



Belfast City Council

Report to:	Strategic Policy and Resources (Transition) Committee
Subject:	RPA - Consultation on Local Government (Miscellaneous Provisions) Bill
Date:	18 September 2009
Reporting Officer:	Ciaran Quigley
Contact Officer:	Kevin Heaney (ext. 6202)

1.0	<u>Relevant Background Information</u>
1.1	Members will recall that the Committee approved, at its meeting on 7 th August 2009, a draft response (copy attached at Appendix 1) to the Miscellaneous Provisions Bill (copy attached at Appendix 2) issued for consultation by the Northern Ireland Assembly's Committee for the Environment. The draft response was forwarded to the Environment Committee before the 14 th August 2009 submission deadline, although, it was stated that the response remained subject to ratification by full Council.
2.0	<u>Key Issues</u>
2.1	At the Council meeting on 1 st September 2009, it was agreed that that part of the Council's response which related to Part 1 'Contracts of Councils' of the Bill be brought back to Committee for consideration.
2.2	It is understood that the request to refer this part of the minute was made on the basis of a concern by a Member in relation to that part of the Bill which deals with powers of councils to acquire land, otherwise than by agreement, for the purpose of waste disposal. In particular, a query was raised as to whether this would enable, for example, <i>arc21</i> to compulsorily acquire land belonging to the City Council.
2.3	The Director of Legal Services has since spoken to the Member who raised this issue and has explained that, although the proposed new legislation will indeed confer a power of vesting (compulsory acquisition) on the sub regional waste authorities including <i>arc21</i> , it would not be possible for <i>arc21</i> to consider the compulsory acquisition of any land belonging to any of its partner councils. This is because, under the Terms of Reference pursuant to which <i>arc21</i> is established, any decision of such a nature has to be approved (under the Principle of Consensus) by all of the partner councils, including of course the council within whose district the subject land is situate.
3.0 Resource Implications	
There are no financial or Human Resource implications contained within this report	
4.0 Recommendations	
Members are asked to note the contents of this report.	

5.0 Documents Attached	
Appendix 1	Belfast City Council Draft Response
Appendix 2	Local Government (Miscellaneous Provisions) Bill and Explanatory Memorandum