

N9 Going North – Government and Public Administration

1st Draft, 29 August 2005

This leaflet is for you if you live in the South and you want to go North to live. It gives a general description of how government and public administration operate in the North. It includes a brief description of local government and of the bodies which are charged with ensuring that government operates openly and fairly and with respect for human rights. Certain aspects of government and public administration are covered in other leaflets in this series- for example, the criminal justice system is described in Leaflet N8 – Legal System.

The information in this leaflet was compiled in August 2005.

Who governs the North

Northern Ireland is part of the United Kingdom. The people of the North elect 18 Members of Parliament (MPs) to represent them in the UK Parliament. The UK government is directly responsible for certain aspects of government in the North – this responsibility is largely exercised by the Secretary of State for Northern Ireland and the Northern Ireland Office but other UK government departments are also involved. Other aspects of government are the responsibility of the Northern Ireland Executive. At present, the Northern Ireland Executive is suspended but its structure of government departments remains in place. The Secretary of State for Northern Ireland has taken over responsibility for the government departments in the North.

The Northern Ireland Office

The Northern Ireland Office is a UK government department and is the office of the Secretary of State for Northern Ireland. The Secretary of State represents Northern Ireland in the UK Cabinet.

The UK government through the Secretary of State for Northern Ireland is directly responsible for a number of issues even when the Northern Ireland Executive is not suspended. These include policing, security policy, prisons, criminal justice, international relations, taxation, national insurance, regulation of financial services and the regulation of telecommunications and broadcasting.

The Northern Ireland Assembly

The Northern Ireland Assembly is elected by the people of Northern Ireland. The Assembly is suspended at present. It has 108 members (six members are elected from each UK parliament constituency). They are called Members of the Legislative

Assembly or MLAs. Some members wish to use the Irish language version of this – Teachta Dala or TD.

The Assembly is the internal parliament of Northern Ireland. Its decision making processes are somewhat different from most other parliaments.

Cross-community support

In most Parliaments, a majority vote is required for approval of legislation and policies. In the NI Assembly, majority support is not enough, there must be “cross community support” for all major decisions.

Cross community support is defined as either

- the support of the majority of members voting, including a majority of designated Nationalists voting, and a majority of designated Unionists voting (this is called “parallel consent”); or
- the support of 60 per cent of the members voting, including 40 per cent of the designated Nationalists voting and 40 per cent of the designated Unionists voting.

Apart from the major issues which always require cross community support there is also a provision whereby 30 MLAs may, by using the ‘petition of concern’ procedure, require cross community support on any other issue which is to be voted on by the Assembly.

The Assembly’s powers of legislation

The Northern Ireland Assembly has the power to pass legislation in broadly the same way as the Oireachtas in the South or the UK Parliament. There is no second house similar to the Seanad in Ireland or the House of Lords in the UK. Once bills are passed by the Northern Ireland Assembly, they get Royal Assent and may then come into force.

There are some restrictions on the Assembly’s powers to pass laws. It may not pass laws on matters which are the direct responsibility of the UK government – for example, it may not pass laws on taxation or policing. The Attorney General (the UK Attorney General is also the AG for Northern Ireland) has the power to refer proposed legislation to the Courts before it receives Royal Assent in order to establish whether or not the Assembly had legislative power in any particular case. The Secretary of State has some powers to refuse to submit a Bill for Royal Assent.

Northern Ireland Assembly
Parliament Buildings
Belfast
BT4 3XX
Tel: 028 9052 1333
www.ni-assembly.gov.uk

The Northern Ireland Executive

The Northern Ireland Executive is composed of the First Minister, deputy First Minister and 10 other Ministers. The First Minister and deputy First Minister are elected by the Assembly. The other Ministers are nominated by their political parties under a system (the d'Hondt system) which tries to ensure proportional representation from among the parties in the Assembly.

Northern Ireland Government Departments:

The following are the government departments in the North:

- **Enterprise, Trade and Investment** (this includes tourism)
- **Finance and Personnel**
- **Regional Development** (this includes transport, energy, water and strategic planning)
- **Education**
- **Environment** (this includes planning, pollution control, local government)
- **Employment and Learning** (this includes higher education, labour relations, employment law and vocational training)
- **Social development** (this includes housing, social security – including the Social Security Agency and the Child Support Agency, urban regeneration, protection of countryside, and the voluntary service sector)
- **Culture, Arts and Leisure**
- **Health, Social Services and Public Safety** (this includes community care, childcare, services for older people, health and safety, the fire authority)
- **Agriculture and Rural Development**

The First Minister and Deputy First Minister are responsible for economic policy, equality, European Affairs, Public Appointments and Freedom of Information.

The departmental structure was decided by the Northern Ireland Assembly and it has the power to change that structure

Statutory Committees

The Assembly appoints a statutory committee for each department. The chairman is not a member of the same political party as the Minister. The Committees have a scrutiny, policy development and consultation role and a role in initiation of legislation. There is also an Equality Scrutiny Committee to which Bills may be referred.

Civic Forum

The Civic Forum is a 60 member consultative body representing the social partners, community, education and the arts and sport, women's rights and churches. It is suspended at present.

Local Government

There are 26 district councils in the North. Councillors are elected every four years. Three of the district councils have city status (Belfast, Derry and Armagh) and 14 are boroughs. The main functions of all district councils are the same but city and borough councils have certain additional ceremonial functions.

The main functions of the district councils are the provision and management of recreational, social, community and cultural facilities; environmental health; refuse collection and disposal; street cleaning; the provision and management of tourist development facilities; the promotion of economic development; consumer protection; the enforcement of building regulations; management of cemeteries and crematoria; various licensing registration functions and dog control.

The Councils nominate members to a number of statutory bodies such as Education and Library Boards (see Leaflet N5 *Going North – Study*) and Health and Social Services Boards (see Leaflet N3 *Going North – Health*).

Councils are consulted in relation to matters such as planning and roads but the decisions on these are made centrally by the Northern Ireland Department of the Environment.

<http://www.doeni.gov.uk>

Local rates

Local government is financed by rates which are payable by householders and businesses as well as by government grants. Councils are legally obliged to strike two rates – the domestic rate and the non-domestic district rate by 15 February each year. The Northern Ireland Department of Finance and Personnel strikes a regional rate. All rates are collected by the Rate Collection Agency. Most occupiers of property are liable to pay rates – the amount you pay depends on the rateable valuation of your property. The rateable valuation is set by the Valuation and Lands Agency which is an agency within the Department of Finance and Personnel: <http://www.vla.nics.gov.uk>. Certain properties, for example, sport grounds, are exempt from rates and some people may qualify for help with their rates – see Leaflet N6 *Going North - Housing*.

Rating policy is under review at present and changes in the rateable valuation system (domestic rates will be based on capital value rather than rateable valuation) and new arrangements for rates relief are expected to be introduced in April 2007. For example, people whose property has been modified because of a disability will get a 25% rates reduction.

www.nics.gov.uk/ratingpolicy/

Rate Collection Agency

The Rate Collection Agency (RCA) is an agency within the Department of Finance and Personnel. As well as collecting the rates, it also operates the Housing Benefit scheme

for ratepayers who are home owners and the Disabled Person's Allowance (DPA) scheme (see Leaflet N6 *Going North – Housing*). It has five regional offices.

Rate Collection Agency

Oxford House,

49-55 Chichester Street,

Belfast, BT1 4HH

<http://www.ratecollectionagencyni.gov.uk>

Planning

The Northern Ireland Department of the Environment is responsible for planning control.

The Planning Service is an agency of the department. The Planning Appeals

Commission is an independent body which hears appeals about planning decisions.

Planning Service Headquarters

Millennium House

19-25 Great Victoria Street

Belfast

BT2 7BN

Tel: 028 9041 6700

<http://www.planningni.gov.uk>

Planning Appeals Commission

Park House

87-91 Great Victoria Street

Belfast

BT2 7AG

Tel: 028 90244710

<http://www.pacni.gov.uk>

The Northern Ireland Human Rights Commission (NIHRC)

The Northern Ireland Human Rights Commission is an independent body whose main functions are:

- to keep under review the adequacy and effectiveness in Northern Ireland of law and practice relating to the protection of human rights;
- to conduct investigations;
- to advise both the Secretary of State and the Northern Ireland Executive Committee of legislative or other measures which ought to be taken to protect human rights and to advise the Assembly whether a Bill before it is compatible with human rights;
- to give assistance to individuals in legal proceedings, or bring proceedings involving law and practice relating to the protection of human rights.
- To promote understanding and awareness of the importance of human rights in Northern Ireland.

- To advise on a 'Bill of Rights' for Northern Ireland, embodying rights supplementary to those in the European Convention, to reflect the particular circumstances of Northern Ireland.
- To examine all Bills proposed in the Northern Ireland Assembly and it will give an opinion on whether they are compatible with the European Convention on Human Rights.

The Human Rights Commissions in the North and the South have a joint committee.

You may ask the Commission for help if you consider that your human rights are being or have been infringed.

Northern Ireland Human Rights Commission
Temple Court, 39 North St.,
Belfast BT1 1NA
Tel: 028 9024 3987
www.nihrc.org

Equality Commission for Northern Ireland

The Equality Commission for Northern Ireland is an independent body whose main functions are to work towards the elimination of discrimination and promote equality of opportunity.

Discrimination on the grounds of disability, religious belief or political opinion, sex, sexual orientation or married status are outlawed in the North. The Equality Commission may be able to help you if you consider that you have suffered discrimination on any of these grounds. (See Leaflet N1 *Going North – Work* for information about discrimination in employment).

Equality Commission for Northern Ireland
Equality House
7 - 9 Shaftesbury Square
Belfast
BT2 7DP
Telephone : 028 90 500600
www.equalityni.org

Statutory duty on public authorities to promote equality

It is unlawful for public authorities to discriminate on the grounds of religious belief or political opinion. Public authorities in the North are required, when carrying out their functions to

- have due regard to the need to promote equality of opportunity between people of different religious belief, political opinion, racial group, age, marital status or sexual orientation; between men and women generally; between people with a disability and people without; and between people with dependants and people without; and

- have regard to the desirability of promoting good relations between people of different religious belief, political opinion or racial groups.

They are required to submit equality schemes to the Equality Commission.

Freedom of Information

The freedom of information legislation obliges public bodies to make information about themselves publicly available and gives individuals the right to access various information. Virtually all public authorities are covered by the legislation including the Police service of Northern Ireland. They must adopt a scheme for the publication of information. The schemes, which must be approved by the independent Information Commissioner, must specify the classes of information the authority intends to publish, the manner of publication and whether the information is available to the public free of charge or if a fee is payable.

The Information Commissioner is an independent official appointed by the Crown to oversee the law on freedom of information, data protection and environmental information.

The Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 01625 545700
www.informationcommissioner.gov.uk

Northern Ireland Ombudsman

The Northern Ireland Ombudsman is both the Assembly Ombudsman for Northern Ireland and the Northern Ireland Commissioner for Complaints. The Ombudsman deals with complaints about maladministration by government departments and public bodies in the North.

The remit of the Ombudsman includes government departments and agencies, local councils, education and library boards, health and social services boards and trusts and medical professionals providing family health services. This includes the power to investigate the exercise of clinical judgement by health care professionals.

If you want to complain about a government department or agency, you must process your complaint through a Member of the Legislative Assembly. Complaints about other bodies may be made directly.

The Ombudsman
Freepost BEL 1478
Belfast
BT1 6BR
<http://www.ni-ombudsman.org.uk>

If you want to complain about a UK government department, you may do so through your Member of Parliament (MP) to the Parliamentary Ombudsman.

Office of the Parliamentary Ombudsman
Millbank Tower
Millbank
London
SW1P 4QP
Tel: 0845 015 4033 or 020 7217 4163
Website: www.ombudsman.org.uk

Northern Ireland Commissioner for Children and Young People

The Northern Ireland Commissioner for Children and Young People aims to promote and safeguard the rights and best interests of children and young people. Children and parents may complain to the Commissioner about government services.

Northern Ireland Commissioner for Children and Young People
Millennium House
17-25 Great Victoria Street
Belfast
BT2 7BN
Tel: 028 9031 1616
www.niccy.org

Sources

Websites listed plus
Northern Ireland Act 1988
Good Friday Agreement
Planning (Northern Ireland) Order 1991
Rates (Northern Ireland) Order 1977