EXPLANATORY MEMORANDUM TO

The draft Local Government (Indemnities for Members and Officers) (Amendment) Order (Northern Ireland) 2014

S.R. 2014 No.

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of the Environment to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under Article 33 of the Local Government (Northern Ireland) Order 2005 and is subject to the draft affirmative resolution procedure.

2. Purpose

2.1. The proposed Order will amend the Local Government (Indemnities for Members and Officers) Order (Northern Ireland) 2012 (the 2012 Order) to require a council to include terms within any indemnity (or insurance secured) requiring the repayment of any sums expended, in cases where a councillor has been found to be in breach of the Northern Ireland Local Government Code of Conduct for Councillors.

3. Background

3.1. The Department made the 2012 Order to clarify the powers of councils in relation to providing indemnities to their members and officers. The 2012 Order includes a provision requiring councils to include terms within any indemnity (including any insurance secured) for the re-payment of sums expended by the council or insurer, in any cases in which a member or officer has been convicted of a criminal offence (if the indemnity or insurance policy would otherwise cover the proceedings leading to that finding or conviction). The similar provisions which apply in England and Wales also applied the above mentioned terms to proceedings in relation to the Code of Conduct for Councillors, those provisions where not inlcuded in the 2012 Order as a mandatory Code of Conduct was not in place for councillors in Northern Ireland.

4. Consultation

4.1. The policy proposal was included in the consultation on the draft Northern Ireland Local Government Code of Conduct for Councillors which was subject to an 8-week consultation period. The consultation closed on 30 April 2014 and the policy has not changed as a result of the consultation.

5. Equality Impact

5.1. An Equality Impact Assessment is not required. The proposed Order will apply equally across councils and as a result are neutral in terms of impact. Councils are statutory authorities in their own right and have their own equality duties. The policy proposal was subject to public consultation and no equality issues were raised.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment is not required. The proposed Order imposes no costs or savings on businesses, charities, social economy enterprises or the voluntary sector.

7. Financial Implications

7.1. There are no financial implications.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Department is satisfied that the draft Order complies with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Not applicable

10. Parity or Replicatory Measure

10.1. The draft Order will replicate provisions which apply in England and Wales under Article 8 of both S.I. 2004/3082 and S.I. 2006/249 (W. 37).

11. Additional Information

11.1. Not applicable