

*Draft Regulations laid before the Assembly under section 127 of the Local Government Act (Northern Ireland) Act 2014, for approval*

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DRAFT STATUTORY RULES OF NORTHERN IRELAND

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**2016 No.**

**LOCAL GOVERNMENT**

**The Local Government (Standing Orders)  
Regulations (Northern Ireland) 2016**

*Made - - - -*

*Coming into operation*

The Department of the Environment makes the following Regulations, in exercise of the powers conferred by section 38 of the Local Government Act (Northern Ireland) 2014<sup>(1)</sup>.

In accordance with section 127(1) of that Act, the Department has consulted councils, such associations or bodies representative of councils, such associations or bodies representative of officers of councils and such other persons and bodies as appeared to the Department to be appropriate.

**Citation, commencement and interpretation**

**1.**—(1) These Regulations may be cited as the Local Government (Standing Orders) Regulations (Northern Ireland) 2016 and shall come into operation on 15th March 2016.

(2) In these Regulations—

“the 1972 Act” means the Local Government Act (Northern Ireland) 1972<sup>(2)</sup>;

“the 2014 Act” means the Local Government Act (Northern Ireland) 2014;

“Executive Arrangements Regulations” means the Local Government (Executive Arrangements) Regulations (Northern Ireland) 2015<sup>(3)</sup>; and

“call-in” means a requisition for the reconsideration of a decision under section 41(1) of the 2014 Act.

**Incorporation of provisions in standing orders**

**2.** A council must incorporate the provisions in the Schedule in its standing orders for regulating its proceedings and business.

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(1) 2014 c. 8 (N.I.)

(2) 1972 c. 9 (N.I.)

(3) S.R. 2015 No. 44

### **Modification of standing orders**

3. A council must refrain from modifying its standing orders for regulating its proceedings and business, to enable provisions incorporated under regulation 2 in those standing orders to be amended or disapplied unless permitted by those provisions.

### **Revocation**

4. Schedule 3 to the Local Government (Transitional, Supplementary, Incidental Provisions and Modifications) Regulations (Northern Ireland) 2014<sup>(4)</sup> is revoked.

Sealed with the Official Seal of the Department of the Environment on 2016.

A senior officer of the  
Department of the Environment

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<sup>(4)</sup> S.R. 2014 No. 148

## SCHEDULE

Regulation 2

### PART 1

#### Voting

##### Decisions to be taken by a qualified majority

1. A qualified majority shall be required in relation to a council's decision on—
  - (a) a call-in made in accordance with section 41(1)(b) of the 2014 Act where a practising barrister or solicitor has opined under section 41(2) of that Act that there is a risk that the decision is outside the powers of the council, or is incompatible with EU law or Convention Rights (within the meaning of the Human Rights Act 1998<sup>(5)</sup>), or is not in compliance with the council's equality scheme in so far as it relates to equality of opportunity (within the meaning of section 75(1) of the Northern Ireland Act 1998<sup>(6)</sup>); and
  - (b) the suspension of standing orders, other than those whose provisions are specified in accordance with —
    - (i) section 40(1) of the 2014 Act;
    - (ii) section 41(1) and (2) of the 2014 Act;
    - (iii) paragraphs 2(3), 4(2) and 6(3) of Schedule 1 to the 2014 Act; and
    - (iv) this Schedule,which cannot be suspended.

### PART 2

#### Call-in Process

##### Interpretation

2. In this Part—
  - “budget” means the expenditure authorised by a council under section 3 of the Local Government Finance Act (Northern Ireland) 2011<sup>(7)</sup>;
  - “clerk” means the clerk of a council appointed under section 41 of the 1972 Act;
  - “committee” means a committee of the council appointed under section 7 of the 2014 Act;
  - “delegated authority” means the discharge of a function under authority fixed by a council under section 7 of the 2014 Act;
  - “decision maker” means the body or person making an executive decision, a decision under delegated authority or a key decision;
  - “executive” means a cabinet-style executive or a streamlined committee executive as provided for in section 21(2) of the 2014 Act;
  - “executive decision” means a decision taken by a decision maker in connection with the discharge of a function which is the responsibility of the executive of a council;

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(5) 1998 c. 42  
(6) 1998 c. 47  
(7) 2011 c. 11 (N.I.)

“key decision” means a decision under executive arrangements which is likely—

- (a) to result in the council incurring expenditure which is, or the making of savings are, significant having regard to the council’s annual budget for the service or function to which the decision relates; or
- (b) to be significant in terms of the effects on communities living or working in an area comprising two or more district electoral areas in the local government district of the council;

“member” means a member of the council;

“policy framework” means the policies and procedures agreed by the council in relation to the delivery of a function or functions of the council;

“proper officer” means an officer appointed by the council for the purpose of supporting the executive;

“published” means made available for inspection by members of the council;

“Register of Decisions” means a register of decisions maintained by the council of those decisions agreed by the council;

“section of the inhabitants of the district” means any section of the inhabitants that is clearly identifiable by location, interest or other category;

“special resolution” means a resolution of a council as defined in section 148 of the 1972 Act.

### **Decisions subject to call-in**

**3.—(1)** The following decisions may be subject to call-in and in such manner as is specified in these standing orders—

- (a) a decision of the council;
- (b) a decision of the executive;
- (c) an executive decision taken under joint arrangements in accordance with section 26 of the 2014 Act;
- (d) a key decision taken by an officer of the council;
- (e) a decision taken by a committee under delegated authority in accordance with section 7 of the 2014 Act; and
- (f) a decision taken by a committee to make a recommendation for ratification by the council.

**(2)** The following decisions shall not be subject to call-in—

- (a) a decision on a regulatory or quasi-judicial function which is subject to a separate appeal mechanism;
- (b) a decision which is deemed to be a case of special urgency in accordance with regulation 24 of the Executive Arrangements Regulations;
- (c) a decision where an unreasonable delay could be prejudicial to the council’s or the public’s interests;
- (d) a decision taken by an officer of the council which is not a key decision;
- (e) a decision by the executive which serves only to note a report from or the actions of an officer; and
- (f) a decision which is required to be taken by a special resolution.

**(3)** No decision may be subject to call-in more than once for each of the grounds specified in section 41(1) of the 2014 Act.