

A REPORT ON DECISIONS TAKEN DURING SEPTEMBER 2023 BY NORTHERN IRELAND DEPARTMENTS IN ACCORDANCE WITH THE GUIDANCE ISSUED BY THE SECRETARY OF STATE FOR NORTHERN IRELAND UNDER THE PROVISIONS OF THE NORTHERN IRELAND (EXECUTIVE FORMATION ETC) ACT 2022

The Secretary of State for Northern Ireland, in accordance with section 3(4) of the Northern Ireland (Executive Formation etc) Act 2022, has published guidance¹ about the exercise of departmental functions by senior officers of Northern Ireland departments during the absence of Ministers. This guidance requires Northern Ireland departments to prepare a monthly summary report of decisions taken by senior officials using the guidance and to share this with the Secretary of State, who will in turn make it available to Parliament and to MLAs.

Decisions taken by Northern Ireland Departments: September 2023

This summary report has been prepared by the Executive Office and provides information on the decisions taken by Northern Ireland departments during September 2023.

Department	Decision
Department of Agriculture, Environment and Rural Affairs	<p>A decision was taken to commission focused consultation with key stakeholders and to then lay an SR to amend SR 2022 No. 240 to align cross compliance penalties across all area-based schemes from 1 January 2024 and omit Article 50(3) of Commission Regulation (EC) No 1122/1999 to remove the requirement to increase the rate of inspections where a significant level of non-compliance is found in any of the verifiable standards.</p> <p>A decision was taken to agree to the Department for Environment, Food and Rural Affairs' (DEFRA) publication of</p>

¹ The latest version of the Guidance was published on 23 May 2023 and is available at:
<https://www.gov.uk/government/publications/guidance-on-decision-making-for-northern-ireland-departments-may-2023>

**Department of
Agriculture,
Environment and
Rural Affairs
[continued]**

the joint government response to the consultation on the introduction of a mandatory efficiency labelling scheme.

A decision was taken to make, lay and bring into operation The Aquatic Animal Health (Amendment) Regulations (Northern Ireland) 2023.

A decision was taken to co-fund the Transforming Land use for the Net Zero, Nature and People (LUNZ) transdisciplinary research programme in partnership with UK Research and Innovation (UKRI), UK government departments (DEFRA and the Department for Energy Security and Net Zero (DESNZ) and other devolved administrations.

A decision was taken to agree to DEFRA increasing the remuneration of existing Agriculture and Horticulture Development Board members.

A decision was taken to agree to endorse the publication of the Committee on Radioactive Waste Management Work Programme 2023-24.

A decision was taken to lay a statement in the NI Assembly in response to the Assembly's Agriculture, Environment and Rural Affairs' Committee's March 2022 position paper on the consultation draft of the Joint Fisheries Statement.

A decision was taken that a DAERA senior official should represent the Northern Ireland Civil Service and NI Executive departments at the forthcoming Conference of Parties (COP) 28 in Dubai.

A decision was taken to participate in a joint UK-wide consultation on the banning of wet wipes containing plastic.

**Department for
Communities**

A decision was taken to make the following Statutory Rules to ensure parity is maintained across the United Kingdom in accordance with section 87 of the Northern Ireland Act 1998:

- The Occupational Pension Schemes (Master Trusts) (No. 2) Regulations (Northern Ireland) 2023;

**Department for
Communities
[continued]**

- The Occupational Pension Schemes (Governance and Registration) (Amendment No. 2) Regulations (Northern Ireland) 2023;
- The Occupational Pension Schemes (Administration, Investment, Charges and Governance) (Amendment No. 2) Regulations (Northern Ireland) 2023.
- The Social Security Benefits Up-rating (No. 2) Order (Northern Ireland) 2023;
- The Social Security Benefits Up-rating (No. 2) Regulations (Northern Ireland) 2023;
- The Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment No. 2) Regulations (Northern Ireland) 2023;
- The Benefit Cap (Annual Limit) (Amendment) No. 2 Regulations (NI) 2023.

A decision was taken to agree that the Occupational Pension Schemes (Amendment) (Equal Treatment) Regulations (Northern Ireland) 2023 and the Pensions (Amendment of the 2005 Order) (Pension Protection Fund Compensation) (Northern Ireland) Regulations 2023 be laid at Westminster by the Department for Work and Pensions on behalf of the Department for Communities.

A decision was taken to make the Local Government Pension Scheme (Amendment No. 2) Regulations (NI) 2023 which will have retrospective effect. These amendments are required to remedy the age discrimination identified in the McCloud judgment.

A decision was taken to make the Coronavirus Act 2020 (Extension of Provisions Relating to Local Authority Meetings) (No. 3) Order (Northern Ireland) 2023 to permit local authorities to continue to host virtual/hybrid meetings.

A decision was taken to end the voluntary social housing “no eviction” agreement for COVID-19-related arrears with the Northern Ireland Housing Executive and Housing Associations. This will allow action to be taken to address increased levels of rent arrears which have had significant implications for public finances.

**Department for
Communities
[continued]**

A decision was taken to approve the documentation for a public appointment competition for Members and Expert Advisors to the Ministerial Advisory Group for Architecture & the Built Environment (MAG). This competition is to fill three current Member vacancies; four Member vacancies that will arise on 30 November 2023 as a result of terms of appointment ending; and to add to the existing call-off list of Expert Advisors from which the MAG can draw expertise.

A decision was taken to approve the uplift for the Chair and members of the Ulster Supported Employment Limited (USEL) Board in line with Executive pay policy. This is in line with decisions taken by Ministers and equates to less than £600 annually.

A decision was taken to approve Newry, Mourne and Down District Council's request to enter into a licence of a small portion of the lands at Shandon Park, Newry to Damolly Football Club at a peppercorn rent and therefore less than best price (deemed to be £975 per annum). The disposal will allow for the provision of services to the local community.

A decision was taken to approve and activate the Scheme of Emergency Financial Assistance from 17 September 2023 to 16 October 2023 for the Belfast City Council area. The scheme provides immediate financial support to households which have suffered from flooding.

**Department for
Economy**

A decision was taken to seek external consultancy in relation to the development of a renewable electricity support scheme for Northern Ireland.

A decision was taken to appoint an external consultant to support the development of an implementation plan for electricity smart meters.

A decision was taken to appoint a temporary Chair to the governing body of Belfast Metropolitan College, with effect from 26th October 2023, following the end of the second term of the current Chair.

**Department for
Economy
[continued]**

A decision was taken to approve an external consultancy business case and a Direct Award Contract to engage the Quality Assurance Agency to provide advice on a new Higher Education Quality Model for Northern Ireland.

A decision was taken to consider the annual increase to the tuition fee levels which Northern Ireland publicly funded institutions can charge undergraduate students.

A decision was taken to award Direct Awards Contracts to external consultants for the provision of specialist insolvency and legal advice to support the DfE Steering Group in relation to the Presbyterian Mutual Society.

A decision was taken to provide input to the Department for Business and Trade's intention to revoke the European Cooperative Society (Involvement of Employees) Regulations 2006.

A decision was taken to publish the final Offshore Renewable Energy Action Plan to deliver on the NI Executive's Energy Strategy for Northern Ireland.

A decision was taken to publish the Action Plan in response to the Independent Review of Invest NI.

A decision was taken to make a material amendment to an existing letter of offer to Biopax Ltd.

**Department of
Education**

Decisions were taken in relation to area planning in the South West region:

- The closure of a maintained primary school in County Tyrone was approved;
- The transformation of a controlled primary school to a controlled integrated primary school was not approved.

Decisions were taken in relation to area planning in the North region:

- An area solution for the Coleraine/Causeway area was approved: the establishment of a new controlled integrated post-primary school for 11-18 year olds providing specialist provision and the closure of two

**Department of
Education
[continued]**

controlled post-primary schools and one grant maintained integrated post-primary school to facilitate the establishment of the new controlled integrated post-primary school.

- A proposal to transform a controlled primary school to become a controlled integrated primary school was not approved.
- An area solution for the Ballyclare area was approved with the admissions and enrolment numbers at a sustainable controlled primary school increased and the approval of the closure of two unsustainable controlled primary schools.

Decisions were taken in relation to area planning in the East region:

- The use of selection of children by reference to academic ability or aptitude in an integrated post-primary school was approved.
- The closure of two Catholic Maintained primary schools, and subsequent amalgamation as a new co-educational primary school in Belfast, was approved.

A decision was taken to consult on draft statutory guidance on the 'Reduction and Management of Restrictive Practices in Educational Settings in Northern Ireland' and, following consideration of feedback received through the consultation exercise, to publish the statutory guidance thereafter. The consultation opened on 5 September and will close on Friday 3 November.

**Department of
Finance**

A decision was taken to put in place new Northern Ireland Civil Service (NICS) Pension Scheme Regulations, to fulfil the requirements of the Public Service Pensions and Judicial Offices Act 2022.

A decision was taken to make the Public Service Pensions (Valuation and Employer Cost Cap) Directions (Northern Ireland) 2023, complying with a statutory requirement to make these directions under section 11 and section 12 of the Public Service Pensions Act (Northern Ireland) 2014.

**Department of
Finance [continued]**

A decision was taken to instruct Land & Property Services to commence work on the next non-domestic revaluation for Northern Ireland: antecedent valuation date 1 April 2024, operational date 1 April 2026.

Department of Health

A decision was taken to proceed with a Statutory Rule in respect of the Recovery of Health Services Charges. The SR enables an uplift to the compensation recovery rates and is in line with GB rates.

A decision was taken to proceed with a competition to appoint three Non-Executive Members to the Business Services Organisation (BSO).

A decision was taken to initiate a public appointment process to recruit a Chief Fire and Rescue Officer for the Northern Ireland Fire and Rescue Service.

A decision was taken to extend the Term of Office of members of the Local Commissioning Groups (LCGs) to meet a statutory obligation.

A decision was taken to uplift the remuneration of Chairpersons and Members of Public Bodies and other fee rates for 2022/23 in accordance with Circular DF (DoF) 07/23 – 2022/23.

A decision was taken to proceed with an initial public consultation on the recommendations of the Independent Review of Children's Social Care Services.

A decision was taken to extend the powers under the Coronavirus Act 2020 for a further period of six months.

**Department for
Infrastructure**

A decision was taken to make the following statutory rules:

- The Parking and Waiting Restrictions (Larne) (Amendment) Order (Northern Ireland) 2023.
- The Killinchy Road, Comber (Abandonment) Order (Northern Ireland) 2023.
- The B28 Ardress Road, Cranagill, Portadown (Abandonment) Order (Northern Ireland) 2023.

**Department for
Infrastructure
[continued]**

- The Parking Places on Roads and Waiting Restrictions (Magherafelt) (Amendment) Order (Northern Ireland) 2023.
- The Waiting Restrictions (Islandmagee) Order (Northern Ireland) 2023.
- The University Road, Belfast (Footway) (Abandonment) Order (Northern Ireland) 2023.
- The Parking and Waiting Restrictions (Londonderry) Order (Northern Ireland) 2023.

A decision was taken to initiate a competition for the recruitment of a Chair of the Board of Londonderry Port and Harbour Commissioners.

A decision was taken to agree the publication of a 2023/24 Action Plan in support of the Draft Road Safety Strategy to 2030.

A decision was taken to publish a joint response to the UK-wide Zero Emission Vehicles (ZEV) mandate Consultation which is necessary to progress the proposed legislative changes to introduce the mandate. The introduction of the ZEV mandate will set quotas for manufacturers across the UK in relation to the sale of new zero emission cars and vans.

**Department of
Justice**

A decision was taken to extend the term of appointment of a Parole Commissioner for a period of 12 months.

A decision was taken to make The Coronavirus Act 2020 (Extension of Provisions Relating to Live Links for Courts and Tribunals) (No.2) Order (Northern Ireland) 2023.

A decision was taken to make The Violent Crime Reduction Act 2006 (Specification for Imitation Firearms) Regulations (Northern Ireland) 2023 to prescribe the technical specifications to which imitation firearms must conform in order to prevent their conversion into functioning firearms.

A decision was taken to appoint a Northern Ireland Policing Board Statutory Nominee to the Royal Ulster Constabulary George Cross (RUC GC) Foundation.

**Department of
Justice [continued]**

A decision was taken to initiate a review of the current age restriction that applies to Parole Commissioners.

A decision was taken to approve input to a DAERA update on progress against a recommendation of the Aarhus Convention Compliance Committee (“ACCC”) in relation to time limits for judicial review for inclusion in a UK-wide progress report.

A decision was taken to publish and lay in the Assembly reports of the Appointed Persons for Northern Ireland for 2021/22 and 2022/23. (The Proceeds of Crime Act 2002 provides for an Appointed Person to report on the circumstances where law enforcement officers exercise certain powers of search and seizure without prior judicial authority.)

A decision was taken to undertake a consultation on the levels of vehicle recovery/seizure, storage and disposal charges, following recent changes in England and Wales.

A decision was taken to appoint three Board Members to the Northern Ireland Police Fund and to re-appoint an existing Board Member.

A decision was taken to approve a request from the Police Service of Northern Ireland, as Chair of the Multi-Agency Risk Assessment Conference (MARAC) Operating Board, for retrospective approval for the engagement of external consultants that undertook a review of MARAC.

The Executive Office

A decision was taken to approve the proposed reviewed additional membership of the Racial Equality Delivery Subgroup and agree for the Racial Equality Delivery Team to write to proposed members to invite them to join.

A decision was taken to appoint six members to the Board of the Maze/Long Kesh Development Corporation.