

1994 No. 497

LOCAL GOVERNMENT

Local Government (Employment of Group Building Control Staff) Order (Northern Ireland) 1994

Made 22nd December 1994

Coming into operation 1st April 1995

WHEREAS the Department of the Environment has consulted with district councils concerned with the employment of building control staff on the matter of the employment of such staff:

AND WHEREAS the Department of the Environment after that consultation is satisfied that it is expedient that an Order should be made providing for the employment of building control staff by certain councils on behalf of groups of councils:

NOW, THEREFORE, the Department of the Environment in exercise of the powers conferred on it by section 41(8), (8A) and (8B) of the Local Government Act (Northern Ireland) 1972 and now vested in it^(a) and of every other power enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Local Government (Employment of Group Building Control Staff) Order (Northern Ireland) 1994 and shall come into operation on 1st April 1995.

Interpretation

2. In this Order—

“district building control plan” means an annual plan prepared by a council and specifying the level of the building control service to be provided by the council and identifying the associated resources;

“Department” means the Department of the Environment;

“employer council” means a council responsible for the employment of group building control staff;

“group” means councils on behalf of which group building control staff are employed by an employer council;

“group building control staff” means an officer designated by the employer council as responsible for building control and such other officers employed by the employer council to assist the group in carrying out its building control functions;

(a) 1972 c. 9 (N.I.); relevant amending instrument is Article 35(2) of S.I. 1992/810 (N.I. 6). See also S.R. & O. (N.I.) 1973 No. 504 Article 7 and S.I. 1976/424 (N.I. 6) Article 3

“group committee” means a committee established for the purpose of consultation in accordance with Article 10; and

“trading accounts” means accounts which show the charges for services carried out and the rates agreed, together with the cost of providing those services.

Groups

3. The councils named in column 2 of the following Table shall be divided into the 5 groups shown in that column and such groups shall be known by the respective designations indicated in column 1 of that Table:

TABLE
Groups

(Column 1) <i>Designation</i>	(Column 2) <i>Constituent Councils</i>
Northern Group	Ballymoney, Coleraine, Limavady, Derry and Moyle
North-Eastern Group	Antrim, Ballymena, Carrickfergus, Larne, Magherafelt and Newtownabbey
Southern Group	Armagh, Banbridge, Craigavon and Newry and Mourne
South-Eastern Group	Ards, Castlereagh, Down, Lisburn and North Down
Western Group	Cookstown, Dungannon, Fermanagh, Omagh and Strabane

Employer councils

4. For the purpose of the employment of group building control staff the councils named in column 2 of the following Table shall be the employer councils for the respective groups named in column 1 of that Table:

TABLE

(Column 1) <i>Group</i>	(Column 2) <i>Employer Council</i>
Northern	Derry
North-Eastern	Ballymena
Southern	Craigavon
South-Eastern	Down
Western	Omagh

Appointment of group building control staff

5.—(1) Before appointing group building control staff, the employer council shall consult all the councils in the group by means of a group committee.

(2) Subject to paragraph (1), the employer council for each group shall appoint an officer to be responsible for building control and such other staff as the group committee may recommend.

(3) Notwithstanding that he is employed by the employer council, any officer employed for the purposes of the group shall undertake, at the request and authorisation of a council in the group and with the approval of the group committee, any building control function exercisable by an officer of that council and in so doing he shall be responsible to that council.

Responsibilities of the Officer responsible for building control

6. The Officer responsible for building control shall—

- (a) be responsible to the group committee for advising it on the matters referred to in Article 11 and for the day to day administration of those functions;
- (b) be responsible to the employer council for the supervision of group building control staff;
- (c) at least once a year report to each council within the group and the group committee on the services given by group building control staff to councils;
- (d) be responsible for the preparation of annual trading accounts and annual estimates in relation to the services provided by group building control staff to councils;
- (e) be responsible for monitoring, advising and reporting annually to councils and the group committee on the production of district building control plans;
- (f) furnish such reports to the councils and the group committee as may from time to time be required by the group committee or as he may consider necessary;
- (g) liaise with building control staff within the areas of the councils of the group and other officers responsible for building control to ensure consistency of interpretation, application and enforcement of regulations;
- (h) be required to report to the group committee on services provided by group building control staff to the councils, government departments and other public bodies; and
- (i) furnish to the Department, if requested by it, a copy of reports mentioned in sub-paragraphs (c), (e), (f) and (h) and such other reports as the Department considers appropriate.

Transfer of staff

7.—(1) This Article applies to any officer of an employer council who immediately before the date of the coming into operation of this Order, is

employed by that council to work wholly or mainly for a district council other than the employer council.

(2) The contract of employment of a person to whom this Article applies shall have effect from the date of the coming into operation of this Order as if originally made between that person and the district council specified in paragraph (1).

Enforceability of rights and liabilities

8. Any right or liability which was enforceable by or against the employer council in respect of the employment by that council of any officer to whom Article 7 applies and without prejudice to that Article, shall be enforceable by or against the district council specified in Article 7(1).

Protection of officers

9. The scale of remuneration of any officer to whom Article 7 applies and, taken as a whole, the other terms and conditions of the employment of that officer shall be no less favourable than the scale of remuneration, terms and conditions enjoyed by him before the date of coming into operation of this Order.

Group committee

10.—(1) A group committee shall be established for each group in accordance with the following provisions:—

- (a) each council in the group shall appoint 2 councillors as members of the group committee and each council may vary or revoke the appointments made; and
- (b) if a councillor appointed by a council under sub-paragraph (a) is unable for any reason to attend a meeting of the group committee the council may appoint a councillor as substitute to attend such meeting.

(2) All decisions of the group committee shall be decided by a majority of the members present and voting thereon and in any case of equality of votes the person presiding at the meeting shall have a second or casting vote.

(3) Chairmanship of the group committee shall be rotated on an annual basis among the councils in the group or for such longer period as may be agreed by the group committee.

(4) Subject to paragraphs (2) and (3) the group committee may regulate its own procedure (including quorum).

Functions of the group committee

11. In addition to being consulted on the appointment of group building control staff a group committee shall be responsible for—

- (a) co-ordination of, and monitoring, the provision of building control services, within the areas of the councils in the group and between groups;

- (b) advising the employer council and councils within the group on any requests from a public body or government department for the provision of building control services; and
- (c) advising councils on the preparation of district building control plans.

Administration of group committees

12.—(1) The employer council shall provide all administrative services necessary for the efficient discharge by the group committee of its functions.

(2) The cost of providing such services shall be determined by agreement between the employer council and group committee or, in default of agreement, by the Department in accordance with Article 14.

Defrayment of expenses

13. The expenses of an employer council in connection with the employment of group building control staff (including expenses incurred in the transfer of the employment of staff under Article 7 and a charge for administrative services provided by the employer council in connection therewith) shall be defrayed by the councils in the group in such manner as the councils may determine.

Disagreements

14. In the case of a disagreement between an employer council and a council or between an employer council and a group committee or between a group committee and a council in relation to matters affecting the provision of building control services, including any disagreement relating to the defrayment of expenses of the employer council for the purposes of Article 13, the matter may be referred by either party to the Department for determination.

Revocation

15. The Local Government (Employment of Building Control Staff) Order (Northern Ireland) 1973(a) and the Local Government (Employment of Building Control Staff) (Amendment) Order (Northern Ireland) 1981(b) are hereby revoked.

Sealed with the Official Seal of the Department of the Environment this
22nd day of December 1994.

(L.S.)

J. McCormick

Assistant Secretary

(a) S.R. & O. (N.I.) 1973 No. 167

(b) S.R. 1981 No. 253

(This note is not part of the Order.)

This Order provides for the employment of group building control staff by certain councils on behalf of groups of councils, co-ordination of provision of services provided by that staff and associated matters.

Article 3 of the Order designates 5 groups for the employment of group building control staff and indicates which councils are in each group. Article 4 indicates which councils are to be regarded as employer councils for each group.

Article 5 requires the employer council to consult with the appropriate group committee before appointing group building control staff. It also requires the council to appoint an officer to be responsible for building control and such other staff as the group committee may recommend. Article 6 sets out the responsibilities of that officer.

Article 7 transfers the contracts of employment of those (immediately prior to the coming into operation of this Order) employed to work wholly or mainly for a district council (other than an employer council) from the employer council to that district council. The contracts shall have effect, from the date of the coming into operation of this Order, as if originally made between the district councils and the employees.

Article 8 provides that any of the transferred officers' rights or liabilities which are enforceable by or against the employer council will be enforceable by or against the district council to which they transfer. Article 9 protects the employment rights, including remuneration of, the transferred officers.

Article 10 establishes the group committees and, subject to certain exceptions, enables them to regulate their own procedure. Article 11 sets out the group committee functions. Article 12 requires the employer council to provide administrative services to the group committee. Article 13 enables the councils in a group to determine how the expenses of the employer council in relation to employment of group building control staff should be defrayed.

Article 14 enables the Department to make determinations in cases of disagreement. Article 15 of the Order revokes the Local Government (Employment of Building Control Staff) Order (Northern Ireland) 1973 — S.R. & O. 1973 No. 167 and the Local Government (Employment of Building Control Staff) (Amendment) Order (Northern Ireland) 1981 — S.R. 1981 No. 253.