



**Clerk & Chief Executive of each District
Council**

Circular LG 13/2012

Local Government Policy Division

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Your reference:
Our reference:
Date: 4 April 2012

Dear Sir/Madam

**GUIDANCE ON THE RE-ESTABLISHMENT OF VOLUNTARY TRANSITION
COMMITTEES AND TRANSITION MANAGEMENT TEAMS**

This Circular repeals and replaces LG 16/08.

Please find attached guidance on the operation of the Voluntary Transition Committees and Transition Management Teams. This refreshed guidance will enable the Voluntary Transition Committees and Transition Management Teams to be re-established in a consistent manner.

It is intended that Voluntary Transition Committees should be placed on a Statutory footing from Spring 2013 onwards. Further guidance for this phase will be issued in due course. It is also intended that, subject to the agreement of the Northern Ireland Office, elections to the new 11 Councils will be held in June 2014, providing for a shadow period leading up to a transfer of powers from the existing councils at the beginning of April 2015. Further guidance for this phase will issue at an appropriate time. It is also intended that issue-specific guidance on topics including finance, HR, transferring functions and systems convergence will be worked up by a number of Task and Finish Working Groups that will be established shortly.

Providing for a smooth transition from the existing structures to the new councils will require very careful thought and planning. The Minister is confident, however, that the implementation structures we are putting in place, coupled with the energy and enthusiasm of all those involved in the implementation process, will provide for a smooth transition to the new council structures and, most importantly, ensure that citizens do not see a reduction in the quality or level of service during the transition period.

Should you require any further details or clarification on any of the information in this circular, please contact Brian Moreland (brian.moreland@doeni.gov.uk).

Yours faithfully

**LINDA MACHUGH
DIRECTOR, LOCAL GOVERNMENT POLICY DIVISION**

GUIDANCE ON THE OPERATION OF TRANSITION COMMITTEES AND TRANSITION MANAGEMENT TEAMS

Background

1. This Circular sets out the guidance on the operation of Voluntary Transition Committees and Transition Management Teams.

Detail

2. Voluntary Transition Committees are made up of elected members from the constituent councils, which will form the new authorities.
3. Transition Management Teams are tasked with the operational delivery of the restructuring programme at the local level, working under the direction of their Transition Committees.

Context

4. The Voluntary Transition Committees and the Transition Management Teams will provide the basic programme infrastructure to allow the initial preparatory work to proceed in the council groups.
5. The terms of reference for Voluntary Transition Committees and Transition Management Teams are attached at Annex 1 and Annex 2 respectively. A Guidance Note on governance arrangements for Transition Committees is attached at Annex 3. A reminder regarding the Local Government Staff Commission Code procedures for recruitment and selection is attached at Annex 4. A diagram showing the full regional management structure for the reform programme is attached at Annex 5.
6. This should be considered to be initial guidance, to inform the re-establishment of the bodies and their initial operation. As the implementation progresses, it is anticipated that the Department will issue further guidance.
7. The Department will also provide, as a matter of urgency, Transition Committees and Transition Management Teams with a reporting framework to ensure that programme reporting is consistent.

GUIDANCE ON THE FORMATION OF VOLUNTARY TRANSITION COMMITTEES

1 ROLE OF VOLUNTARY TRANSITION COMMITTEE

The primary role of the Voluntary Transition Committee is to prepare for the transition to an 11 council model and to build on the work of the previous Voluntary Transition Committees prior to the suspension of the reform programme in October 2010. Voluntary Transition Committees will be comprised of elected members from the existing Councils. They will be, supported by Transition Management Teams of officers from those Councils, together with representatives of the departments that are transferring functions to local government. Transition Committees will operate to the following Terms of Reference: -

1.1 Terms of Reference

(1) General

- To action the implementation template provided by the Regional Transition Committee through the development of a local prioritised work plan.
- To liaise with local stakeholders to ensure that the implementation process takes account of their views.
- To direct the work of Transition Management Teams and establish working groups, as appropriate, to support the work of the Voluntary Transition Committee.
- To ensure that agreed local programmes and timescales are met.

(2) Governance

- To advance the convergence of key plans and programmes, including the capital development programmes of existing councils.
- To develop a local communication strategy in line with, and informed by, the overarching Programme Communications Strategy, to inform members, staff and the public regarding the implementation process.
- To develop a local capacity building programme.
- To prepare local winding-up plans for the existing councils.

(3) Service Delivery

- To take forward the delivery of pilot programmes in relation to the integration of transferring functions and the delivery of community planning within the terms of guidance agreed by the Regional Transition Committee and issued by the Department.
- To examine the potential for service delivery efficiencies and economies through service rationalisation measures, within the Transition Committee area and with other Transition Committees/Councils as part of the ICE programme.
- To plan a cohesive IT strategy for the new Council.

1.2 Membership

Membership of the Voluntary Transition Committees will consist only of elected members from the existing Councils and should proportionately reflect the political composition of those existing Councils.

The size of a Transition Committee should take account of the need for efficient and effective management and, except in the cases of Belfast City Council and the Causeway Coast and Glens Group, numbers should be in the range of 10–16 members. Each amalgamating council should have equal representation on the committee. As the Causeway Coast and Glens Group involves the amalgamation of four different councils, the Transition Committee may include up to 20 members. Belfast City Council may also appoint up to 20 members, in order that it may use its Policy and Resources Committee as its Transition Committee.

1.3 Policy and Administrative Support

The Transition Management Team should arrange for the provision of policy and administrative support to the Voluntary Transition Committee.

1.4 Term of Office and Vacancies

The amalgamating Councils will nominate members for an agreed period. The nominating councils will fill any vacancies arising as soon as possible.

1.5 Legal Status

The DOE will provide a legislative framework for the Transition Committees to become statutory by May 2013. Until this happens, Voluntary Transition Committees should be set up as joint committees (see Appendix 1 of Annex 3)).

1.6 Flexibility

Voluntary Transition Committees will operate in a flexible manner to successfully manage the change process in preparation for the establishment of Statutory Transition Committees and the subsequent elections to Shadow Councils. Accordingly, the Terms of Reference may be revised to accommodate unanticipated policy development at Regional Transition Committee level and any new issues that may emerge at the local level through existing Councils, Transition Management Teams and transferor bodies.

2 MANAGEMENT ARRANGEMENTS

(1) Secretariat

- The secretariat will be provided by the Transition Management Team.

(2) Meetings

- Voluntary Transition Committees will meet at times considered appropriate and venues for meetings should be rotated among the existing Councils.
- Voluntary Transition Committees may invite any person or body to attend meetings and may invite such a person or body to make a presentation and/or submit evidence and produce documents.

(3) Agenda

- The Chair of the Voluntary Transition Committee will determine the agenda for meetings, with the assistance of the Secretariat.
- Documents relating to the business will normally be made available to members at least five working days before the meeting to which they relate.

(4) Record of proceedings

- Minutes of meetings will be in action format listing key decisions and actions to be taken and will be prepared by the Secretariat. Copies of such minutes should be submitted to the Regional Transition Committee.

Guidance on the Establishment of Transition Management Teams

1 ROLE OF TRANSITION MANAGEMENT TEAMS

Transition Management Teams will have responsibility for the ongoing operational management of the transition at the local level. Each Transition Management Team will work under the direction of the Voluntary Transition Committee, taking account of the guidance from the Regional Transition Committee, to ensure that effective preparations are made for the creation of new councils. Transition Management Teams will include Chief Executives from the amalgamating Councils and Senior Officials from transferor public bodies at the local level. Transition Management Teams will operate to the following Terms of Reference: -

1.1 Terms of Reference

(1) General

- To secure a coherent and co-ordinated approach to local operational management issues in line with the policies developed by and guidance issued by the Regional Transition Committee and the Voluntary Transition Committee.
- To action the implementation template provided by Regional Transition Committee through the development of a prioritised work plan.
- To inform the Voluntary Transition Committee of key issues needing policy direction.
- To inform the Regional Transition Operational Board (RTOB) of key issues needing regional operational guidance.
- To liaise with local officer stakeholders to ensure that their perspectives inform the implementation process.

(2) Governance

- To support the Voluntary Transition Committee, where appropriate, to develop operational policies.
- To undertake, in the context of policy direction from the Voluntary Transition Committee, the convergence of key plans and programmes, including the corporate plans and capital development programmes of existing councils.
- To ensure implementation of local capacity building and training programmes for affected staff, and operational guidance issued by the Department.

- To prepare local winding-up arrangements for the existing councils.

(3) Service Delivery

- To assist the Voluntary Transition Committee in developing key Service Delivery strategies.
- To prepare operational plans to secure continuity of service delivery across the new Council area on the operative date.
- To assist the Voluntary Transition Committee ensure the smooth transfer of services and functions to new councils
- To assist the Regional Transition Operational Board on associated regional transfer operational issues.
- To identify and implement improvements in key administrative and IT systems, procedures and processes through harmonisation and development of cohesive, efficient and effective management strategies for the new Council.

1.3 Membership

Nominating Body	Representative
Councils	Chief Executive (Chair rotating unless otherwise agreed)
Councils	Senior Officers
DOE Planning	1 Officer
DSD	1 Officer
DETI /INI	1 Officer
Other	Co-opted as required by task (time limited)

The Chief Executives and Senior Council officers will be from the amalgamating Councils. Officials from the transferor public bodies should preferably have a working knowledge and a functional relationship with the amalgamating Councils.

1.4 Term of Office and Vacancies

The nominating body will fill any vacancies arising as soon as possible.

1.5 Flexibility

Transition Management Teams will operate in a flexible manner to successfully manage the operational change process.

2 MANAGEMENT ARRANGEMENTS

(1) General

- Membership of the Transition Management Teams will consist of Chief Executives and Senior Officers of Councils and Senior Officials of the transferor bodies, as indicated above.
- The Chair of the Transition Management Team will be a Chief Executive on a rotational basis (unless otherwise agreed).
- Each Transition Management Team will be assisted by support staff.

(2) Meetings

- Transition Management Teams will meet at times considered appropriate and venues for meetings should be rotated amongst the existing Councils.
- Transition Management Teams may invite any person or body to attend meetings and may invite such a person or body to make a presentation and/or submit evidence and produce documents.

(3) Agendae

- The Chair of the Transition Management Team will determine the agenda for meetings, with the assistance of the Secretariat.
- Documents relating to the business will normally be made available to representatives at least five working days before the meeting to which they relate.

(4) Record of proceedings

- Minutes of meetings will be in action format, listing key decisions and actions to be taken, and will be prepared by the Secretariat and submitted to the Voluntary Transition Committee.

GUIDANCE NOTES ON GOVERNANCE FOR VOLUNTARY TRANSITION COMMITTEES

1 Framework

This Guidance Note provides a governance framework to Voluntary Transition Committees for the effective, efficient and accountable management of their activities. Good governance is also considered to be an essential prerequisite to assist Transition Committees with their work. In creating the various governance components within the framework set out below, Voluntary Transition Committees should utilise support services and best practice residing in the amalgamating Councils. To do so will accelerate the re-formation and ensure that effective governance and administrative support systems are employed.

2 Legal Status

The 11 Voluntary Transition Committees will be set up to reflect the groupings of councils specified in the Local Government (Boundaries) Act (NI) 2008. In the first instance, the Voluntary Transition Committees will meet in a voluntary capacity and proceed as soon as possible to formation as a Joint Committee using the existing provisions of the Local Government legislation (*See Appendix 1 - Extract from the Local Government Act (Northern Ireland) 1972*).

4 Accountability and Decision Making

Transition Committees will be accountable for their decisions and, accordingly, they must ensure that they have good governance arrangements, including: -

- Operating in accordance with agreed standing orders (*such standing orders may be adopted from an amalgamating Council*);
- Efficient and effective approach to work planning and decision making;
- Openness and inclusiveness; and
- Compliance with all the legal obligations pertaining to a public body.

5 Reporting and Transparency

Voluntary Transition Committees will be subject to the accepted norms of internal and external scrutiny. They will operate to best practice in management of meetings, reporting arrangements and general administration.

To ensure transparency, Voluntary Transition Committees will make arrangements for public access to the decision making process. A

communication strategy should be developed to regularly inform the public and stakeholders.

6 Chair and Representation

In order to secure fairness and inclusiveness: -

- The Chair of the Voluntary Transition Committee will rotate between amalgamating Councils; and
- Each Council within the Voluntary Transition Committee should have the same number of members and this membership should reflect the existing political strength of the Council (*subject to a maximum of 16 Councillors per Transition Committee, with the exception of Belfast City Council and the Causeway Coast and Glens Transition Committees*).

7 Conduct and Standards

Members and officers working within the Transition Committees and associated projects will be expected to abide by the existing local government codes of conduct and ethical standards.

8 Finance

Each Voluntary Transition Committee must ensure probity, accountability and efficiency in all its financial activities. This will include: -

- Operating within approved financial arrangements (*such arrangements may be adopted from an amalgamating Council*);
- Preparation of a working budget;
- Preparation of annual accounts; and
- Being subject to the Local Government Audit arrangements.

9 Location

A Voluntary Transition Committee will not be based in any one Council and thus the meetings of the Voluntary Transition Committee will rotate between the amalgamating Councils.

The good governance arrangements adopted will be the modus operandi for each Voluntary Transition Committee during its tenure. However, governance arrangements may be subject to amendment as the legislative process proceeds.

Extract from - Local Government Act (Northern Ireland) 1972¹

PART II

MEMBERS, MEETINGS AND PROCEDURE²

Councillors

19 Joint committees

(1) A council may concur with any one or more than one other council in appointing a committee of those councils (in this Act referred to as a “joint committee”) for any purpose in which they are jointly interested, and may delegate to the joint committee, with or without restrictions or conditions as the council thinks fit, any functions of the council relating to the purpose for which the joint committee is formed, except the power of making a rate, or (except where the joint committee is constituted as a body corporate by an order under subsection (9) and power in that behalf is conferred by the order) the power of borrowing money, or of acquiring, holding or disposing of land, and any transferred provision regulating the exercise of a function by a council shall also apply to regulate the exercise of that function by a joint committee.

(2) Subject to the provisions of this section, the number of members of a joint committee, their term of office and the area, if any, with respect to which the joint committee is to exercise its functions shall be fixed by the appointing councils.

(3) The persons appointed by a council to a joint committee may include persons who are not councillors, but at least two-thirds of the members of the joint committee who are so appointed shall be councillors.

(4) A joint committee may appoint a sub-committee for the exercise of any function which in the opinion of the joint committee would be better exercised by a sub-committee.

(5) A sub-committee appointed under subsection (4) may include persons who are not councillors, but the majority of the members of every sub-committee shall be councillors of the councils which appointed the joint committee.

(6) Every member of a joint committee or sub-committee who at the time of his appointment was a member of a council which concurred in appointing the joint committee shall, upon ceasing to be a member of that council, also cease to be a member of the joint committee or sub-committee.

(7) A member of a joint committee, unless his term of office earlier expires, shall continue in office until the day after the first meeting of the council by which he was appointed that is held after an election of councillors (other than an election to fill a casual vacancy), and at that first meeting the council shall appoint the members of the joint committee whom it is entitled to appoint.

(8) A council which appoints members of a joint committee, or a joint committee which appoints a sub-committee, may revoke any appointment made under this section, and councils which concur in delegating any function, or imposing any restriction or condition, under subsection (1), or in fixing anything under subsection (2), may concur in revoking or varying anything so delegated, imposed or fixed.

¹ This version of this statute is extracted from the UK Statute Law Database (SLD)
http://www.opsi.gov.uk/RevisedStatutes/Acts/apni/1972/capni_19720009_en_1

(9)The Ministry concerned, on the application of all the councils concerned, may by order make provision for the purpose of—

(a)constituting a joint committee a body corporate with perpetual succession by the name specified in the order;

(b)fixing the functions of the body corporate so constituted;

(c)applying to that body any transferred provision, subject to the modifications (if any) specified in the order;

(d)providing for the winding-up and dissolution of any body corporate so constituted.

(10)A member of a joint committee or sub-committee who is not a councillor shall have the same exemption from personal liability as if he were a councillor.

[E119A Voting rights of members of committees, sub-committees and joint committees

(1)A person who—

(a)is a member of a committee appointed under section 18(1) by a council and is not a member of that council; or

(b)is a member of a joint committee appointed under section 19(1) by 2 or more councils and is not a member of any of those councils; or

(c)is a member of a sub-committee appointed under section 18(4) or 19(4) by such a committee as is mentioned in paragraph (a) or (b) and is not a member of the council, or one of the councils, which appointed that committee,

shall for all purposes be treated as a non-voting member of that committee, joint committee or, as the case may be, sub-committee.

(2)Where a person is treated by virtue of this section as a non-voting member of any committee, joint committee or sub-committee, he shall not be entitled to vote at any meeting of the committee, joint committee or sub-committee on any question which falls to be decided at that meeting.

(3)In this section any reference to voting includes a reference to making use of a casting vote.]

Annotations:

[F1](#)1992 NI 6

20 Expenses of joint committees

The expenses incurred by a joint committee shall be defrayed by the councils by whom the joint committee is appointed in such proportions as they may agree upon, or in the case of disagreement as may be determined by the Ministry.

21 Disqualification for membership of committees

(1)A person who is disqualified for being elected or being a member of a council shall be disqualified for being a member of any committee or sub-committee of that council, or for being a representative of that council on any joint committee, or for being a member of a sub-committee of a joint committee on which that council is represented.

(2)Section 6 shall apply to members of a committee or sub-committee of a council who are not councillors as it applies to councillors.



Department of the
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Clerk and Chief Executive of each Council

Local Government Division

Copied to:

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2 September 2009

**Local Government Staff Commission's
Code of Procedures on Recruitment and
Selection**

Dear Chief Executive

It was agreed at the Strategic Leadership Board (SLB) meeting on the 14 August 2009 that it would be helpful to issue a reminder to Transition Committees on the Local Government Staff Commission's (the Commission's) Code of Procedures on Recruitment and Selection (the Code).

Specifically relevant is that the LGSC's advisory and oversight provisions will apply to Transition Committees with regard to staffing and relevant human resource matters, including the appointment of Change Managers.

Under Section 40 (4) (b) of the Local Government Act (NI) 2972 the Local Government Staff Commission for Northern Ireland is statutorily bound to establish:

"...a code of procedure for securing fair and equal consideration of applications to councils by persons seeking to be employed by them as officers, and fair and equal treatment of persons who are so employed."

In this respect, the Commission issues the Code as a statutory recommendation for adoption by all councils. The Code applies to all appointments made by councils, irrespective of the terms of appointment and regardless, for example, of whether the post is full time, part time, temporary, fixed term or permanent and including secondments.

The Commission's Code of Procedures on Recruitment and Selection can be accessed at the following address: <http://www.lgsc.org.uk/publications/id/406/q/C/>.

Best Regards,

JOHN PRICE
Department of the Environment

Local Government Reform Programme

Regional Delivery Structures

