

EXPLANATORY MEMORANDUM TO

The Local Government (Statutory Transition Committees) Regulations (Northern Ireland) 2013

2013 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 sections 15 to 17 and 24 of the Local Government (Miscellaneous Provisions) Act (Northern Ireland) 2010 and is subject to the draft affirmative resolution procedure.

2. Purpose

- 2.1. The Statutory Rule makes provision for the establishment of statutory transition committees for the purpose of preparing for, and giving full effect to, the reorganisation of local government. The regulations require that a statutory transition committee is established for the eleven new local government districts established under the Local Government (Boundaries) Act (Northern Ireland) 2008 and the Local Government (Boundaries) Order (Northern Ireland) 2012.
- 2.2. The regulations provide that the functions of a statutory transition committee are to prepare for, and consider and advise on matters relevant to the reorganisation of local government. Essentially, statutory transition committees will have the key responsibility of driving convergence between merging councils and commencing preparatory work for the new successor councils.
- 2.3. The regulations provide for the membership of the committees, their governance arrangements and their procedures, by specifying the number of councillors each council can nominate to its statutory transition committee and providing standing orders relating to the committees' procedures. They confer powers on statutory transition committees in relation to taking forward preparatory work on corporate and financial planning and the appointment of senior staff to the new councils. The regulations also impose duties on statutory transition committees and existing councils in relation to the provision and sharing of information.
- 2.4. The regulations permit existing councils to pay an allowance to the members they have nominated to sit on a statutory transition committee.
- 2.5. The regulations also require committees to have due regard to guidance issued by the Department in relation to the exercise of any of their functions.

3. Background

- 3.1. Section 15 of the Local Government (Miscellaneous Provisions) Act (Northern Ireland) 2010 (the "2010 Act") makes provision for the

Department to make regulations to establish a statutory transition committee, which will be a body corporate, for each of the eleven new local government districts. It also provides that the regulations may make provision for the membership of the committees, their governance arrangements and their procedures.

- 3.2. Section 16 of the 2010 Act provides that the functions of statutory transition committees are essentially to prepare for, and give full effect to, the reorganisation of local government. It also enables the Department to make regulations to confer powers on or impose duties on statutory transition committees, including the making of rates and the appointment of staff for the new councils.
- 3.3. Under section 17 of the 2010 Act the regulations may apply (with or without modification) and disapply the provisions of relevant local government or rating legislation.
- 3.4. Section 24 of the 2010 Act provides an enabling power for the Department to make regulations or such incidental, supplementary, consequential, transitory or saving provisions as the Department considers necessary or expedient.

4. Consultation

- 4.1. Consultation on the establishment of transition committees in statute was undertaken by the Department in April 2009.
- 4.2. Targeted stakeholder engagement was carried out by the Department in early 2013. Councillors, council officers and representatives of other local government bodies were invited to present their views on the proposed regulations at four events held in February 2013.
- 4.3. The draft Programme for Government 2011-2015 also made reference to the eleven new local government districts. The consultation period in respect of this document closed on 22 February 2012.

5. Equality Impact

- 5.1. An Equality Impact Assessment has not been produced because the changes made by these regulations will have no impact in terms of the main groups relevant to the section 75 categories of the Northern Ireland Act 1998.

6. Regulatory Impact

- 6.1. A Regulatory Impact Assessment has not been produced for these regulations, because the proposals impose no costs or savings on businesses, charities, social economy enterprises or the voluntary sector. Policies made as a result of the establishment of statutory transition committees may have a regulatory impact. These policies will be fully assessed at the appropriate time, in line with policy making guidance.

7. Financial Implications

- 7.1. Reasonable costs incurred by statutory transition committees will be defrayed by existing councils.

8. Section 24 of the Northern Ireland Act 1998

8.1. The regulations are considered compliant 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