

4 June 2014

Mr John Murphy
Local Government Policy Division
Level 4
Causeway Exchange
1-7 Bedford Street
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Belfast
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Dear Mr Murphy

Re Local Government (Executive Arrangements) Regulations (NI) 2014 - consultation document

The Commission welcomes the opportunity to respond to the Department's draft Local Government (Executive Arrangements) Regulations (NI) 2014, as part of its ongoing engagement with the Department on local government reform.

We note that the draft Regulations include the allocation of functions and responsibilities between the council and its executive, and the arrangements the executive may put in place for the discharge of its functions. In particular, Part two of the draft Regulations (regulation three) specifies the functions that are not to be the responsibility of a council's executive, or to be the responsibility of the council's executive only, to a limited extent, or only in specified circumstances.

We also note that in general, the functions that are specified as **not** to be the responsibility of a council's executive, are those functions of a council that are of a regulatory or quasi-judicial nature; such as functions relating to planning and development control, licensing and registrations functions, functions relating to elections and functions relating to policing and community safety partnerships. It is clear that none of these functions relate to duties or powers under equality legislation.



We further note that under Regulation six, as set out in Schedule Four, there are circumstances in which functions are not to be the responsibility of a council's executive. These circumstances include where the **council determines that the decision, plan or strategy** should be adopted or approved, should be taken by them. The function includes the adoption or approval of a **plan or strategy (whether statutory or non-statutory¹)**.

The Department will be aware that in March 2011, we responded to the Department's consultation on local government reform.² As regards decision-making structures, we made it clear that we agreed that there should be a list of core issues in relation to which decisions must be taken by the full council.

We recommended that key equality documents such as a local council's **equality scheme, and disability action plan**, which designated local councils **are required** under equality legislation to produce, should be considered by a full council. We also recommended that **other key equality action plans/strategies**, which are recommended as good practice by the Equality Commission, such as a Section 75 action plan or a good relations plan/strategy should also be considered by a full council.

Further, we recommended that full councils should consider **Article 55 reviews** under the Fair Employment and Treatment (NI) Order 1998, as well as **annual monitoring returns**. We were of the view that the approval of these documents by a full council would give a clear indication of the council's **ownership of, and commitment to**, the measures and actions set out in its equality scheme, action plans, strategies etc.

We **recommend** that the Department makes it **clear in guidance** relating to the outworkings of the Local Government (Executive Arrangements) Regulations (NI) 2014, that key equality documents, as referred to above, should be considered by a full council.

¹ Other than a performance improvement plan or community plan

² ECNI response to DOE consultation on local government reform policy proposals, March 2011, www.equalityni.org

Yours sincerely

Roisin Mallon

**Roisin Mallon
Senior Policy Officer
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