Department for Communities
www.communities-ni.gov.uk

Review of Local Government Legislative Framework - Call for Evidence

November 2026

© Crown Copyright 2026

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence visit:
www.nationalarchives.gov.uk/doc/open-government-licence/version/3/
or email: **psi@nationalarchives.gsi.gov.uk**

Where we have identified any third-party copyright information you will need to obtain permission from the copyright-holders concerned.

Any enquiries regarding this document should be sent to us at:

Department for Communities,
Local Government and Housing Regulation Division,
Level 8, Causeway Exchange,
1-7 Bedford Street,
Belfast, BT2 7EG.

Email: **LGLegislation.review@communities-ni.gov.uk**

This publication is also available to download from our website at: **www.communities-ni.gov.uk**

Contents

Call for Evidence – Review of Local Government Legislation **5**

Background 6

Why your views matter 7

Privacy, Confidentiality, and Access to Call for Evidence Responses 8

Respondents 9

Thematic Area – Transparency and Openness **10**

Position in Northern Ireland 10

Position in Other Jurisdictions 10

T**hematic Area - Ethical Standards** **14**

Code of Conduct 14

Pecuniary Interests 16

Thematic Area - Performance/Accountability **18**

Performance/Accountability 18

Thematic Area – Oversight of Councils **21**

Oversight of Councils 21

Thematic Area – Governance **22**

Standing Orders 22

Call-in 23

Positions of Responsibility 25

Committee Appointments 25

Governance and Executive Arrangements 26

Thematic Area – Cooperative Working **27**

Partnership Panel 27

Statutory Community Planning Partners 29

Joint Committees 31

Thematic Area - Social Policy – Licensing **32**

Places of entertainment 32

Sex Establishments 34

Acupuncture and tattooing / cosmetic piercing 35

Thematic Area – Financial Arrangements of Councils **37**

Local Government Finance Act (NI) 2011 (the 2011 Act) 37

The Local Government (NI) Order 2005 (the 2005 Order) 38

Monitoring Officers 39

Separation of Officer Roles 40

Land disposal 42

Final Comments **44**

Call for Evidence – Review of Local Government Legislation

The Department for Communities (DfC) would like to gather views from councils, stakeholders, and the general public on how the provisions introduced by local government reform are working in practice, and whether any improvements can be identified.

Local government reform has now been in place for over a decade, following the most significant modernisation of local government in Northern Ireland in over 40 years. DfC now wishes to gather evidence on this and the local government legislative framework, to assess its effectiveness and better understand the views of those affected across the 11 council areas.

Local government has a significant impact on everyone's lives and is responsible for a wide range of services delivered to people across Northern Ireland. Several thematic areas have been identified and will be addressed within this Call for Evidence as follows:

1. Transparency/Openness
2. Ethical Standards
3. Performance/Accountability
4. Oversight of Councils
5. Governance
6. Co-operative Working
7. Social Policy
8. Financial Arrangements of Councils

Each of the themes above will have further subsections within them and further detail on those, including questions for consideration, which will be expanded upon as you progress through this Call for Evidence.

Background

Local Government reform saw the implementation of the first comprehensive reform and modernisation of the local government system in Northern Ireland for over 40 years. Eleven new councils came fully into operation on 1 April 2015.

A comprehensive programme of legislation was required to give effect to the reform proposals which included, but was not limited to:

- the Local Government (Miscellaneous Provisions) Act (NI) 2010 which made preliminary arrangements in preparation for local government reorganization including the establishment of statutory transition committees;
- the Local Government Finance Act (NI) 2011 which introduced a new capital finance system, setting out the legislative framework within which a district council must manage its finances;
- the Local Government Act (NI) 2014 which introduced an updated administrative and governance framework within which the eleven new councils must operate.

Together with the Local Government Act (NI) 1972 and the Local Government (NI) Order 2005, which sets out the audit arrangements for councils, these statutory instruments provide the administration, finance, governance, and accountability framework for the eleven district councils.

Why your views matter

Thank you for taking the time to consider this Call for Evidence paper. The Department for Communities welcomes your views on the local government legislative framework in Northern Ireland. This call for evidence seeks the views of councils, stakeholders, and the general public on the provisions of the local government legislative framework. These responses will help the Department to gauge how effectively the legislative framework is working in practice. Any information previously received from councils will be taken into consideration in the overall context of the legislative framework. This call for evidence will last for 12 weeks and run from **17/11/2026 to 09/02/2027.**

This Call for Evidence uses the Citizen Space Hub, accessible via the relevant page on the DfC website, as the primary means of response, making this as accessible as possible.

You may also respond by email: **LGLegislation.review@communities-ni.gov.uk**

Or by post to:

Department for Communities,
Local Government and Housing
Regulation Division,
Level 8, Causeway Exchange,
1-7 Bedford Street,
Belfast, BT2 7EG.

Alternative formats are available upon request.

Impact Assessment: If any policy changes are made following this call for evidence, they will be subject to the appropriate assessment. No impact assessment has been conducted at this time.

Privacy, Confidentiality, and Access to Call for Evidence Responses

For this Call for Evidence, DfC specifically asks respondents not to submit any sensitive personal data or information. There is no obligation to provide any personal details in responding to this questionnaire. Any information you provide will be controlled and processed in line with Data Protection Legislation by DfC.

A summary of the questionnaire responses will be published and will reflect the opinions of respondents in general terms.

Responses to this Call for Evidence may be subject to requests under the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR). All disclosures will be in line with this legislation. If you feel that information that you provide should be treated as private or confidential, please explain why so that we can take this into account. Any personal data submitted will be processed in line with the requirements of the Data Protection Act 2018/ UK General Data Protection Regulations.

The DfC privacy notice, which gives details of your rights in respect of handling your personal data can be found at: **DfC Privacy Notice | Department for Communities**

Respondents

1. Are you responding as an individual, council, or organisation?

Individual ☐ Council ☐ Organisation/Business ☐

2. Please indicate which council area you are based within:

Antrim and Newtownabbey Borough Council		Fermanagh and Omagh District Council	
Ards and North Down Borough Council		Lisburn and Castlereagh City Council	
Armagh City, Banbridge and Craigavon Borough Council		Mid and East Antrim Borough Council	
Belfast City Council		Mid Ulster District Council	
Causeway Coast and Glens Borough Council		Newry, Mourne and Down District Council	
Derry City and Strabane District Council			

3. If responding as an organisation or business, please give the name below.

Thematic Area – Transparency and Openness

The following section covers areas relating to transparency in councils, including the position in Northern Ireland and other areas of the UK, as well as Council meetings and decisions.

4. Are you directly impacted by this or do you have views on these that you would like to share, or would you prefer to skip to the next set of questions?
    - Share views
    - Skip to next section

Position in Northern Ireland

Transparency in local government in Northern Ireland is supported by several key legislative provisions.

Part 7 of the **Local Government Act (NI) 2014 Act** (the 2014 Act) governs council meetings and proceedings, requiring councils to adopt standing orders and follow clear procedures for decision-making, promoting openness and accountability.

Part 8 of the 2014 Act specifically addresses public access to meetings and documents, mandating that council meetings be open to the public and that relevant documents, such as agendas and minutes, be made available unless they contain confidential or exempt information. **Schedule 6** of the 2014 Act covers the descriptions of exempt information.

Additionally, the **Local Government Act (NI) 1972** (the 1972 Act) reinforces transparency through **Section 115** in relation to restriction of the publication of material designed to affect public support for a political party, as well as **Section 122,** which obliges councils to publish notices in a manner that effectively informs the public.

Position in Other Jurisdictions

In England, **The Local Government (Transparency Requirements) (England) Regulations 2015** which is accompanied by the **Local Government Transparency Code 2015 and the Transparency Code for Smaller Authorities** provide the legislation for openness. The intention behind this is to increase democratic accountability and make it easier for local people to contribute to the local decision-making process and help shape public services.

In Wales it is the **Local Government and Elections (Wales) Act 2021** supported by the **Statutory and non-statutory guidance on democracy within principal councils.** The Welsh legislation is wide-ranging and includes promoting access to local government, public participation in decision-making and council performance reporting.

Local government transparency in Scotland is governed by a decentralized framework. Scotland relies on the principle of “open by default”, driven by Freedom of Information laws, independent audit regulations, and local authority Model Publication Schemes.

Key Legal and Regulatory Frameworks for local government in Scotland are:

- Freedom of Information (Scotland) Act 2002 (FOISA): Mandates that all local councils operate robust publication schemes detailing how they make information accessible.
- Statutory Performance Information (SPI): The **Accounts Commission** sets SPI directions for local authorities, compelling them to publish performance and benchmarking data to assess local outcomes.
- Open Data Strategy: Establishes the standard that public, non-personal data should be free and openly available for public reuse.

Transparency/Openness questions

4.1 Are you aware that council meetings are open to the public, except in limited circumstances?	
Yes	
No	
Don't know	
If you have answered No, please indicate how this could be better informed to the public.	

4.2 Do Councils provide sufficient information on how to access council meetings?	
Yes	
No	
Don't know	
If you have answered No, please indicate how this could be better informed to the public.	

4.3 Are the provisions set out in Schedule 5 for council meetings and proceedings clear and sufficient?	
Yes	
No	
Don't know	
If you have answered No, please indicate how the provisions could be improved.	

4.4 Are decisions made by councils clearly explained?	
Yes	
No	
Don't know	
If you answered No, please indicate how you feel decisions made by councils could be more clearly explained.	

4.5 Do the current legislative provisions ensure transparency in councils?	
Yes	
No	
Don't know	
If you answered No, how do you feel transparency in councils could be improved.	

4.6 Are the exemptions set out in Schedule 6 of the Local Government Act (NI) 2014 clear and sufficient?	
Yes	
No	
Don't know	
If you answered No, please indicate how the exemptions could be clearer	

4.7 Are the exemptions in Schedule 6 applied appropriately by councils?	
Yes	
No	
Don't know	
If you answered No, please indicate which exemptions are not appropriately applied.	

4.8 Could transparency in councils be improved by adopting similar measures to that of England, Scotland or Wales?	
Yes	
No	
Don’t know	
Please explain your answer	

Thematic Area - Ethical Standards

The following section covers areas relating to Councillor Code of Conduct and procedures, as well as pecuniary (financial)and non-pecuniary interests of Councillors.

5. Are you directly impacted by this or do you have views on these that you would like to share, or would you prefer to skip to the next set of questions?
    - Share views
    - Skip to next section

Code of Conduct

Part 9 of the 2014 Act provides for a statutory Code of Conduct for councillors and sets procedures for investigating potential breaches.

The purpose of an investigation under this section is to determine which of the findings mentioned is appropriate:

(a) that there is no evidence of any failure to comply with the code of conduct.
(b) that no action needs to be taken in respect of the matters which are the subject of the investigation.
(c) that the Commissioner should make an adjudication on the matters which are the subject of the investigation.

Part 9 also provides for the following sanctions where the code has been breached:

(d) censure, as determined by the Commissioner, of the person; or
(e) suspend or partially suspend the person from being a councillor; or
(f) disqualify the person for being, or becoming (whether by election or otherwise), a councillor.

Code of Conduct Questions

5.1 Are the following sanctions for non-compliance with the Code proportionate and effective in deterring misconduct?			
Sanctions are:	**Censure**	**Suspension**	**Disqualification**
Yes			
No			
Don't know			
If you answered No, please provide details of how they could be improved.			

5.2 Are the processes of investigation and adjudication as set out in legislation sufficient?	
Yes	
No	
Don't know	
If you answered No, please advise of the challenges or barriers	

Pecuniary Interests

Sections 28-33 of the **Local Government Act (Northern Ireland) 1972** (the 1972 Act) sets out the legislation in relation to pecuniary interests (i.e. financial).

The definition of Pecuniary Interests is set out in **Section 146,** of the 1972 Act.

Section 62 of the 2014 Act requires the Chief Executive of each council to ensure that their council has established and maintains a register of member's interests which are open to the public. Rules relating to the registration of interests, both pecuniary and non-pecuniary, are covered under part 5 of **The Northern Ireland Local Government Code Of Conduct For Councillors .**

Pecuniary (financial) Interests Questions

5.3 Are the provisions in sections 28-33 of The Local Government Act (NI) 1972 on pecuniary interests sufficient?	
Yes	
No	
Don't know	
If you answered No, please indicate how the provisions could be improved	

Non-pecuniary (non-financial) interests Questions

5.4 Are non-pecuniary interests adequately addressed in the councillors Code of Conduct?	
Yes	
No	
Don't know	
If you answered No, please specify how non-pecuniary interests could be better addressed to improve the code of conduct and or legislation.	

5.5 Should non-pecuniary interests be amalgamated within the legislation?	
Yes	
No	
Don't know	
If you answered No, please provide details	

Thematic Area - Performance /Accountability

The following section covers areas relating to the performance and accountability of councils including their continuous improvement and statutory duties, as well as the role of the Local Government Auditor.

6. Are you directly impacted by this or do you have views on these that you would like to share, or would you prefer to skip to the next set of questions?
    - Share views
    - Skip to next section

Performance/Accountability

Part 12 of the Local Government Act (NI) 2014 places a general duty on councils to make arrangements that ensure **continuous improvement** in how they carry out their functions. This includes everything from waste collection and planning to community development and environmental protection. Good performance means these services are delivered efficiently, fairly, and to a high standard.

Each year, councils must set **improvement objectives**. These objectives must be clearly defined and achievable, and councils are required to **consult** with the public when setting them. They must publish annual performance improvement plans and also publish an **annual assessment report** on the previous year's plan.

The Local Government Auditor (Northern Ireland Audit Office "NIAO") has a statutory duty under **section 95** of the 2014 Act to carry out an audit and assessment on whether councils have met their responsibilities to plan for and report on performance as set out in Part 12 of the 2014 Act.

NIAO may also carry out a special inspection of a council's compliance with the requirements of Part 12 of the Act, if they are of the opinion that the council may fail to comply with those requirements. Additionally, the Department has powers of direction which can be used if it is satisfied that the council is failing or is likely to fail to comply with any requirements on performance improvement as detailed in Part 12.

Performance/Accountability Questions

6.1 Are you aware that councils in Northern Ireland are required to continuously review how they improve their services?	
Yes	
No	

6.2 Is it important that councils consult when setting their improvement goals?	
Yes	
No	
Don't know	
If you answered No, please indicate who you believe should set improvement goals	

6.3 Is information on how well a council is performing, and carrying out its statutory duties, readily available?	
Yes	
No	
Don't know	
If you answered No, please advise how you think this information could be better or more readily presented	

6.4 Do the current legislative provisions ensure councils improve their performance?	
Yes	
No	
Don't know	
If you answered No, or don't know, please advise if new provisions are needed or existing provisions need improved.	

6.5 Is the Local Government Auditor's role in ensuring councils adhere to their performance improvement responsibilities sufficient?	
Yes	
No	
Don't know	
If you answered No, or don't know, please advise how you feel this role could be enhanced	

Thematic Area – Oversight of Councils

The following section covers areas relating to the supervisory powers of central government departments regarding councils.

7. Are you directly impacted by this or do you have views on these that you would like to share, or would you prefer to skip to the next set of questions?
    - Share views
    - Skip to next section

Oversight of Councils

Part 14 of the Local Government Act (NI) 2014 outlines the supervisory powers available to all central government Departments with regard to councils. It enables Departments to request reports and information from councils, conduct enquiries or investigations into its activities, and intervene if a council fails to discharge its functions.

Oversight of Councils Questions

7.1 Are the powers of supervision outlined in Part 14 of the 2014 Act sufficient?	
Yes	
No	
Don't know	
If you disagree, please outline what intervention measures you believe necessary or other ways councils could operate which would mitigate formal intervention.	

Thematic Area – Governance

The following section covers areas relating to the Call-In procedure, Council's Standing Orders, Positions of Responsibility within councils, Committee appointments, and Governance and Executive arrangements of councils.

8. Are you directly impacted by this or do you have views on these that you would like to share, or would you prefer to skip to the next set of questions?
    - Share views
    - Skip to next section

Standing Orders

Under **Section 37** of the 2014 Act a council must make standing orders for the regulation of its business and proceedings. Under **Section 38** of the 2014 Act the Department may make regulations to specify provisions which must be included in a council's standing orders (i.e. mandatory standing orders). Under **Section 40** of the 2014 Act standing orders must specify decisions which are to be taken by a qualified majority 80% of the votes of the members present and voting on the decision.

Standing Order Questions

8.1 Are Council's standing orders accessible to the public?	
Yes	
No	
Don't know	
If you answer No, please advise how you believe the accessibility of standing orders could be improved.	

8.2 Should it be specified in legislation that Council's standing orders are regularly reviewed and updated?	
Yes	
No	
Don't know	
Please indicate if you have experienced any recurring issues or complaints relating to standing orders and how often they should be reviewed.	

8.3 Do you have any additional comments on the legislation in relation to Standing Orders?
Please provide comments

Call-in

Under **Section 41** of the **Local Government Act (Northern Ireland) 2014** (the 2014 Act), a council's standing orders must make provision requiring reconsideration of a decision if 15% of the members of the council present to the clerk of the council a requisition on either or both of the following grounds –

(a) that the decision was not arrived at after a proper consideration of the relevant facts and issues.

(b) that the decision would disproportionately affect adversely any section of the inhabitants of the district.

Standing Orders must require the clerk of the council to obtain an opinion from a practicing barrister or solicitor before reconsideration of a decision on a requisition made wholly or partly on the grounds mentioned previously in subsection (b).

Call-in Questions

8.4 Are the current legislative provisions sufficient to provide for the call-in process?	
Yes	
No	
Don't know	
If you answered No, please indicate what changes could improve the call-in process	

8.5 Do you think the call-in process has a role in protecting the interest of minorities within the council district?	
Yes	
No	
Don't know	
If you answered No, please indicate what could be improved	

8.6 Is the call-in process necessary for committee decisions that require approval by the full council?	
Yes	
No	
Don't know	
If you answered No, please advise why you believe call-in would be beneficial at committee stage.	

8.7 Should the ability to call-in a decision apply to all types of decisions of the full council?	
Yes	
No	
Don't know	
If you answered No, please let us know what types of decisions should be exempt from this process and why.	

8.8 Are the current percentages involved in the reconsideration of a council decision (15% Call-In and 80% Qualified Majority) appropriate?	
Yes	
No	
Don't know	
If you answered No, please indicate what you believe the respective percentages should be.	

Positions of Responsibility

Section 6 of the 2014 Act provides information on positions of responsibility within local government councils.

Schedule 1 to the 2014 Act details provisions in relation to the filling of positions of responsibility. It outlines how these positions may be filled and the procedure to follow if a position becomes vacant.

Positions of responsibility questions

8.9 Are processes for allocating positions of responsibility as defined in Schedule 1 to the 2014 Act clear and transparent?	
Yes	
No	
Don't know	
If you answered no, please provide examples which you feel need addressed.	

Committee Appointments

Section 11 of the 2014 Act provides that councils may establish committees to carry out certain functions of the council. **Schedule 2** to the 2014 Act details provisions in relation to how nominations are made by political parties in the appointment of councillors to committees. When a council appoints a committee, it must decide the number of places to be filled by councillors, ensuring at least two-thirds of the total places are for councillors.

Committee Appointment Questions

8.10 Are the processes for creating committees as defined in Schedule 2 to the 2014 Act clear and transparent?	
Yes	
No	
Don't know	
If you answered No, please provide instances or situations which you feel should be addressed.	

Governance and Executive Arrangements

Part 5 and **Part 6** of the Local Government Act (NI) 2014.

Under current legislation, councils are required to operate a committee system unless they decide, by qualified majority, to adopt executive or prescribed governance arrangements. This system is how councils operate and make decisions. Councils may also propose that the Department introduce new governance models if they can demonstrate improvements in efficiency, transparency and accountable decision-making.

Governance and Executive Arrangements questions

8.11 Are the current governance arrangements as set out in Legislation for Councils fit for purpose?	
Yes	
No	
Don't know	
If you answered No, please outline what improvements could be made.	

Thematic Area – Cooperative Working

The following section covers areas relating to the Partnership Panel for Northern Ireland, Statutory Community Planning Partners, and Joint Committees of councils.

9. Are you directly impacted by this or do you have views on these that you would like to share, or would you prefer to skip to the next set of questions?
    - Share views
    - Skip to next section

Partnership Panel

The Partnership Panel was established under **Part 13** of the 2014 Act to facilitate collaboration between local government and Northern Ireland departments. The legislation outlines its composition, purpose, and operational framework. The legislation ensures consistent terminology with the **Northern Ireland Act 1998.** We are seeking views on how effectively this mechanism supports intergovernmental working and whether any aspects of the legislative framework could be improved.

Partnership Panel Questions

9.1 Do you think the current legislative framework for the Partnership Panel supports effective collaboration between local and central government?	
Yes	
No	
Don't know	
Please advise of areas where you believe the framework could be improved to support effective collaboration.	

9.2 Do you believe that the Partnership Panel's structure, membership, or functions as listed in legislation is sufficient?	
Yes	
No	
Don't know	
If you answered No, please advise of aspects or areas of the legislation that you believe could be strengthened or where clarification is needed and your reasons why.	

9.3 Is there sufficient flexibility within the legislation governing the Partnership Panel for it to respond to emerging priorities and cross-cutting issues?	
Yes	
No	
Don't know	
If you answered No please advise of areas where you believe the legislation does not allow the Panel to respond to emerging priorities and/or cross-cutting issues.	

9.4 Do you think the Partnership Panel can fulfil its intended role under the current legislation?	
Yes	
No	
Don't know	
If you answered No, please advise of the limitations in the legislation that restrict the effectiveness of the Panel.	

Statutory Community Planning Partners

Section 67 of the 2014 Act provides that the Department may by order specify the bodies or persons who are to be the community planning partners of a council. Following the required consultation, DfC prescribed the public bodies which are community planning partners in **"The Local Government (Community Planning Partners) Order NI 2016", Article 2.**

Since the Order was made, there have been structural changes in the public sector which have impacted on some prescribed planning partners.

Statutory Community Planning Partner Questions

9.5 Does the current legislative framework for specifying statutory community planning partners support effective and consistent engagement across all councils?	
Yes	
No	
Don't know	
Please advise of areas where you believe the framework could be improved to support effective collaboration.	

9.6 Do the current legislative provisions provide partners with the flexibility required to fulfil their roles?	
Yes	
No	
Don't know	
If you answered No, please advise of the challenges or barriers.	

9.7 Is there sufficient flexibility in the legislation to allow for different partnership working models to be adapted?	
Yes	
No	
Don't know	
If you answered no, please advise where the legislation could be more flexible.	

9.8 Does the Community Planning framework ensure appropriate representation among statutory partners?	
Yes	
No	
Don't know	
If you answered No, please advise where the legislation could be strengthened or made clearer.	

9.9 Do you believe the current legislative provisions encourage councils to work effectively with central government departments?	
Yes	
No	
Don't know	
If you answered No, please advise where the legislation could be strengthened or made clearer.	

Joint Committees

Section 9 of the 2014 Act provides that if/when required to best discharge their functions, Councils can work jointly with other councils or form bodies corporate.

The legislation outlines the arrangements as to how this joint working will operate. **Section 14** of the Act sets out further provisions relating to the joint committees necessary for governing this work.

9.10 Are the current legislative provisions sufficient in ensuring councils work effectively together?	
Yes	
No	
Don't know	
If you answered No, please advise where the legislation could be strengthened or made clearer.	

Thematic Area - Social Policy – Licensing

The following section covers areas relating to the Licensing regime in Northern Ireland, specifically licensing of places of entertainment, sex establishments, acupuncture, tattooing and cosmetic piercing.

10. Are you directly impacted by this or do you have views on these that you would like to share, or would you prefer to skip to the next set of questions?
    - Share views
    - Skip to next section

Places of entertainment

The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 (the 1985 Order) **Part II, Article 3** and **Schedule 1** (along with the guidance as set out in **Local Government Circular LG 07/2022 Revised Model Terms Conditions and Restrictions.)** regulates and makes provision for the licensing of places of entertainment.

Schedule 1 of the 1985 Order regulates entertainment licensing for indoor and outdoor events. It allows district councils to set conditions for the grant, renewal, transfer and cancellation of licences, while also setting out offences should there be a failure to comply with the legislation.

Places of entertainment questions

10.1 Is the legislation for licensing of places of entertainment fit for purpose?	
Yes	
No	
Don't know	
If you answered No, please advise of areas where you believe the current provisions are not fit for purpose	

10.2 Are there other relevant activities that the legislation for the licensing of places of entertainment should be expanded to cover?	
Yes	
No	
Don't know	
If you answered Yes, please advise of what activities should be included and why.	

10.3 Are the enforcement powers provided for places of entertainment sufficient and appropriate?	
Yes	
No	
Don't know	
If you answered No, please advise of areas where you believe enforcement powers could be improved.	

10.4 Is the guidance currently provided for places of entertainment adequate?	
Yes	
No	
Don't know	
If you answered No, please advise of areas where you believe guidance could be improved.	

10.5 Are the Council administrative processes governing application, grant, renewal, transfer and cancellation of licences places of entertainment appropriate?	
Yes	
No	
Don't know	
If you answered No, please advise of areas where you believe the processes could be improved.	

Sex Establishments

Part II of The 1985 Order under **Article 4** via **Schedule 2** regulates and makes provision for the licensing of sex establishments. It allows district councils to issue licences and set standard conditions for the grant, renewal, transfer, refuse and revoke of licences. It also sets out offences should there be a failure to comply with the legislation.

Sex establishments questions

10.6 Is the legislation for licensing of sex establishments fit for purpose?	
Yes	
No	
Don't Know	
If you have answered No, please advise of areas where you believe the current provisions are not fit for purpose	

10.7 Should the legislation for the licensing of sex establishments be expanded to cover any other premises that would fit under the meaning of sex establishments as defined in Schedule 2?	
Yes	
No	
Don't know	
If you have answered Yes, please advise of what premises should be included and why.	

10.8 Are the enforcement powers provided for sex establishments adequate?	
Yes	
No	
Don't know	
If you have answered No, please advise of areas where you believe enforcement powers could be improved.	

10.9 Are the Council administrative processes governing application, grant, renewal, transfer and cancellation of licences for sex establishments appropriate?	
Yes	
No	
Don't know	
If you answered No, please advise of areas where you believe the processes could be improved.	

Acupuncture and tattooing / cosmetic piercing

Part V of The 1985 Order under **Articles 12 - 16** regulates and makes provision for district councils to set conditions for the registration, and cancellation, of persons wishing to carry out acupuncture, tattooing, ear piercing and electrolysis. It additionally allows councils to make various bye laws. It also sets out offences should there be a failure to comply with the legislation.

Acupuncture questions

Question 10.10	**Yes**	**No**	**Don't know**
Are the provisions for the registration of acupuncturists fit for purpose/working?			
Are the purposes for which the council can make bye-laws under Article 13(7) sufficient?			
Are there other activities that should be included for registration under Article 13?			
Is the list of professions which are exempt from registering with the council under Article 13(8) sufficient?			
Are the enforcement powers in relation to Article 13 sufficient?			
If you said No to any of these, please advise why and give examples.			

Tattooing / Cosmetic Piercing questions

Question 10.11	Yes	No	Don't know
Are the provisions for the registration of persons carrying on the business of tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis fit for purpose/working?			
Are there other activities that should be included for registration under Article 14?			
Are the purposes for which the council can make bye-laws under Article 14(7) sufficient?			
Is the exemption from registering with the council for registered medical professionals or those acting under their supervision under Article 14(8) appropriate?			
Are the enforcement powers in relation to Article 14 sufficient?			
If you have answered no to any of these, please advise why and give examples.			

Thematic Area – Financial Arrangements of Councils

The following section covers areas relating to the legislative provisions contained within the Local Government Finance Act (NI) 2011 and the Local Government (NI) Order 2005. This section also covers the role of Monitoring Officers and the Separation of Officer Roles with a comparison between the NI position and the rest of the UK. The final topic within this section is on Land Disposal.

11. Are you directly impacted by this or do you have views on these that you would like to share, or would you prefer to skip to the next set of questions?
    - Share views
    - Skip to next section

Local Government Finance Act (NI) 2011 (the 2011 Act)

The 2011 Act modernised the legislative framework relating to local government finance and councillors' renumeration in Northern Ireland. It introduced a new capital finance system and sets out the legislative framework within which a district council may manage its finances, and central government may regulate that activity. The Act allows district councils greater freedom to manage their own financial affairs without having to obtain consent from the Department. Control by central government will be exercised, where necessary, through subordinate legislation and guidance.

2011 Act questions

11.1 Are the current legislative provisions in the 2011 Act fit for purpose?	
Yes	
No	
Don't know	
Please advise which areas you feel could be improved	

The Local Government (NI) Order 2005 (the 2005 Order)

The 2005 Order's purpose was to create a clearer statutory framework for the audit of council accounts and formalise the role of the Local Government Auditor.

The 2005 Order requires the Local Government Auditor to be satisfied that the body whose accounts are being audited has made proper arrangements for securing economy, efficiency and effectiveness in its use of resources.

2005 Order questions

11.2 Are the current legislative provisions in the 2005 Order fit for purpose?	
Yes	
No	
Don't know	
Please advise which areas you feel could be improved	

Monitoring Officers

In other UK Jurisdictions local authorities must appoint one of their officers (employees) as the 'Monitoring Officer', being the individual responsible for performing the duties outlined in **Section 5 of the Local Government and Housing Act 1989.** A Monitoring Officer is, therefore, a statutory appointment.

In summary, the main role of a Monitoring Officer is:

- to ensure a council fulfils its statutory obligations.
- ensuring lawfulness and fairness in the operation of a council's decision-making process.
- to act when it appears to them that any proposal, decision, or omission by a council has given rise to, is likely to, or would give rise to, a contravention of any enactment or rule of law or amounts to maladministration.

The following link outlines the main roles and responsibilities of the Monitoring officer: **https://havant.moderngov.co.uk/documents/s44979/MO%20Role%20and%20Profile.pdf**

Following a review of the Local Government Code of Conduct for Councillors a report from a **Code of Conduct Review Working Group** recommended the appointment of a person who would be tasked with giving advice and guidance and who may also alert any councillor erring towards a breach of the Councillors Code.

Monitoring Officer Questions

11.3 Should Councils in Northern Ireland appoint a Monitoring Officer similarly to other UK jurisdictions?	
Yes	
No	
Don't know	
Please provide further detail to support your answer	

11.4 Should Monitoring Officers be legally trained with experience and have statutory protections?	
Yes	
No	
Don't know	
If you answered No, please give your reasons	

Separation of Officer Roles

Position in Northern Ireland

In Northern Ireland, the 1972 Act requires a council to appoint a clerk of the council and such other officers as the council thinks necessary. Under **section 41(3)** of the 1972 Act, a person cannot be appointed as clerk of the council, or to such other office as the Department may determine, unless they possess such qualifications as the Department may determine. The Departmental determination setting out the qualification requirements for clerk of a council was last issued in July 1997.

The 2011 Act requires councils to designate an officer of the council as Chief Financial Officer but it does not specify that they must be members of specific accountancy bodies and no departmental determination has been issued setting out the qualifications and requirements for that post.

In the majority of Northern Ireland councils, the Chief Executive is also the Chief Financial Officer.

Position Elsewhere

In other jurisdictions in the UK there are three statutory officers of local authorities.

- The Chief Executive, also known as the Head of Paid Service, is responsible for ensuring that all the authority's functions are properly co-ordinated as well as organising staff and appointing appropriate management.
- The Chief Financial Officer is responsible for the arrangements which the authority has put in place for the proper administration of its financial affairs. The Chief Financial Officer leads on the authority's financial functions to ensure they are fit for purpose. The Chief Financial Officer must be a member of a specified accountancy body.
- The Monitoring Officer.
- Whilst the legislation does not prohibit the Chief Executive from being Chief Financial Officer, in practice, these positions within an authority are usually held by different people. Also, the legislation requires Chief Financial Officers to be suitably qualified and members of specified accountancy bodies.

Officer Roles Questions

11.5 Should there be a separation of roles between the Chief Executive and the Chief Financial Officer in councils?	
Yes	
No	
Don't know	
If you answered yes, please detail what qualifications you think a Chief Financial Officer should have and which professional body they should be a member of. If you answered no, please state your reasons why	

Land disposal

Background

Sections 95 to 98 of the 1972 Act set out the statutory framework governing the acquisition, management, and disposal of land by councils.

Together, these provisions ensure that councils manage public land assets responsibly, transparently and in accordance with statutory oversight mechanisms.

Land disposal questions

11.6 Do Sections 95 to 98 of the Local Government Act (NI) 1972 continue to provide a framework for the acquisition, management, and disposal of council land which is effective and proportionate?	
Yes	
No	
Don't know	
If you answered No, please advise how you believe the legislation could be improved, highlight areas where you consider it to be ineffective or disproportionate.	

11.7 Does the requirement under Section 96(5) of the Local Government Act (NI) 1972 for case-by-case departmental approval of land disposals at less than best value remain appropriate?	
Yes	
No	
Don't know	
If you answered No, please advise how you believe the legislation could be improved, highlight areas where you consider it to be inappropriate.	

11.8 Does the requirement under Section 96(5) of the Local Government Act (NI) 1972 for case-by-case departmental approval of land disposals at less than best value remain proportionate?	
Yes	
No	
Don't Know	
If you disagree, please advise how you believe the legislation could be improved, highlight areas where you consider it to be disproportionate.	

11.9 Are there any circumstances where councils should be permitted to dispose of land at less than best value without requiring individual departmental approval under Section 96(5)?	
Yes	
No	
Don't know	
If you have answered yes, please indicate the circumstances	

11.10 Does the current legislative framework support councils in balancing asset management with community development objectives?	
Yes	
No	
Don't know	
Please indicate how you believe the legislative framework surrounding asset management could be improved in support of community development	

11.11 Are the provisions, in relation to valuation and departmental approval, for distinguishing between voluntary land disposals and statutory access arrangements clear?	
Yes	
No	
Don't know	
If you disagree, please indicate which provisions should be addressed or what circumstances require new provisions.	

Final Comments

12. Do you have any other comments that you would wish us to consider in relation to the Local Government Legislative Framework?

Available in alternative formats.

© Crown Copyright 2026

Department for
Communities
www.communities-ni.gov.uk