such meetings are to be held without all of the attendees, or without any of them, being together in the same place,

20 (iii) regulate the public's access to such meetings, or the availability to the public of documents pertaining to such meetings, whenever such meetings are to be held without all of the attendees, or without any of them, being together in the same place.

(3) Regulations under this section may—

(a) disapply or modify statutory provisions (as construed in accordance with section 1(f) of the Interpretation Act (Northern Ireland) 1954),

25 (b) contain supplementary, incidental, consequential, transitional, transitory or saving provision.

(4) Regulations under this section are subject to negative resolution.

(5) The references in this section to district council meetings are to meetings of—

(a) district councils,

30 (b) executives of such councils (as provided for in Part 6 of the Local Government Act (Northern Ireland) 2014),

(c) joint committees of two or more such councils,

(d) committees or sub-committees of such councils, executives or joint committees.

35 (6) This section is without prejudice to section 78 of the Coronavirus Act 2020 (but see sections 88 to 90 of that Act).

Performance improvement

Performance: exemption from yearly audit and assessment

3.—(1) The Local Government Act (Northern Ireland) 2014 is amended as follows.

(2) In section 93 (improvement information and planning)—

(a) the current text becomes subsection (1),

(b) after that subsection insert—

“(2) But no audit under this section is to be carried out in relation to a council in respect of a financial year if the Department determines, after consulting the local government auditor, that the council is to be exempt from the application of this section in respect of that financial year.”.

5 (3) In section 94 (improvement assessments), after subsection (2) insert—

10 “(3) But no assessment under this section is to be carried out in relation to a council in respect of a financial year if the Department determines, after consulting the local government auditor, that the council is to be exempt from the application of this section in respect of that financial year.”.

(4) In section 95 (audit and assessment reports), in subsection (2)—

(a) for paragraph (a) substitute—

“(a) certifying that (as the case may be)—

15 (i) the local government auditor has carried out an audit under section 93 in respect of the previous financial year; or

(ii) the Department has determined under section 93 that the council is to be exempt from the application of that section in respect of that financial year;”,

(b) in paragraph (b), after “audit” insert “(if carried out)”,

20 (c) for paragraph (c) substitute—

“(c) certifying that (as the case may be)—

(i) the local government auditor has carried out an assessment under section 94 in respect of the financial year; or

25 (ii) the Department has determined under section 94 that the council is to be exempt from the application of that section in respect of the financial year;”,

(d) in paragraph (d), after “assessment” insert “(if carried out)”.

Performance: certain rules deemed as not applying (2020/21)

4.—(1) The relevant requirements of the Local Government Act (Northern Ireland) 2014 are to be regarded as having no effect (and as having never had effect) with respect to financial year 2020/21.

(2) The relevant requirements of that Act are—

(a) section 85 of that Act (together with sections 90(1)(a) and 92(2)(a)(ii) of that Act),

35 (b) section 87 of that Act,

(c) section 92(4) and (5) of that Act.

(3) The rest of Part 12 of that Act is to be taken to apply (and to have applied) subject to this section.

40 (4) The reference in this section to financial year 2020/21 is to the financial year ending on 31st March 2021.

Performance: power to alter various rules (2021/22 and 2022/23)

- 5.—(1) The Department for Communities may by regulations disapply or modify, with respect to financial year 2021/22, any provision in Part 12 of the Local Government Act (Northern Ireland) 2014.
- 5 (2) The Department for Communities may by regulations disapply or modify, with respect to financial year 2022/23, any provision in Part 12 of the Local Government Act (Northern Ireland) 2014.
- 10 (3) Regulations under this section made after the start of the financial year in question may contain provision stating that they are to be treated as if having had effect since the start of the financial year in question (and that Part 12 of the Local Government Act (Northern Ireland) 2014 is to be regarded as having had effect accordingly since then).
- 15 (4) Regulations under this section may contain supplementary, incidental, consequential, transitional, transitory or saving provision.
- 15 (5) Regulations under this section may not be made unless a draft of them has been laid before and approved by a resolution of the Assembly.
- 20 (6) In this section—
 (a) the reference to financial year 2021/22 is to the financial year ending on 31st March 2022,
 (b) the reference to financial year 2022/23 is to the financial year ending on 31st March 2023.

PART 2**FINAL PROVISIONS****Updated reference to the Department**

- 25 6. In section 126 (interpretation) of the Local Government Act (Northern Ireland) 2014, in the definition of “the Department” in subsection (1), for “the Department of the Environment” substitute “the Department for Communities”.

Commencement and short title

- 7.—(1) This Act comes into operation on the day after receiving Royal Assent.
- 30 (2) This Act may be cited as the Local Government (Meetings and Performance) Act (Northern Ireland) 2021.

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A Bill to make provision relating to requirements as to meetings and performance of district councils.

Introduced by: Ms Deirdre Hargey, Minister for Communities

On: 14 June 2021

Bill Type: Executive Bill

ACCOMPANYING DOCUMENTS

**An Explanatory and Financial Memorandum is printed separately as
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