



**Northern Ireland
Assembly**

COMMITTEE FOR THE ENVIRONMENT

MINUTES OF PROCEEDINGS

THURSDAY, 13 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 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)
Ms Éilis Haughey (Bill Clerk)
- Apologies:** Mr Barry McElduff MLA

The meeting commenced in public session at 10:13am

1. Apologies

Apologies were indicated as above.

2. Chairperson's Business

No business was discussed.

3. Draft minutes

The minutes of the meetings of 4th and 6th February 2014 were agreed.

4. Matters arising

4.1 The Committee considered correspondence regarding an extension to the consultation period on the Local Government Pension Scheme (Northern Ireland).

Agreed: The Committee agreed to request a copy of the synopsis of responses.

Mr Milne joined the meeting at 10:17

Mr McCrea joined the meeting at 10:17

4.2 The Committee considered a draft itinerary for a visit to Scotland in March as part of its consideration of the subordinate legislation and statutory guidance to follow the Local Government Bill.

Agreed: The Committee agreed that it was content with the itinerary and members indicated that they would confirm with the secretariat if they wish to take part in the visit.

5. Consultations

The Committee considered a consultation on wheelchair accessible taxi specification.

Agreed: The Committee agreed to request a copy of the synopsis of responses.

6. Synopsis of responses to consultation on proposals to amend the Glass Packaging Target

The Committee considered the synopsis of responses to consultation on proposals to amend the Glass Packaging Target.

Agreed: The Committee was content for the Department to proceed with policy.

7. Correspondence

The Committee moved to agenda item 8.

The Committee considered a letter of concern from St. Mark's Portadown regarding the future of Small Bus Permits.

Agreed: The Committee agreed to forward the correspondence to the Department for comment and to request a Departmental briefing on this issue.

Members considered a memo from the Social Development Committee requesting that the Terms of Reference for the Inquiry into Wind Energy should be reconsidered to include economic considerations.

Agreed: The Committee agreed to write back to the Social Development Committee, reiterating that the terms of reference cannot be changed as matters relating to the economy fall within the remit of DETI.

The Committee considered correspondence from NIFPO regarding the potential impact of proposed off-shore Wind development on the Northern Ireland fishing industry.

Agreed: The Committee agreed to include the correspondence as part of the Wind Energy Inquiry Report.

The Committee considered correspondence from the Department of Regional Development regarding the Committees Inquiry into Wind Energy.

Agreed: The Committee agreed to include the correspondence as part of the Wind Energy Inquiry Report.

The Committee considered correspondence from a member of the public requesting a meeting with the Chairperson to discuss concerns in relation to the High Hedges Act (NI) 2011.

Agreed: The Committee agreed to write back to the correspondent requesting further information on his experience of the legislation.

The Committee considered a Departmental response to correspondence regarding the Montupet Factory, Dunmurry.

Agreed: The Committee agreed to forward the response to the original correspondent for his information.

The Committee considered a memo from the Finance and Personnel Committee regarding the Northern Ireland Audit Office report on Sickness Absence in the Public Sector.

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

The Committee considered an invitation from the CAL Committee to participate in a joint Committee visit to the Resource Collections Centre at Swords and a briefing from the Institute of Archaeologists of Ireland, at a date to be determined.

Agreed: The Committee agreed that members should participate in the visit.

The Committee noted the following correspondence:

OFMdFM Committee correspondence giving a summary of discussions of the October 2013 Joint Ministerial Council (Europe) meeting.

Belfast City Centre Management, Belfast Chamber of Trade and Commerce and Visit Belfast letters of support for the introduction of single tier taxi legislation.

Copy of DOE Live Infraction Schedule Position at 31 December 2013.

Departmental letter regarding the Committee for Agriculture and Rural Developments request for NIEA officials to brief them in relation to the Reservoir Bill.

Letter from the Minister regarding the Carrier Bags Bill: Further Consideration Stage.

8. Forward Work Programme

The Committee moved to agenda item 9.

The Committee noted the Forward Work Programme.

9. Formal clause by clause consideration of the Local Government Bill

The Committee returned to agenda item 7.

Mr Eastwood joined the meeting at 10:32

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 on clauses where Committee members had requested further information.

Clause 2: Constitutions of councils

Departmental officials provided the Committee with the wording of a technical amendment to Clause 2(1)(b) to clarify that the Code of Conduct referred to is the one in the Bill.

Departmental officials also indicated that the Minister was not minded to bring an amendment to specify a date by which the first draft of a constitution would be published as had been requested by the Committee.

Agreed: The Committee was content with the proposed Departmental amendment to Clause 2(1)(b).

The Committee also agreed to draft an amendment to specify a date not later than April 2015 for the publication of a council's constitution.

Clause 4: Disqualifications (also Schedule 1)

Departmental officials confirmed that the Minister has given his assurance to the Committee that subordinate legislation will specify the posts or grades of staff who will continue to be disqualified from being elected as a councillor.

Agreed: The Committee was content with this Ministerial assurance.

Clause 10: Positions of responsibility

Departmental officials provided the wording of technical amendments to Clause 10 (4) to define 'external representative'.

Mr Elliott joined the meeting at 10:47

Mrs Cameron joined the meeting at 10:47

Agreed: The Committee was content with the Departmental amendments.

Agreed: The Committee also agreed that that the Department should provide clarification whether an amendment would be required to ensure that the posts specified at 10 (1)(a) - (e) may be allocated for the entire term of the council, or if these could be specified in guidance.

Clause 11: Arrangements for discharge of functions of council

Departmental officials provided the wording of a technical amendment to address a possible conflict with the Local Government Finance (Northern Ireland) Act 2011.

Agreed: The Committee was content with the Departmental amendment.

Clause 23: Permitted forms of governance

Departmental officials assured the Committee that information would be detailed in guidance and in standing orders on whether committees outside the executive, exercising quasi-judicial functions such as licensing or planning, would be subject to call-in or qualified majority voting.

Agreed The Committee was content with this assurance.

Clause 25: Council executives

Departmental officials advised the Committee that the Minister was not minded to make an amendment to this clause in respect of the role of Mayors or Deputy Mayors in a council executive and whether or not they would have voting rights. Officials also advised that the Minister was not minded to amend the minimum number of members in a cabinet-style or streamlined committee executive.

Agreed: The Committee agreed to draft amendments on both of these issues.

Mr Weir left the meeting at 10:54

Clause 34: Reference of matter to overview and scrutiny committee etc.

Departmental officials provided the wording of a technical amendment to this clause to replace 'excluded' with 'prescribed'.

Agreed: The Committee was content with the Departmental amendment.

Clause 45: Power to require decisions to be reconsidered.

Departmental officials advised the Committee that the Minister was not minded to make an amendment to this clause on the criteria for a call in and guidance on the use of a solicitor/barrister in the procedure for the reconsideration of a decision as this will be specified in guidance.

Agreed: The Committee agreed to accept this explanation.

Mr Weir re-joined the meeting at 10:57

Clause 50: Application to committees and sub-committees

Departmental officials provided the wording of a technical amendment to this clause to remove the word 'be'.

Agreed: The Committee was content with this proposed amendment.

Clause 58: Investigations

Departmental officials provided the wording of an amendment to widen the powers of the Commissioner to enable him to refer minor complaints back to a local council for resolution or mediation. Officials also advised the Committee that the Minister intends to review the role of the Commissioner within three or four years.

Agreed: The Committee was content with the amendment and the Ministerial assurance.

Clause 60: Reports etc.

Departmental officials advised the Committee that the Minister was not minded to make an amendment to this clause to provide for a moratorium on complaints 2-3 months in advance of an election.

Agreed: The Committee was content with the Department's explanation and agreed to highlight its concerns in its report on the Bill. The Committee also requested information on how this problem is managed by the Welsh system where no moratorium exists.

Clause 62: Decision following report

Departmental officials provided the wording of a technical amendment to this clause to introduce an appeals mechanism for complaints through the High Court.

Agreed: The Committee was content with this amendment. The Committee also agreed to draft an amendment to set out additional grounds of appeal.

Mr Eastwood left the meeting at 11:12.

Clause 63: Decisions on interim reports

Departmental officials provided the wording of a consequential amendment to this clause regarding appeals to the High Court as specified in Clause 62.

Agreed: The Committee was content with this amendment.

Clause 64: Recommendations

Departmental officials provided details of a proposed technical amendment to this clause.

Agreed: The Committee was broadly content with the proposed amendment.

Clause 67: Expenditure of Commissioner under this Act

Departmental officials advised the Committee that the Minister would move an amendment at Consideration Stage to replace apportionment of the Commissioner's costs between councils with top-slicing from the local government grant.

Agreed: The Committee was broadly content with the proposed amendment.

Clause 68: Interpretation

Departmental officials provided the wording of a technical amendment to this clause clarifying the position of a councillor who is disqualified, but who has been appointed to an outside body.

Agreed: The Committee was content with the amendment.

Mr Eastwood rejoined the meeting at 11.22.

Clause 69: Community Planning

Departmental officials advised the Committee that, although the Minister has not decided to amend this clause, he will give an assurance at consideration stage that the role of the voluntary and community sector will be outlined in statutory guidance. Officials also indicated that an assurance that well-being, equality and good relations will also be specified in statutory guidance.

Mr Weir left the meeting at 11.29

Agreed: The Committee was content with this assurance, but agreed that they would welcome the inclusion of reference to social deprivation and poverty in guidance.

Clause 76: Duty of departments in relation to community planning

Departmental officials indicated that the Minister had agreed to an amendment to clause 76(1) to insert 'reasonable' before arrangements for consultation.

Agreed: The Committee was broadly content with this proposed amendment.

Clause 78: Duty of departments in relation to community planning

Departmental officials provided the Committee with details of an amendment to strengthen this clause by removing 'aim to' from Clause 78(a).

Agreed: The Committee was content with the amendment.

Clause 85: Powers to make supplemental provision

Departmental officials provided the Committee with details of an amendment to strengthen Assembly control of this power by making it subject to the 'super-affirmative' resolution procedure.

Agreed: The Committee was content with the amendment.

Clause 95: Improvement planning and publication of improvement information

Departmental officials provided the Committee with details of a proposed amendment to bring forward the date by which council performance improvement information must be published to 30 September.

Mr Weir rejoined the meeting at 11.33

Agreed: The Committee agreed that it was broadly content with the proposed amendment, but that it would wish to receive the views of the NIAO on this.

Clause 96: Improvement information and planning

Departmental officials provided a technical amendment to replace the reference to '95(6)' with '113'.

Officials also stated that the Minister would bring forward an amendment on the required frequency of the audit process and would give an assurance at Consideration stage that the audit process will be reviewed after 2-3 years.

Mr Elliott left the meeting at 11.39.

Agreed: The Committee was content with the proposed amendments and also content that the Ministerial assurance will be given at Consideration Stage.

Clause 98: Audit and assessment reports

Departmental officials provided a technical amendment to replace the reference to '95(6)' with '113'.

Officials also stated that the clause would not be amended to delay the date by which the Local Government Auditor must issue a report.

Agreed: The Committee agreed that it was content with the amendment, but that it would wish to receive the views of the NIAO on the reporting date.

Clause 100: Annual improvements

Departmental officials stated that an amendment would be provided to the Committee amending the annual requirements to publish a report on all councils.

Agreed: The Committee agreed that it was broadly content with this proposed amendment.

Mr Milne left the meeting at 11:44

Clause 101: Special inspections

Departmental officials advised the Committee that it would not be appropriate to amend 101 (4) to replace the word 'direct' with 'request' as this would misrepresent the nature of the Department's relationship with the Local Government Auditor.

Agreed: The Committee agreed that it was content with this explanation.

Clause 106: Partnership panel

Departmental officials provided the Committee with four amendments to ensure that the new 11 councils will each be able to nominate a representative to the Partnership Panel.

Agreed: The Committee agreed that it was content with the amendments.

Part 14

Departmental officials advised the Committee that the Minister has agreed to remove the word 'control' and replace it with 'supervision' as a printing change since no formal amendment is required.

Agreed: The Committee agreed that it was content with this proposed change.

Clause 108: Inquiries and investigations

The Committee had requested that an amendment be made to this clause to include the right of appeal for a council against the findings of an investigation.

Agreed: The Committee agreed that Departmental officials should follow up on this issue.

Mr Milne re-joined the meeting at 11:51

Clause 111: Power to repeal provision relating to surcharge

The Departmental officials provided the Committee with the wording to a technical amendment to this clause.

Agreed: The Committee was content with the amendment.

Clause 115A: Transferred functions grant

Departmental officials provided the Committee with the wording of a new clause to allow for transitional rate relief on consequence of changes in local government districts.

Agreed: The Committee agreed that it was content with the amendment.

New Clause after 119: Power to dissolve Local Government Staff Commission

Departmental officials provided the Committee with the wording of an amendment to allow for the abolition of the Local Government Staff Commission.

Agreed: The Committee agreed that it was content with the amendment.

Clause 121: Schemes for transfer of assets and liabilities

Departmental officials provided the Committee with five amendments to allow for the transfer of Armagh County Museum to the new councils.

Agreed: The Committee agreed that it was content with the amendments.

Mr Eastwood left the meeting at 11:54.

Clause 122: Compensation for loss of office

Departmental officials provided the wording of two technical amendments to this clause.

Agreed: The Committee agreed that it was content with the amendments.

Clause 123: Supplementary and transitional provisions

Departmental officials provided the wording of a new clause to replace this clause.

Agreed: The Committee agreed that it was content with the amendment.

Clause 124: Interpretation

Departmental officials provided details of three consequential amendments to this clause.

Agreed: The Committee agreed that it was content with the amendments.

Mr Elliott re-joined the meeting at 11:57

Clause 125: Regulations and orders

Departmental officials provided the wording of six amendments to this clause to ensure that clauses 51 and 54 are subject to the draft affirmative rather than the negative resolution procedure.

Agreed: The Committee agreed that it was content with the amendments.

Mr Eastwood re-joined the meeting at 11:57.

Schedule 3: Positions of responsibility

Departmental officials provided clarification on the wording at Part 3 (14) regarding the absence from the district of the chair of a council.

Agreed: The Committee agreed that it was content with this explanation.

Mr Maginness left the meeting at 11:59.

Schedule 4: Appointment of councillors to committees

Departmental officials advised the Committee that they were still investigating the difference in outcome for independent councillors being appointed to council committees between using the Quota Greatest Remainder process on an annual basis or over the four year term of the council.

Agreed: The Committee agreed that officials should provide examples of how this system will work in practice.

The Committee also recommended that an amendment to this schedule should be drafted to ensure that the formula for appointments to committee be run for all committee positions at once and for the duration of the council term based on the number of seats each party has immediately after the election.

Schedule 9: Minor and consequential amendments relating to audit

Departmental officials provided details of a technical amendment to this schedule.

Agreed: The Committee agreed that it was content with the amendment.

Schedule 11: Minor and consequential amendments

Departmental officials provided details of a technical amendment to this schedule.

Agreed: The Committee was content with the amendment.

Schedule 12: Repeals

Departmental officials provided details of two technical amendments to this schedule.

Agreed: The Committee was content with the amendments.

The Committee also asked officials to clarify which aspect of the Bill related to councils' international obligations in relation to areas such as waste and biodiversity.

Agreed: The Committee was content with the officials' explanation that this would be included in performance improvement and related statutory guidance.

The meeting went into closed session at 12:14 for members to receive advice from the Bill Clerk.

Mr Elliott left the meeting at 12:48

The meeting was suspended for a short break at 13:10

The meeting resumed in public session at 13:52 with the following members in attendance:

Mrs Anna Lo MLA

Mrs Pam Cameron MLA

Mr Cathal Boylan MLA

Mr Colum Eastwood MLA

Mr Ian Milne MLA

The Committee commenced its formal clause by clause consideration of the Local Government Bill.

Clause 1 – Names of councils

“Question: That the Committee is content with clause 1 put and agreed to.”

Clause 2 – Constitutions of councils

“Agreed: That the Committee recommends to the Assembly that clause 2 be amended as specified in Addendum 1 (Committee amendments) and Addendum 2 (Departmental amendments)”.

Clause 3 – Qualifications

“Question: That the Committee is content with clause 3 put and agreed to.”

Clause 4 – Disqualifications

“Question: That the Committee is content with clause 4 put and agreed to.”

Clauses 5 –9

“Question: That the Committee is content with clauses 5 to 9 put and agreed to.”

Clause 10 – Positions of responsibility

“Agreed: That the Committee recommends to the Assembly that clause 10 be amended as specified in Addendum 2 (Departmental amendments)”

The Chairperson recorded her opposition to the use of the D’Hondt mechanism, rather than Single Transferable Vote, in allocating positions of responsibility.

Clause 11 – Arrangements for discharge of functions of council

“Agreed: That the Committee recommends to the Assembly that clause 11 be amended as specified in Addendum 2 (Departmental amendments)”

Clauses 12 – 24

“Question: That the Committee is content with clauses 12 to 24 put and agreed to.”

Clause 25 – Council Executives

“Agreed: That the Committee recommends to the Assembly that clause 25 be amended as specified in Addendum 1 (Committee amendments).”

Clauses 26 – 33

“Question: That the Committee is content with clauses 26 to 33 put and agreed to.”

Clause 34 – Reference to matters to overview and scrutiny committee etc.

“Agreed: That the Committee recommends to the Assembly that clause 34 be amended as specified in Addendum 2 (Departmental amendments).”

Clauses 35 – 49

“Question: That the Committee is content with clauses 35 to 49 put and agreed to.”

Clause 50 - Application to committees and sub-committees

“Agreed: That the Committee recommends to the Assembly that clause 50 be amended as specified in Addendum 2 (Departmental amendments).”

Clauses 51 – 57

“Question: That the Committee is content with clauses 51 to 57 put and agreed to.”

Clause 58 - Investigations

“Agreed: That the Committee recommends to the Assembly that clause 58 be amended as specified in Addendum 2 (Departmental amendments).”

Clauses 59 – 61

“Question: That the Committee is content with clauses 59 to 61 put and agreed to.”

Clause 62 – Decision following report

“Agreed: That the Committee recommends to the Assembly that clause 62 be amended as specified in Addendum 2 (Departmental amendments) and to take account of the Committee’s view that it should include further grounds for an appeal to the High Court.”

Clause 63 – Decisions on interim reports

“Agreed: That the Committee recommends to the Assembly that clause 63 be amended as specified in Addendum 2 (Departmental amendments).”

Clause 64 – Recommendations

“Question: That the Committee is content with clause 64 put and agreed to.”

Clauses 65 – 67

“Question: That the Committee is content with clauses 65 to 67 put and agreed to.”

Clause 68 – Interpretation

“Agreed: That the Committee recommends to the Assembly that clause 68 be amended as specified in Addendum 2 (Departmental amendments).”

Clauses 69 – 77

“Question: That the Committee is content with clauses 69 to 77 put and agreed to.”

Clause 78 – Duties of departments in relation to community planning

“Agreed: That the Committee recommends to the Assembly that clause 78 be amended as specified in Addendum 2 (Departmental amendments).”

Clauses 79 – 84

“Question: That the Committee is content with clauses 79 to 84 put and agreed to.”

Clause 85 – Powers to make supplemental provision

“Agreed: That the Committee recommends to the Assembly that clause 85 be amended as specified in Addendum 2 (Departmental amendments).”

Clauses 86 – 94

“Question: That the Committee is content with clauses 86 to 94 put and agreed to.”

Clause 95

“Agreed: That the Committee recommends to the Assembly that clause 95 be amended as specified in Addendum 1 (Committee amendments).”

Clause 96 – Improvement information and planning

“Agreed: That the Committee recommends to the Assembly that clause 96 be amended as specified in Addendum 2 (Departmental amendments).”

Clause 97 – Improvement assessments

“Question: That the Committee is content with clause 97 put and agreed to.”

Clause 98 – Audit and assessment reports

“Agreed: That the Committee recommends to the Assembly that clause 98 be amended as specified in Addendum 1 (Committee amendments) and Addendum 2 (Departmental amendments).”

Clauses 99 – 105

“Question: That the Committee is content with clauses 99 to 105 put and agreed to.”

Clause 106 – Partnership Panel

“Agreed: That the Committee recommends to the Assembly that clause 106 be amended as specified in Addendum 2 (Departmental amendments).”

Clauses 107 – 110

“Question: That the Committee is content with clauses 107 to 110 put and agreed to.”

Clause 111 – Power to repeal provisions relating to surcharge, etc.

“Agreed: That the Committee recommends to the Assembly that clause 111 be amended as specified in Addendum 2 (Departmental amendments).”

Clauses 112 – 115

“Question: That the Committee is content with clauses 112 to 115 put and agreed to.”

Clause 115A – Transferred functions grant

“Agreed: That the Committee recommends to the Assembly that clause 115A be inserted as specified in Addendum 2 (Departmental amendments).”

Clauses 116 – 119

“Question: That the Committee is content with clauses 116 to 119 put and agreed to.”

Clause 119A – Power to dissolve Local Government Staff Commission

“Agreed: That the Committee recommends to the Assembly that clause 119A be inserted as specified in Addendum 2 (Departmental amendments).”

Clause 120 – Insurance against accidents to councillors

“Question: That the Committee is content with clause 120 put and agreed to.”

Clause 121 – Schemes for transfers of assets and liabilities

“Agreed: That the Committee recommends to the Assembly that clause 121 be amended as specified in Addendum 2 (Departmental amendments).”

Clause 122 – Compensation for loss of office or diminution of emoluments

“Agreed: That the Committee recommends to the Assembly that clause 122 be amended as specified in Addendum 2 (Departmental amendments).”

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

“Agreed: That the Committee recommends to the Assembly that clause 123 be amended as specified in Addendum 2 (Departmental amendments).”

Clause 124 – Interpretation

“Agreed: That the Committee recommends to the Assembly that clause 124 be amended as specified in Addendum 2 (Departmental amendments).”

Clause 125 – Regulations and orders

“Agreed: That the Committee recommends to the Assembly that clause 125 be amended as specified in Addendum 2 (Departmental amendments).”

Clauses 126 – 128

“Question: That the Committee is content with clauses 126 to 128 put and agreed to.”

Schedules 1-3

“Question: That the Committee is content with schedules 1 to 3 put and agreed to.”

Schedule 4 – Appointment of councillors to committees etc.

“Agreed: That the Committee recommends to the Assembly that schedule 4 be amended to ensure that the formula for appointments to committee be run for all committee positions at once and for the duration of the council term based on the number of seats each party has immediately after the election.”

Schedules 5-8

“Question: That the Committee is content with schedules 5 to 8 put and agreed to.”

Schedule 9 – Minor and consequential amendments relating to local government audit

“Agreed: That the Committee recommends to the Assembly that schedule 9 be amended as specified in Addendum 2 (Departmental amendments).”

Schedule 10 – Transfer schemes

“Question: That the Committee is content with schedule 10 put and agreed to.”

Schedule 11 – Minor and consequential amendments: general

“Agreed: That the Committee recommends to the Assembly that schedule 11 be amended as specified in Addendum 2 (Departmental amendments).”

Schedule 12 – Repeals

“Agreed: That the Committee recommends to the Assembly that schedule 12 be amended as specified in Addendum 2 (Departmental amendments).”

Long Title

“Question: That the Committee is content with the Long Title of the Bill, put and agreed to.”

10. Any Other Business

The Committee returned to agenda item 10.

No business was discussed.

11. Date, time and place of next meeting

The next meeting will be held on 18th February 2014 at 12:30pm Room 29, Parliament Buildings.

The Chairperson adjourned the meeting at 14:13.

Anna Lo, MLA

Chairperson, Committee for the Environment

20 February 2014

Addendum 1

Committee draft amendments

Clause 2, page 1, line 17

After “that” insert “from 30 April 2015”

Clause 25 – Role of Mayors/Chairs in executive

Clause 25, page 11, line 29

Leave out subsection (3) and insert

‘(3) The chair and deputy chair of the council shall be ex-officio non-voting members of the executive.’

Clause 25, page 11, line 31

Leave out ‘four’ and insert ‘six’

[**Clause 25**, page 11, line 34

Leave out ‘four’ and insert ‘six’]

Clause 62 - recommend an amendment to the proposed departmental amendment to set out the grounds of appeal.

Clause 95, page 54, line 7

At end insert -

‘() The Department may by order amend the date in subsection (3)(a).’

Clause 98, page 55, line 20

At end insert -

‘() The Department may by order amend the date in subsection (3)(a).’

Schedule 4, recommend an amendment to ensure that the formula for appointments to committee be run for all committee positions at once and for the duration of the council term based on the number of seats each party has immediately after the election.

Addendum 2

Departmental draft amendments for Consideration Stage

Clause 2, Page 1, Line 14

Leave out ‘council’s code of conduct’ and insert ‘Northern Ireland Local Government Code of Conduct for Councillors’

Clause 10, Page 5, Line 25

Leave out ‘subsection (1)(f)’ and insert ‘this Act’

Clause 10, Page 5, Line 26

Leave out ‘prescribed public body or other association’ and insert ‘public body’

Clause 11, Page 5, Line 38

At end insert-

‘() making a determination under section 13(1) of the Local Government Finance Act (Northern Ireland) 2011 (affordable borrowing limit) and monitoring an amount determined under that subsection;’

Clause 34, Page 18, Line 9

Leave out ‘an excluded’ and insert ‘a prescribed’

Clause 34, Page 18, Line 17

Leave out subsection (4)

Clause 50, Page 28, Line 29

Leave out ‘be’

Clause 58, Page 33, Line 17

At end insert-

"(1A) Instead of, or in addition to, conducting an investigation under this section, the Commissioner may take such action as appears to the Commissioner to be desirable to deal with any particular case falling within subsection (1)."

Clause 62, Page 36, Line 36

At end insert-

‘(13) A person who is censured, suspended or disqualified by the Commissioner as mentioned in subsection (3) may appeal to the High Court if the High Court gives the person leave to do so.’

Clause 63, Page 37, Line 29

At end insert-

‘(9) A person who is suspended (or partially suspended) by the Commissioner by notice as mentioned in subsection (1) may appeal to the High Court if the High Court gives the person leave to do so.’

Clause 68, Page 40, Line 11

At end add-

‘(5) Where a councillor is an external representative of a council-

- (a) any reference in this Part to a councillor being partially suspended from being a councillor includes a reference to that councillor being suspended from being an external representative; and
- (b) if that councillor is suspended otherwise than partially or is disqualified from being a councillor that councillor is also suspended or disqualified from being an external representative.’

Clause 78, Page 45, Line 7

Leave out ‘aim to’

Clause 85, Page 48, Line 41

At end insert-

‘(5) Before the Department makes an order under this section it must consult—
 (a) such associations or bodies representative of councils;
 (b) such associations or bodies representative of officers of councils; and
 (c) such other persons or bodies,
as appear to the Department to be appropriate.

(6) If, following consultation under subsection (5), the Department proposes to make an order under this section it must lay before the Assembly a document explaining the proposals and, in particular—

- (a) setting them out in the form of a draft order; and
- (b) giving details of consultation under subsection (5).

(7) Where a document relating to proposals is laid before the Assembly under subsection (6), no draft of an order under this section to give effect to the proposals (with or without modification) is to be laid before the Assembly until after the expiry of the statutory period beginning with the day on which the document was laid.

(8) In preparing a draft order under this section the Department must consider any representations made during the period mentioned in subsection (7).

(9) A draft order laid before the Assembly in accordance with section 125(3) must be accompanied by a statement of the Department giving details of—

- (a) any representations considered in accordance with subsection (8); and
- (b) any changes made to the proposals contained in the document laid before the Assembly under subsection (6).’

Clause 96, Page 54, Line 15

Leave out ‘95(6)’ and insert ‘113’

Clause 98, Page 54, Line 33

Leave out ‘95(6)’ and insert ‘113’

Clause 98, Page 55, Line 1

Leave out ‘95(6)’ and insert ‘113’

Clause 106, Page 60, Line 6

Leave out ‘appointed by the Department’

Clause 106, Page 60, Line 8

Leave out “(4)” and insert “(3A)”

Clause 106, Page 60, Line 8

At end insert-

‘(3A) Each council may nominate a councillor to serve as a member of the Panel.’

Clause 106, Page 60, Line 9

Leave out subsection (4)

Clause 111, Page 62, Line 25

Leave out ‘Article’ and insert ‘Articles 18(1) and’

New Clause

After Clause 115 insert -

‘Transferred functions grant

Transferred functions grant

115A.-(1) In the Local Government Finance Act (Northern Ireland) 2011, after section 27 (rates support grant) there shall be inserted the following section-

“Transferred functions grant

27A.-(1) The Department shall for any prescribed financial year make a grant under this section to councils.

(2) In this section “transferred functions grant” means the grant payable under this section for any financial year.

(3) The transferred functions grant is payable only to a council which is a new council within the meaning of Part 2 of the Local Government (Miscellaneous Provisions) Act (Northern Ireland) 2010.

(4) The amount of the transferred functions grant payable to a council for any financial year is the amount equal to the difference between-

- (a) the amount of the product of the district rate for that year (within the meaning of the Rates (Northern Ireland) Order 1977) so far as it relates to the rateable net annual values of the hereditaments in the district of that council; and
- (b) the amount which would have been the amount of that product if the total of the rateable net annual values of the hereditaments in the district of that council had been increased by a prescribed amount.

(5) Subsection (4) is subject to section 28 (reductions in grants).

(6) Payments in respect of transferred functions grant shall be made to a council at such times as the Department may determine.’.

(2) In section 28 of that Act (reductions in grants), in subsections (2)(a) and (6)(b) and in the heading for “or 27” there shall be substituted “, 27 or 27A”.’

New Clause

After clause 119 insert-

‘Power to dissolve Local Government Staff Commission

Power to dissolve the Local Government Staff Commission for Northern Ireland [j1diss]

*. In section 40 of the Local Government Act (Northern Ireland) 1972 (Staff Commission), after subsection (8) there shall be added the following subsection—

“(9) The Department may by order make provision for, and in connection with, the dissolution of the Staff Commission and such an order may—

- (a) provide for the transfer of the functions, assets and liabilities of the Staff Commission to any other body or person; and
- (b) contain such incidental, consequential, transitional or supplementary provisions (including the modification or repeal of any statutory provision (including a provision of this Act)) as appear to the Department to be necessary or expedient.

(10) An order must not be made under subsection (9) unless a draft of the order has been laid before, and approved by resolution of, the Assembly.”.’

Clause 121, Page 66, Line 14

Leave out lines 14 to 21 and insert-

‘121.-(1) The power conferred by subsection (4) is exercisable where it appears to any Northern Ireland department necessary or expedient as mentioned in section 123(1) or (2).’

Clause 121, Page 66, Line 30

At end insert-

‘(6A) The Department of Culture, Arts and Leisure may make one or more schemes for the transfer of designated assets or liabilities of the Board of Trustees of the National Museums and Galleries of Northern Ireland relating to Armagh County Museum to the council for the district of Armagh, Banbridge and Craigavon.’

Clause 121, Page 66, Line 40

Leave out from ‘means’ to ‘that’ in line 42

Clause 121, Page 67, Line 1

Leave out ‘it’

Clause 121, Page 67, Line 3

Leave out ‘it’

Clause 122, Page 67, Line 11

Leave out from ‘means’ to ‘includes’ in line 15 and insert ‘includes the Local Government Staff Commission and;’

Clause 122, Page 67, Line 18

Leave out from ‘Act’ to the end of line 22 and insert-

‘or any other Act mentioned in subsection (1) of section 123;

(b) any transfer of functions or any statutory provision falling within paragraph
(a) or (b) of subsection (2) of that section.’

Clause 123, Page 68

Leave out lines 12 to 39 and insert-

‘123. -(1) The Department may by regulations make such incidental, consequential, transitional or supplemental provision as appears to the Department to be necessary or expedient for the purposes of, or otherwise in connection with -

(a) this Act;

(b) the Local Government (Boundaries) Act (Northern Ireland) 2008; or

(c) the Planning Act (Northern Ireland) 2011.

(2) Any Northern Ireland department may by regulations make such incidental, consequential, transitional or supplemental provision as appears to that department to be necessary or expedient for the purposes of, or otherwise in connection with -

(a) any transfer of functions to a local government body, whether they are functions of that department or not, coming into operation on or before 1st April 2015; or

(b) any statutory provision coming into operation on or before 1st April 2015 which confers functions on a local government body, whether this is expressed as transfer of functions or not.

(3) In this section “local government body” includes the Northern Ireland Housing Executive.

(4) Nothing in this section is to be taken as limiting the generality of any other statutory provision (including a provision of this Act) and nothing in any other statutory provision (including a provision of this Act) is to be taken as limiting the generality of this section.

(5) Regulations under this section which amend any statutory provision must not be made unless a draft of the regulations has been laid before, and approved by, resolution of the Assembly.’

Clause 124, Page 69, Line 12

At end insert-

‘ “external representative”, in relation to a council, has the meaning given by section 10 {j?} (4);’

Clause 124, Page 69, Line 17

At end insert -

‘ “local government body” means a local government body within the meaning of Part 2 of the Local Government (Northern Ireland) Order 2005;’

Clause 124, Page 69, Line 27

Leave out ‘section 103’ and insert ‘sections 103 and 123’

Clause 125, Page 70, Line 5

Leave out ‘making’ and insert ‘a Northern Ireland department makes’

Clause 125, Page 70, Line 6

Leave out ‘the Department’ and insert ‘it’

Clause 125, Page 70, Line 10

Leave out ‘the Department’ and insert ‘it’

Clause 125, Page 70, Line 12

Leave out ‘made by the Department’ and insert ‘under this Act’

Clause 125, Page 70, Line 27

At end insert-

‘() section 51;
() section 54;’

Clause 125, Page 70, Line 40

Leave out ‘Department’ and insert ‘Northern Ireland department making them’

Schedule 9, Page 89

Leave out line 20

Schedule 11, Page 93, Line 8

At end insert-

‘Local Government (Miscellaneous Provisions) Act (Northern Ireland) 2010 (c.7)

3A. In section 17 (power to modify legislation), in subsection (2) in the definition of “local government legislation”, after paragraph (cc) insert-
“ (cd) the Local Government Act (Northern Ireland) 2014;”.’

Schedule 12, Page 93, Line 19

At end insert-

‘In section 104(1), the words “any other council or”,
and in both places where they occur the words “the
other council or, as the case may be,”.’

Schedule 12. Page 93, Line 33

At end insert-

‘The Local Government (Best Value) Act (Northern Ireland) 2002 (c.4) The whole Act.’