



Northern Ireland
Assembly

Committee for the Environment

OFFICIAL REPORT (Hansard)

Local Government Bill:
Formal Clause-by-clause Consideration

13 February 2014

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Members present for all or part of the proceedings:

Ms Anna Lo (Chairperson)
Mrs Pam Cameron (Deputy Chairperson)
Mr Cathal Boylan
Mr Colum Eastwood
Mr Ian Milne

The Chairperson: I will now commence the formal clause-by-clause analysis of the Local Government Bill. I remind members that formal clause-by-clause consideration is the last opportunity to discuss the clauses of the Bill and any decisions will be final. I intend to group clauses about which the Committee has previously indicated that it is content.

Clause 1 agreed to.

Clause 2 (Constitutions of councils)

Question, That the Committee is content with clause 2, subject to the proposed amendment, put and agreed to.

Mr Boylan: Excuse me, Chair, can we do some of the clauses en bloc or together?

The Chairperson: Yes, we can.

Mr Boylan: Do we have to go through them individually now?

Ms Éilis Haughey (Bill Clerk, Northern Ireland Assembly): Chair, I should advise that the Committee had previously asked for a Committee amendment to be prepared for clause 2 to insert a date upon which the first —

The Chairperson: Yes. You have a tabled paper, members, with Éilis's proposed amendment. So, clause 2 there — sorry, jump back. Éilis, talk to us about that. Clause 2 is options.

Ms Haughey: The Committee had wished to insert a date by which the first constitution would be made available. The amendment tabled is at clause 2, page 1, line 17. It would insert, after the word "that" in line 17 in subsection (2), which is the subsection that requires copies of the constitution to be available at the principal office for inspection by members of the public at all reasonable hours, that copies must be available from 30 April 2015.

The Chairperson: Are members agreed?

Members indicated assent.

Clauses 3 to 9 agreed to.

Clause 10 (Positions of responsibility)

Question, That the Committee is content with clause 10, subject to the proposed amendment, put and agreed to.

The Chairperson: I want to put it on record that I want STV to be the default position instead of d'Hondt.

Clause 11 (Arrangements for discharge of functions of council)

Question, That the Committee is content with clause 11, subject to the proposed amendment, put and agreed to.

Clauses 12 to 24 agreed to.

Clause 25 (Council executives)

The Chairperson: We have two Committee amendments tabled. Can you explain those to us please, Éilis?

Ms Haughey: Clause 25, page 11, line 31: leave out "four" and insert "six". That was on the Committee's request to raise the minimum number of members of the executive. Then there is a further amendment consistent with that to clause 25, page 11, line 34: leave out "four" and insert "six", which would affect committees in a streamlined committee executive and ensure a minimum number of six members.

The Chairperson: What about that one on the chair and deputy chair?

Ms Haughey: OK. There is one more, an amendment to clause 25, page 11, line 29: leave out subsection (3) and insert new subsection (3):

"The chair and deputy chair of the council shall be ex officio non-voting members of the executive."

Question, That the Committee is content with the clause, subject to the proposed amendments, put and agreed to.

Clauses 26 to 33 agreed to.

Clause 34 (Reference of matters to overview and scrutiny committee etc.)

Question, That the Committee is content with clause 34, subject to the proposed amendment, put and agreed to.

Clauses 35 to 49 agreed to.

The Chairperson: I have been requested to return to clause 25. Let me just confirm that Members are content with the three suggested Committee amendments.

Members indicated assent.

Clause 50 (Application to committees and sub-committees)

Question, That the Committee is content with clause 50, subject to the proposed amendment, put and agreed to.

Clauses 51 to 57 agreed to.

Clause 58 (Investigations)

Question, That the Committee is content with clause 58, subject to the proposed amendment, put and agreed to.

Clauses 59 to 61 agreed to.

Clause 62 (Decision following report)

The Chairperson: Is the Committee content with clause 62, subject to the proposed departmental amendment and Committee amendment to specify grounds of appeal?

Question, That the Committee is content with clause 62, subject to the proposed amendments, put and agreed to.

The Chairperson: Do you need Éilis to talk you through that?

Mr Boylan: No, we are content to agree.

Ms Haughey: We do not have a drafted amendment yet, Chair.

Clause 63 (Decisions on interim reports)

Question, That the Committee is content with clause 63, subject to the proposed amendment, put and agreed to.

Clause 64 (Recommendations)

Question, That the Committee is content with clause 64, subject to the proposed amendment, put and agreed to.

Clauses 65 to 67 agreed to.

Clause 68 (Interpretation)

Question, That the Committee is content with clause 68, subject to the proposed amendment, put and agreed to.

Clauses 69 to 77 agreed to.

Clause 78 (Duties of departments in relation to community planning)

Question, That the Committee is content with clause 78, subject to the proposed amendment, put and agreed to.

Clauses 79 to 84 agreed to.

Clause 85 (Powers to make supplemental provision)

Question, That the Committee is content with clause 85, subject to the proposed amendment, put and agreed to.

Clauses 86 to 94 agreed to.

Clause 95 (Improvement planning and publication of improvement information)

The Chairperson: Is the Committee content with clause 95, subject to Committee amendment and one departmental amendment as well?

The Committee Clerk: We have not got a departmental amendment.

The Chairperson: No? Just the Committee amendment. Éilis could quickly mention that.

Ms Haughey: The Committee had previously requested that an amendment be prepared to grant an enabling power to the Department to amend the date in clause 95(3)(a).

Question, That the Committee is content with the clause, subject to the proposed amendment, put and agreed to.

Clause 96 (Improvement information and planning)

Question, That the Committee is content with clause 96, subject to the proposed amendment, put and agreed to.

Clause 97 agreed to.

Clause 98 (Audit and assessment reports)

Clause 98 agreed to.

The Chairperson: We do not have a Committee amendment on this one? Yes, we have. Sorry, I will read that again.

Question, That the Committee is content with clause 98, subject to the proposed amendment, put and agreed to.

Clauses 99 to 105 agreed to.

Clause 106 (Partnership Panel)

Question, That the Committee is content with clause 106, subject to the proposed amendment, put and agreed to.

Clauses 107 to 110 agreed to.

Clause 111 (Power to repeal provisions relating to surcharge, etc.)

Question, That the Committee is content with clause 111, subject to the proposed amendment, put and agreed to.

Clauses 112 to 115 agreed to.

New Clause

The Chairperson: Is the Committee content with new clause 115A?

The Chairperson: Yes? I did not hear you.

Mr Boylan: You paused there, Chair. Is that a capital A?

The Chairperson: Capital A, yes.

Question, That the Committee is content with the new clause, put and agreed to.

Clause 116 agreed to.

New Clause

The Chairperson: Is the Committee content with new clause 117A?

Question, That the Committee is content with the new clause, put and agreed to.

Clause 118 agreed to.

New Clause

The Chairperson: There is a new clause after clause 119. We need to see clause 119 too. We have not said 119.

The Committee Clerk: We have got 119. That is a new clause too.

The Chairperson: OK. New clause after clause 119.

Question, That the Committee is content with the new clause, put and agreed to.

The Chairperson: Do we need to call out clause 119?

The Committee Clerk: It just comes under new clause after 119.

The Chairperson: We just say, "Is the Committee content with the clause as amended?"

Ms Haughey: We need to put the question on clause 119 as it stands, as well as the new clause — the existing clause 119.

Clause 119 agreed to.

Clause 120 agreed to.

Clause 121 (Schemes for transfers of assets and liabilities)

Question, That the Committee is content with clause 121, subject to the proposed amendments, put and agreed to.

Clause 122 (Compensation for loss of office or diminution of emoluments)

Question, That the Committee is content with clause 122, subject to the proposed amendment, put and agreed to.

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

Question, That the Committee is content with clause 123, subject to the proposed amendment, put and agreed to.

Clause 124 (Interpretation)

Question, That the Committee is content with clause 124, subject to the proposed amendment, put and agreed to.

Clause 125 (Regulations and orders)

Question, That the Committee is content with clause 125, subject to the proposed amendment, put and agreed to.

Clauses 126 to 128 agreed to.

Long title agreed to.

Schedules 1 to 3 agreed to.

Schedule 4 (Appointment of councillors to committees, etc.)

The Chairperson: Schedule 4 is subject to a proposed Committee amendment. Éilis, can you explain about that, please?

Ms Haughey: We do not have the text of an amendment yet, but the Committee requested that we prepare an amendment to ensure that the formula for appointments to committees be run for all committee positions at once for the duration of the council term based on the number of seats that each party has immediately after the election. It is a recommendation that an amendment be developed, so the question will be on schedule 4 subject to such an amendment.

The Chairperson: Is the Committee content with schedule 4, subject to the Committee amendment?

Mr Milne: I just have a question. I have some experience in council. After the chair and vice-chair, how is it decided what committee comes next? There has to be some kind of formula or procedure.

Mr Eastwood: Usually d'Hondt is run within —

Mr Milne: Yes, I know that it runs on one after the other —

Mr Eastwood: It is your choice to pick which Committee, is that not right?

Mr Milne: Yes, but who decides which committee comes after the chair and the vice-chair?

The Chairperson: Is it up to the party? Is that what Colum is saying?

Mr Eastwood: You would be picking the chair of each committee as well. Say our party was up first; we would pick the chair of the development committee, or whatever it is. Then, if you are next, you pick the chair of environment, and then it runs through the membership. Is that not right?

Mr Boylan: That is the normal process. Where do you see an issue?

Mr Milne: With putting other members onto the committee. After the chair and vice-chair of the committee, how do we select further members? I am of the opinion that I would say, "Right, we elect someone onto the housing group", because I wanted to fit in with the way that d'Hondt runs. How is all that determined?

The Chairperson: I know what you mean, because there are so many different committees.

Mr Milne: It is very important.

Mr Eastwood: Normally, what happens is that each committee is the same size. Those positions are given out based on the size of your party. The largest party gets a certain number, and so on. You get numbers, and the party then slots in the members. Isn't that the way it works?

Mr Boylan: Yes, you pick out the committee chairs first right across the committees, and you fill the positions.

Mr Eastwood: The chairs first, and, after that, you have a certain number.

The Chairperson: For whatever you want, spreading it out, generally; is that right?

Mr Eastwood: No. Say, we had four members. If we had the chair, there will only be three members after that. It is then up to the party to nominate the three or four members onto the committee. The committee numbers in each committee will also be decided by d'Hondt separately. Do you know what I mean?

Mr Boylan: Are you happy enough?

Mr Milne: Yes, that makes more sense.

The Chairperson: That is normally the way that it is done; is that right?

Mr Boylan: You go down through each committee. You take the chair and the main positions and then fill the committees out.

The Chairperson: Whichever committee you want to fill, you put it in: is that right?

Mr Eastwood: After the chairs and deputy chairs, there is a set number based on d'Hondt. You run d'Hondt separately.

Mr Boylan: That is the way you run it.

The Chairperson: OK. Are members agreed with that one? Do you want me to read it again?

Mr Boylan: Yes, Chair. Read it into the record.

Question, That the Committee is content with schedule 4, subject to the proposed amendment, put and agreed to.

Schedules 5 to 8 agreed to.

Schedule 9 (Minor and consequential amendments relating to local government audit)

Question, That the Committee is content with schedule 9, subject to the proposed amendment, put and agreed to.

Schedule 10 agreed to.

Schedule 11 (Minor and consequential amendments: general)

Question, That the Committee is content with schedule 11, subject to the proposed amendment, put and agreed to.

Schedule 12 (Repeals)

Question, That the Committee is content with schedule 12, subject to the proposed amendment, put and agreed to.

The Chairperson: OK, members. Thank you very much. That concludes formal clause-by-clause consideration of the Bill. The draft report will be brought forward for members' consideration at our next meeting, which is an additional meeting next Tuesday, from 12.30 pm until 2.00 pm, in Room 29. The draft will be sent to members.