STATUTORY RULES OF NORTHERN IRELAND

2013 No. 179

LOCAL GOVERNMENT

The Local Government (Statutory Transition Committees) Regulations (Northern Ireland) 2013

Laid before the Assembly in draft

Made - - - -	*2nd July 2013*
Coming into operation	*2nd July 2013*

The Department of the Environment makes the following Regulations, in exercise of the powers conferred by sections 15 to 17 and 24 of the Local Government (Miscellaneous Provisions) Act (Northern Ireland) 2010(**1**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Local Government (Statutory Transition Committees) Regulations (Northern Ireland) 2013 and shall come into operation on 2nd July 2013.

(2) In these Regulations—

"1972 Act" means the Local Government (Northern Ireland) Act 1972(**2**);

"2010 Act" means the Local Government (Miscellaneous Provisions) Act (Northern Ireland) 2010;

"2011 Act" means the Local Government Finance Act (Northern Ireland) 2011(**3**);

"district" means a local government district established in pursuance of section 1 of the Local Government (Boundaries) Act (Northern Ireland) 2008(**4**).

(3) In these Regulations, a reference to a name of a district is a reference to the corresponding name set out in Schedule 1 to the Local Government (Boundaries) Order (Northern Ireland) 2012(**5**).

Establishment and membership of statutory transition committees

2. In relation to each new council, there shall be established a statutory transition committee.

(**1**) 2010 c. 7(N.I.) as amended by 2011 c. 10 (N.I.).
(**2**) 1972 c. 9(N.I.).
(**3**) 2011 c. 10(N.I.).
(**4**) 2008 c. 7(N.I.).
(**5**) S.R. 2012 No. 421.

3. A statutory transition committee shall hold its first meeting within 35 days of the date on which these Regulations come into operation.

4. Subject to regulation 5(3), a member of a statutory transition committee shall be a councillor of a predecessor council.

5.—(1) Subject to paragraphs (2) and (3), each statutory transition committee shall consist of not more than 16 members with equal representation from its predecessor councils.

(2) The statutory transition committee in relation to the new council for the district of Causeway Coast and Glens shall consist of not more than 20 members with equal representation from its predecessor councils.

(3) The statutory transition committee in relation to the new council for the district of Belfast shall consist of —

(a) not more than 21 councillors of the predecessor council;

(b) two councillors of Castlereagh Borough Council; and

(c) two councillors of Lisburn City Council.

6. If a member of a statutory transition committee fails to attend 3 consecutive committee meetings, they shall cease to be a member of the statutory transition committee, unless the reason for failure to attend is approved by the statutory transition committee at its next meeting.

7.—(1) Subject to paragraph (2), a member of a statutory transition committee shall, upon ceasing to be a member of a predecessor council, also cease to be a member of the statutory transition committee.

(2) In respect of the statutory transition committee in relation to the new council for the district of Belfast, where a member who is a councillor of Castlereagh Borough Council or Lisburn City Council ceases to be a member of that council, they shall also cease to be a member of the statutory transition committee.

8.—(1) Subject to paragraph (2), a vacancy on a statutory transition committee shall be filled by a councillor nominated from the predecessor council of which the vacating member is a councillor.

(2) In respect of the statutory transition committee in relation to the new council for the district of Belfast, where a position is vacated by a member who is a councillor of Castlereagh Borough Council or Lisburn City Council, the vacancy shall be filled by a councillor appointed by that member's council.

(3) A vacancy on a statutory transition committee shall be filled as soon as is practicable.

9. A statutory transition committee shall notify the Department in writing of its membership.

Procedures of statutory transition committees

10.—(1) Subject to paragraphs (2) to (4) and regulation 18(1) and (2), the provisions of Schedule 1 shall have effect in respect of meetings and proceedings of statutory transition committees.

(2) (a) The election of a chairperson and vice-chairperson shall be the first business transacted at the inaugural meeting of a statutory transition committee; and

(b) the chairperson and vice-chairperson shall be elected by a statutory transition committee from among its members.

(3) The chairperson and vice-chairperson shall, unless they resign or are disqualified, continue in office until their successor becomes entitled to act.

Payment of allowances to members

11.—(1) An existing council may make a payment to a member of its council who is also a statutory transition committee member, by way of an allowance for, or in relation to anything done in connection with, their service on that committee.

(2) In relation to payment to members, by way of an allowance for, or in relation to anything done in connection with the statutory transition committee for the new council for the district of Belfast:

(a) Belfast City Council may make a payment to a member of its council who is also a member of that committee;

(b) Castlereagh Borough Council may make a payment to a member of its council who is also a member of that committee; and

(c) Lisburn City Council may make a payment to a member of its council who is also a member of that committee.

12. The amount of the allowance shall be the same for each councillor of an existing council who is a member of a statutory transition committee and shall not exceed £2700 per annum.

13. Where a statutory transition committee member ceases to be a member of the committee, otherwise than by virtue of regulation 21, their entitlement shall be to payment of such part of the allowance as bears to the whole the same proportion as the number of months for which the duration of their membership lasted.

14. For the purposes of these Regulations, the provisions of regulation 5(5) and 5(8) of the Local Government (Payments to Councillors) Regulations (Northern Ireland) 2012 (special responsibility allowance)(**6**), shall not apply.

Provision of premises and facilities

15.—(1) Predecessor councils shall—

(a) provide suitable premises and facilities to the statutory transition committee for the district of which they will form part;

(b) provide administrative staff to the statutory transition committee for the district of which they will form part; and

(c) subject to paragraphs (2) and (3), meet any costs incurred by the statutory transition committee for the district of which they form part in carrying out its functions so far as such cost is reasonable,

in such a manner as may be agreed between them.

(2) In determining any costs incurred by a statutory transition committee, the amount shall be proportional to the number of elected members from the predecessor councils comprising the membership of that committee.

(3) In relation to determining any cost incurred by the statutory transition committee in relation to the new council for the district of Belfast, the amount shall be proportional to the number of elected members from the predecessor council and the number of elected members from Castlereagh Borough Council and Lisburn City Council who comprise the membership of that committee.

Functions of a statutory transition committee

16.—(1) A statutory transition committee, in respect of a new council, shall—

(a) gather information and consider and advise on matters relevant to ensuring that the new council will be able to adopt its full range of powers and functions from 1st April 2015;

(**6**) S.R. 2012 No. 85

(b) prepare a draft Corporate and Business Plan for the agreement of the new council;

(c) prepare a draft budget for the agreement of the new council; and

(d) arrange the first meeting of the new council.

(2) Subject to paragraph (3), a statutory transition committee shall—

(a) publish its Corporate and Business Plan; and

(b) agree with the predecessor councils within the district in relation to which it is established, a budget for the operation of the committee.

(3) The statutory transition committee in relation to the new council for the district of Belfast, shall agree a budget for its operation with the predecessor council, Castlereagh Borough Council and Lisburn City Council.

Appointment of staff to a new council

17. A statutory transition committee shall appoint a clerk of the new council for its district.

18.—(1) The selection and appointment of a person to the office of clerk for a new council—

(a) must be on merit on the basis of fair and open competition; and

(b) must be approved by a two-thirds majority of the membership of the statutory transition committee.

(2) In determining the two-thirds majority in accordance with paragraph (1)(b), the chairperson of the committee shall not have a casting vote.

(3) A statutory transition committee may appoint other staff to the new council for its district as it deems appropriate.

(4) The appointments mentioned in paragraphs (1) and (3) shall be in accordance with the provisions of sections 40 and 41 of the 1972 Act.

Duties of existing councils and statutory transition committees

19. Predecessor councils shall provide to a statutory transition committee such assistance and information as may reasonably be requested for the purposes of a statutory transition committee discharging any of its duties and functions.

20. A statutory transition committee shall—

(a) provide all necessary information to the new council for its district;

(b) share information with another statutory transition committee as necessary; and

(c) provide all necessary information to predecessor councils whose councillors sit on that committee.

Winding up of statutory transition committees

21. A statutory transition committee established under these Regulations shall cease to exist 28 calendar days after the local government elections in 2014.

Application of existing local government legislation to statutory transition committees

22. The provisions of the 1972 Act specified in Schedule 2 shall apply to statutory transition committees as they apply to councils as if—

(a) any reference to a council or to a committee of a council included a reference to a statutory transition committee;

(b) any reference to a councillor included a reference to a member of a statutory transition committee;

(c) any reference to the offices of a council included a reference to the place of meeting of a statutory transition committee; and

(d) any reference to the district of a council included a reference to the districts of all the predecessor councils which have nominated councillors to a statutory transition committee.

23. The provisions of the 2011 Act mentioned in Schedule 3 shall apply to statutory transition committees as they apply to councils as if—

(a) any reference to a council or to a committee of a council included a reference to a statutory transition committee;

(b) any reference to a councillor included a reference to a member of a statutory transition committee; and

(c) any reference to the offices of a council included a reference to the place of meeting of a statutory transition committee.

Sealed with the Official Seal of the Department of the Environment on 2nd July 2013

L.S.

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