EXPLANATORY MEMORANDUM TO

The Local Government (Standing Orders) Regulations (Northern Ireland) 2016

SR 2016 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 section 38 of the Local Government Act (Northern Ireland) 2014 (the 2014 Act), and is subject to the draft affirmative resolution procedure.

2. Purpose

2.1 The Rule prescribes provisions that a council must incorporate in the standing orders it is required to make, by section 37 of the 2014 Act, for the regulation of the proceedings and business of the council (i.e. by specifying mandatory standing orders).

2.1 The Rule makes provision in relation to:

- decisions that are required to be taken by a qualified majority, in addition to those specified in the 2014 Act;

- the procedure to be adopted for the reconsideration of a decision if 15 per cent of the members of a council present to the clerk of the council a requisition on either or both of the following grounds:
  a) that the decision was not arrived at after a proper consideration of the relevant facts and issues;
  b) that the decision would disproportionately affect adversely any section of the inhabitants of the district;

- the time period in which:
  - a nominating officer must select a position of responsibility, and nominate a councillor who stood in the name of the nominating officer's party when elected to hold the position; and
  - the nominated councillor must accept the nomination,

  as required by paragraphs 2(3) and 4(2) of Schedule 1 to the 2014 Act; and

- the procedure for the application of Schedule 2 to the 2014 Act (appointment of councillors to committees, etc.) where a council appoints more than one committee.

3. Background

3.1 Section 37 of the 2014 Act places a duty on a council to make standing orders for the regulation of the proceedings and business of the council. The 2014 Act also provides, in sections 40 and 41, and Schedules 1 and 2, that standing orders must make provision in relation to specified aspects of the new governance arrangements for councils.

3.2 Section 38 of the 2014 Act provides an enabling power for the Department to prescribe in regulations provisions that a council must incorporate in its standing orders, i.e. mandatory standing orders. This power is being used to prescribe the provisions required by sections 40 and 41 of the 2014 Act, and Schedules 1 and 2 to the 2014 Act.

4. Consultation

4.1 The Department issued a consultation document on 3 June 2014 seeking views by 15 August 2014 on the Department's proposals to make the Local Government (Standing Orders) Regulations (Northern Ireland) 2014.

4.2 Fifteen organisations, mainly representing the local government sector, responded to the consultation. The responses broadly supported the Department's proposals. Issues were raised by a number of respondents in relation to:

- the range of decisions that would be required to be taken by a qualified majority, in addition to those already specified in the 2014 Act; and
- .the procedure for the reconsideration of a decision, as provided for in section 41 of the 2014 Act.

4.3 A summary of the consultation responses received has been prepared and has been placed on the DOE website. The consultation report sets out the key points raised by respondents and the Department's response.

5. Equality Impact

5.1 The Department carried out an Equality Screening with consideration given to compliance with section 75 of the Northern Ireland Act 1998. A full Equality Impact Assessment is not considered necessary as the proposed Regulations 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.

6. Regulatory Impact

6.1 A Regulatory Impact Assessment is not required, because the proposals result in no costs or savings, or restriction on businesses, charities, social economy enterprises or the voluntary sector.

7. Financial Implications

7.1 There are no financial implications arising from the implementation of the Rule.

8. Section 24 of the Northern Ireland Act 1998

8.1 The Regulations are considered compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1 There are no EU implications associated with the draft Regulations.

10. Parity or Replicatory Measure

10.1 Not applicable.

11. Additional Information

11.1 None.