

## SYNOPSIS OF RESPONSES TO CONSULTATION ON THE ESTABLISHMENT OF TRANSITION COMMITTEES IN STATUTE

1. There were a total of 48 responses. The breakdown was as follows:

Number	Category
3	Public Bodies
16	Community & Voluntary Groups
1	Trade Union
2	Members of the Public
2	Councillors
23	Councils and Local Government Organisations
1	Political Party

2. Four of the respondents: two local government organisations, a public body and a voluntary group, had no comments to make on the proposals. One of the local government organisations, Arc21, did however, raise the issue of continuity of the procurement / award process for contracts in relation to waste infrastructure projects.
3. One of the responses received is presently being translated therefore it has not been possible to reflect any views expressed in this synopsis.

### **Q1: Do you agree with the proposed size of the Transition Committees?**

4. Twenty four respondents commented on this question. Twenty two were in favour of the proposed size for the statutory transition committees, and two were not. Of the twenty two in favour all but three were councils, councillors or local government organisations. A voluntary group that supported the proposed size of the committees commented that the Minister of the Environment should be able to appoint additional female councillors. One of the Councils commented that it should have appropriate representation on the Belfast City Council Transition Committee.
5. The Councillor and member of the public who were not in favour commented that it was not appropriate for a small committee to take significant decisions that will impact on all the residents of the new council area.

### **Q2: Do you agree that representation from district councils in a group should be equal?**

6. Twenty four respondents also answered this question. Nineteen respondents agreed, with one highlighting a cluster that should be treated as a special case. Five respondents did not agree, and of these four indicated that representation should be based on the size of the respective councils.

**Q3: Should district councils have flexibility in their approach to nominating members to a Transition Committee?**

7. Twenty three respondents commented on this question. Fourteen respondents agreed that flexibility should be available, with two of these commenting that detailed guidance would be required. Four respondents commented that where a Council agrees its representation this should be acceptable without the requirement to apply a formula. One respondent supported the use of D'Hondt and Saint Lague but not STV while another commented that the same method of determining representation should be used across all 11 Transition Committees.
8. Two of the respondents who answered this question commented that provision should be made to address gender issues in the representation on Transition Committees.
9. The political party that answered this question was opposed to flexibility and commented that each Council should run all three systems to identify which system is the most suitable to ensure inclusivity and adopt this system.

**Q4: Do you support the approach to achieving consistency in the application of the divisor methods?**

10. Fifteen respondents answered this question. The majority of respondents, eleven, supported the approach but a small number indicated that further guidance would be required. Two respondents were neither supportive nor opposed to the proposal but sought further clarity on the approach to be adopted. One respondent expressed the view that all Councils in a cluster should be required to use the same formula.
11. The member of the public who responded to this question did not agree suggesting that Councils have the experience to form joint committees without external interference.

**Q5: Do you agree that a Transition Committee should be able to establish sub-committees?**

12. Nineteen respondents answered this question. All bar one, a member of the public, agreed that a Transition Committee should be able to establish sub-committees for specific purposes. One of the respondents commented that there should be a requirement to include women Councillors on any sub-committees established.
13. The respondent who was opposed to the proposal commented that Transition Committees are too small to be representative of the populations in either the old or new council area.

**Q6: Do you support the process for the allocation of the Chair and Vice-Chair positions, and for determining the membership of sub-committees?**

14. A total of nineteen respondents answered this question, of whom fourteen agreed. One of those who agreed commented further that provision should be made to ensure gender balance in the allocation of the positions. One respondent questioned why the positions should not be filled for the term of the Transition Committee.
15. Two respondents expressed the view that membership of a sub-committee should be based on merit or experience/expertise in the issue rather than by a formula. Another respondent indicated that detailed guidance on the process would be required.
16. One respondent was opposed on the grounds that it would allocate the positions on a party political basis and not taken account of independent Councillors.

**Q7: Do you agree that the Chair of a Transition Committee or sub-committee (if established) should not have a 'casting' vote?**

17. Seventeen respondents answered this question. Of the seven respondents who agreed one expressed the view that decisions should be reached by consensus rather than use the use of a 'casting' vote.
18. The majority of the ten respondents who disagreed did so on the grounds that some mechanism is required to advance the decision making process in the event of any equality of votes on a particular issue.

**Q8: Do you agree that the 'call-in' and Qualified Majority Voting (QMV) procedures should be available for the operation of Transition Committees?**

19. A total of eighteen respondents answered this question. Of the thirteen who agreed with the proposal, a small number commented that clarity would need to be provided on when the process would be used. While not expressing a view either way two respondents indicated that further guidance on the process would be required.
20. Three respondents disagreed that 'call-in' and Qualified Majority Voting should be available for Transition Committees.

**Q9: If so, do you agree that the levels set for the trigger for 'call-in' and threshold for QMV are appropriate?**

21. Fifteen respondents commented on this question. While six respondents agreed with the proposed levels, seven respondents disagreed commenting that these would be problematic and should be reviewed. There was no consensus view expressed on what the alternative levels should be.

22. One respondent agreed with the level set as the trigger for 'call-in' but expressed the view that the trigger for the Qualified Majority Vote was set too low. Another respondent commented that further guidance is required on the issue.

**Q10: Do you agree that a Code of Conduct should apply to members of a Transition Committee?**

23. Twenty six responses were made to this question with all bar one in agreement. Four respondents who agreed commented that arrangements need to be put in place in relation to any breaches to provide the Code with authority.
24. The member of the public who responded questioned the significance of applying the Code given its voluntary nature.

**Q11: Do you agree that meetings of Transition Committees should where practicable be open to the public?**

25. A total of twenty six responses were made to this question. All bar two of the respondents, who were from the local government sector, agreed that meetings should be open. One respondent commented that public meetings should be the norm.
26. Of the two respondents who disagreed, one expressed the view that opening meetings to the public could delay decisions and impact on the delivery of the reform programme. The other expressed the view that a Transition Committee should have the authority to conduct business 'in committee' when it considered this expeditious.

**Q12: Do you agree that the role of the Local Government Staff Commission should be extended to provide support to the Transition Committees?**

27. Twenty seven responses were received to this question with twenty four of these, covering all the categories of respondents, agreeing to the extension. Three respondents, from the local government sector, disagreed with one commenting that the role should be undertaken by NILGA.

**Q13: Do you agree that Transition Committees should have a power of approval over the budgets of constituent councils in the year preceding the coming into operation of the new council?**

28. A total of twenty five respondents answered this question. Only four agreed the proposal while twelve disagreed. Six respondents did not express a definitive view but commented that further guidance on the matter would be required. Two others commented that the proposal had merit but that the implementation would be problematic.

29. One respondent recommended a Power of Inspection with approval only coming into effect where it determines that there is a likelihood the proposed rate will adversely affect the new Council.

**Q14: Do you agree that the Department should have a Power of Direction in relation to Transition Committees?**

30. Twenty seven respondents answered this question. Twenty five agreed that the Department should have the Power while two disagreed. Of the twenty five that agreed six commented that the Power should be used as a last resort after all other options had been explored.
31. One of the respondents who disagreed commented that adequate mechanisms and structures should be in place to ensure there is no default in responsibilities

**Other Comments**

32. Nine respondents commented on Statutory Transition Committees being responsible for the trialling of Community Planning, with eight of them highlighting that there should be a requirement for consultation and engagement with the 3<sup>rd</sup> sector. Three of the respondents expressed the view that the 3<sup>rd</sup> sector should be represented on Transition Committees, while two commented that this sector should be involved in the development of proposals for the transfer of functions from central government. Three respondents also expressed the view that a specific date should be set for the start of Community Planning trials.
33. Seven respondents highlighted the gender imbalance in Councils and called for positive actions to be taken to increase the representation of women on Transition Committees and any sub-committees, to ensure representation reflects the diversity in society. Three of these respondents commented that a full EQIA should be undertaken in relation to the impact on women's representation in the membership of Transition Committees. Two respondents commented that appropriate actions should also be taken to ensure gender balance in the appointment of the Chief Executives (designate) and the senior managers (designate) for the new Councils.
34. One respondent questioned the Minister's authority to determine that a 'shadow period' will not apply for the establishment of the new Councils given that this affects the entire local government structure. The respondent states that the Local Government (Northern Ireland) Act 1972 does not mention, authorise or prohibit a 'shadow period'.