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BRIEF NO 10

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LOCAL GOVERNMENT

1.1 Background

Local Government in Northern Ireland consists of a single tier system of 26 District Councils, elected every 4 years on the basis of proportional representation, exercising functions which are executive representational, and consultative.

1.2 The main executive functions are for local, district services and include environmental health, cleansing and sanitation, recreation and leisure provision, tourist development schemes, entertainment and cultural amenities, regulatory services, cemeteries crematorium and mortuaries, gas undertaking, abattoirs, and minor harbours. The major activities and major expenditure relate to cleansing and recreation. In the financial year 1986/87, District Councils will have capital expenditure of approximately £25m and revenue expenditure of £100m.

1.3 District Councils have representative responsibilities in that they nominate to bodies such as Health and Social Service Boards, Education and Library Boards, the Fire Authority, the Drainage Council, the Housing Council (and hence to the Housing Executive) and other bodies and authorities.

1.4 The Councils also have a consultative role which has been established since 1973 by both statute and practice. These roles relate largely to DOE Regional Services such Planning, Roads, Water and Sewerage. These consultative procedures have been developed in recent years. The District Councils formed an Association - the Association of Local Authorities of Northern Ireland - for the purpose of dealing with matters of common interest and to act as a forum for consultation with Government Departments and other public bodies. The Association decided not to recognise Derry City Council however (its name having been changed from Londonderry Council in May 1984), as a result of which 8 Nationalist controlled Councils withdrew from membership and so the Association now only has Unionist controlled Councils in its membership.

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2. District Council Elections - May 1985

In May 1985, elections were held for all Councils. 566 Councillors were returned of which 190 were members of the Ulster Unionist Party, 142 of the Democratic Unionist Party, 101 of the SDLP, 59 of Sinn Fein, 34 of Alliance and the remainder of smaller parties.

2.2 The number of Councillors for each Council area ranges from 51 in Belfast to 15 in the smaller Councils.

2.3 As a result of the election, 18 Councils are controlled by the Unionist groupings and 8 by the Nationalist groupings. Of the 8 Nationalist controlled Councils, 6 require Sinn Fein and SDLP to vote for and support one another to ensure nationalist control. Sinn Fein now have a Councillor as Vice-Chairman in Magherafelt and had Councillors as Chairmen in Omagh and Fermanagh during 1985/86. In addition Sinn Fein Councillors have also been nominated for a number of the Boards listed in para 1.3 above.

2.4 The presence of Sinn Fein members, within Unionist controlled Councils in particular, has provoked an outcry from the Unionist and has produced political difficulties. Various methods were tried by some Councils to exclude Sinn Fein from normal Council activity, eg Craigavon Council attempted in 2 ways to exclude Sinn Fein Councillors, firstly by proposing the establishment of a Council Committee with full powers on which all other Councillors except Sinn Fein members would sit and subsequently passing a resolution which required all Councillors to sign a declaration of non violence. These procedures were ruled to be unlawful by the High Court.

2.5 Because of the presence of Sinn Fein Councillors within Council Chambers, the 18 Unionist controlled Councils adopted a policy of adjoining Council meetings from October 1985.

3. The Anglo Irish Agreement

3.1 The signing of the Agreement in November 1986 brought further protest from the Unionist controlled Councils which have, since then, been continuing to adjourn meetings in protest against the Agreement. Unionist members on Nationalised controlled Councils have also been boycotting Council meetings since then.

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- 3.2 The most serious impact of this policy was that the 18 Councils concerned refused despite DOE dictators, to strike District Rates for 1986/7 and so DOE had to exercise this, and related financial functions using default powers in local Government legislation.
- 3.3 Because of the threat to District Council services and jobs, it was necessary to take emergency powers whereby DOE could secure the exercise of any or all Council functions if a Council was unable or unwilling to carry out such functions. It has been necessary to make selective, limited use of these powers on 2 occasions in Belfast City Council to secure the provision of essential services by the award of contracts for necessary supplies and materials, and also to secure the orderly run-down of the Gas undertaking.
- 3.4 Essential services in all other Council areas continue to be delivered, by various means, although a number of licensing and regulatory functions and a number of discretionary functions are not being exercised in some areas.
- 3.5 In addition to the High Court actions at 2.4 above the Alliance Party has also taken action against Belfast City Council, forcing it to return to normal business, and Sinn Fein has taken action against Ballymoney Council with similar results. All these High Court actions have established important, relevant case law for District Councils on a number of issues including expenditure, the rights of councillors, and delegations to Town Clerks.
- 3.6 Further action by the Alliance Party against 4 other Councils with Alliance members is scheduled for September/October 1986.
- 3.7 Changes in the adjournment policies may occur during the next few months, particularly in view of a recent decision by North Down Council to resume business, and in light of possible Court action at 3.6.
- 3.8 The Department of the Environment, in consultation with Political Affairs Division, is continuing to monitor all Council activities closely at both the political and functional level.
- 3.9 Protest action has also been taken by Councillors in those bodies to which they have been appointed under para 1.3 above. While there have been some delays in decision taking as a result, all essential services for which these bodies are responsible continue to be delivered.

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