

These notes refer to the Local Government (Miscellaneous Provisions) Act (Northern Ireland) 2010 (c.7) which received Royal Assent on 26 March 2010

Local Government (Miscellaneous Provisions) Act (Northern Ireland) 2010

EXPLANATORY NOTES

OPTIONS CONSIDERED

16. There is a lack of private sector confidence concerning the powers of councils to enter into long-term service contracts. The Act clarifies the contractual powers of councils so that contractors will be encouraged to compete for contracts for the construction of the necessary waste infrastructure in Northern Ireland. To have done nothing would have run the risk of EC Landfill Directive targets not being met and possible infraction proceedings.
17. Consideration was given to whether it would be prudent to introduce a system of controls on existing councils in the run-up to reorganisation. It was concluded that such an approach would be desirable to ensure that the new councils would not be bound into long-term and significant financial commitments over which they had no control. While consideration was also given to a wider range of controls, it was concluded that that would be too restrictive, and that controls should apply only to disposals of land and contracts in excess of specified thresholds, with additional scope for exemptions in certain cases. The Department agreed with the recommendation of the Environment Committee that there should be a mechanism to allow a district council, which disagreed with the decision of its statutory transition committee regarding the proposed disposal of land or a contract being entered into, to refer the matter to the Department for decision.
18. Consideration was given to whether the new councils should operate in shadow form for a period after the 2011 elections before assuming full powers and responsibilities. The public will, however, expect to see modern, effective public services in place as soon as possible. It was therefore decided that statutory transition committees should be established and be responsible for a significant programme of work in the run-up to the elections to ensure that the new councils will be in a position to take full executive control for services from the outset.
19. Following an Executive meeting on the Review of Public Administration in relation to local government, the then Minister of the Environment, Arlene Foster, announced, on 31 March 2008, that she would introduce a severance

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scheme in order to recognise the contribution of long-standing councillors who opt not to stand for re-election. No other options were considered.