

LEGISLATION UPDATE

Agenda Item: 12

Summary: This paper provides an update on the legislative programme.

Action Required: To note

BACKGROUND

1. The Department of the Environment is taking forward 3 local government Bills in the Assembly's legislative programme. These are the:-
 - Local Government (Miscellaneous Provisions) Bill;
 - Local Government (Finance) Bill; and
 - Local Government (Reorganisation) Bill.
2. A summary of the content of each of these Bills is attached at Annex A. Details of the legislation being taken forward by Departments, to transfer functions to local government, are set out at Annex B.

UPDATE ON DOE LEGISLATION

Local Government (Miscellaneous Provisions) Bill

(formerly the Local Government (Contracts and Compulsory Purchase) Bill)

3. The Bill was introduced to the Assembly on 22 June 2009 and completed its Second Stage on 30 June. The Bill completed the Committee Stage in October and the Committee report was issued on 6 November. The Bill is due to receive Royal Assent early next year.

Local Government (Finance) Bill

4. At its meeting on 5 March, the Executive gave policy approval for the Bill and on 2 July agreed to it being issued for consultation. The consultation commenced on 24 July with a closing date for responses of 31 October 2009.
5. Officials are currently considering the responses received.
6. The Bill is scheduled for introduction to the Assembly early in 2010.

Local Government (Reorganisation) Bill

7. Subject to Executive agreement, it is anticipated that policy consultation on the Bill will commence in December 2009.
8. Subject to Executive agreement, it is anticipated that the Bill will be introduced to the Assembly by May 2010.

UPDATE ON TRANSFERRING FUNCTIONS LEGISLATION

9. It is the responsibility of each Department transferring functions to local government to take forward, if necessary, its own transfer legislation. Regular meetings of the legislation teams (chaired by DOE) are held following each Strategic Leadership Board meeting.

The Planning Reform Bill

10. Executive clearance to issue the draft Planning Reform Consultation Paper was received on 2 July 2009. The policy consultation began on 6 July 2009. Eleven public consultation events have been held across Northern Ireland. They form part of the formal consultation process on the proposals and have been well attended by a broad range of interested stakeholders.

11. The consultation ended on 2 October 2009; responses will be analysed and a summary compiled. Final policy decisions will be made to enable the proposals to be put forward for Executive consideration in early 2010.

Urban Regeneration and Housing Bill

12. Minister Ritchie has given serious consideration to concerns raised regarding the proposed transfer of Traveller transit sites and has decided to remove the provision of Traveller's transit sites from the list of functions and to allow the function to remain with the Northern Ireland Housing Executive.
13. Executive clearance to prepare a draft Urban Regeneration and Housing Bill was received on 1 October 2009. The Department is finalising the draft Bill with the Office of Legislative Council.

Local Government (Transfer of Roads Functions) Bill

14. Dedicated teams are progressing policy development work and are working closely with local government representatives to clarify issues as part of that process. Given the complexity of some of the issues that need to be resolved, the timescales remain extremely challenging.

LOCAL GOVERNMENT POLICY DIVISION

December 2009

Annex A

SUMMARY OF DOE BILLS

Local Government (Miscellaneous Provisions) Bill

(formerly the Local Government (Contracts and Compulsory Purchase) Bill)

Main purposes

1. The main purposes of the Bill are:
 - to clarify the powers of councils to enter into long-term service contracts with the private sector (e.g. Public Private Partnerships or Private Finance Initiative contracts) and so remove any concerns which contractors and their financiers might have about entering into such contracts;
 - to enable councils (and arc21 and SWaMP2008 - the two Waste Management Groups that have been constituted as bodies corporate) to acquire land otherwise than by agreement (i.e. to vest land) for any of their waste management purposes; and
 - to make preliminary arrangements for the reorganisation of local government.

Local Government Contracts

2. The provisions on local government contracts are needed because of an EC Landfill Directive which requires Member States to meet recycling targets by

2010, 2013 and 2020. One of the options open to councils, through their Waste Management Groups, is for the private sector to build the necessary waste infrastructure and provide recycling services to them. It is imperative that the legislation is in place later this year so that tendering processes proceed, contracts can be awarded and plant and facilities can be constructed in order to meet the EC Landfill Directive targets and thereby avoid infraction proceedings.

Preliminary Arrangements for Reorganisation

3. The Bill contains enabling provisions which will allow preliminary arrangements for the reorganisation of local government to be taken forward in advance of the main reorganisation legislation. The Bill makes provision to enable the Department:
 - to introduce a system of controls, by direction, on specified financial activities by the current 26 district councils in the period leading up to reorganisation to ensure that the new councils are not constrained by being bound to long-term financial commitments entered into on their behalf by the current councils;
 - to establish statutory transition committees for the purpose of preparing for the reorganisation of local government; and
 - to make a severance scheme for councillors.

Consultations

4. A Consultation Document on the Department's proposals regarding local government contracts and vesting for waste management purposes was issued for consultation from 13 December 2008 to 12 March 2009.
5. Consultation documents on the Department's proposals for:
 - severance arrangements for councillors, and
 - statutory transition committeeswere issued for consultation from 6 April – 31 May 2009.
6. Copies of each consultation document, together with a synopsis of responses to the consultations can be found on the Department's website:

http://www.doeni.gov.uk/index/local_government/local_government_consultations/archived-consultations.htm

Local Government (Finance) Bill

Main Purposes

7. The main purposes of the Bill are to update the provisions:
 - for the financial management of district councils;
 - for the payment of grants to councils;
 - on councillors' remuneration (including the setting up of an independent remuneration panel for Northern Ireland).

Local Government (Reorganisation) Bill

Main Purposes

8. The main purpose of the Bill is to update the local government legislative framework to reflect and give effect to the Executive's decisions on the reorganisation of local government in Northern Ireland in order to provide more modern powers for the 11 new district councils.
9. The Bill will:
 - establish the new councils and bring the old local government districts to an end;
 - provide new governance arrangements for councils;
 - introduce a new ethical standards regime and a new Code of Conduct;
 - make provision for central/local government relations;
 - introduce community planning and well-being;
 - introduce a new service delivery & performance improvement system;
 - deal with the transitional arrangements from the old council structure to the new structure i.e. by transferring the current functions; staff; contracts; assets; liabilities etc.

TRANSFERRING FUNCTIONS LEGISLATION

1. The Planning Reform Bill

The purpose of the Bill is to deliver a reformed planning system and transfer the majority of planning functions to district councils by 2011.

The proposed Bill will provide for:

- a more responsive planning system delivered at a local level with enhanced local political accountability;
- a streamlined development plan system, with a more meaningful level of community involvement;
- a more effective development management system with a greater focus given to economically and socially important developments;
- improved efficiency of processing and greater certainty about timescales;
- a change in the culture of the planning system: seeking to 'front load' the development plan consultation process, make plans more strategic in nature, and to facilitate and manage development, rather than mainly controlling undesirable forms of development;
- stronger collaborative working across a range of stakeholders; and
- a better match of resources and processes to priorities and improved value for money for all users of the planning system through more proportionate decision-making mechanisms.

2. Urban Regeneration and Housing Bill

The main purpose of the Bill is to enable the transfer of certain urban regeneration, community development and housing functions from DSD and the Northern Ireland Housing Executive to the 11 newly created local councils under the Review of Public Administration. The legislation will make provision for DSD to retain a role in relation to projects of regional significance and in the creation of statutory guidance to reflect departmental policy.

Functions transferring;

- operational responsibility for urban regeneration (including neighbourhood renewal);
- the delivery of support for the voluntary and community sector at local level;
- some housing functions relating to houses in multiple occupation (HMO), housing unfitness (including repair and demolition notices), local energy conservation; and
- the Living Over the Shop Scheme.

3. Local Government (Transfer of Roads Functions) Bill

A Local Government (Transfer of Roads Functions) Bill will be required to achieve the transfer of a number of public realm aspects of local roads functions from the Department for Regional Development to the new councils.

The final agreed list of functions that will transfer to the new councils includes:

- permitting local events on roads;
- alleygating;
- pedestrian Permits;
- off-street parking; and
- on-street parking enforcement.

DRD remains committed to delivering a Bill within the mandate of the current Assembly. While the timetable remains extremely challenging, DRD remains on target for delivering instructions to Counsel in December.