



## Belfast District Council (Shadow)

<b>Report to</b>	<b>Shadow Strategic Policy and Resources Committee</b>
<b>Subject:</b>	<b>Council response to the draft DOE Regulations on the Charters and Status of the new Councils – The Local Government (Transitional, Incidental, Consequential and Supplemental Provisions) Regulations (Northern Ireland) 2014</b>
<b>Date:</b>	28 November 2014
<b>Reporting Officer:</b>	Suzanne Wylie, Chief Executive Designate
<b>Contact Officers:</b>	Ronan Cregan, Assistant Chief Executive and Director of Finance and Resources (ext. 6184) John Walsh, Town Solicitor (ext: 6042)

<b>1.0</b>	<b>Introduction</b>
<b>1.1</b>	<p><b>Purpose</b></p> <p>The purpose of this report is to seek approval from the Shadow Strategic Policy and Resources Committee upon a formal Council response to the DOE's Consultation on draft Regulations dealing with the Charters and Status of the new councils – the Local Government (Transitional, Incidental, Consequential and Supplemental Provisions) Regulations (Northern Ireland) 2014.</p>
<b>1.2</b>	<p><b>Background</b></p> <p>The Department has issued a consultation document along with the proposed draft Regulations and have asked councils to respond by 12 December 2014. <b>(Consultation Document - attached at Appendix 1).</b></p> <p>In summary, the proposed legislation will provide for the new Council to continue the County Borough and City status of the existing Council with effect from 1 April 2015 without the new council being required to take any action. By virtue of separate legislation (Local Government Act 2014 and Local Government Act 1972), the name of the new council will automatically</p>

	revert back to 'Belfast City Council' on the 1 April 2015.
<b>2.0</b>	<b>Key Issues</b>
<b>2.1</b>	<p><b>Council Charter and City status</b></p> <p>The 11 new councils have been established, by way of legislation, as district councils.</p> <p>The proposed Regulations offers the new councils the following options:</p> <ul style="list-style-type: none"> <li>a) take no action and remain a district council;</li> <li>b) petition the Secretary of State for the grant of a new charter; or</li> <li>c) continue a charter which currently exists within its local government district.</li> </ul> <p>Option (c) above is the only option which allows for the retention of Belfast's city status post-2015. As such, the Department have indicated that the Regulations have been drafted so as to continue the existing charter of Belfast (and other cities where city status is linked to a charter) without the new council being required to take any action.</p> <p>This is similar to the approach taken during the last period of local government reform in the 1970's where the continuation of city status was automatically provided for in legislation (in relation to Northern Ireland's two cities at that time, Belfast and Derry/Londonderry). The Department have indicated that this course of action would maintain the current situation and avoid the potential loss of Belfast's city status (there has been an occurrence of this in England).</p>
<b>2.2</b>	<p><b>Honorary Freemen</b></p> <p>The roll of honorary freemen attached to the existing Belfast City Council Charter will be automatically continued into the new Belfast City Council – therefore all persons admitted to the freedom of the borough will remain on the roll post April 2015.</p> <p>Regulation 5 will provide for the admittance of persons to the freedom of the borough. This is a direct replacement of the provisions of the Local Government (Modification of Borough Charters) Order (NI) 1973 and there are no proposed changes to the current process.</p>
<b>2.3</b>	<p><b>Council Name</b></p> <p>The issue of council names is not dealt with in the proposed regulations as legislative provision to allow councils to make decisions on their names is already in place.</p> <p>Members are advised however that the continuation of the existing County Borough (and City) status as proposed in the Regulations would result in the name of the Council automatically</p>

	<p>reverting back to 'Belfast City Council' on the 1 April 2015.</p> <ul style="list-style-type: none"> <li>• Section 1 of the Local Government Act (NI) 2014 provides for the name of a new council to be the name of its district (as set out in the Local Government (Boundaries) Order (NI) 2012) – which in the Councils case is “Belfast”.</li> <li>• Section 2 of the Local Government Act (NI) 1972, provides that where a district has borough or city status, the name of the council will automatically change to the name of its district followed by the words “Borough Council” or “City Council”. The official name of the new Council on 1 April 2015 will therefore automatically become “Belfast City Council”.</li> </ul> <p>This approach is in agreement with the decision of Members at the Transition Committee on 18 August 2014, when Members agreed <b>“to the proposed approach to retain the current corporate identity colours and logo and to seek to revert to the name of Belfast City Council”</b>. This decision was ratified by the Full Council at its meeting in September.</p>
<p><b>3.0</b></p>	<p><b>Draft Council Response</b></p>
<p>3.1</p>	<p>The Consultation document seeks answers to six questions. Questions 1, 3 and 5 are not applicable to Belfast given the proposal to automatically continue the existing County Borough charter and city status. The proposed Council response to each of the remaining questions is outlined below for Committee approval.</p> <ul style="list-style-type: none"> <li>• QUESTION 1 - Do you agree that new Councils should be able to choose to continue an existing borough charter in respect of the new local government district (N.B. section 2 of the 1972 Act, which is already in place and is not part of the Regulations, allows any new council to petition the Secretary of State for the grant of a new borough charter)? N/A</li> <li>• QUESTION 2 - Do you agree that the roll of honorary freemen attached to outgoing charters should be able to be preserved within a new or continuing charter? Yes</li> <li>• QUESTION 3 - Do you agree that 1 April 2016 is an appropriate deadline by which a council should ensure that a new or existing charter is in place, if it wishes to preserve the roll of honorary freemen attached to outgoing charters? If not, what do you think would be an appropriate deadline? N/A</li> <li>• QUESTION 4 - Do you agree that the Regulations should make provision for existing charters which are linked to city status to be continued without the new council having to take any action? Yes</li> </ul>

	<ul style="list-style-type: none"> <li>QUESTION 5 - Do you agree that all existing charters which are not subject to continuation under the provisions of the Regulations should be annulled on 1 April 2016? If not, what do you think would be an appropriate deadline? N/A</li> <li>QUESTION 6 - Do you have any comments in relation to the proposed replacement of provisions in relation to the designation of aldermen and admittance to the freedom of the borough? No</li> </ul>
4.0	<b>Resource Implications</b>
4.1	None
5.0	<b>Equality and Good Relations Implications</b>
5.1	None
6.0	<b>Call-in</b>
6.1	This decision is subject to call-in.
6.0	<b>Recommendations</b>
6.1	<p>It is recommended that Members:</p> <ul style="list-style-type: none"> <li>(i) Note the contents of the report including the draft consultation document at Appendix 1;</li> <li>(ii) Consider and approve the attached Shadow Council consultation response at Paragraph 3.1 subject to any amendments proposed by the Committee and subsequently by Shadow Council on 8 December 2014.</li> </ul>
7.0	<b>Documents attached</b>
	Appendix 1 – <b>Consultation Document</b> on the Charters and Status - Draft Transitional, Incidental, Consequential and Supplemental Provisions) Regulations (NI) 2014