

LEGISLATION UPDATE

Agenda Item: 8

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

Action Required: To note.

BACKGROUND

1. The Department is taking forward 3 Bills in the Assembly's legislative programme:
 - the Local Government (Miscellaneous Provisions) Bill;
 - the Local Government (Finance) Bill; and
 - the Local Government (Reorganisation) Bill.(please see August update of legislative timetable attached).

DETAIL

Local Government (Miscellaneous Provisions) Bill

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

Main purposes

2. 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

3. 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

4. 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

5. 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.
6. Consultation documents on the Department's proposals for:
 - severance arrangements for councillors, and

- reform transition committees
- were issued for consultation from 6 April – 31 May 2009.

7. 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

Assembly Stages

8. The Bill was introduced to the Assembly on 22 June 2009 and completed its Second Stage on 30 June. The Committee Stage of the Bill will commence when the Assembly returns from recess in September.

Local Government (Finance) Bill

Main Purposes

9. 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).

Consultation

10. 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.
11. The consultation document and executive summary can be viewed on the Department's website at:
http://www.doeni.gov.uk/index/local_government/local_government_consultations.htm.

Assembly Stages

12. The Bill is scheduled for introduction to the Assembly in January 2010.

Local Government (Reorganisation) Bill

Main Purposes

13. 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.

14. 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.

Consultation

15. Subject to Executive agreement, it is anticipated that policy consultation on the Bill will commence in October 2009.

Assembly Stages

16. Subject to Executive agreement, it is anticipated that the Bill will be introduced to the Assembly by May 2010.

LOCAL GOVERNMENT POLICY DIVISION - PRIMARY LEGISLATION PROGRAMME

Update August 2009

Bill								2010												2011					
	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	
Local Government (Miscellaneous Provisions) Bill: • local government contracts; • vesting land for waste management purposes; • severance arrangements; • statutory transition committees • financial controls (pre-reorganisation).	Introduced to Assembly on 22 June																								
Local Government (Finance) Bill: • local government finance arrangements; • councillors' remuneration.		Executive Meeting - 2 July																							
Local Government (Reorganisation) Bill: • establishing new councils and bringing old districts to an end; • governance arrangements; • ethical standards; • central/local government relations; • community planning and well-being; • performance management; • transitional arrangements.				Executive Meeting - Sept																					

- Consultation
- Consideration of consultation responses and, where necessary, redrafting
- Drafting
- Assembly Stages
- Royal Assent & Commencement