
EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 6 of the Local Government Act (Northern Ireland) 2014 (“the 2014 Act”) (executive arrangements) provides for the discharge of a council’s functions by an executive of the council (which must take one of the forms specified in section 21(2) of that Act (council executives)) unless those functions are specified as functions that are not to be the responsibility of the council’s executive. These regulations specify the functions that are not to be the responsibility of a council’s executive or are to be the responsibility of an executive only to a limited extent or only in specified circumstances.

Regulations 3 and 4, by reference to the Schedules to the Regulations, prescribe those functions which are not to be, or may be the responsibility of a council’s executive. Regulation 5, by reference to Schedule 3, prescribes the functions which may not be the sole responsibility of a council’s executive.

Regulation 6 provides that those functions listed in Schedule 4, which but for Regulation 6 would be the responsibility of an executive, are not to be an executive’s responsibility in the circumstances set out in column (2) of that Schedule.

Regulation 9 enables arrangements to be made for the discharge of functions, which are the responsibility of a council’s executive, by another council or an executive of another council. Regulations 7 and 8 set out who may make such arrangements in relation to cabinet-style executives and streamlined committee executives, respectively.

Regulation 10 also enables a council to make arrangements for the discharge of its functions, which are not the responsibility of an executive of that council, by the executive of another council. The council can only do this if the function is also a function of the other council which is the responsibility of the other council’s executive.

Regulation 11 provides that where the arrangements made under regulation 9 are for the discharge of functions by the executive of another council, those functions are treated as the responsibility of that executive for the purposes of section 24 of the 2014 Act (allocation and discharge of functions).

Regulation 12 makes provision that where arrangements are made under regulation 9 for the discharge of functions by another council those functions may be discharged by a committee, sub-committee or officer of the other council.

Regulations 13 to 15 make provision in connection with the discharge of functions jointly by two or more councils, or by a joint committee, under section 9(1) of the 2014 Act (arrangements for discharge of functions by councils jointly) where any of those functions are the responsibility of an executive of a council. Regulations 7 and 8 also apply to who may make the arrangements, in relation to the executive concerned, in accordance with regulation 13.

Regulation 16 makes provision in respect of membership of joint committees.

Section 30(1)(c) of the 2014 Act (reference of matters to overview and scrutiny committee etc.) requires the executive arrangements of a council to include provision enabling those of its members who are not members of the council’s overview and scrutiny committee to refer to that committee any matter relevant to the committee’s functions that is not a prescribed matter.

Regulation 17 provides that a member of a council may not refer to the council’s overview and scrutiny committee any matter relating to a planning decision or a licensing decision; a matter relating

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to an individual or entity where that individual or entity already has a statutory right to a review or appeal (other than the right to complain to the Northern Ireland Commissioner for Complaints).

Regulation 18 provides that a matter does not fall within a prescribed matter (as prescribed by regulation 17) if it consists of an allegation that a function for which the council is responsible has not been discharged at all or that its discharge has failed or is failing on a systemic basis.

Part 5 of the Regulations makes provision for public access to meetings and to information relating to decisions of council executives, and their sub-committees. In addition, they provide for access to information relating to decisions made by joint committees where these are solely comprised of executive members and discharge executive functions. The Regulations also make provision for public access to documents where executive decisions are made by officers.

Regulation 19 provides that a meeting of a decision-making body may be held in public or in private. Regulation 20 sets out the formalities to be complied with before a private meeting is held.

Regulation 21 sets out the meaning of a key decision under executive arrangements and Regulation 22 sets out the publicity requirements in relation to key decisions. Regulations 23 and 24 allow exceptions to these requirements.

Regulations 25 and 26 make provision in relation to the requirement for executive decisions to be recorded in a written statement. Regulation 27 sets out the documents relating to an executive decision which must be made available for inspection by the public.

Regulation 28 sets out the additional rights of access for members of councils to documents relating to the business of the executive. Regulation 29 sets out additional rights of members of overview and scrutiny committees in relation to decisions that committee is scrutinising and in certain circumstances the committee can access exempt of confidential information.

Regulation 30 makes provision enabling an overview and scrutiny committee to require the executive to make a report to the council on matters which have not been dealt with as a key decision and which the overview and scrutiny committee consider should have been treated as such. Regulation 31 requires the executive to provide reports to the council on all matters which have been treated as urgent under Regulation 24.

Regulation 32 makes general provision regarding the non-disclosure of confidential or exempt information. Regulation 33 establishes the manner in which documents required to be open to inspection under these Regulations are to be held at the offices of the council. Regulation 34 sets out offences where documents have not been made open for inspection as required under these Regulations.