
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 44

**The Local Government (Executive Arrangements)
Regulations (Northern Ireland) 2015**

PART 3

Discharge of Functions

CHAPTER 1

Bodies with power to make arrangements

Cabinet-style executive

7. In the case of a council which has a cabinet-style executive, that executive has power to make arrangements under regulation 9 and to make arrangements under section 9 of the 2014 Act (arrangements for discharge of functions by councils jointly) in accordance with Chapter 3 as respects any functions which, by virtue of section 24 of the 2014 Act (allocation and discharge of functions), may be discharged by the executive.

Streamlined committee executive

8. In the case of a council which has a streamlined committee executive, the relevant streamlined committee has power to make arrangements under regulation 9 and to make arrangements under section 9 of the 2014 Act (arrangements for discharge of functions by councils jointly) in accordance with Chapter 3 as respects any functions which, by virtue of section 24 of the 2014 Act (allocation and discharge of functions), may be discharged by that streamlined committee.

CHAPTER 2

Discharge of functions by another council

Discharge of an executive's functions by another council or another relevant executive

9.—(1) Subject to paragraph (3), a body with power to make arrangements under this regulation, in relation to a council, may make the arrangements specified in paragraph (2).

(2) The arrangements referred to in paragraph (1) are arrangements for a function which is the responsibility of the executive of the council to be discharged by—

- (a) another council; or
- (b) a relevant executive of another council.

(3) If the function which is the responsibility of the executive of the council—

- (a) is also a function which is, or which becomes, the responsibility of the relevant executive of the other council; or
- (b) is not, or ceases to be, a function of the other council and that other council is operating, or begins to operate, executive arrangements,

the arrangements referred to in paragraph (1) must not, or, as the case may be, must no longer provide for the other council to discharge that function but may provide for the executive of the other council to discharge it.

- (4) Any arrangements made under this regulation—
- (a) are not to prevent the body which made the arrangements from exercising the functions to which they relate; and
 - (b) are to be made with the other council concerned.

Discharge of a council's functions by the relevant executive of another council

10.—(1) A council may make arrangements for the discharge of any of its functions, which are not the responsibility of an executive of that council, by a relevant executive of another council in accordance with this regulation.

(2) Arrangements may only be made for the relevant executive of the other council to discharge any function referred to in paragraph (1) if the function is also a function of that other council and is the responsibility of the executive of that council.

- (3) Any arrangements made under this regulation—
- (a) are not to prevent the council which made the arrangements from exercising the functions to which they relate; and
 - (b) are to be made with the other council concerned.

Responsibility for functions delegated to the relevant executive of another council

11. Where, by virtue of regulation 9 or 10, arrangements are in force for the discharge of any functions of a council, or for the discharge of any functions which are the responsibility of the executive of that council, by the relevant executive of another council, those functions are to be treated, for the purposes of section 24 of the 2014 Act (allocation and discharge of functions), as functions which are the responsibility of the relevant executive of that other council.

Further delegation of discharge of functions delegated to another council.

12.—(1) Where, by virtue of regulation 9, arrangements are in force for the discharge of any functions which are the responsibility of the executive of a council by another council, then, subject to the terms of the arrangements, that other council may arrange for the discharge of any of those functions by a committee, sub-committee or officer of the council.

(2) Where by virtue of paragraph (1) any functions may be discharged by a committee of another council, then, unless that council otherwise directs, the committee may arrange for the discharge of any of those functions by a sub-committee or an officer of the council.

(3) Where by virtue of paragraph (1) or (2) any functions may be discharged by a sub-committee of another council, unless that council or, as the case may be, that committee otherwise directs, the sub-committee may arrange for the discharge of any of those functions by an officer of the council.

CHAPTER 3

Joint exercise of functions

Joint arrangements for exercise of an executive's functions

13.—(1) Arrangements made under section 9 of the 2014 Act (arrangements for discharge of functions by councils jointly), in relation to functions which are the responsibility of an executive

of a council, by a body on which power has been conferred by regulation 7 or 8, in relation to that council, must be made in accordance with this Chapter.

- (2) Any arrangements made in relation to a function are to be made—
- (a) if the function is a function which is also the responsibility of the executive of the other council concerned, with the body which, by virtue of regulation 7 or 8, has power to make such arrangements in relation to that other council; and
 - (b) in any other case, with the other council.

Variation of joint arrangements

14.—(1) If a function, in relation to which arrangements have been made in accordance with regulation 13(2), is a function which becomes the responsibility of the relevant executive of the other council, the body which by virtue of regulation 7 or 8 has power to make arrangements under section 9 of the 2014 Act (arrangements for discharge of functions by councils jointly) in accordance with this Chapter must take the action specified in paragraph (2).

(2) As soon as reasonably practicable after the executive becomes responsible for the function, the appropriate body must—

- (a) decide whether or not the function is to continue to be discharged in relation to the council in accordance with the existing arrangements; and
- (b) notify in writing all of the other parties to the arrangements—
 - (i) that the executive of the other council has become responsible for the function; and
 - (ii) what decision has been made under sub-paragraph (a).

(3) Until the body decides whether or not the function is to continue to be discharged in accordance with the existing arrangements, the function is to continue to be discharged under the existing arrangements.

(4) Where the body decides that the function is to continue to be discharged in accordance with the existing arrangements, the function is to continue to be so discharged.

(5) Where the body decides that the function is not to continue to be discharged in accordance with the existing arrangements, and has notified in writing that decision to all the other parties to the arrangements, the function must cease to be so discharged.

Arrangements involving joint committees

15.—(1) Paragraph (2) applies where—

- (a) arrangements are made under section 9 of the 2014 Act (arrangements for discharge of functions by councils jointly) at the same time in relation to more than one function;
- (b) at least one of those functions is one which is the responsibility of an executive of a council; and
- (c) the arrangements in respect of each function are made on behalf of the same council, regardless of who made the arrangements on behalf of each council in respect of each function.

(2) Where this paragraph applies, the arrangements may provide for one joint committee to discharge all the functions which are the subject of the arrangements on behalf of those councils.

(3) Subject to paragraph (4), where the arrangements provide for the discharge of functions by a joint committee, the joint committee may be a new joint committee or an existing joint committee.

(4) Arrangements made under this Chapter may only provide for an existing joint committee to discharge functions on behalf of the councils concerned where each function, which the joint

committee will discharge or will continue to discharge once the arrangements are made, is to be discharged on behalf of each of those councils and not on behalf of any other councils.

(5) Where arrangements provide for the discharge of functions by a joint committee and the functions to be discharged by that joint committee, in relation to a constituent council, are all the responsibility of the council—

- (a) the appointment of the joint committee is to be made, under section 11(1)(b) of the 2014 Act (appointment of committees etc. for the purpose of discharging functions); and
- (b) the number of members to be appointed, their term of office, and the area (if restricted) within which the committee is to exercise its authority, are to be fixed under section 11(2) of the 2014 Act,

in relation to the council, by the council.

(6) Where arrangements provide for the discharge of functions by a joint committee and the functions to be discharged by that joint committee, in relation to a constituent council, are all the responsibility of the executive of the council—

- (a) the appointment of the joint committee is to be made, under section 11(1)(b) of the 2014 Act; and
- (b) the number of members to be appointed, their term of office, and the area (if restricted) within which the committee is to exercise its authority, are to be fixed, under section 11(2) of the 2014 Act,

in relation to the council, by the body which, by virtue of regulation 7 or 8, has power to make arrangements under section 9 of the 2014 Act in accordance with this Chapter.

(7) Where arrangements provide for the discharge of functions by a joint committee and one or more, but not all, of the functions to be discharged by that joint committee, in relation to a constituent council, are the responsibility of the executive of the council—

- (a) the appointment of the joint committee is to be made, under section 11(1)(b) of the 2014 Act; and
- (b) the number of members to be appointed, their term of office, and the area (if restricted) within which the committee is to exercise its authority, are to be fixed, under section 11(2) of the 2014 Act,

in relation to the council, by that council with the agreement of the executive of that council.

(8) A joint committee appointed in accordance with this regulation may, subject to the terms of the arrangements and unless a relevant body, if any, directs otherwise, arrange for the discharge of any of its functions by a sub-committee of the joint committee or an officer of one of the councils concerned.

(9) Any sub-committee appointed in accordance with paragraph (8) may, subject to the terms of the arrangements and unless the joint committee or a relevant body, if any, directs otherwise, arrange for the discharge of any of its functions by an officer of one of the councils concerned.

Members of joint committees

16.—(1) A council may exercise the function under section 11(3) of the 2014 Act (appointment of committees etc. for the purpose of discharging functions) in relation to a joint committee where members of that committee are appointed by the council in accordance with paragraph (5) or (7) of regulation 15.

(2) Subject to paragraphs (3) to (8), every person appointed to a joint committee in accordance with regulation 15 by an executive must be a member of that executive, and paragraph (9) shall apply to such appointments.

(3) Where—

- (a) the joint committee is discharging a function in relation to two or more councils; or
- (b) the function which the joint committee is discharging is a function which is required by statute to be discharged by a joint committee,

every person appointed to the joint committee in relation to the council, in accordance with regulation 15, by the council's executive must be a member of that executive or of that council. Paragraph (9) shall apply to such appointments by the executive and paragraph (10) shall apply to such appointments by the council.

(4) Where arrangements provide for the discharge of functions by a joint committee and one or more, but not all, of the functions to be discharged by that joint committee, in relation to a council, are the responsibility of the executive of that council—

- (a) where only one member of the council is a member of the joint committee, that person may be, but need not be, a member of the executive of the council; and
- (b) where more than one member of the council is a member of the joint committee, at least one member of the executive of the council must be a member of the joint committee.

(5) Paragraph (6) applies where—

- (a) arrangements provide for the discharge of functions by a joint committee;
- (b) the functions to be discharged by that joint committee, in relation to a constituent council, are all the responsibility of the executive of that council; and
- (c) the joint committee previously discharged one or more functions in relation to the council which were not the responsibility of the executive of that council.

(6) Where this paragraph applies—

- (a) if sub-paragraph (a) or (b) of paragraph (3) applies, any member of the joint committee, who was appointed by the council and is not a member of the council or of the executive of the council, ceases to be a member of the joint committee;
- (b) if neither sub-paragraph (a) or (b) of paragraph (3) applies, any member of the joint committee, who was appointed by the council and is not a member of the executive of the council, ceases to be a member of the joint committee; and

any other member of the joint committee, who was appointed by the council, is to be treated as if that person had been appointed by the body who, by virtue of regulation 7 or 8, has power to make arrangements under section 9 of the 2014 Act (arrangements for discharge of functions by councils jointly) in accordance with regulation 15.

(7) Where—

- (a) the joint committee has functions in respect of part of the area of one of the councils concerned; and
- (b) those functions are the responsibility of the executive of that council,

the representatives of that council on the joint committee may include any members of that council who have been elected for the district electoral areas which are wholly or partly within that part of the council's area, and paragraph (10) shall apply to the appointment of those members.

(8) Where the joint committee has functions in respect of part of the area of one of the councils concerned and the representatives of that council on that committee are appointed, in accordance with regulation 15, by the council itself, those representatives must be members of that council who have been elected for district electoral areas which are wholly or partly within that part of the council's area and paragraph (10) shall apply to those appointments.

(9) The number of members which each nominating officer of a party may nominate shall, in so far as is practicable, bear the same proportion to the number of places to be appointed as is borne by the number of members of the executive who stood in the name of that party.

(10) Paragraphs (2) to (4) of Schedule 2 to the 2014 Act (appointment of councillors to committees, etc.) shall apply to these appointments, as if the joint committee is a committee of the council.

Changes to legislation:

There are currently no known outstanding effects for the The Local Government (Executive Arrangements) Regulations (Northern Ireland) 2015, PART 3.