

Document Pack

**Democratic Services Section
Chief Executive's Department
Belfast City Council
City Hall
Belfast
BT1 5GS**



14th February, 2011

MEETING OF STRATEGIC POLICY AND RESOURCES COMMITTEE

Dear Councillor,

The above-named Committee will meet in the Lavery Room (Room G05), City Hall on Friday, 18th February, 2011 at 10.00 am, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

PETER McNANEY

Chief Executive

AGENDA:

1. **Routine Matters**
 - (a) Apologies
2. **Modernisation and Improvement**
 - (a) Local Government Reform Policy Proposals - Draft Consultation Response (Pages 1 - 88)
3. **Democratic Services and Governance**
 - (a) Requests for the Use of the City Hall and the Provision of Hospitality (Pages 89 - 94)
 - (b) Use of City Hall for Election Counts (Pages 95 - 96)
 - (c) Review of the Member Development Framework (To Follow)
 - (d) Election Protocol (Pages 97 - 106)

- (e) Council Representation on Non-Departmental Public Bodies (Pages 107 - 130)
 - (f) 10 Year Review of the Regional Development Strategy (Pages 131 - 132)
4. **Finance**
- (a) Financial Reporting - Quarter 3 2010-11 (Pages 133 - 154)
5. **Human Resources**
- (a) Business Support Review - Finance and Resources Department (Pages 155 - 158)
6. **Asset Management**
- (a) Connswater Community Greenway Update (Pages 159 - 166)
 - (b) North Foreshore Landfill Gas Powered Electricity Generation Facility (Pages 167 - 176)
 - (c) Mountain Tea House (To Follow)
7. **Good Relations and Equality**
- (a) Minutes of Meeting of Historic Centenaries Working Group of 7th February (Pages 177 - 180)
 - (b) Minutes of Meeting of Good Relations Partnership of 7th February (Pages 181 - 194)
8. **Cross-Cutting Issues**
- (a) Request to Address Committee - SIPTU (Pages 195 - 198)
 - (b) Bi Lingual Traffic Signs Draft Policy and Draft Equality Impact Assessment Consultation (Pages 199 - 246)

To: The Chairman and Members of the Strategic Policy and Resources Committee

Belfast City Council

Report to:	Strategic Policy & Resources Committee
Subject:	Local Government Reform Policy Proposals – Draft response to consultation document
Date:	18 February 2011
Reporting Officer:	Peter McNaney, Chief Executive
Contact Officer:	Sinead Grimes (Ext. 6203) Kevin Heaney (Ext. 6202)

1.0	<u>Relevant Background Information</u>
1.1	As Members are aware, as part of his announcement to the Assembly on 30 th November, the Environment Minister launched the ‘Local Government Reform – Policy Proposals’ consultation document (a copy of which is attached at Appendix 2) which set out proposals intended to modernise the governance and legal framework within which district councils operate. It is envisaged that the proposals will, in due course, be translated into a draft Bill (previously known as the Local Government Reorganisation Bill) to be considered by the NI Assembly.
1.2	<p>The consultation document sought views on eight key areas including:</p> <ol style="list-style-type: none"> 1. New governance arrangements –proposals in regards to decision making structures; sharing power and responsibility; putting in place necessary checks and balances (including proposals to introduce a call-in procedure) and ensuring that there is openness and transparency in how councils conduct their business. 2. Ethical Standards –proposals for a new ethical standards regime for local government which would include a mandatory code of conduct for councillors with supporting mechanisms for the investigation and adjudication of appeals. 3. Service Delivery and Performance Improvement - proposals for the introduction of a new service delivery and performance improvement framework for local government. This would involve a revised, more expansive statutory duty for councils to secure best value and to continuously improve services. 4. Community Planning – proposals to bring forward a statute based community planning process, led and facilitated by the new councils. 5. Power of Well-Being – proposals to confer to councils a new power of well-being which would enable councils to take any action that is not already the responsibility of another agency, to promote or improve the well being of their districts. It is suggested that such a duty would further support the community planning role of councils. 6. Partnership Panel – proposals to formalise the relationships between the Executive and district councils and provide a forum to consider strategic issues collectively. It is proposed that the Panel will consist of Departmental Ministers and representatives from each of the 11 new councils. 7. Supervision of Councils – proposals to extend the supervision powers currently available to the DOE to all Government Departments. 8. Reorganisation of District Councils – seeks views on how key elements of the reorganisation of district councils (e.g. transfer of staff, transfer of assets and liabilities etc) should be progressed.
1.3	The closing date for responses to this consultation is 11 th March 2011.

2.0	<u>Key Issues</u>
2.1	The Council's draft response to this consultation is attached at Appendix 1, for Members consideration. The Council has previously made a number of detailed consultation responses in the past on the RPA process and has engaged in the discussions as part of the Policy Development Panels. The comments as set out in this response therefore reflect views previously expressed by the Council.
2.2	<p>Whilst a detailed draft response, is attached at Appendix 1, Members are asked to note the following key points raised within the response:</p> <ul style="list-style-type: none"> i) Alignment and Integration of Legislation: The Council is aware of the separate, but associated pieces of legislation (e.g. Planning Bill, Local Government Finance Bill) currently under consideration within the NI Assembly and which will inevitably impact upon the future remit and operation of local authorities. The Council would commend that further consideration be given to the interconnections between these pieces of legislation and the local government reform policy proposals. ii) Governance arrangements: Whilst the Council fully supports and recognises the importance of ensuring that decision making processes are efficient, fair and transparent, it would highlight the potential for some of the current governance proposals to create unnecessary tensions and delays in the decision making process in councils. For example, the proposals in respect to suggested % triggers for both call-in (i.e. 15% of total council membership) and qualified majority voting (i.e. 80% members present), may make it practically impossible for a decision to be made in some councils. Clearly such proposals will be for political consideration and individual Party Groups are likely to have their own views. It is suggested however that consideration be given to the viability and practical implications of implementing the proposals within a working council. It would be important to subject such proposals to a test on decisions which are actually made by councils to determine whether it would work. It may be beneficial to consider other options for % thresholds. iii) Resource Implications: The Council also points out that there is no reference in the consultation document to the resource and financial implications for councils of implementing the policy proposals and would seek further engagement with the Department in this regard. iv) Capacity Building: The Council highlights the critical need for sufficient capacity within both central and local government to ensure that the reform proposals are implemented in an effective way. Supporting Members' development should therefore be a critical component of any reform programme brought forward. v) Community planning – the Council continues to advocate that local councils are uniquely and ideally placed to lead and facilitate community planning and that all partners must be statutorily required to participate and contribute to the process vi) Ethical Standards: Belfast City Council has consistently supported the establishment of a statutory ethical standards framework and a mandatory code of conduct for all Councillors and would therefore welcome, in principle, the proposals set out within the consultation document. vii) Service Delivery & Performance Improvement: The Council would be concerned with the over reliance within the consultation document, on best value to drive service improvement rather than setting the performance framework in the context of community planning and providing councils with appropriate flexibility to address local needs. viii) Power of Well-Being: Highlights the recent legislative shift, linked to the introduction of the new Localism Bill for England and Wales, to confer to councils a wider power of general competence rather than a power of well-being and requests that further consideration be given to appropriateness of this within Northern Ireland. ix) Partnership Panel – agreement in principle with the proposal to establish a Partnership Panel but would further clarification sought on the representation, operation and remit of the Panel.

	NILGA Briefing Sessions
2.3	NILGA are holding a series of briefing sessions for local government representatives to examine and discuss the reform policy proposals with a view to informing the development of a composite response on behalf of the local government. A copy of the invitation and dates for the briefing sessions is attached at Appendix 3. It is suggested that the Committee approve the attendance of the Chairman of the Committee, the Deputy Chairman of the Committee and a representative from each of the other Parties (or their nominee) at the NILGA briefing sessions.

3.0 Resource Implications
There are no Human Resource or financial implications contained within this report

4.0 Recommendations
Members are asked to note the content of this report and <ol style="list-style-type: none"> 1. consider the Council's draft response attached at Appendix 1 2. agree the submission of the Council's response, subject to any proposed amendments made by Members, to the Department of the Environment by 11th March; and 3. approve the attendance of the Chairman, Deputy Chairman and a representative from each of the other parties (or their nominees) to the NILGA briefing sessions.

5.0 Documents Attached	
Appendix 1	Draft Council response to the Local Government Reform Policy Proposals consultation document
Appendix 2	Local Government Reform Policy Proposals – Consultation document
Appendix 3	Invite to NILGA briefing sessions on Local Government Reform Policy Proposals

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Belfast City Council Response to ‘Local Government Reform – Policy Proposals’ Consultation document

1.0 INTRODUCTION

- 1.1 Belfast City Council is fully supportive of the need for local government reform within Northern Ireland and welcomes the opportunity to respond to the ‘*Local Government Reform – Policy Proposals*’ issued for consultation by the Department of the Environment.
- 1.2 The Council has a number of general comments to make in regard to reform proposals as well as detailed commentary on the individual questions set out within the consultation document. The response is intended to be constructive and seeks to ensure that the policy proposals take account of the associated operational and implementation issues within local government. It will be important that all efforts are taken to ensure that the reform proposals are both progressive but realisable.

2.0 GENERAL COMMENTS

- 2.1 The Department will be aware that the Council has proactively engaged within the local government reform process to date and has inputted into the policy development process. . Many of the comments, as set out within this response, therefore reinforce previous views expressed by the Council.
- 2.2 Belfast City Council notes the ambition as set in the Ministerial Forward to the consultation document so “*look at proposals for constructing the new governance framework to provide for efficient, fair and transparent decision-making in councils, with a regime to ensure that the highest standards of behaviour are maintained*”. The Council believes that this is particularly important within the context of any potential future transfer of new functions to councils.

Alignment and Integration of Legislation

- 2.3 The Council is aware of the separate, but associated pieces of legislation (e.g. Planning Bill, Local Government Finance Bill) currently under consideration within the NI Assembly and which will inevitably impact upon the future remit and operation of local authorities. The Council would commend that further consideration be given to the interconnections between these pieces of legislation and the local government reform policy proposals.

Capacity Building

- 2.4 Belfast City Council is surprised to note that there are a number of key areas in relation to the reform which are not covered in this consultation. The Council would highlight, in particular, the critical need for sufficient capacity within both central and local government to ensure that the reform proposals are implemented in an effective way. Supporting Members’ development should therefore be a critical component of any reform programme brought forward. This is further necessitated by the fact that the proposed local government reform policy proposals (e.g. new governance, decision making, ethical standards and performance regime) will coincide with the transfer of new functions to councils including community planning.

Resource Implications

- 2.5 The Council also points out that there is no reference in the consultation document to the resource and financial implications for councils of implementing the policy proposals and would seek further engagement with the Department in this regard.

Governance arrangements

- 2.6 Whilst the Council fully supports and recognises the importance of ensuring that decision making processes are efficient, fair and transparent, it would highlight the potential for some of the current governance proposals to create unnecessary tensions and delays in the decision making process in councils. For example, the proposals in respect to suggested % triggers for both call-in (i.e. 15% of total council membership) and quality majority voting (i.e. 80% members present), may make it practically impossible for a decision to be made in some councils.
- 2.7 Clearly such proposals will be for political consideration and individual Party Groups are likely to have their own views. It is suggested however that consideration be given to the viability and practical implications of implementing the proposals within a working council. It would be important to subject such proposals to a test on decisions which are actually made by councils to determine whether it would work. It may be beneficial to consider other options for % thresholds.

Ethical Standards

- 2.8 Belfast City Council has consistently supported the establishment of a statutory ethical standards framework and a mandatory code of conduct for all Councillors and would therefore welcome, in principle, the proposals set out within the consultation document. The Council recognises the role that such frameworks provide in reinforcing the trust in councils and in local democracy and that this is particularly important in the context of any future transfer and delivery of new functions by councils. The Council would seek further engagement with the Department in developing such frameworks.

Service Delivery & Performance Improvement

- 2.9 The Council would be concerned with the over reliance within the consultation document, on best value to drive service improvement rather than setting the performance framework in the context of community planning and providing councils with appropriate flexibility to address local needs. The Council would highlight the current policy shift in the rest of the UK whereby there is a retrenchment in centralised scrutiny/inspection and move towards greater sector self-regulation.
- 2.10 Whilst the Council recognises the potential need for local and central government to jointly agree a small number of outcomes which may be delivered locally; possibly linked to certain transferring functions or aligned with the Programme for Government priorities, it would be concerned about the proposal to bestow to departments the ability to specify performance indicators for the delivery of council functions. The setting of performance indicators should be left to local authorities in the context of community planning.

Community Planning

- 2.11 The Council would fully support the proposal that local authorities lead and facilitate community planning and would view this as a key enabler for the integration of services to address local needs. The effectiveness of the community planning process and the delivery of improved outcomes will be dependant upon the strength of relationships between councils, departments and other public bodies. There should be a shared commitment to align plans and resources to address identified needs. The Council would therefore recommend that similar to other jurisdictions there be a statutory duty placed upon relevant public bodies and statutory agencies to participate and contribute to the community planning process.

Power of Well-Being

- 2.12 The Council would support, in principle, the proposal to introduce a power of well-being as this would provide appropriate freedoms for council to improve service provision and to contribute to the wider economic, social and environmental well-being of their areas. The Council would however, take this opportunity to highlight the recent legislative shift, linked to the introduction of the new Localism Bill for England and Wales, to establish a power of general competence rather than a power of well-being.
- 2.13 Belfast City Council would therefore request that further consideration be given as to whether the proposed power of well-being should be replaced with a power of general competence.

A Partnership Panel

- 2.14 Belfast City Council recognises the need for a strengthened and formal relationship between central and local government and believes that the proposals to streamline the number of local authorities in NI presents a real opportunity to create a more effective interface between central and local government. The Council would support the proposed establishment of a Partnership Panel as a positive way forward, however, would seek further clarification and engagement in respect to the representation, operation and remit of such a Partnership Panel.

3.0 Conclusion

- 3.1 Belfast City Council reiterates its overwhelming support for modernising local government in Northern Ireland and view these initial policy proposals as a positive step in moving forward. The Council recognises that the consultation document is dealing with indicative proposals at this stage and that an informed assessment of the likely impact of the proposals and the potential consequences for councils and citizens in the future will be difficult until the proposals are finalised further.
- 3.2 The Council would take this opportunity to reiterate the need for a closer working relationship with the Department in taking this process forward and on the further development of the policy proposals and drafting of any subsequent legislation.

Detailed Commentary on Questions

QUESTION	BELFAST CITY COUNCIL COMMENTS
Section 3 - Governance Arrangements	
<i>Section - Decision making structures (Paragraphs 3.5-3.9 - Pages 6-9)</i>	
<p>Question 1: Do you agree that a list of alternative decision-making structures should be available to councils?</p>	<p>Yes</p> <ul style="list-style-type: none"> - The Council agrees that alternative decision-making structures should be available to councils. - The Council would seek clarification if proposed decision-making models as set out within the consultation document prohibit other types of committees being established by councils (e.g. area committees, thematic committees).
<p>Question 2: Where decision-making is devolved to a committee of the council, do you agree that effective internal scrutiny arrangements should be required?</p>	<p>Yes</p> <ul style="list-style-type: none"> - The Council supports the need to ensure that effective scrutiny arrangements are in place to underpin the decision making processes within councils. However, the Council would urge caution about being overly prescriptive in terms of both the form and scope of such scrutiny arrangements. It is vital that any scrutiny arrangements do not result in the orderly and efficient transaction of business being made more difficult.
<p>Question 3: If a list of decision-making structures, as set out, is provided, do you support the proposal that a default option should be available?</p>	<p>Yes</p>
<p>Question 4: Should a list of core issues, for which decisions must be taken by the full council, be specified? If so, what are your views on the issues that should be included in this list?</p>	<p>Yes</p> <ul style="list-style-type: none"> - The Council believes that the starting point for identifying a core list of decisions which are to be reserved for decision by full council, should be those outlined within the Local Government 1972 Act (e.g. the striking of the rate, borrowing money and the acquisition and disposal of land). It will be for political consideration as to whether this list is to be revised.

Section - Sharing of power and responsibility (Paragraphs 3.10-3.17 –Pages 9-12)	
Question 5: Do you support the proposal that a limited number of methods for ensuring the sharing of positions on a council, its committees, and external appointments should be made available? Are the methods identified appropriate?	<p>Yes</p> <ul style="list-style-type: none"> - In order to provide for a degree of consistency, it would be beneficial if a limited number of systems of proportionality were outlined and the Council would support the choice of the Quota Greatest Remainder and Droop Quota being offered. - Belfast City Council has for a number of years successfully operated a system of proportionality which uses the Quota Greatest Remainder and d'Hondt systems to allocate places on Committees to party groupings based upon the strength of the groupings on the Council.
Question 6: Should the D'Hondt system be specified as the default model, for use in the absence of agreement?	<p>Yes</p>
Question 7: Do you support the proposal that the Department specifies the method for applying each of the available systems?	<p>Yes</p> <ul style="list-style-type: none"> - Belfast City Council believes that there would be advantages in the application of a consistent methodology across local government. However, the Council would request further information on the exact details of the proposed method and would seek further engagement with the Department on the proposed methods before coming to a decision.
Question 8: Do you agree that the Department should specify the list of positions that would be allocated using these methods?	<p>Yes</p> <ul style="list-style-type: none"> - The Council would suggest that consideration be given to the following positions being allocated on the basis of proportionality, as currently applied by the Council: <ul style="list-style-type: none"> • Lord Mayor and Deputy Lord Mayor • Positions on the Cabinet and/or Committees • Chairmen and Deputy Chairmen of Cabinet/Committees • Positions on Outside Bodies

	<ul style="list-style-type: none"> - Belfast City Council has for several years operated a system of proportionality which separates the various positions of authority into separate pools and appoints Members for different periods of time based upon what is deemed to be appropriate. Following the elections in May this year, the Council will divide the positions of authority into three pools. <ul style="list-style-type: none"> • Lord Mayor and Deputy Lord Mayor - for each year of the 4-year term; • Chairmen and Deputy Chairmen of the six standing committees for one year only. This is then re-run each year (could be expanded to include choices for each year of the 4-year term); • Positions on outside bodies for the full 4-year term. This is seen to be advantageous in providing for consistency of approach and to allow the Members appointed to develop a degree of expertise. - The Council would urge that the Department should not require that all of these positions be grouped together into one pool nor should it specify the period of time of the appointments, but rather it should be left to each individual council to decide how best the application of proportionality should be carried out.
<p>Question 9: What are your views on the proposal for ensuring proportionality in the membership of council committees? Are the methods to be used appropriate?</p>	<p>Yes</p> <ul style="list-style-type: none"> - The Council fully supports the use of either the Quota Greatest Remainder or Droop Quota for ensuring proportionality in the membership of committees.
<p>Section – Checks and Balances (Paragraphs 3.18-3.25 –Pages 13-16)</p>	
<p>Question 10: Should a call-in procedure be introduced to provide a check and balance for council-decision making?</p>	<p>Yes, in certain defined circumstances</p> <ul style="list-style-type: none"> - The Council would suggest that given the potential delay that the introduction of call-in could create in the democratic decision making process, such provisions should only be introduced in limited circumstances (e.g. one party overall control within a council) or where a council chooses to apply them. - The Council would highlight that it can be demonstrated that a system which embraces the principles and spirit of proportionality in its decision-making

	<p>structures can, over time, develop methods of reaching agreement across different political parties without the need for rigid structures for checks and balances. Decisions reached by mature debate and, where possible, consensus or agreement are much more robust and provide for better decision-making than those achieved through regulation.</p>
<p>Question 11: Do you support the proposal for such a call-in to be available in the two circumstances outlined, and for how it would operate?</p>	<p>Yes</p> <ul style="list-style-type: none"> - The Council has no objections to the principle of “call in” being available in the two circumstances outlined; i.e. where procedures used in reaching a decision are questioned, and where there is an issue in relation to the protection of political minorities in the council district. However, the Council would urge that the Department liaises with local authorities in order to develop and agree robust and clear definitions around the criteria for each of the two circumstances and to examine and detail the practicalities and process for implementing such procedures. - The Council would be concerned that, in their current form and without more detailed definition, there is a risk that the policy proposals may result in a high percentage of committee decisions being subjected to call-in and thereby making effective decision making more difficult.
<p>Question 12: Do you agree that 15% of council membership should be the trigger for a call-in?</p>	<ul style="list-style-type: none"> - Clearly such proposals will be for political consideration and individual Party Groups are likely to have their own views. - It is important to note from a practical perspective that under the current proposals (i.e. 15% trigger) , 8 members of Belfast City Council can call-in a decision. - It is suggested, however, that consideration be given to the viability and practical implications of implementing the proposed 15% trigger for call-in within a working council and it is suggested that other trigger options should be further considered.
<p>Question 13: Should the use of qualified majority voting be introduced to provide safeguards in the council’s decision-making processes?</p>	<ul style="list-style-type: none"> - Clearly such proposals will be subject to political consideration and individual Party Groups may wish to express their own views.

	<ul style="list-style-type: none"> - The Council would highlight, however, that local government within Northern Ireland has operated for many years on the basis of a simple majority vote and this system has been successfully used in Belfast over the past years. The introduction of qualified majority voting proposed within the consultation document is suggested without any supporting evidence being presented to prove that it is desirable or even necessary. - It is suggested at para. 3.24, that qualified majority voting should be applied to “<i>strategic decisions</i>” without any definition being given to what this actually means. The Council would therefore seek further clarification on this.
<p>Question 14: Do you agree that 80% of council membership should be the threshold for qualified majority voting?</p>	<ul style="list-style-type: none"> - Again such proposals will be subject to political consideration and individual Party Groups may wish to express their own views. - Whilst suggesting that qualified majority voting may not be appropriate (refer to question 13 above), the Council would suggest that if introduced, due consideration should be given to the appropriateness of the proposed 80% threshold and the practical implications of implementing this within a working council and the impact it would have on a council’s ability to take decisions. - In practical terms, the implementation of the proposals as currently outlined would mean that at a full council meeting in Belfast with all 51 councillors present, 41 would need to vote in favour of a proposal before it could be agreed. Again, it is suggested that this may create unnecessary tensions, delays and possibly stifle the decision making process.
<p>Section - Transparency (Paragraphs 3.26 & 3.27 – Pages 16 & 17)</p>	
<p>Question 15: What are your views on the proposed steps to enhance transparency and openness in the operation of a council and its decision-making?</p>	<p>Yes</p> <ul style="list-style-type: none"> - The Council would support, in principle, the proposals to enhance the transparency and openness in the operation and decision-making processes within councils. However, would highlight the fact that limited information is contained within the consultation document as to the detail of any such proposals and would seek further clarification from and engagement with the Department on this point.

Section 4 - Ethical Standards	
<i>Section – Background (Paragraphs 4.1-4.7 –Pages 17-19)</i>	
Question 16: Do you agree that a statutory ethical standards framework should be introduced for members of district councils in Northern Ireland?	<p>Yes</p> <ul style="list-style-type: none"> - Belfast City Council has consistently argued that a statutory ethical standards framework and a mandatory code of conduct for all Councillors should be introduced within Northern Ireland. - The Council recognises the role that such frameworks provide in reinforcing the trust in councils and in local democracy and that this is particularly important in the context of any future transfer and delivery of new functions to councils. - The Council would seek further engagement with the Department in developing such frameworks.
<i>Section – Code of Conduct (Paragraphs 4.8-4.12 –Pages 20 & 21)</i>	
Question 17: Do you agree that the principles mentioned above should apply to councillors and co-opted members?	<p>Yes</p> <ul style="list-style-type: none"> - The Council would commend the proposed principles as set out within the consultation document and would suggest that they inform the development of any Code of Conduct which may be introduced.
Question 18: Do you agree that a mandatory Code of Conduct should be introduced and that all council members should give a written undertaking to comply with it before accepting office?	<p>Yes</p> <ul style="list-style-type: none"> - Belfast City Council has consistently argued that a mandatory code of conduct should be introduced for all Members and would seek further engagement with the Department whilst further developing these policy proposals. - The Council would also suggest that consideration be given to creating a Code of Conduct for Members of Public Bodies similar to the Model which has been successfully established in Scotland.
<i>Section - Complaints (Paragraphs 4.13-4.15 –Pages 22 & 23)</i>	
Question 19: Do you agree that all written complaints concerning alleged breaches of the Code should be	<p>Yes</p> <p>This would ensure independence in the initial consideration of alleged breaches and a</p>

sent in the first instance to the Commissioner for Complaints to determine how they should be investigated?	consistency of approach in how such initial consideration is undertaken.
Question 20: If you do not agree, what other suitable alternative would you suggest?	N/A
<i>Section – Investigation and Adjudication (Paragraph 4.16-4.24 –Pages 23-28)</i>	
Question 21: Do you agree that the Commissioner for Complaints should only deal with those cases that are deemed to be serious or high profile?	Yes - The Council notes that the consultation proposes that the Commissioner should only deal with cases that are ‘deemed to be serious or high profile’ The Council would highlight, however, the current absence of any definition or criteria of what would constitute a ‘serious’ or ‘high profile’ case, and would seek further clarification on who would determine this and the mechanisms for such determinations.
Question 22: Alternatively, would you prefer the Commissioner for Complaints to be responsible for <u>all</u> types of cases? What would you consider to be the advantages of this?	No - Councils should be responsible for those cases which are not of a ‘serious’ or ‘high-profile’ nature (which are still to be defined).
Question 23: Do you agree that each council should be required to establish a standards committee? If so, do you agree that each Standards Committee should include independent members and that an independent member should chair the committee?	Yes - The Council has consistently supported the establishment of a firm legislative basis supported by codes of practice to ensure equitable and fair representation of all interests in the future. The Council continues to believe that consideration should be given to an appropriate enforcement and sanction system, for example, through a two-tier system; firstly at a Council level through the creation of Standards Committees and secondly at an external level through either the creation of an independent Standards Commission or through extending the present responsibilities of the Commissioner for Complaints.
Question 24: Do you agree that complaints concerning less serious breaches of the Code should be dealt with by the	Yes

<p>relevant council's standards committee;</p> <p>Do you agree that the council's independent monitoring officer should undertake any necessary investigation;</p> <p>Do you agree that the standards committee will consider all cases on the basis of the monitoring officer's reports and on the evidence presented; and</p> <p>Do you agree that the council's standards committee should decide what sanctions, if any, should be taken against the members concerned?</p>	<p>Yes</p>
	<p>Yes</p>
	<p>Yes</p> <ul style="list-style-type: none"> - The Council would request that further clarity (and potential guidance) be provided in respect of the potential sanctions which could be imposed and in what circumstances.
<p>Question 25: Do you agree that monitoring officers should be independent of councils or do you think that they should be council officers who, in addition to investigating less serious complaints, might be better placed to support the development of an ethical culture within councils?</p> <p>Do you agree that an independent monitoring officer should be appointed to each council?</p> <p>If not, what alternative would you propose?</p>	<p>No</p> <ul style="list-style-type: none"> - It is already a Council officers job to advise the decision making process, wherever a decision is within the Councils powers and also on whether a decision is being made in accordance with the law and standing orders, financial regulations and other matters governing the process of decision making. - The Council would recommend that monitoring officers should be an appropriate council officer, for example, in the case of Belfast the Assistant Chief Executive/Town Solicitor could undertake this role. - It may be more appropriate to give councils the choice, within their own decision-making process, as to whether they wish to appoint an internal officer or an independent person.
	<p>No</p> <ul style="list-style-type: none"> - It should be left to a council's own discretion, within established decision making processes, to make the appropriate appointment of a monitoring officer.
<p>Question 26: Do you agree that sanctions should be available to standards committees and the Commissioner for Complaints where breaches of the Code have occurred?</p>	<p>Yes</p> <ul style="list-style-type: none"> - The Council would point out that further clarity (and potential guidance) in respect of the potential sanctions which could be imposed and in what circumstances, would be beneficial.

Question 27: Do you agree that members should have a right of appeal to the Commissioner for Complaints concerning decisions taken by standards committees and to the Court system concerning decisions taken by the Commissioner for Complaints?	Yes
Section 5 – Service Delivery & Performance Improvement	
<i>Section – Revised Best Value Duty (Paragraph 5.5 –Pages 30 & 31)</i>	
Question 28: Do you agree that a newly defined best value (continuous improvement) duty should be placed on councils?	<p>No</p> <ul style="list-style-type: none"> - The Council would be concerned with the apparent over reliance within the consultation document, on best value to drive service improvement rather than setting the performance framework in the context of community planning and providing councils with appropriate flexibility to address local needs. The Council would highlight the current policy shift in the rest of the UK away from overly bureaucratic and centralised scrutiny/inspection regime and move towards greater sector self-regulation, subject to the achievement of a set of agreed targets or outcomes with central government.
<i>Section – Best Value Guidance (Paragraphs 5.6-5.7 –Pages 31 & 32)</i>	
Question 29: Should the Department be able to issue guidance in relation to best value?	<p>No, unless it is developed with Local Government</p> <ul style="list-style-type: none"> - In light of the Council’s response to question 28 above, the Council would be of the view that such guidance is unnecessary. - Notwithstanding, if such guidance is to be progressed the Council would reinstate the purpose of best value as set out within the consultation document is to establish a culture of good management for the delivery of efficient, effective and economical services that meet users’ needs. As it will be the responsibility of councils to deliver the duties as set out within any revised best value regime introduced, it is essential that local government contribute to the design and implementation of the process – as was the case with the development of the current best value duty.

<p>Question 30: Should councils be required to have regard to any guidance issued?</p>	<p>Yes</p> <ul style="list-style-type: none"> - If introduced, the Council would agree that local authorities should be required to have regard to any guidance issued but would highlight the need for Councils to be involved in developing and agreeing both the process and the associated guidance.
<p><i>Section – Performance Indicators and Standards (Paragraphs 5.8 & 5.9 –Page 32)</i></p>	
<p>Question 31: Do you agree that the Department should be able to specify performance indicators for the delivery of council functions?</p>	<p>No, unless it is developed with Local Government</p> <ul style="list-style-type: none"> - Whilst the Council recognises the potential need for local and central government to jointly agree a small number of outcomes which may be delivered locally; possibly linked to certain transferring functions or aligned with the Programme for Government priorities, it would be concerned about the proposal to bestow to departments the ability to specify performance indicators for the delivery of council functions. - The Council believes that the setting of performance indicators should be left to local authorities and set within the wider context of community planning and in developing integrated solutions to local needs. - Rather than introducing an overly bureaucratic and centralised performance regime, a more supportive approach should be developed. Local and central government should work together to develop and implement a more progressive approach to performance and service improvement including, for example, the creation of performance tools such as peer review, self assessment and benchmarking. - The performance of other public sector organisations involved in improving outcomes at a local level through community planning should be taken into consideration within any policy proposals. The Council would stress that any performance framework which is implemented should be based on the following principles: <ul style="list-style-type: none"> ▪ Councils are accountable to their ratepayers.

	<ul style="list-style-type: none"> ▪ Councils are responsible for their own performance and for leading on the delivery of services and improving outcomes for the people they serve. ▪ A range of assessment methods including self assessment, peer review and performance indicators should be used. ▪ The burden of inspection, data collection and reporting to be kept to a minimum. ▪ The framework should provide value for money, be affordable, transparent and fair, easily understood and capable of implementation.
<i>Section – Public Performance Reporting – A Corporate and Improvement Plan (Paragraphs 5.10-5.12 –Pages 32 & 33)</i>	
<p>Question 32: Do you agree with the proposals for the public reporting of a council’s performance improvement?</p>	<p>Yes</p> <ul style="list-style-type: none"> - Belfast City Council fully supports the need for local government to be open, transparent and accountable and recognises the importance of effective planning, performance and communication. - The Council would therefore welcome the proposal that local authorities should publish a corporate plan which gives due consideration to service improvement and performance management.. Belfast City Council’s Corporate Plan is already publicly available on the Council’s website at www.belfastcity.gov.uk/corporateplan - The Council firmly believes that the content of Corporate Plans and Improvement Plans should be decided by local authorities (not the Department) and take account of local need and circumstances. - Whilst the Council would be opposed to the introduction of a more prescriptive and one size fits all approach to corporate planning by councils, there may be potential benefit in the development of supporting guidance which would outline the core areas plans should address based on the need for councils to deliver efficient, economic and equitable services.
<i>Section – A Statutory Audit of the Corporate and Improvement Plan (Paragraphs 5.13-5.16 –Pages 34 & 35)</i>	
<p>Question 33: Should the local government auditor have a role in providing external assurance in relation</p>	<p>No</p> <ul style="list-style-type: none"> - Whilst the Council fully recognises the role and importance of the local government

to a council's improvement plan?	auditor and the independent scrutiny/assurances provided, the council does not agree that the role of the local government auditor should be extended to include auditing local authorities corporate and/or improvement plans as this would undermine the local democracy process. This role should be the role undertaken by elected Members who set the priorities for the organisation and should oversee deliver against these priorities.
Question 34: Is the proposed role for the local government auditor as comprehensive as might be required?	<ul style="list-style-type: none"> - The proposed use of the external auditor in this regard contradicts what is happening in the rest of the UK. The Council would urge that further consideration needs to be given to resource and capacity implications resulting from any proposed extension to the role of the local government auditor. - The Council would see potential benefit in the local government auditor being asked to provide assurance on the implementation of the agreed framework.
<i>Section – A Power of Intervention/Enforcement (Paragraphs 5.17 – 5.20 – Pages 36 & 37)</i>	
Question 35: Do you agree that Ministers should be able to intervene if a council is failing to deliver services?	<ul style="list-style-type: none"> - The Council would question the need for this. Section 129 of the Local Government Act already provides for this and the Council believes that this power, which should continue to be viewed as an action of last resort, is sufficient.
Section 6 – Community Planning <i>(Paragraphs 6.1 -6.7 – Pages 37-40)</i>	
Question 36: Do you agree that councils should lead and facilitate community planning and that a requirement should be placed on them to do so?	<p>Yes</p> <ul style="list-style-type: none"> - The Council would fully support the proposal that local authorities lead and facilitate community planning and would view this as a key enabler for joining-up services to address local needs. - Local councils are uniquely and ideally placed to lead and facilitate community planning. Democratically accountable to local people and with a broad remit to protect and enhance their district area, community planning is a natural extension of this role. - The Council is committed to the principle of “co-producing” improvements to quality of life across the city with local people and would welcome the development of a statutory community planning framework which would further enhance this work. The Council therefore welcomes the Department’s stated intention that “the

	<p><i>community planning process to be introduced would not be overly prescriptive, to take account of the range of situations that exist across the region and within individual districts. This would provide individual councils with the flexibility to act at a local level to best meet local needs.”</i></p> <ul style="list-style-type: none"> - Belfast City Council already has in place many innovative and effective ways of engaging and involving local people and connecting them to service planning and delivery. There are many excellent examples of joined-up working and partnership (e.g. community safety and district policing partnerships, community development and regeneration partnership working, health and well-being initiatives). It is imperative that councils are given the flexibility to build on this work in a way which works best locally. Statutory obligations and guidance must therefore be flexible and not unduly restrictive.
<p>Question 37: What are your views on departments and statutory bodies being required to participate in and support community planning?</p>	<ul style="list-style-type: none"> - Belfast City Council firmly believes that for community planning to work, all partners must be statutorily obliged to participate and contribute to the process. There should be a shared commitment to align plans and resources to address identified needs. - Whilst there are many examples of effective partnership working and excellent relationships between Belfast City Council and its partners, it is essential that a shared responsibility to develop and, more importantly, deliver the community plan is contained within the legislation. Belfast City Council therefore strongly recommends that public bodies / statutory agencies must be required to support and participate in the community planning process with shared responsibility for implementation. - The Council is disappointed to note that paragraph 6.5, page 35 of the consultation document only places a duty on government departments to <i>“promote the use of community planning and have regard to community”</i>. The Council would strongly urge that similar to other jurisdictions there should be a statutory duty placed upon relevant public bodies and statutory agencies to participate and contribute to the community planning process. This is important not just from a resources and planning point of view but also to ensure that regional government is better connected to local issues.

	<ul style="list-style-type: none"> - The Council would point out the provisions set out under Section 75 of the NI Act 1998 equality duty whereby statutory bodies must have due regard for the duty and would urge that the current policy proposals be reviewed.
<p>Question 38: Should councils be required to publish community plans for their districts, and to review these as necessary?</p>	<p>Yes</p> <ul style="list-style-type: none"> - Whilst the Council supports this proposal, it notes the envisaged role proposed for the Department in specifying the <i>“form, content and frequency”</i> of community planning reports. - In such circumstances, it will be important that any emerging guidance or process put in place are not unduly bureaucratic and can take account of local circumstances and need. Local government should be fully involved in the design of the community planning framework for the region including the reporting and monitoring arrangements.
<p>Question 39: Do you agree that the Department should be able to issue guidance to support community planning, and in relation to the format and content of a council’s community plan?</p>	<p>Yes, but the guidance needs to be flexible enough to adopt to different local authority circumstances</p> <ul style="list-style-type: none"> - The Council believes that it is essential that any such guidance is based upon an understanding of the current practice in partnership working within local council areas and any learning emerging from this, including any on-going “pilot” work with respect to community planning. Community planning is an evolving process and by its nature will require compromise and flexibility. This will need to be reflected in any guidance. - Again, the Council would urge that local government must be fully involved in the development of the community planning framework and associated guidance to ensure that local government experience and knowledge is taken into account. This will not only ensure that the framework is achievable but will set the basis for ongoing partnership working between local and central government. - The Council would point out the potential benefits of creating a supporting resource for councils (e.g. good practice toolkits and technical support) to assist were necessary in the community planning process. The Council would refer to the Scottish Community Development Centre as a good example of this.

Section 7 – Power of Well-Being (Paragraphs 7.1-7.3 – Pages 40 & 41)	
Question 40: Do you agree that a power of well-being should be introduced for councils, and that the Department should be able to issue guidance to support its operation?	<p>Yes</p> <ul style="list-style-type: none"> - The Council would support, in principle, the proposal to introduce a power of well-being as this would provide appropriate freedoms for councils to improve service provision and to contribute to the wider economic, social and environmental well-being of their areas. However, the Council would take this opportunity to highlight the recent legislative shift, linked to the introduction of the new Localism Bill for England and Wales, to establish a power of general competence rather than a power of well-being. Belfast City Council would therefore request that further consideration be given as to whether the proposed power of well-being should be replaced with a power of general competence. - No matter which power is introduced guidance would be required to clarify the operation of this new power, providing both clarity and protection for councils and local people. Local councils should be involved in developing this guidance in partnership with the Department.
Section 8 – A Partnership Panel (Paragraphs 8.1 -8.4 – Pages 41-43)	
Question 41: Should a Partnership Panel be established to formalise relations between central and local government?	<ul style="list-style-type: none"> - Belfast City Council recognises the need for a strengthened and formal relationship between central and local government and believes that the proposals to streamline the number of local authorities in NI presents a real opportunity to create a more effective interface between central and local government. The Council would support the proposed establishment of a Partnership Panel as a positive way forward, however, would seek further clarification and engagement in respect to the representation, operation and remit of such a Partnership Panel.
Question 42: What are your views on the proposed remit of the Panel?	
Section 9 – Supervision of Councils (Paragraphs 9.1-9.2 – Pages 43 & 44)	
Question 43: Do you agree that the supervision powers currently available to the DoE should be made available to all departments?	<p>No</p> <ul style="list-style-type: none"> - Given that these powers are so rarely used, the Council does not understand why this power should be expanded to other departments

Section 10 – The Reorganisation of District Councils	
<i>Section – Staff Transfer Schemes (Paragraphs 10.6 – 10.8 – Pages 46 - 48)</i>	
Question 44: Do you agree that model transfer schemes should be developed?	<p>Yes</p> <ul style="list-style-type: none"> - Staff Transfer Schemes - Yes the Council would agree that model transfer schemes should be developed. - Assets and Liabilities Transfer Schemes – See answer in Question 46 below
Question 45: Who should be responsible for preparing any model transfer schemes?	<ul style="list-style-type: none"> - In relation to ‘Staff Transfer Schemes’, the Council believes that the Department should be responsible for preparing any model transfer scheme to be agreed through the appropriate negotiating machinery - Assets and Liabilities Transfer Schemes – See answer in Question 46 below
<i>Section – Assets and Liabilities Transfer Schemes (Paragraphs 10.9 – 10.11– Pages 48 & 49)</i>	
Question 46: Do you agree that transfer schemes in relation to property and assets of government departments transferring to the new councils should provide for a continuing interest for the department concerned?	<p>No</p> <ul style="list-style-type: none"> - The Council does not agree that departments should have a continuing interest in transferred property & assets. If strong local government is a key outcome of RPA then these proposals would appear to significantly weaken local government’s autonomy & decision making process in relation to their estates & assets. Assets follow function, and if a function and associated legislative power is to transfer to councils then so too should the resources and assets associated with that function also transfer. The assets are key to service delivery and to do otherwise would be at odds with strong local government and the democratic process. - The Council would note that as part of the previous RPA deliberations, it was proposed that the Local Government (Re-Organisation) Act (Northern Ireland) 2010 would provide a ‘standard’ rule for the transfer of assets and liabilities from the 26 council structure to the new 11 council structure. This would avoid the need for Transfer Schemes for the majority of local government assets. - The Transfer Schemes were therefore only to capture the transfer of property, rights, and liabilities that were outside this standard rule arrangement as set out in the legislation. It was proposed that the legislation would provide that all existing

	<p>assets & liabilities of the merging councils would transfer to the respective new council structure, with the exception of those councils with split areas arising from the Local Government Boundaries Act (NI) 2008, believed to affect only Belfast, Lisburn & Castlereagh.</p> <ul style="list-style-type: none"> - In such exceptions a Transfer Scheme would be required. They would also be required for the scheduling of assets in joint ownership of two current Councils who may not be part of any new cluster arrangement. It was also intended that individual Transfer Schemes would be used to transfer property, rights, and liabilities associated with specific central government functions transferring to local government. - Belfast City Council had previously asserted that all existing assets & liabilities of the present Belfast City Council would transfer to the new Belfast City Council. Any assets held for local government purposes situated within the transferring areas of Castlereagh & Lisburn (and which are to be assimilated within the new Belfast City Council area) would transfer to the new Belfast City Council area, as well as any liabilities specifically referable to the transferring assets.
<p><i>Section – Financial Arrangement (Paragraphs 10.12 & 10.13 – Pages 49 & 50)</i></p>	
<p>Question 47: Do you support the proposal that existing district councils should be able to incur expenditure on behalf of the new council to be established for that area?</p>	<p>Yes, in certain circumstances</p> <ul style="list-style-type: none"> - The Council recognises that there may be occasions whereby existing councils may need to incur expenditure in preparation for the formation of the new council and that appropriate provisions need to put in place to enable this. The Council would urge, however, that further detail and potential guidance should be developed to provide clarity in respect to both the scope and nature of such expenditure and the associated governance and decision-making process.



Department of the
Environment

www.doeni.gov.uk

Local Government Reform

Policy Proposals

Consultation Document

30 November 2010

LOCAL GOVERNMENT REFORM CONSULTATION ON POLICY PROPOSALS

This consultation document seeks views on the Department's policy proposals for
local government reform.

Comments should be sent by 11 March 2011 to:

**Policy and Legislation Unit
Local Government Policy Division
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8th Floor, Goodwood House
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The following persons will be able to answer queries in relation to the proposals:

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Foreword

by Edwin Poots, Minister of the Environment



I am pleased to be launching this public consultation on policy proposals for the reform of local government. The Executive's decisions on the future shape of local government provide the foundation to develop strong, effective local government that will deliver improved outcomes for everyone in Northern Ireland.

Our vision is of a strong, dynamic local government that creates vibrant, healthy, prosperous, safe and sustainable communities that have the needs of all citizens at their core. Central to that vision is the provision of high-quality efficient services that respond to people's needs and continuously improve over time.

To deliver on this vision and to realise the full potential of local government, councils will take on a significant range of functions from government departments and other bodies. In addition, councils will work within a new statutory governance framework and ethical standards regime, will have a new statute-based community planning process and will have available a power of well-being.

The purpose of this consultation is to look at the proposals for constructing the new governance framework to provide for efficient, fair and transparent decision-making in councils, within a regime to ensure that the highest standards of behaviour are maintained. It also looks at proposals for the framework for the new community planning process and the introduction of a new regime to support improvement in how councils deliver services to their ratepayers.

I encourage you to have your say by responding to these proposals.

Edwin Poots MLA

LOCAL GOVERNMENT REFORM CONSULTATION ON POLICY PROPOSALS

PURPOSE OF THE CONSULTATION

- 1.1. The Department of the Environment is seeking your views on its policy proposals for the reform of local government. These policy proposals flow from the Executive's decisions of 13 March 2008 on the future shape of local government.
- 1.2. A glossary of terms used in this consultation document is provided at Annex A.

BACKGROUND

- 2.1. Following the restoration of devolution, the Executive, at its meeting on 5 July 2007, agreed proposals for a review of the previous Administration's decisions on the Review of Public Administration as they related to local government. This review was taken forward by an Executive Sub-Committee chaired by the then Minister of the Environment, Arlene Foster MLA. The Executive Sub-Committee took the review forward in three strands. The first developed a shared vision for local government. The second considered the number of councils and the third focused on the functions to transfer to local government. The review also considered, as cross-cutting issues, the decisions of the previous administration to develop a council-led community planning process and to introduce a power of well-being.

2.2. At the Executive meeting on 13 March 2008, the recommendations from the Sub-Committee were agreed. In summary, the Sub-Committee recommended:

- rationalising the current 26 district councils to create 11 new district councils;
- introducing new governance arrangements for councils to ensure the protection of the rights of all people and also provide for fair, transparent and efficient decision-making;
- developing a new council-led community planning process and introducing a power of well-being;
- transferring a range of functions from central to local government; and
- developing appropriate performance management systems for district councils.

2.3. In addition to the specific recommendations, the review signalled the desire of the Executive to work in partnership with local government to deliver the priorities and actions set out in the Executive's Programme for Government and thereby improve outcomes for everyone.

2.4. While the Review of Public Administration was progressing, the Department of the Environment was developing proposals to modernise certain procedures in councils. One of these related to providing a new ethical standards regime for local government.

2.5. Following Minister Foster's announcement of the Executive's decisions on the future shape of local government, structures were put in place to support the development of policy and

implementation proposals, to give effect to those decisions. The top tier of the structure, and key driver of the programme, was the Strategic Leadership Board, chaired by the Minister of the Environment. The membership of this Board comprised elected representatives from the five main political parties, led by the Northern Ireland Local Government Association President (who was vice chair), senior advisers from local government and senior officials from those departments transferring functions to local government. The Strategic Leadership Board was supported by three policy development panels which also comprised representatives from the five main political parties and advisers from central and local government. The broad remit of each of the panels was:

- Panel A – Governance and Relationships;
- Panel B – Service Delivery; and
- Panel C – Structural Reform.

2.6. These panels, in the intervening period, developed policies for local government reform and this consultation document reflects their work.

2.7. Although it has not been possible to create the 11 new councils, or to transfer new functions to them in 2011, as had originally been planned, the Executive agreed, at its meeting of 18 November 2010, that in order to maintain momentum towards local government reform, the policy proposals contained in this document should be issued for public consultation.

POLICY PROPOSALS

Governance Arrangements

3.1. Good governance (i.e. management and control arrangements) lies at the heart of effective and efficient local government. It provides for best practice in policy development, decision-making and the delivery of quality services. Governance arrangements must ensure that district councils:

- operate to high standards;
- pursue equality and fairness within a framework of checks and balances; and
- conduct their business with openness and transparency.

3.2. The existing framework for the role of elected representatives in political decision-making in district councils is set out in the Local Government Act (Northern Ireland) 1972 (as amended). This framework is, therefore, almost 40 years old and needs to be updated.

3.3. The objectives underpinning the proposals for new political governance arrangements for district councils after reorganisation, are that they should provide for:

- efficient and effective decision-making;
- checks and balances to support equality and fair treatment;
- proportionality in allocating key positions;
- transparency and oversight of decision-making; and
- the effective and efficient creation of new local government.

3.4. Research has been carried out on local government decision-making in other regions. This has been used to inform the proposals set out in this consultation document. The research includes the executive arrangements introduced in England and Wales by the Local Government Act 2000, and the streamlined committee structure adopted by the majority of councils in Scotland. The local government sector and the main political parties have also had a significant involvement in the formulation of the proposals through their engagement in the Policy Development Panel on Governance and Relationships.

Decision-making Structures

3.5. At present, in most councils, an issue that requires a decision is delegated to a committee of the council which considers all the relevant material and ultimately makes a recommendation to the full council. The committee has no responsibility or authority to make the final decision (unless the council has specifically delegated a decision-making power to it). It is for the council to consider the recommendation from the committee when the minutes of that committee come before the council for ratification. The ratification of the minutes of the committee signifies the council's endorsement of the recommendation. There is, therefore, a delay between a recommendation being made and a final decision being taken.

3.6. In considering proposals for the new arrangements, the Department takes the view that it is important to build in choice and permit flexibility in relation to the development of new decision-making structures by councils, rather than introducing a single structure for all councils. The Department proposes that a short list of decision-

making structures should be available to councils. A council would then be able to select the most appropriate structure. The decision-making structures which the Department proposes should be available to councils are:

- the cabinet-style model: executive responsibility for all operational decisions would be devolved from the full council to a relatively small committee of councillors;
- the streamlined committee model: a central policy committee and a limited number of other committees would be established with executive responsibility for specific decisions being devolved from the full council to those committees; and
- the traditional committee structure: individual committees would be established to consider specific issues and make recommendations on appropriate courses of action, for decision by the full council.

3.7. To provide a check and balance on the operation of the cabinet-style and streamlined committee models, which devolve decision-making from the full council, the Department proposes that structures should be supported by effective internal scrutiny arrangements. These arrangements will include the provision of a call-in procedure, which will allow decisions taken under devolved arrangements to be reviewed. It is also proposed that councils which choose to operate one of the systems of devolved decision-making should be required to establish a scrutiny committee. Flowing from the principle of checks and balances, this committee will be able to scrutinise the work of the cabinet-style model or streamlined committees and will consider the outcome of the review of any decision subject to a call-in, in defined circumstances.

Further details on the operation of the call-in procedure are outlined in paragraphs 3.18 to 3.23.

3.8. To provide for the eventuality that a district council cannot agree the adoption of a particular decision-making structure, the Department proposes that a default model should be provided for. The key elements of the default model will be:

- the operation of a committee-based system;
- the opportunity to devolve powers from the full council to a committee or committees;
- the establishment of a scrutiny committee, if powers are devolved from the full council to committees; and
- the establishment of a central policy committee.

3.9. For the operation of the devolved decision-making systems, the Department also proposes specifying a list of core issues on which decisions must be taken by the full council. This list will cover strategic issues that would have an impact across the whole local government district and include, for example, striking the rate, borrowing, governance arrangements, the corporate plan, the community plan, etc.

Question 1:

Do you agree that a list of alternative decision-making structures should be available to councils?

Question 2:

Where decision-making is devolved to a committee of the council, do you agree that effective internal scrutiny arrangements should be required?

Question 3:

If a list of decision-making structures, as set out, is provided, do you support the proposal that a default option should be available?

Question 4:

Should a list of core issues, for which decisions must be taken by the full council, be specified? If so, what are your views on the issues that should be included in this list?

Sharing of Power and Responsibility

3.10. The members of a council, when it is established and on an annual basis after that, are required to select a councillor to act as chair of the council; they may also choose to select another councillor as vice-chair. They will also select individual members to take on the roles of chair and vice-chair of any committees that they create to have responsibility for specific issues. In addition, a number of public bodies appoint councillors to their management boards, and in so doing, seek nominations from the relevant councils.

3.11. To ensure that power and responsibilities are shared amongst elected members, it is proposed that a number of methods should be available to councils for the allocation of these key positions

within the council and for its representative positions on external bodies. The methods which the Department proposes should be available are:

- the D'Hondt and Saint-Lague divisor systems which use a formula for determining the order in which political parties will make their selection of the position that they wish to hold; and
- the Single Transferrable Voting system, where each councillor will vote for the individual that they wish to hold a position.

3.12. The D'Hondt system will be the default approach if the political parties on a district council fail to agree on the system to be adopted. The Department proposes to set out the precise method of application of each the systems that will be available to ensure consistency of approach across councils.

Question 5:

Do you support the proposal that a limited number of methods for ensuring the sharing of positions on a council, its committees, and external appointments should be made available? Are the methods identified appropriate?

Question 6:

Should the D'Hondt system be specified as the default model, for use in the absence of agreement?

Question 7:

Do you support the proposal that the Department specifies the method for applying each of the available systems?

3.13. The key positions to which the process for the sharing of power and responsibility will apply will include:

- mayor / council chair;
- deputy mayor / council vice-chair;
- committee chairs;
- committee vice-chairs; and
- positions on a cabinet-style executive (where that model of decision-making is adopted).

3.14. The Department does not propose to specify that the cabinet-style model should require the inclusion of elected members from each of the political parties represented on the council. It will be a matter for a political party to determine whether it wishes to participate in such a committee or select other positions of responsibility on the council.

3.15. The use of divisor methods, such as D'Hondt and Saint-Lague, for allocating positions would potentially favour bigger political parties within a council, if selection is applied in each year of the council. To minimise this potential, the Department proposes that the agreed method will be applied to all positions of responsibility within a council (including nominations to external bodies) over its full four-year term. A list of the key positions covering each year for the full council term of office will be used to allocate all positions whenever the council is first established.

3.16. The order in which positions should be allocated will not be specified, but rather the selection of a position and the year of appointment will be matters for each political party in the council to determine, against its own priorities. The allocation of additional positions, where a new committee is established or a new appointment to an external body is identified following the initial allocation of positions, will use the agreed approach starting from the point at which the last position was allocated.

Question 8:

Do you agree that the Department should specify the list of positions that would be allocated using these methods?

3.17. It will be important to ensure that the membership of council committees reflects the representation of the various political parties on the council. The Department proposes that councils should be given a choice of two methods to determine the number of positions to be allocated to each party. These are the Quota Greatest Remainder and Droop Quota methods which use slightly different formulae for calculating the basis for the sharing of positions across the political parties.

Question 9:

**What are your views on the proposal for ensuring proportionality in the membership of council committees?
Are the methods to be used appropriate?**

Checks and Balances

3.18. In order to ensure the fair treatment and representation of everyone served by a council, the Department considers that there is a need for a system that provides checks and balances in relation to the council decision-making processes.

3.19. The Department, therefore, proposes that a call-in procedure should be introduced. This would apply to decisions taken but not yet implemented under devolved arrangements and decisions waiting to be endorsed by a council through the ratification of minutes from a committee. The call-in procedure would be used in the following circumstances:

- where procedures used in reaching a decision are questioned, i.e. to ensure that all the established steps were followed and account was taken of council policies; and
- where there is an issue in relation to the protection of political minorities in the council district.

3.20. The call-in procedure would operate in a similar manner to the 'petition of concern' procedure in the Assembly, in other words, a number of councillors would be able to join together to request that a specific decision is reviewed. It is proposed that the trigger for a call-in will be set at 15% of the total council membership, with the resultant figure always rounded up to the nearest whole number. For example, in a council with 40 members, a call-in would require the support of 6 councillors.

3.21. It is further proposed that, where a decision is the subject of call-in on procedural grounds (see paragraph 3.19), the outcome of the subsequent investigation will be considered, as appropriate, by either:

- the scrutiny committee (where one has been established because the council has opted to devolve a range of decisions);
or
- the full council.

3.22. A scrutiny committee would have no authority to overturn a decision. It would only be able to confirm the original decision or refer it back to the committee that made the decision for further consideration. Council committees would, however, be required to have regard to any report from a scrutiny committee. In cases where a council has opted to retain the traditional committee system, any decision that is called in on procedural grounds would be considered by the full council.

3.23. Where the call-in procedure is used in seeking to protect political minorities from adverse impact in the council area (see paragraph 3.19), the Department proposes that a process to assess if the call-in is valid would be put in place. This process would be external to the council to avoid the potential for disputes between councillors. It is further proposed that all decisions subject to call-in on this basis would be referred to the full council for a final decision.

3.24. As a further safeguard to council decision-making, the Department also proposes to introduce qualified majority voting (or weighted

majority voting) for specified strategic decisions to be made by district councils. Examples of these decisions would include:

- decision-making structures;
- major capital projects; and
- programmes that impact across a number of wards.

The use of qualified majority voting would also be available to councils for decisions that had been the subject of a legitimate call-in.

3.25. Decisions relating to the statutory duties of a council, e.g. striking the rate, and those of a quasi-judicial nature, e.g. making bye-laws, will be excluded from qualified majority voting. For the operation of qualified majority voting, it is proposed that a straightforward threshold, set at 80% of council members present and voting, will apply, rather than a system of cross-community voting (such as the one operated by the Northern Ireland Assembly).

Question 10:

Should a call-in procedure be introduced to provide a check and balance for council-decision making?

Question 11:

Do you support the proposal for such a call-in to be available in the two circumstances outlined, and for how it would operate?

Question 12:

Do you agree that 15% of council membership should be the trigger for a call-in?

Question 13:

Should the use of qualified majority voting be introduced to provide safeguards in the council's decision-making processes?

Question 14:

Do you agree that 80% of council membership should be the threshold for qualified majority voting?

Transparency

3.26. Section 23 of the Local Government Act (Northern Ireland) 1972 provides that, subject to certain conditions, every meeting of a council shall be open to the public. To ensure the continued transparency of the decision-making process and take account of the proposed new structures, these provisions will be updated to provide for improved access to council meetings and documents.

3.27. In addition to updating the provisions in relation to the transparency of the decision-making process, the Department proposes that a council will be required to prepare and publish a constitution that sets out details of how it operates. This constitution would provide details of:

- the council's decision-making structures and how decisions are reached;

- the council's standing orders, the production of which will be mandatory;
- the scheme of delegation in operation for decision-making by officers;

and will provide links to the Corporate and Business Plan.

Question 15:

What are your views on the proposed steps to enhance transparency and openness in the operation of a council and its decision-making?

Ethical Standards

Background

4.1. Northern Ireland is the only jurisdiction in the United Kingdom which does not have a mandatory code of conduct for district councillors. The current Northern Ireland Code of Local Government Conduct was introduced in April 2003 and provides guidance to councillors on the standards of conduct expected of them in carrying out their official duties and in maintaining working relationships with fellow councillors and council employees. It is a guidance document only and there are no formal mechanisms for dealing with cases where the Code might not have been adhered to.

4.2. The administrations in England, Wales and Scotland have each developed and introduced ethical standards frameworks for local

government to encourage appropriate levels of conduct and to build public confidence. These frameworks include mandatory codes of conduct for elected representatives of local authorities, with associated processes for investigating and adjudicating on alleged breaches of the codes.

4.3. The Committee on Standards in Public Life's Tenth Report entitled "Getting the Balance Right - Implementing Standards in Public Life" (published in January 2005) included two recommendations in relation to local government in Northern Ireland which were agreed by the United Kingdom Government, namely:

- Recommendation 15: Following the Review of Public Administration, and upon the restoration of the Assembly in Northern Ireland, a Statutory Code of Conduct for Councillors should be introduced with a proportionate and locally-based framework for enforcement, drawing upon experience of other parts of the United Kingdom; and
- Recommendation 29: The three principal regulators (the Standards Board for England, the Local Government Ombudsman for Wales, and the Standards Commission for Scotland) should put in place formal arrangements for the sharing of experiences and best practice. This should be extended to include the body with designated responsibility for enforcement of a new statutory framework in Northern Ireland.

4.4. In 2005, a Code of Conduct Working Group (CCWG) was set up by the Department to review the current Code of Conduct and to

consider options for monitoring the application of the Code, including investigation, enforcement and appeals procedures.

- 4.5. The CCWG compared the current ethical standards arrangements for local government in Northern Ireland with those in England, Scotland, Wales and Ireland and also with the Northern Ireland Assembly.
- 4.6. As ethical standards and the Code of Conduct are governance issues, the policy development and recommendations of the CCWG were subsequently presented to the policy development panel on governance and relationships for consideration.
- 4.7. The Department proposes to introduce a new ethical standards regime for local government which would include the introduction of a mandatory Code of Conduct for councillors with supporting mechanisms for investigation, adjudication and appeals. This would initially involve all complaints regarding breaches of ethical standards in district councils being referred to the Northern Ireland Commissioner for Complaints (the Commissioner) to decide whether a case should be referred to the relevant council for local resolution or whether the matter should be retained for investigation by the Commissioner's Office.

Question 16:

Do you agree that a statutory ethical standards framework should be introduced for members of district councils in Northern Ireland?

Code of Conduct

- 4.8. The Department proposes to introduce a mandatory Code of Conduct to replace the current Northern Ireland Code of Local Government Conduct. The Code will set out the conduct which is expected of all councillors and co-opted members in Northern Ireland.
- 4.9. The Department proposes to specify in the Code the general principles which will provide a guide for councillors' behaviour in the execution of their duties and which will underpin the mandatory Code. It is intended that the principles to be specified in the Code will be:
- the seven principles of public life (the Nolan Principles) which are a recognised set of principles used across the public sector i.e. selflessness, integrity, objectivity, accountability, openness, honesty and leadership; and
 - four additional principles which were adopted by the Northern Ireland Assembly on 12 October 2009, i.e. respect, equality, good working relationships and promoting good relations.

Question 17:

Do you agree that the principles mentioned above should apply to councillors and co-opted members?

- 4.10. It is proposed that the Department should be required, before issuing the Code of Conduct, to consult with councils and bodies representative of councils, councillors and council officers.
- 4.11. In addition, it is proposed that, before taking up office, a councillor should be required to serve on the clerk of the council a declaration of acceptance of office which would include an undertaking that the councillor will observe the Code.
- 4.12. It is proposed that the Code should include sections dealing with:
- the key principles of the Code of Conduct and general obligations expected;
 - interests – personal, financial and prejudicial interests;
 - registration of interests, gifts and hospitality;
 - declaration of relevant interests and dispensations;
 - lobbying and access to councillors;
 - a protocol for relations between councillors and officers of councils; and
 - dealing with planning applications (after land-use planning has been transferred to local government).

Question 18:

Do you agree that a mandatory Code of Conduct should be introduced and that all council members should give a written undertaking to comply with it before accepting office?

Complaints

- 4.13. It will be the responsibility of councillors to make sure that they are familiar with the provisions in the Code and that they comply with those provisions.
- 4.14. The Department proposes that all complaints regarding alleged breaches in ethical standards in district councils would initially go the Commissioner for consideration. An advantage of placing this role with the Commissioner is that the Commissioner's Office is already well established and trusted and this is likely to increase public confidence in the new system.
- 4.15. A complaint would be assessed to determine whether there appeared to be any case to answer or whether it appeared to be a minor or a serious breach in standards. This would then determine how the subsequent investigation and adjudication of the case would be taken forward i.e. either referred to the relevant council for local resolution (which should happen in the majority of cases) or retained by the Commissioner's Office (i.e. serious, complex or high profile cases).

Question 19:

Do you agree that all written complaints concerning alleged breaches of the Code should be sent in the first instance to the Commissioner for Complaints to determine how they should be investigated?

Question 20:

If you do not agree, what other suitable alternative would you suggest?

Investigation and Adjudication

4.16. As indicated above, the Department proposes that the duties of the Commissioner should be extended in relation to the new ethical standards framework and that the Commissioner should receive all complaints of alleged breaches of the Code. We would propose that the Commissioner's Office should investigate more serious, complex or high profile cases and should report and make recommendations on the outcome of the investigation. Where a breach of the Code has occurred, the Commissioner would also adjudicate on what sanction is to be taken against the councillor or co-opted member. The Commissioner would also facilitate the hearing of any appeals relating to cases that have been adjudicated on by a council standards committee (see paragraph 4.24).

Question 21:

Do you agree that the Commissioner for Complaints should only deal with those cases that are deemed to be serious or high profile?

Question 22:

Alternatively, would you prefer the Commissioner for Complaints to be responsible for all types of cases? What would you consider to be the advantages of this?

- 4.17. The Department proposes that each council should have an independent monitoring officer and a standards committee to deal with complaints referred to it by the Commissioner. Where a complaint appears to be a less serious breach of the Code or where there may be no case to answer, it is intended that the Commissioner would refer the matter to the relevant council's standards committee for local resolution.
- 4.18. If a case is referred to a council for local resolution, the independent monitoring officer would investigate and report to the standards committee to assess whether a breach had occurred and, if necessary, to adjudicate on the matter.
- 4.19. The Department proposes that an independent monitoring officer should be appointed or assigned for each council. The main roles of an independent monitoring officer would include:
- providing advice and guidance on the ethical standards framework and Code of Conduct within the council, including establishing contact with other monitoring officers within Northern Ireland and the Great Britain to share and develop best practice;

- carrying out investigations of relevant complaints and supporting and assisting the council's standards committee in the processing of cases and maintaining appropriate records; and
- ensuring that the council establishes and maintains a register of members' interests and a register of gifts and hospitality and has procedures for dealing with declarations of interest.

4.20. The Department proposes to specify in legislation the way in which independent monitoring officers should deal with matters referred to them.

4.21. It will be the duty of each council to establish a standards committee to promote and maintain high ethical standards. The Department proposes that the functions, procedures and membership of standards committees should be specified in legislation. The Department further proposes that:

- a standards committee's role in considering the reports and recommendations of independent monitoring officer;
- the actions which the committee may take against any councillor who is subject to such a report or recommendation; and
- the committee's adjudication function and the penalties which it can hand out;

should also be provided for in legislation.

4.22. In order to gain public confidence in the system and to promote openness and fairness, it is proposed that standards committees should include independent members.

Question 23:

Do you agree that each council should be required to establish a standards committee?

If so, do you agree that each Standards Committee should include independent members and that an independent member should chair the committee?

4.23. It is proposed that, when a case is referred by the Commissioner to a standards committee, it will be for the committee to decide if the matter should be investigated by the independent monitoring officer and, if so, the monitoring officer will submit a report on his/her findings to the standards committee for consideration. The standards committee will decide whether any sanction should be taken against the council member.

Question 24:

Do you agree that complaints concerning less serious breaches of the Code should be dealt with by the relevant council's standards committee;

Do you agree that the council's independent monitoring officer should undertake any necessary investigation;

Do you agree that the standards committee will consider all cases on the basis of the monitoring officer's reports and on the evidence presented; and

Do you agree that the council's standards committee should decide what sanctions, if any, should be taken against the members concerned?

Question 25:

Do you agree that monitoring officers should be independent of councils or do you think that they should be council officers who, in addition to investigating less serious complaints, might be better placed to support the development of an ethical culture within councils?

Do you agree that an independent monitoring officer should be appointed to each council?

If not, what alternative would you propose?

4.24. The Department proposes that, where a councillor is found to be in breach of the Code, either the Commissioner or the council's

standards committee (depending on how serious the complaint is) may impose a sanction. The Department further proposes that a councillor may appeal:

- to the Commissioner concerning a decision taken by the standards committees; and
- through the Court system concerning a decision taken by the Commissioner.

Question 26:

Do you agree that sanctions should be available to standards committees and the Commissioner for Complaints where breaches of the Code have occurred?

Question 27:

Do you agree that members should have a right of appeal to the Commissioner for Complaints concerning decisions taken by standards committees and to the Court system concerning decisions taken by the Commissioner for Complaints?

Service Delivery & Performance Improvement

5.1. The Local Government (Best Value) Act (Northern Ireland) 2002, (the 2002 Act) placed a duty on councils for continuous improvement in the delivery of their services. The overriding purpose of best value is to establish a culture of good management for the delivery of efficient, effective and economical services that meet users' needs. The principle of continuous improvement is the

ongoing effort to seek incremental improvements in the delivery of these services over time.

- 5.2. The 2002 Act, however, provides no specific mechanisms to enable councils to demonstrate their accountability to ratepayers or Ministers for the delivery of their services or improvements to those services. The reorganisation of local government, the transfer of functions from departments to councils, and the introduction of community planning and the power of well-being provide an appropriate opportunity to strengthen the framework for councils' service delivery and performance improvement.
- 5.3. Performance management (and within it, best value), community planning and the power of well-being are closely linked. Local government should view them as such in seeking to plan and deliver quality services that are responsive to the needs of the people who use them. For example, use of the new flexibilities and freedoms offered by the power of well-being (see paragraphs 7.1 – 7.3) should be influenced significantly by issues identified through the community planning process. Similarly, best value considerations should influence a council's choices in using the power of well-being and how it engages with its community planning partners.
- 5.4. The Department proposes that a new service delivery and performance improvement framework should be introduced for local government. This would include a broader duty in relation to securing best value and continuous improvement. This would be supported by a requirement to publish an annual improvement plan to provide accountability to ratepayers and Ministers. The new

framework would also enable Ministers, through the Department of the Environment, to:

- issue guidance on the delivery of continuous improvement;
- set performance indicators and standards for the delivery of services; and
- intervene in a council's delivery of a service if its performance falls below acceptable standards.

Revised Best Value Duty

5.5. The Department proposes that the current best value provisions should be replaced and that:

- councils should be required to secure best value, which will be described in terms of the continuous improvement of the council's performance of its functions;
- councils, in securing best value, should be expected to maintain an appropriate balance between the quality of performance of their functions, the cost of performing those functions, and the cost to persons of any services provided on a wholly or partly rechargeable basis;
- in maintaining that balance, councils should be required to have regard to efficiency, effectiveness, economy and equity;
- councils should be required to discharge their duties in a way which contributes to the achievement of sustainable development; and
- councils should have regard to outcomes when measuring improvement in their performance.

Question 28:

Do you agree that a newly defined best value (continuous improvement) duty should be placed on councils?

Best Value Guidance

5.6. It will be important to ensure a consistent approach to service delivery and performance improvement across all councils. For that reason, the Department would propose to issue guidance to underpin the best value duty and the delivery of continuous improvement and to consult with councils and other representative organisations of local government in the preparation of the guidance. It is anticipated that the guidance should cover:

- how to make best value arrangements;
- what is to be included in best value arrangements; and
- how to implement the best value duty.

5.7. It is proposed that councils should be required to have regard to any departmental guidance in the performance of its duties about best value. Councils would also be expected to have regard to other general guidance on arrangements for securing best value (unless it conflicts with the guidance produced by the Department).

Question 29:

Should the Department be able to issue guidance in relation to best value?

Question 30:

Should councils be required to have regard to any guidance issued?

Performance Indicators and Standards

- 5.8. It is proposed that departments should be able to specify performance indicators for the delivery of council functions. These would allow the measurement of councils' performance in exercising the functions. The performance standards which councils will be expected to meet in relation to those performance indicators would also be specified. We propose that departments should take account of the different circumstances that exist between councils when setting performance indicators and standards.
- 5.9. The aim in specifying performance indicators and standards would be to promote efficiency, effectiveness and economy in the way that councils carry out their functions.

Question 31:

Do you agree that the Department should be able to specify performance indicators for the delivery of council functions?

Public Performance Reporting: A Corporate and Improvement Plan

- 5.10. The Department proposes to place a requirement on councils to produce a corporate plan, which would include an improvement plan

for service delivery and performance improvement. Councils will be required to publish their performance indicators in this plan. This would enhance local accountability and enable comparisons to be made between councils.

5.11. It is proposed that the Department should be able to specify the elements that must be included within a corporate plan and the associated improvement plan, and to issue guidance on the form and content of plans, including the manner in which they should be published.

5.12. This should ensure that a council's corporate and improvement plans achieve three primary aims:

- to summarise how successful the council was in meeting its objectives and performance targets for the previous year;
- to inform local people of the council's performance targets for the following year and future years; and
- to set out the council's progress in meeting any longer term targets and, where it is not on course to meet them, to give an outline of what action it is taking to remedy the situation.

The information to be reported in the plan would also enable comparisons to be made between councils.

Question 32:

Do you agree with the proposals for the public reporting of a council's performance improvement?

A Statutory Audit of the Corporate and Improvement Plan

5.13. The Department proposes that the role of the local government auditor should be extended to include the audit of a council's corporate and improvement plan. This would ensure that the plan has been prepared in compliance with any future legislative framework and any supporting guidance issued by the Department. This would provide Ministers and ratepayers with independent assurance that a council's improvement plan stands up to scrutiny and gives independent verification of any improvements.

5.14. We would propose that, in scrutinising a council's corporate and improvement plan, the auditor should:

- certify that the plan has been audited;
- consider the extent to which the plan meets specified requirements;
- recommend any remedial action that the auditor judges necessary for a council to take where its plan does not comply with the legislative requirements or guidance; and
- in cases where the auditor considers there to be serious deficiencies and failures in a plan, recommend the appropriate follow-up action. This may take the form of an examination by the auditor or, in the most serious cases, by the relevant government department (depending on the functions concerned) under its proposed powers of intervention.

5.15. The auditor should also be required to report publicly on the results of his assessment. In turn, when a council receives an auditor's

report on its corporate and improvement plan it will be required to publish the auditor's report.

5.16. The Department also proposes that the local government auditor should be able to carry out examinations aimed at assessing compliance with the requirements of the best value legal framework. To enable the auditor to undertake these examinations, we propose that:

- the relevant government department should have the power to direct the local government auditor to carry out an examination of a council in respect of its delivery of functions transferred by that department;
- the auditor should have powers of access to documents and information and to have reasonable rights of access to premises; and
- a report outlining the auditor's findings would be published.

Question 33:

Should the local government auditor have a role in providing external assurance in relation to a council's improvement plan?

Question 34:

Is the proposed role for the local government auditor as comprehensive as might be required?

A Power of Intervention/Enforcement

5.17. We recognise that there may be occasions, albeit limited, when an inspection of a council makes information available to Ministers which gives them cause for concern about whether a council is discharging its responsibilities as required.

5.18. To provide for such occasions, the Department proposes that Ministers should be allowed to intervene if a council fails in delivering a particular service or services. The powers, which would be exercised by Ministers through their departments, would be wide ranging. These failures in service delivery would include matters which are of a procedural nature, and others which require more substantive action. This action might be either:

- on the part of the council concerned (for example, it might be required to arrange for another organisation to carry out a function on its behalf); or
- on the part of a department (which might, in extreme cases of failure, intervene to exercise a function of the council itself or through a nominee).

5.19. Where a department intends to take action against a council, it would normally be required to allow the relevant council to make representations both about the recommendation itself and the remedial action that is proposed. In exceptional cases, where a department judges the failure to be so serious or the immediate risk to sections of the community to be so great, it would have the power to give a direction to the council without allowing time for representations. If a department chooses to exercise this power, it would be obliged to inform both the council concerned, and any

appropriate representative body, of the direction and the reason why it was given, without recourse to the normal procedure for representations.

- 5.20. In cases where a department intervenes directly in a council, and in doing so assumes responsibility for delivering a function, a regulatory power would be made available to the department. This power could be used to make alternative provision for the delivery of the service. A department would then be able to make necessary alternative arrangements where it intervenes in a function which already provides recourse to that department, either through appeal or otherwise.

Question 35:

Do you agree that Ministers should be able to intervene if a council is failing to deliver services?

Community Planning

- 6.1. A key theme underpinning the reform of local government is the Executive's vision of a strong, dynamic local government creating communities that are vibrant, healthy, prosperous, safe, sustainable and which have the needs of all people at their core. Central to this vision is the provision of high quality, efficient services that respond to the needs of people and continuously improve over time.
- 6.2. The introduction of an effective community planning process, led and facilitated by councils, is seen as critical to the delivery of this

overarching objective. Community planning would enable councils to work in partnership with a full range of other sectors, for example public bodies, businesses, and community and voluntary organisations. This would facilitate linking the delivery of services in their districts to provide a joined-up approach to meeting the needs and aspirations of local communities. The Department proposes that the community planning process to be introduced would not be overly prescriptive, to take account of the range of situations that exist across the region and within individual districts. This would provide individual councils with the flexibility to act at a local level to best meet local needs.

- 6.3. To ensure that councils are placed firmly at the hub of the process, the Department proposes that they should be required to make arrangements for community planning. To do this, councils would be expected to consult and co-operate with all bodies responsible for providing public services in the district. They would also be expected to engage with the community and other bodies and individuals in planning the provision of public services. Councils would also be required to ensure that their community plans are reviewed and revised, as appropriate, to meet changing circumstances and needs in their districts.

Question 36:

Do you agree that councils should lead and facilitate community planning and that a requirement should be placed on them to do so?

- 6.4. The effectiveness of the community planning process and the delivery of improved outcomes will, to a very large extent, be grounded in the establishment and maintenance of effective relationships between councils, departments and other public sector organisations. This is the experience in Scotland, England and Wales, where community planning has been in place for a number of years.
- 6.5. Whilst effective working relationships already exist with public bodies, businesses and community and voluntary organisations in some districts, the Department proposes that these bodies/organisations should be required to support and participate in the process. It is proposed that government departments should be required to promote the use of community planning and have regard to community plans. Other identified public bodies would be required to participate in and assist community planning.

Question 37:

What are your views on departments and statutory bodies being required to participate in and support community planning?

- 6.6. The Department proposes that district councils should be required to publish reports on community planning. These reports would include information about improvements in public services. The form, content and frequency of such community planning reports would be specified by the Department.

Question 38:

Should councils be required to publish community plans for their districts, and to review these as necessary?

- 6.7. Experience in the other jurisdictions would indicate that delivering on the potential of community planning will present a range of challenges for district councils and the Department would therefore propose to issue detailed guidance to support the effective operation of the flexible approach that is being put forward.

Question 39:

Do you agree that the Department should be able to issue guidance to support community planning, and in relation to the format and content of a council's community plan?

Power of Well-Being

- 7.1. The transfer of responsibility for the delivery of a range of new functions, and the introduction of the community planning process will enable councils to begin addressing the needs and aspirations of local communities. However, councils can only do what legislation enables them to do. In responding to issues that may be identified through community planning, a council may wish to take an action that is not specifically provided for in legislation. In order

to provide for such an eventuality, the Department proposes that councils should have a new power of well-being.

- 7.2. The proposed new power would enable councils to take any action not already the responsibility of another agency (unless that agency has given explicit agreement) to promote or improve the well-being of their district. It would not, however, be an unrestricted power for councils. A council would not be able to use the power of well-being to do anything that it is unable to do because of any other legal prohibition, restriction or limitation on their powers.
- 7.3. As with the proposals for the introduction of community planning, the Department proposes to issue detailed guidance in support of the exercise of the power of well-being which councils would be required to have regard to.

Question 40:

Do you agree that a power of well-being should be introduced for councils, and that the Department should be able to issue guidance to support its operation?

A Partnership Panel

- 8.1. The Executive's vision for the future delivery of its Programme for Government recognises the need for a partnership approach between departments and local government if the desired outcomes for everyone are to be delivered. The proposed community planning powers will require departments and agencies to work with

councils in developing and delivering on the themes and targets identified in community plans. A partnership approach to the delivery of the Executive's Programme for Government will also require a mechanism for government departments to agree and monitor a number of regionally determined performance indicators for service delivery by district councils.

- 8.2. The existing relationships between departments and their agencies and the local government sector, whether at a representative level through the Northern Ireland Local Government Association or at a local level with individual councils, are informal, ad hoc and inconsistent. They do not provide a firm foundation for a more strategic approach to the delivery of joined-up services.
- 8.3. Against this background, the Department proposes that a Partnership Panel for Northern Ireland should be established. This panel would formalise the relationships between the Executive and district councils and provide a forum for the collective consideration of strategic issues. The Partnership Panel would consist of Northern Ireland Ministers (especially where their departments have a significant policy relationship with local government) and representatives from councils.
- 8.4. The proposed Partnership Panel would be purely advisory, recognising the separate and distinct legal authority of departments and local government. It would not hamper the discretion of the Executive or of an individual Minister, or the operational discretion of local government. Accordingly, the Department proposes that the panel's remit would be to:

- give advice to Ministers about matters affecting the exercise of any of their department's functions;
- make representations to Ministers about any matters affecting, or of concern to, those involved in local government in Northern Ireland; and
- give advice to those involved in local government in Northern Ireland.

Question 41:

Should a Partnership Panel be established to formalise relations between central and local government?

Question 42:

What are your views on the proposed remit of the Panel?

Supervision of Councils

9.1. Sections 127-129 of the Local Government Act (Northern Ireland) 1972 contain powers to enable the Department to supervise how councils exercise their functions. Those powers, which have rarely been used, would enable the Department to:

- require a council to make reports and give information about the exercise of its functions to the Department;
- cause local or other inquiries to be held or investigations to be made in connection with any matters relating to the functions of a council; and

- take action where a council has failed to discharge any of its functions (including empowering a departmental official to exercise the function in question).

9.2. Responsibility for policy and legislation in relation to local government functions falls to a number of Northern Ireland departments. Consequently, it is proposed that the above powers should be extended so that the department concerned (rather than the Department of the Environment) may exercise these powers where necessary. This will be particularly important when functions over which particular departments have policy responsibility are transferred to local government.

Question 43:

Do you agree that the supervision powers currently available to the Department of the Environment should be made available to all departments?

The Reorganisation of District Councils

Creation of new councils and dissolution of existing councils

10.1. The Local Government (Boundaries) Act (Northern Ireland) 2008 sets out the broad boundaries of the new local government districts and provided for the appointment of a Local Government Boundaries Commissioner to review and make recommendations on the boundaries of the new local government districts and their

constituent wards. The Local Government Boundaries Commissioner presented his report to the Department of the Environment on 22 June 2009. When Executive decisions have been made about the timetable for local government reorganisation, the Department will bring forward legislation to the Assembly to give effect to the Boundaries Commissioner's recommendation, with or without modification. This legislation will specify the boundaries of the new local government districts and wards.

10.2. Legislation will then be required to:

- abolish the current local government districts;
- dissolve the current district councils; and
- establish a council for each of the new local government districts.

10.3. Section 2 of the Local Government Act (Northern Ireland) 1972 enables a district council to submit a petition to the Secretary of State to request the granting of a charter designating the district of the council as a borough. Also, section 132 of the 1972 Act made provision at the time of the previous local government reorganisation in 1973 for a new council, in certain circumstances, to keep the borough status of an old council (i.e. one which was to join with other councils to form the new council). It is proposed that similar provisions to those in section 132 should be made to allow a successor council to keep the borough or city status of an existing council which is to join with another council (or other councils) to form the new council.

Transfers of staff, assets & liabilities

10.4. The proposed reduction in the number of councils from 26 to 11 will affect the employment position of some 9,900 local government staff, and require the transfer of the ownership of assets and liabilities from the current district councils to the new district councils. Around 1,000 Northern Ireland Civil Service staff will also be affected by the transfer of central government functions to local government.

10.5. The Department proposes that each department transferring functions to local government will be responsible for effecting this transfer through either legislative provisions or an appropriate transfer agreement. To ensure consistency in the transfer of all affected staff, assets and liabilities to local government the department concerned would be able to make schemes for the transfer of all affected staff, assets and liabilities to the new council structure from:

- the Northern Ireland Civil Service;
- the existing 26 councils and associated bodies; and
- other bodies as applicable (for example, the Northern Ireland Housing Executive).

10.6. Such a scheme (or schemes) may contain details concerning interests in and rights over property, employment contracts and other incidental matters. The Department proposes that the Libraries Act (Northern Ireland) 2008, which provided for the transfer of staff, property rights and liabilities of the affected bodies

to the Northern Ireland Library Authority, should be used as a model for the local government transfer schemes.

10.7. In particular, staff transfer schemes would make provision for:

- identifying the transferring employees (whether by name or otherwise);
- the date of transfer, post and location;
- contractual terms and conditions to be protected;
- securing pension protection for transferring employees;
- dispute resolution; and
- the payment of compensation to any transferring employee who suffers a loss or detriment in consequence of the scheme.

Staff Transfer Schemes

10.8. Further consideration needs to be given to where the responsibility for making a staff transfer scheme might lie. To ensure a consistent approach in the transfers, the Department proposes that model transfer schemes are prepared. These model schemes will follow the precedent already established in previous RPA-related staff transfers and cover issues including the statutory protection of rights under the Transfer of Undertakings (Protection of Employment) Regulations (TUPE) and pension rights. Where necessary, the schemes could be tailored, through schedules to the scheme, to meet the differing needs across departments and local government. Model schemes would be subject to consultation with transferring departments, existing councils, representatives of receiving councils and any other appropriate body.

Question 44:

Do you agree that model transfer schemes should be developed?

Question 45:

Who should be responsible for preparing any model transfer schemes?

Assets and Liabilities Transfer Schemes

- 10.9. The dissolution of the current 26 councils, and the creation of the proposed 11 new councils, will require the transfer of legal title to assets and the legal responsibility for any liabilities from a current council to its successor council. The Department proposes that transfer schemes, in line with previous RPA-related transfers, would be put in place.
- 10.10. Legal title for any assets and legal responsibility for any liabilities associated with the transfer of functions from departments to local government will also need to be transferred to the 11 new councils. The Department proposes that a scheme in relation to such a transfer would create, for the department concerned, interests in or rights over assets transferring, to ensure that assets are used for the purpose for which they were intended, following transfer. It would also address issues such as liabilities. Arrangements would be made to enable the transfer, for example, of property that a council or department would not otherwise legally be entitled to transfer, such as property purchased or

donated with clauses (e.g. buyback) limiting the ability for this property to be passed on through sale or transfer.

- 10.11. The Department also proposes that there should be a mechanism whereby interests in, or rights over, property could be clarified. This would be undertaken through the issue of a certificate by the department concerned. The transfer of assets and liabilities would be effected by legislation and the issue of a certificate would only be required in the event of, for example, an ownership challenge.

Question 46:

Do you agree that transfer schemes in relation to property and assets of government departments transferring to the new councils should provide for a continuing interest for the department concerned?

Financial Arrangements

- 10.12. Current legislation applicable to local government provides that councils may only incur expenditure for carrying out functions for which they have responsibility. Prior to the reorganisation of local government, there may however be a requirement for existing councils to incur expenditure in relation to matters that would not fall into this category, for example, expenditure in relation to elections to their successor councils.
- 10.13. The Department therefore proposes that existing district councils should be able to incur expenditure on behalf of their relevant successor councils. For accounting purposes, it is proposed any

expenditure incurred in this way would be recoverable from the new councils once they are established.

Question 47:

Do you support the proposal that existing district councils should be able to incur expenditure on behalf of the new council to be established for that area?

HUMAN RIGHTS

11. The Department believes that the proposals are compatible with the Human Rights Act 1998.

EQUALITY

12. Under the terms of section 75 of the Northern Ireland Act 1998, the Department carried out screening for equality impact and is satisfied that the proposed legislation will not lead to discriminatory or negative differential impact on any of the section 75 groups. A copy of the screening form can be viewed on the Department's website http://www.doeni.gov.uk/index/information/equality_unit.htm.

REGULATORY IMPACT ASSESSMENT

13. The Department has not conducted a regulatory impact assessment as the proposed legislation does not give rise to any associated costs or savings on business, charities, social economy enterprises or the voluntary sector.

RURAL PROOFING

14. The Department has assessed the proposed measures and considers that there would be no differential impact in rural areas or on rural communities.

FREEDOM OF INFORMATION ACT 2000 – CONFIDENTIALITY OF CONSULTATIONS

15. The Department may publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read Annex B on the confidentiality of consultations. It gives guidance on the legal position about any information given by you in response to this consultation.

ALTERNATIVE FORMAT

16. This document is available in alternative formats. Please contact us to discuss your requirements.

CONSULTATION

17. Comments should be sent by 11 March 2011 to Local Government Policy Division at the address below or by e-mail to LGPDConsultations@doeni.gov.uk.
18. If you have any queries in relation to the proposals, you should contact the following:

	Name	E-mail	Telephone
Governance; and Partnership Panel	John Murphy Lynn McCracken	john.murphy@doeni.gov.uk lynn.mccracken@doeni.gov.uk	028 9025 6048 028 9025 6074
Ethical Standards	Mylene Ferguson Phyllis Mulholland Julie Broadway	mylene.ferguson@doeni.gov.uk phyllis.mulholland@doeni.gov.uk julie.broadway@doeni.gov.uk	028 9025 6086 028 9025 6087 028 9025 6094
Service Delivery and Performance Improvement	John Murphy Lorcan O’Kane Damien Dean	john.murphy@doeni.gov.uk lorcan.o’kane@doeni.gov.uk damien.dean@doeni.gov.uk	028 9025 6048 028 9025 6045 028 9025 6836
Community Planning; and Power of Well-being	John Murphy Damian McKeivitt	john.murphy@doeni.gov.uk damian.mckevitt@doeni.gov.uk	028 9025 6048 028 9025 6050
Reorganisation	John Murphy Julie Broadway	john.murphy@doeni.gov.uk julie.broadway@doeni.gov.uk	028 9025 6048 028 9025 6094

19. This Consultation Document is being circulated to persons and bodies listed in Annex C and is also available to view at: http://www.doeni.gov.uk/index/local_government/.

Local Government Policy Division
Goodwood House
8th Floor
44-58 May Street
Belfast
BT1 4NN

Fax: 028 9025 6080
Textphone: 028 9054 0642

GLOSSARY

Best value	The establishment of a culture of good management for the delivery of efficient, effective and economical services that meets users needs.
Cabinet-style model	Executive responsibility for all operational decisions is devolved from the full council to a relatively small committee of councillors.
Call-in	<p>A process to allow a specified number of councillors to request that:</p> <ul style="list-style-type: none"> • a decision taken but not yet implemented under devolved arrangements; and • a decision to be endorsed by the council through the ratification of minutes from a committee <p>be looked at again, under specified circumstances.</p>
Central policy committee	A central committee that will be responsible for developing the policies by which a council will operate.
Checks and balances	A system of principles of an organisation that ensures the correct operation of structures and that no one person or group has too much power or influence.
Continuous improvement	Ongoing effort to seek regular improvements in the delivery of these services over time.
D'Hondt	A formula developed by the Belgian mathematician D'Hondt which is used to ensure that positions of responsibility can be allocated relative to political parties electoral strengths.
Decision-making structures	The structures operating within an organisation to enable relevant participants to be in a position to make a decision.

Devolved decision-making	A decision-making principle where a specified committee or officer makes the final decision on issues within their remit.
Droop Quota method	A formula for allocating positions, taking into account the electoral strengths of political parties. Similar to quota greatest remainder but with a greater divisor.
Executive responsibility	Having sole authority and responsibility for taking an action or making a decision.
Full Term	The period of time (usually four years) a council regularly meets and carries out its formal duties.
Mandatory cross-party committee	A committee which is required to have membership drawn from more than one political party elected to the organisation.
Proportionality	The principle of recognising the relative electoral strengths of the political parties in the allocation of positions of responsibility.
Qualified majority voting	A voting method that requires a specified minimum level of votes to be cast in favour of the proposal for it to be accepted.
Quota Greatest Remainder	A formula for allocating positions taking into account the electoral strengths of political parties.
Saint Lague	A formula developed by the French mathematician Saint-Lague which has a similar purpose to D'Hondt but where the divisor is greater.
Scrutiny committee	A committee established under the principle of checks and balances to scrutinise the work of devolved decision-makers and make recommendations in relation to council policy review.
Streamlined	Executive responsibility for specific decisions is

committee model	devolved from the full council to a central policy committee and a limited number of other committees.
STV	Single transferable vote where a voter has a single vote but may express a preference for the person to whom that vote should be transferred if his/her first preference has more votes than is required to be elected.
Traditional committee structure	Individual committees are established to consider specific issues and return recommendations on appropriate courses of action, for decision by the full council (unless authorised by full council to make that decision).

THE FREEDOM OF INFORMATION ACT 2000 CONFIDENTIALITY OF CONSULTATIONS

1. The Department may publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of consultations and they will give you guidance on the legal position about any information given by you in response to this consultation.
2. The Freedom of Information Act gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity, should be made public or be treated as confidential.
3. This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:
 - the Department should only accept information from third parties in confidence if it is necessary to obtain that information in

connection with the exercise of any of the Department's functions and it would not otherwise be provided;

- the Department should not agree to hold information received from third parties "in confidence" which is not confidential in nature; and
- acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

4. For further information about confidentiality of responses please contact the Information Commissioner's Office (or see website at: <http://www.informationcommissioner.gov.uk>).

LIST OF CONSULTEES

This is not an exhaustive list but it is indicative of the organisations to whom the document has been issued

All Northern Ireland District Councils
arc21
Association for Public Service Excellence
Association of Local Government Finance Officers
Belfast Solicitors Association
Chief Local Government Auditor
Civil Law Reform Division
Community Relations Council
Confederation of British Industry
Courts and Tribunal Service
Equality Commission for NI
Federation of Small Businesses
Food Standards Agency
HM Council of County Court Judges
HM Revenue & Customs
Human Rights Commission
Judge McKibbin District Judge (Magistrates Court)
Law Centre (NI)
Local Government Staff Commission for Northern Ireland
MEPs
Ministry of Defence
MLAs
MPs
National Association of Councillors
NI Assembly, Committee for the Environment
NI Association of Citizens Advice Bureau

NI Chamber of Commerce and Industry

NIACRO

NIC/ICTU

NIPSA

Northern Ireland Chamber of Trade

Northern Ireland Court Service

Northern Ireland Judicial Appointments Commission

Northern Ireland Law Commission

Northern Ireland Local Government Association

Northern Ireland Local Government Officers' Superannuation Committee

Northern Ireland Political Parties

NWRWMG

Participation & the Practice of Rights Project

Royal Society for the Protection of Birds

School of Law

Secretary - Catholic Bishops of Northern Ireland

Section 75 Groups

SOLACE

Staff Commission for Education & Library Boards

SWaMP2008

The Executive Council of the Inn of Court of NI

The General Consumer Council for Northern Ireland

The Law Society of NI

The NI Council for Voluntary Action

The Queens University of Belfast – School of Law

University of Ulster - School of Law

APPENDIX 3: NILGA Briefing Sessions

**INVITE**

To All Councils

*(Members and officers)***Details:**

Choose one session and complete the reply form enclosed with this invitation.

Cost: Free*(Refreshments included)***RSVP:**

Antoinette McBride
Unit 5B, Castlereagh
Business Park,
478 Castlereagh
Road,
Belfast, BT5 6BQ

Northern Ireland Local
Government Association
Phone: (028) 90798972
Email:
a.mcbride@nilga.org

Note: These sessions are being held jointly with information sessions on the Improvement, Collaboration and Efficiency (ICE) Programme. You may wish to plan your attendance at both events to minimise travel arrangements.

Briefing Session on Local Government Reform Policy Proposals

An opportunity for you to influence the future shape of local government.

The Minister of Environment recently launched a public consultation on policy proposals to reorganise local government, once a date is agreed by the NI Executive to implement the 11 council model.

The proposals are wide ranging and their impact on councils and councillors will be profound. They include proposals on governance arrangements and an ethical standards regime that will, if implemented, result in new methods for taking decisions in councils. With the development of a new council led community-planning programme, the Minister also proposes to give new powers to councils. Also included are plans for a new service delivery and performance improvement framework and the establishment of a Partnership Panel.

This is your opportunity to hear more detail on all the proposals and put forward your views. This is crucial to allow the sector to submit an informed response to the consultation and ensure the final proposals support the full potential of local government.

Programme Key areas:

- Governance arrangements for the new councils
- Ethical Standards
- Service Delivery & Performance Improvement Framework
- Community Planning
- Power of Well-being
- Partnership Panel
- Supervision of Councils

Session Details

There are 4 sessions for you to choose from. Each session will last approx. 2.5 hours

1. Monday 14 February 2011, 13.30 - 16.00 in Magherafelt District Council Offices, or
2. Wednesday 16 February 2011 - 19.00—21.30 in Antrim Civic Centre, or
3. Tuesday 22 February 2011, 10.00—12.30 in Roe Valley Arts Centre, Limavady, or
4. Thursday 24 February 2011, 16.00—18.30 in Seagoe Hotel, Portadown.

Please complete the attached reply form indicating which session you would like to attend and return it to Antoinette McBride at a.mcbride@nilga.org

Closing date for registration is 3 days in advance of each session.



Local Government Reform Briefing Session –Outline Agenda

- **REGISTRATION AND REFRESHMENTS**
- **OPENING REMARKS & WELCOME (10 mins)**
- **OVERVIEW OF POLICY PROPOSALS (30 mins)**
- **ROUNDTABLE DISCUSSIONS (40 mins)**
- **FEEDBACK (30 mins)**
- **Q & A/PANEL DISCUSSION (20 mins)**
- **CLOSE**



Belfast City Council

Report to:	Strategic Policy and Resources Committee
Subject:	Requests for the use of the City Hall and the provision of Hospitality
Date:	Friday, 18 February, 2011
Reporting Officer:	Mr. Stephen McCrory, Democratic Services Manager (Ext. 6314)
Contact Officer:	Mr. Gareth Quinn, Senior Democratic Services Officer (Ext. 6316)

1.	Relevant Background Information
1.1	Members will recall that the Committee, at its meeting on 26th September, 2003, agreed to the criteria which would be used to assess requests from external organisations for the use of the City Hall and the provision of hospitality. Subsequently the Committee at its meeting on 7th August, 2009, further amended the criteria so as to incorporate the new Key Themes as identified in the Council's Corporate Plan.

2.	Key Issues
2.1	The revised criteria has been applied to each of the requests contained within the appendix and recommendations have been made to the Committee on this basis.

3.	Resource Implications
3.1	Provision has been made in the revenue estimates for hospitality.

4.	Equality Implications
4.1	N/A

5.	Recommendations
5.1	The Committee is asked to approve the recommendations as set out in the Appendix.

6.	Decision Tracking
Officer responsible – Gareth Quinn	
March, 2011	

7.	Key to Abbreviations
Not applicable.	

8.	Documents Attached
Appendix 1 – Schedule of Applications	

Organisation/ Body	Event/Date - Number of Delegates/ Guests	Request	Comments	Recommendation
Northern Ireland Environment Agency	The European Union Network for the Implementation and Enforcement of Environmental Law Conference Dinner 8th March, 2011 Approximately 40 attending	The use of the City Hall and the provision of hospitality in the form of a drinks reception	Delegates will be staying in accommodation in Belfast and the conference will take place within the city. This event would contribute to the Council's Key Themes of 'City leadership, strong, fair and together', 'Better Services – listening and delivering' and 'Better care for Belfast's Environment'.	The use of the City Hall and the provision of hospitality in the form of red/white wine and soft drinks. Approximate cost £200
British Dental Association Community Dental Services Group	British Dental Association Community Dental Services Group Conference Dinner 13th October, 2011 Approximately 90 attending	The use of the City Hall and the provision of hospitality in the form of a drinks reception	Delegates will be staying in accommodation in Belfast and the conference will take place within the city. This event would contribute to the Council's Key Theme of 'City leadership, strong, fair and together'.	The use of the City Hall and the provision of hospitality in the form of red/white wine and soft drinks. Approximate cost £500
Queen's University of Belfast School of Planning, Architecture and Civil Engineering	Architectural Humanities Research Association Conference Dinner 28th October, 2011 Approximately 100 attending	The use of the City Hall and the provision of hospitality in the form of a drinks reception	Delegates will be staying in accommodation in Belfast and the conference will take place within the city. This event would contribute to the Council's Key Theme of 'City leadership, strong, fair and together'.	The use of the City Hall and the provision of hospitality in the form of red/white wine and soft drinks. Approximate cost £500
British Association for the Study and Prevention of Child Abuse and Neglect (BASPCAN)	8th BASPCAN Congress Dinner 17th April, 2012 Approximately 150 attending	The use of the City Hall and the provision of hospitality in the form of a drinks reception	Delegates will be staying in accommodation in Belfast and the conference will take place within the city. This event would contribute to the Council's Key Themes of 'City leadership, strong, fair and together' and 'Better support for people and communities'.	The use of the City Hall and the provision of hospitality in the form of red/white wine and soft drinks. Approximate cost £500
Engineers Ireland	Gala Conference Dinner 26th April, 2012 Approximately 300 attending	The use of the City Hall and the provision of hospitality in the form of a drinks reception	Delegates will be staying in accommodation in Belfast and the conference will take place within the city. This event would contribute to the Council's Key Themes of 'City leadership, strong, fair and together' and 'Better care for Belfast's environment'.	The use of the City Hall and the provision of hospitality in the form of red/white wine and soft drinks. Approximate cost £500

Chartered Institute of Management Accountants (CIMA)	CIMA Annual Dinner and Award Ceremony 4th June, 2011 Approximately 220 attending	The use of the City Hall and the provision of hospitality in the form of a pre-dinner drinks reception	This event will acknowledge those CIMA members who have made a significant contribution to their profession and to the success of Belfast. The event will also seek to recognise those who have contributed to the professional development of individuals throughout the City. This event would contribute to the Council's Key Themes of 'Better services - listening and delivering' and 'Better opportunities for success across the city'.	The use of the City Hall and the provision of hospitality in the form of red/white wine and soft drinks. Approximate cost £500
Common Purpose	Meridian Programme Reflection and Graduation Ceremony 18th August, 2011 Approximately 60 attending	The use of the City Hall and the provision of hospitality in the form of a drinks reception.	Meridian is a leadership development programme which brings together a diverse group of leaders from the private, public and voluntary community sectors. The individuals learn how to improve their capacity to lead, effect change and expand their networks. This event will recognise the achievements of those individuals who have successfully completed the Meridian Programme. This event would contribute to the Council's Key Themes of 'City leadership, strong, fair and together' and 'Better opportunities for success across the City'.	The use of the City Hall and the provision of hospitality in the form of red/white wine and soft drinks. Approximate cost £300
Junior Chamber International (JCI)	JCI Belfast Presidential and Civic Awards 2011 1st December, 2011 Approximately 70 attending	The use of the City Hall and the provision of hospitality in the form of a drinks reception.	This event seeks to recognise those members of JCI Belfast who have made a significant contribution to the civic, community, social, environmental and entrepreneurial sectors across the city. This event would contribute to the Council's Key Themes of 'City leadership, strong, fair and together' and 'Better opportunities for success across the City'.	The use of the City Hall and the provision of hospitality in the form of red/white wine and soft drinks. Approximate cost £350
Ulster Supported Employment Limited	50th Anniversary of USEL 16th March, 2012 Approximately 150 attending	The use of the City Hall and the provision of hospitality in the form of a pre-dinner drinks reception.	This event seeks to celebrate the 50 th Anniversary of Ulster Supported Employment Limited and to acknowledge its contribution to the general life and well-being of the city. This event would contribute	The use of the City Hall and the provision of hospitality in the form of red/white wine and soft drinks Approximate cost

			to the Council's Key Theme of 'City leadership, strong, fair and together' 'Better opportunities for success across the City' and 'Better support for people and communities'.	£500
National Young Life Campaign	Centenary Celebration of the National Young Life Campaign 26 th November, 2011 Approximately 300 attending	The use of the City Hall and the provision of hospitality in the form of a pre-dinner drinks reception.	This event seeks to celebrate the 100 th Anniversary of the National Young Life Campaign and to acknowledge its contribution to the general life and well-being of the city. This event would contribute to the Council's Key Theme of 'City leadership, strong, fair and together' 'Better opportunities for success across the City' and 'Better support for people and communities'.	The use of the City Hall and the provision of hospitality in the form of red/white wine and soft drinks Approximate cost £500
Agricultural Need for Sustainable Willow Effluent Recycling	Public Launch of INTERREG IVA funded ANSWER Project 12 th April, 2011 Approximately 100 attending	The use of the City Hall	This event will specifically launch a project which is aimed at achieving high water quality by having environmentally robust technologies for the management of waste water, whilst reducing energy use and increasing the proportion coming from renewable sources. This event would contribute to the Council's Key Theme of 'City leadership, strong, fair and together', 'Better opportunities for success across the City' and 'Better support for people and communities'.	The use of the City Hall
Northern Ireland Youth Forum	Question Time 13 th April, 2011 Approximately 100 attending	The use of the Council Chamber and the provision of hospitality in the form of tea/coffee and biscuits	This event will take the form of a discussion which will enable young people to ask questions of politicians on a range of issues currently affecting the younger generation. The event will also allow young people to inform these politicians of issues which can be given consideration in the lead up and following the Local Government and Assembly Elections in May. Although this event takes place after the Notice of Election, it would be in keeping with the guidance provided within the Council's 'Election Protocol' which permits the use of the City Hall for an event involving a range of political	The use of the Council Chamber and the provision of hospitality in the form of tea/coffee and biscuits Approximate cost £250

			<p>parties which has the purpose of increasing voter interest and participation in the electoral process generally</p> <p>This event would contribute to the Council's Key Theme of 'City leadership, strong, fair and together' 'Better opportunities for success across the City' and 'Better support for people and communities'.</p>	
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Belfast City Council

Report to:	Strategic Policy and Resources Committee
Subject:	Use of the City Hall for Election Counts
Date:	18 th February, 2011
Reporting Officer:	Stephen McCrory, Democratic Services Manager (ext 6314)
Contact Officer:	

1	Relevant Background Information
1.1	Members will recall that in November, 2009 they considered a request from the Electoral Office for the counts for the Westminster Elections to be held in the City Hall in 2010.
1.2	The Committee decided that it could not accede to this request. In coming to this decision, the Committee recognised that the emphasis placed on the usage of the City Hall had changed considerably and that the Council's efforts to make the building available to a wider range of groups had inevitably led to an increased usage. Given the uncertainty at that time as to when the election counts would be held, the Committee felt that it would not be possible to give a commitment to the Electoral Office to allow it to use the building when this might require a previously confirmed booking for another event to be cancelled. The Committee noted that, given that the Electoral Office would not know until a relatively late stage when Westminster elections would be held, it would be unlikely that the situation would change in the future.

2	Key Issues
2.1	Correspondence has again been received from the Electoral Office requesting that the Committee give consideration to including the City Hall in the list of venues which the Electoral Office will consider using for election counts. The letter recognises that any such request will be subject to availability and are merely seeking an agreement, in principle, for the City Hall to be considered as an appropriate count centre.

2.2	It should be noted that this request is different both in content and in tone to previous requests. It should be noted also that Members have previously expressed the view that, where possible, the City Hall should be able to be used for Westminster counts, subject to availability and to all logistical arrangements being confirmed to the satisfaction of the Council.
2.3	It is considered that this request from the Electoral Office is in keeping with the Committee's wish to see the building used for a wide range of events and, as such, it is recommended that the Committee accede to the request.
2.4	It should be noted that the first occasion when the Electoral Office will be likely to approach the Council for the use of the building will be for the count associated with the bye election for the Belfast West Parliamentary Constituency, whenever that is called.

3	Resource Implications
3.1	The Electoral Office would be required to cover any costs incurred by the Council with regard to its use of the building and to pay any hire charges which apply at the time of booking.

4	Equality and Good Relations Implications
4.1	None.

5	Recommendations
5.1	That the Committee accede to the request from the Electoral Office for the City Hall to be considered as an appropriate venue for election counts, subject to availability.

6	Decision Tracking
<p>Stephen McCrory, Democratic Services Manager (ext 6314)</p> <p>2nd March, 2011</p>	



Belfast City Council

Report to:	Strategic Policy and Resources Committee
Subject:	Election Protocol
Date:	18 th February, 2011
Reporting Officer:	Ciaran Quigley, Assistant Chief Executive (ext 6038)
Contact Officer:	Stephen McCrory, Democratic Services Manager (ext 6134)

1	Relevant Background Information
1.1	In November, 2004 the Council adopted a protocol which set out how issues which might impact upon the election process should be dealt with in the run-up to Westminster, European, Assembly or Local elections.
1.2	This Election Protocol has served the Council well in the last 6 years and is issued to all Council Departments in advance of the 'purdah' period, that is, the period from the publication of the Notice of Election until the Count(s) are completed. This year, the purdah period will run from 25 th March until 10 th May inclusive.

2	Key Issues
2.1	The opportunity has been taken to update the Election Protocol prior to it being issued in advance of the Local and Assembly elections in May, 2011. In essence, the only material change proposed is to insert the following paragraph in Section 8 "Public Meetings"
2.2	<i>"However, the situation might arise whereby the Council has issued a policy document for consultation and the consultation period extends into the run up period to an election. If this consultation includes the holding of public meetings or meetings with particular interest groups, then the Council officers should firstly seek the authority of the appropriate Council Committee before proceeding and, if such authority is granted, ensure that all political groupings on the Council are afforded equality of opportunity to either attend or arrange such meetings."</i>

2.3	This paragraph deals with an issue which has arisen recently in relation to the consultation on the Pitches Strategy and it was considered best to include specific guidance as to how any future issues of a similar nature should be treated.
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3	Resource Implications
	None

4	Equality and Good Relations Implications
	None

5	Recommendations
5.1	The Committee is recommended to adopt the updated Election Protocol (copy attached at Appendix 1).

6	Decision Tracking
<p>Stephen McCrory, Democratic Services Manager</p> <p>2nd March, 2011</p>	

7	Documents Attached
Appendix 1 – Election Protocol	



BELFAST CITY COUNCIL

ELECTION PROTOCOL

**GUIDANCE IN DEALING WITH ISSUES WHICH
MIGHT IMPACT ON THE ELECTION PROCESS**

1.0 Introduction

This protocol has been prepared primarily to provide guidance to Council Officers in dealing with issues relating to the functions and policies of the Council which might impact on the election process, particularly in the run-up periods to the various elections held in Northern Ireland. It sets out some general advice and principles to ensure that the impartiality and integrity of Council Officers is maintained during such periods when there is increased political sensitivity.

The protocol also provides useful information to Members of the Council, other elected representatives and prospective candidates for election in terms of the principles which the Council will observe in the run-up period to any election.

2.0 Types of Election

The four main types of election in Northern Ireland are;

- Local Council Elections (scheduled for 5th May, 2011)
- Elections to the European Parliament (last held in June 2009)
- Elections to the Northern Ireland Assembly (scheduled for 5th May, 2011)
- Westminster Parliamentary Election (last held in May 2010)

There is also potential for bye-elections in relation to vacancies which might occur at a Westminster level although the introduction of the Electoral Law Act (Northern Ireland) 1962 (Amendment) Order 2010 makes it most unlikely that bye-elections will be required for casual vacancies arising in the Council.

The guidance contained in this protocol relates to all of the elections mentioned above but it does not refer to the actual arrangements and procedures for the running of such elections.

The responsibility for running all elections in Northern Ireland rests with the Chief Electoral Officer for Northern Ireland and enquiries relating to the running of elections should be made to him or his Electoral Officers in Belfast as set out below:

Mr Graham Shields, Chief Electoral Officer for Northern Ireland, St Anne's House, 15 Church Street, Belfast, BT1 1ER.

Telephone: 0800 4320 712 (freephone)
Textphone: 0800 3284 502 (freephone)
Fax: 028 9033 0661
Email: info@eoni.org.uk

Mr Peter McNaney, Chief Executive, is the Deputy Returning Officer for local elections in the Belfast City Council area and he is responsible for making the arrangements for Council elections in Belfast.

3.0 General Principles

The guidance contained in this protocol relates to the main areas of Council activity which might impact on the election processes including the conduct of employees, the provision of support services to Members, the use of Council premises, publicity and the holding of public meetings.

However, it is recognised that because of the Council's diverse range of functions there may be other issues outside of these general areas of activity which might from time to time impact on the election processes. It is important therefore to set out some general principles which Council Officers should observe when conducting business during the run up period to any election.

The run up period is generally taken to be that period from the issuing of the notice of election to polling day at the election. The notice of election would generally be issued some three or four weeks in advance of election day but the Chief Executive's Department will issue to Departments the proposed date of publication of the notice of an election as soon as this is known.

While the run-up period, as defined above, is particularly sensitive caution also needs to be exercised in relation to some activities, such as the organisation of Council events involving publicity, just outside the run-up period particularly where the likely impacts would extend into the sensitive election period.

The general principles which Council Officers should observe in relation to all activity during the run-up period to any election are:

- they should not undertake any activity which would call into question their political impartiality
- they should ensure that Council resources are not used for party political purposes
- they should not undertake any activities which could have a direct bearing on the election campaign

In relation to matters which are not specifically mentioned in this protocol and about which there may be uncertainty Departments are advised to seek guidance from the Democratic Services Section.

4.0 Employees and Elections

There is specific legislation, together with rules and guidance, which relates to the participation of Council employees in political activities.

4.1 Disqualification

The Local Government Act (Northern Ireland) 1972, Section 4, provides that a person shall be disqualified for being elected or being a Councillor if he holds any paid office or other place of profit in the gift or disposal of that or any other Council. Any Council employee therefore wishing to stand for election as a councillor within Belfast or any other Council area would first have to resign from the Council.

4.2 Political Activity

The Council's Standing Order 57, states "Whilst the Council concede to all officers and servants employed by them the fullest liberty of private judgement in exercise of their franchise, it is ordered as a matter of discipline that they shall not be permitted to take any public part in support of or in opposition to any candidate at the election of the Council."

The Council's code of conduct states:-

"Employees must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work. While the Council recognises and respects the rights of all employees to hold personal or political opinions; employees should ensure that the expression of those opinions does not constitute a conflict of interest for their role within the Council. Employees who have concerns about whether there is a potential conflict of interest should raise the matter with their line manager."

The requirements of Standing Order 57 and the Code of Conduct are clear and should be observed at all times by all employees.

4.3 Political Neutrality

The Council's code of conduct also states "Employees serve the Council as a whole. They must serve all Councillors and not just those of a particular group and must ensure that the individual rights of all Councillors are respected.

Some employees of the Council may be required to advise political groups. In the provision of such advice employees should not compromise their political neutrality. Any advice given should be available to all political groups, if requested."

The requirements of the code of conduct in relation to political neutrality are pertinent at all times but assume particular sensitivity in the run up to an election. The holding of public meetings and other events involving elected representatives, for example, needs careful consideration in such a period and this is dealt with separately elsewhere in the protocol.

5.0 Support Services to Elected Members

Belfast City Council provides a wide range of support services to its elected Members including the provision of party rooms, research and library services, the provision of personal computers and typing, photocopying and postal services. The support services provided to Members are to assist them in discharging their roles as Councillors and are not for use for political campaigning or private purposes.

On this basis the Council will continue to provide a full range of support services to Members in the run up period to elections.

6.0 Use of Council Premises

The Council owns and operates a wide range of properties within the City and the use of such properties for election purposes will depend on the conditions which apply to each property.

The Belfast Waterfront Hall, the Ulster Hall, Malone House and Belfast Castle all operate on a commercial basis and are used from time to time for party political meetings and events. The normal booking arrangements would apply to the use of these buildings for political purposes even in the run up period for an election. Other Council premises including the City Hall, Leisure and Recreation Centres and Community Centres would not be available for political purposes although there is a discretion for the Council to permit the use of the City Hall for an event involving a range of political parties which has the purpose of increasing voter interest and participation in the electoral process generally.

7.0 Publicity

7.1 Legislation: The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992 amended the Local Government Act (Northern Ireland) 1972 to provide for the prohibition of political publicity. The relevant insertion to the principal Act reads as follows:-

115A – “Publicity

(1) A council shall not publish any material which, in whole or in part, appears to be designed to affect public support for a political party.

(2) In determining whether material falls within the prohibition regard shall be had to the content and style of the material, the time and other circumstances of publication and the likely effect on those to whom it is directed and, in particular, to the following matters.

- (a) whether the material refers to a political party or to persons identified with a political party or promotes or opposes a point of view on a question of political controversy which is identifiable as the view of one political party and not of another;
- (b) where the material is part of a campaign, the effect which the campaign appears to be designed to achieve
- (c) A Council shall not give financial or other assistance to a person for the publication of material which the council is prohibited by this section from publishing itself.”

7.2 Specific Requirements at Election Time

The run up period to any election is a particularly sensitive time in terms of Council publicity. The Council communicates regularly with the people of Belfast through responding to media enquiries, issuing press releases, holding press launches of major initiatives and publishing the Council's newsletter.

It is important that in the run up period to an election that any Council publicity issued could not be perceived as seeking to influence public opinion or to promote the public image of a particular candidate or group of candidates. The Council should also in this period, in its communication, avoid dealing with controversial issues or reporting views or proposals in a way that identifies them with individual members or groups of members. The Council should avoid where possible mentioning individual members in press releases.

This is not to say that all Council publicity should be stopped in the run up period to an election. It is appropriate for example that the Council should respond to the media in relation to legitimate service enquiries or to important events, such as a major emergency, which have happened and where a member level response may be required. In such circumstances information communicated to the media should be factual in nature and avoid issues of political controversy.

In relation to elections where the polling date is known in advance (such as the European Assembly Elections and the Local Elections) Council Departments should avoid arranging major press launches or other such publicity events in the run up period to the elections.

Where the date of an election is not known in advance, and where it transpires that a major launch or other publicity event has been arranged during the run up period to the election, then the Department concerned should consider the postponement of the event until a later date.

8.0 Public Meetings

In the normal course of events, Chief Officers, Heads of Service and other Senior Officers will meet regularly with Members of the Council and other public representatives about a range of issues affecting their constituents. Where such meetings are about legitimate service issues then there is no reason why they should not continue even in the run up period to an election. Officers, however, should observe the general principle that there should be even-handedness in considering requests for one-to-one meetings with members or other public representatives particularly during the run up period to an election.

Particular care needs to be exercised at election time in cases where a public representative wishes to bring a delegation of local people to a meeting with a Council Officer. Even though this may be a private meeting it may be perceived that one candidate at an election is being given an advantage over another candidate. It is suggested that unless such a request for a meeting relates to some urgent service delivery issue then the meeting should be delayed until after the completion of the election.

Officers should avoid participation in public meetings involving public representatives during the run up period to an election. Such meetings could involve representation from some political parties and not others and officers may also be asked to comment on sensitive political issues in a public forum. To avoid a situation where officers may be accused of promoting the views of one political party as opposed to another the general assumption should be that participation in public meetings is to be avoided during the run up period to an election.

However, the situation might arise whereby the Council has issued a policy document for consultation and the consultation period extends into the run up period to an election. If this consultation includes the holding of public meetings or meetings with particular interest groups, then the Council officers should firstly seek the authority of the appropriate Council Committee before proceeding and, if such authority is granted, ensure that all political groupings on the Council are afforded equality of opportunity to either attend or arrange such meetings.

9.0 Conclusion

This protocol is not likely to have covered all the many different situations which are liable to occur during the run up period to an election. However, the general principles set out in section 3.0 and the general thrust of the advice contained in the protocol can be applied to specific situations which arise.

If Departments are unclear about how they should act in any given situation then they should seek advice from the Democratic Services Section.

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Belfast City Council

Report to:	Strategic Policy and Resources Committee
Subject:	Council representation on Non-Departmental Public Bodies
Date:	18 th February, 2011
Reporting Officer:	Stephen McCrory, Democratic Services Manager (Ext. 6314)
Contact Officer:	Gareth Quinn, Senior Democratic Services Officer (Ext. 6316)

1	Relevant Background Information
1.1	The Northern Ireland Local Government Association (NILGA) has written to the Council seeking its views on Council representation on Non-Departmental Public Bodies. NILGA has explained that this follows concerns voiced by some of its members over the last number of months in regard to their lack of involvement in important decisions, particularly as a result of the absence or reduction in the numbers of elected Members who sit on public bodies.
1.2	Public bodies carry out a wide range of functions on behalf of government. A public body is not part of a government department, but carries out its function to a greater or lesser extent at arm's length from central government.
1.3	<p>NILGA reports that as of 31 March, 2009, there were 78 public bodies sponsored by the Northern Ireland Executive. Due to changes as a result of the Review of Public Administration, this figure has now changed slightly. For example, the Health and Social Care Board replaced the existing four Health and Social Services Boards and the Patient Client Council replaced the Health and Social Service Councils. As at 31 March, 2009, 14 of these bodies had Council representation, namely:</p> <ul style="list-style-type: none"> • Education and Library Boards (x5) • Drainage Council • Patient Client Council • Local Commissioning Groups under the Health and Social Care Council • Local Government Staff Commission • Northern Ireland Fire and Rescue Service • Public Health Agency • Northern Ireland Housing Executive (and NI Housing Council) • NI Museums Council • Sport NI

1.4	NILGA argues that a lack of democratic representation on Non-Departmental Public Bodies reduces the accountability of the bodies and that it is important that decisions about public services and public money are taken as close as possible to local people and local communities by those who have been elected to represent them.
1.5	It is important that central government and local government work together in order to ensure that local communities are strengthened and have the ability to make decisions about their local areas, including what services are offered and what money is spent on improving an area.
1.6	NILGA is seeking the views of all Councils in order to inform its research which aims to gauge the current position on democratic accountability on Public Bodies in Northern Ireland.
1.7	Furthermore, based on the research carried out to date (Appendix 1), NILGA is making the following recommendations:
1.7.1	<ul style="list-style-type: none"> • <i>“Introduce community planning as a matter of priority in order to provide a framework to enable delivery of better, more responsive public services where local people have a say in what services are delivered locally.”</i>
1.7.2	<ul style="list-style-type: none"> • <i>“Introduce scrutiny powers for local councils which enable locally elected representatives to call Non Departmental Public Bodies to account.”</i>
1.7.3	<ul style="list-style-type: none"> • <i>“Introduce a new ethical standards regime and a new Code of Conduct in order to improve confidence in governance arrangements within council structures.”</i>
1.7.4	<ul style="list-style-type: none"> • <i>“Lobby for a full commitment by the NI Executive to the European Charter of Local Self Governance.”</i>

2	Key Issues
2.1	<p>Do you think that local Councillors should be represented on every Non-Departmental Public Body in NI?</p> <p><i>Most, if not all, of the 78 Public Bodies sponsored by the Northern Ireland Executive have a regional focus (perhaps with the exception of the new Education and Library Boards) and representation from Local Government would therefore be sought on the basis that representatives would be speaking on behalf of Local Government generally rather than locally. There can be no doubt that elected Councillors would bring important local knowledge to these public bodies. However, it would be important to identify the exact role which Councillors were being asked to play and also to identify the mechanism to be used to appoint Councillors to these bodies. Would individual Councils be asked to submit names for consideration or is it envisaged that NILGA would play a central role?</i></p> <p><i>Local Councillors are busy people and are elected primarily to represent their local area. There would have to be a question as to the time commitment required of Councillors if all public bodies were to have Local Government representation. An important balance would be required to ensure that Councillors' time is being utilised effectively whilst ensuring that all Public Bodies are informed of the issues relevant to local government.</i></p>

	<p><i>In essence, the Council believes that Councillors should be members of NDPB's which operate in their local areas eg Education Boards, Health Trusts etc, and through community planning should be given powers to scrutinise regional bodies decisions that have an impact on local areas served by the Council eg Libraries and Roads.</i></p>
2.2	<p>If no, how would you propose local government chooses which Boards they should lobby to have representation on?</p> <p><i>Again, it would be important to determine both who would be responsible for nominating Councillors to these bodies and who such appointees would be representing should they secure a place (their own local Council or Local Government generally). It should be a matter for individual Councils or clusters of Councils to make nominations to public bodies which have a local focus, such as the several Education & Library Boards. Appointments to public bodies which operate on a regional basis should be sought from local government generally and, perhaps, NILGA would have a role to play in this process. If such a role were to be given to NILGA it would be important that due recognition is given to the position of Belfast both as the largest Council in Northern Ireland and as the regional driver for inward investment and economic regeneration.</i></p>
2.3	<p>As an interim measure, do you think that Non-Departmental Public Bodies should issue personal specification briefings to councils in order to ensure that Councillors nominated to sit on Boards have the required knowledge and expertise to carry out duties relevant to the post?</p> <p><i>No – This could be dealt with by the issue of a personal specification with the letter to Councils asking them to nominate candidates.</i></p>
2.4	<p>Do you believe that it is important that Councillors are provided with capacity building training in order to ensure an effective engagement with a particular Board?</p> <p><i>Yes – It is essential that sufficient finance and adequate arrangements are put in place to enhance Member capacity both on a local and regional basis. This will ensure that Elected Members make informed decisions based on sound knowledge of the relevant issues.</i></p>
2.5	<p>It is thought that Community Planning, if implemented, could be an effective mechanism to scrutinise Non-Departmental Public Bodies. Do you agree?</p> <p><i>The Council fully supports the proposal that local authorities lead and facilitate community planning and would view this as a key enabler for the integration of services to address local needs. The Council believes that the effectiveness of the community planning process and the delivery of improved outcomes will be dependant upon the strength of relationships between councils, departments and other public bodies.</i></p> <p><i>Whilst the Council would advocate for the need for a statutory duty to be placed upon relevant public bodies and statutory agencies to participate and contribute to the community planning process, it would not necessarily agree that Community Planning could be or should be “an effective mechanism to scrutinise Non-Departmental Public Bodies”.</i></p>

	<p><i>Community Planning should not be driven by a process of scrutiny but rather by a real and meaningful partnership and a shared commitment to delivering. There should be a willingness to seek to align priorities, policies and resources to deliver more integrated solutions to local problems.</i></p>
2.6	<p>Do you agree that the European Charter for Local Self Government should form the basis of NILGA's policy work in the future?</p> <p><i>The Council fully recognises the importance of the European Charter for Local Self Government in supporting strong, effective and responsive local government.</i></p>
2.7	<p>Do you think that NILGA should lobby for similar scrutiny powers to those contained within the Local Government Act 2000 in England and Wales, which provides councils scrutiny powers to report 'on matters which affect the authority's area or the inhabitants of that area'.</p> <p><i>The Council would seek further clarification in respect of what is being proposed under this section. Notwithstanding, the Council would suggest that the future relationship between the Council and other stakeholders within the city should be considered within the context of any emerging Community Planning process.</i></p>
2.8	<p>Is there anything else you think NILGA should be doing to take this work forward?</p> <p>No</p>

3	Resource Implications
3.1	<p>Financial – None</p> <p>Human – An increase in the number of Councillors required to sit on Public Bodies will have a direct bearing on the amount of time available to Councillors in carrying out other roles and responsibilities relevant to their position as a locally elected representative.</p>

4	Equality Implications
4.1	N/A

5	Recommendations
5.1	The Committee is asked to consider the draft response outlined above and agree that it can be submitted, subject to any amendments proposed by Members, to NILGA.

6	Decision Tracking
<p>Officers responsible:</p> <p>Gareth Quinn, Senior Democratic Services Officer</p> <p>March 2011</p>	

7	Key to Abbreviations
NILGA –Northern Ireland Local Government Association	

8	Documents Attached
Appendix 1 – Copy of NILGA Research Document	

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Losing Democracy?

*An exploration of the relationship between
central and local government*

“The fact that local councillors play a relatively minor role within the day-to-day decision making process in Northern Ireland acts as a disincentive to the wider population to become involved in local politics.”

-Cllr John Mathews, former President of the Northern Ireland Local Government Association

“It is important that central and local government work together to ensure that the needs and interests of the local community and local people are represented and taken into account at all levels of decision making in Northern Ireland.”

-Cllr Evelyne Robinson, President of the Northern Ireland Local Government Association

Introduction

NLGA, the Northern Ireland Local Government Association, is the representative body for district councils in Northern Ireland. NILGA represents and promotes the interests of local authorities and is supported by all the main political parties in Northern Ireland.

Members of NILGA over the last number of months have voiced concern over their lack of involvement in important decisions, especially in relation to the absence or reduction of elected members who sit on public bodies in Northern Ireland, particularly as many Non Departmental Public Bodies (NDPBs) sit at an arms-length from their governing department and ultimately, at an arms-length from the Minister responsible.

Local councillors have local accountability provided by direct election every four years and generally live or work in their council area. This means that they are contactable locally and have an understanding and awareness of local issues. NILGA strongly believe that decisions about public services should be taken as close as possible to local people by locally elected representatives, not by unelected boards.

With disappointing voter turnout recorded in the last number of years (of 57.88% for the 2010 Westminster elections, 42.81% for the 2009 European Parliament elections, 62.87% for the 2007 NI Assembly Elections and 62.83% for the 2005 local government elections¹ respectively), it is important that collectively we look at ways to empower voters to take action and to ensure that the electorate feel that their views are being expressed within the decision-making process at national, regional and local government.

Aims & Objectives

The aim of this research is to scope out the current position on democratic accountability on Public Bodies in Northern Ireland.

¹ Percentage Poll Statistics: http://www.eoni.org.uk/percentage_poll-4.pdf

The objective of this research is to outline the benefits of local democratic oversight for local communities within the decision-making process.

Methodology

Using the DFP publication entitled Northern Ireland Public Bodies 2009² which shows the position at 31 March 2009, NILGA contacted each of the Public Bodies, initially by email and then with a follow up telephone call for those who had not replied to the initial or follow-up email, requesting confirmation of the following information:

1. *Number of members on Board*
2. *Number of elected members on Board (particularly local councillors)*
3. *How often the Board is re-constituted*
4. *If membership of elected members has changed as a result of a review of the reconstitution of Board.*

Of those that confirmed that elected members did sit on their Board, further clarification was sought in relation to whether their constitution prescribed that a certain number of members must be elected representatives, or if appointments were made through the Public Appointments process (and therefore, it just so happened to be that elected members sat on the Board).

Definitions

Public bodies carry out a wide range of functions on behalf of government. A public body is not part of a government department, but carries out its function to a greater or lesser extent at arm's length from central government.

Departments are responsible for funding and ensuring good governance of their public bodies. The term 'public body' is a general one, which includes: non-departmental public bodies (NDPBs); Public Corporations and Health and Personal Social Services Bodies. There are three types of NDPB in operation in Northern Ireland. They are:

- Executive NDPBs – established in statute and carrying out administrative, regulatory and commercial functions. They employ their own staff and are allocated their own budgets.
- Advisory NDPBs – provide independent and expert advice to ministers on particular topics of interest. They do not usually have staff but are supported by staff from their sponsoring department. They do not usually have their own budget, as costs incurred come within the department's expenditure.

² Northern Ireland Public Bodies 2009, Reform Delivery Unit, DFP <http://www.dfpni.gov.uk/northern-ireland-public-bodies-2009.pdf>

- Tribunal NDPBs – have jurisdiction in a specialised field of law. They are usually supported by staff from their sponsoring department and do not have their own budgets.

Results

As of 31 March 2009, there were 78 public bodies sponsored by the NI Executive. This figure is made up of 41 Executive NDPBs, 12 Advisory NDPBs, 6 Tribunal NDPBs (counted on the basis of tribunal systems, rather than individual panels), 1 Public Corporation, 14 Health and Personal Social Services bodies (Health Trusts are counted as one body) and 4 other bodies.

Due to the Review of Public Administration in Northern Ireland, this figure has now changed slightly. For example, the Health and Social Care Board replaced the existing four Health and Social Services Boards and the Patient Client Council replaced the Health and Social Service Councils.

According to information published by the Department of Finance and Personnel in 2009, of the figures available, over £8.5 billion of public money from central government was spent on Public Bodies in Northern Ireland in 2009³. The cost of running these services in 2009 are outlined below:

Education

Belfast Education and Library Board	£247,621,369
CCEA	£22,439,989
Council for Catholic Maintained Schools	£3,686,000
North Eastern Education and Library Board	£310,926,378
South Eastern Education and Library Board	£270,190,000
Southern Education and Library Board	£333,762,000
Staff Commission for Education and Library Boards	£380,000
Western Education and Library Board	£324,425,000
TOTAL	£1,513,430,736

Cost per household⁴: £2000 (approx)

Water

Northern Ireland Water	£253,800,000
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Cost per household: £350 (approx)

³ Northern Ireland Public Bodies 2009, Reform Delivery Unit, DFP <http://www.dfpni.gov.uk/northern-ireland-public-bodies-2009.pdf>

⁴ Household figure based on projection of number of households in Northern Ireland in 2011 (figure projected at 721,100 households) <http://www.northernireland.gov.uk/news/news-dfp/news-dfp-march-2008/news-dfp-130308-growth-in-number.htm>

Health

Eastern Health and Social Services Board	£1,158,027,000
Eastern Health and Social Services Council	£397,000
Health and Social Services Trusts	£2,746,969,000
Mental Health Commission	£625,576
NI Blood Transfusion Service	£25,300,000
NI Central Services Agency	£84,402,814
NI Clinical and Excellence Awards Committee	£6,100,000
NI Health Promotion Agency	£6,000,000
NI Medical and Dental Training Agency	£48,582,000
NI Practice and Education Council for Nursing and Midwifery	£1,370,000
NI Regional Medical Physics Agency	£5,884,487
NI Social Care Council	£3,105,868
Northern Health and Social Services Board	£678,240,000
Northern Health and Social Services Council	£245,689
Southern Health and Social Services Board	£533,356,000
Southern Health and Social Services Council	£233,000
The Regulation and Improvement Agency	£5,523,000
Tribunal under schedule 11 to Health and Personal Social Services	Board has not met in approx 25 years
Western Health and Social Services Board	£481,790,000
Western Health and Social Services Council	£132,000
TOTAL	£5,786,283,434

Cost per household: £8,000 (approx)

Other Public Bodies

Agriculture Wages Board	0
Agri-Food and Biosciences Institute	£43,324,000
Arts Council of Northern Ireland	£18,520,340
Care Tribunal	0
Charities Advisory Committee	0
Charity Commission for Northern Ireland	Established 27 March 2009. Budget not yet published.
Commission for Victims and Survivors for NI	£760,000
Commissioner for Children and Young People	£1,853,000
Construction Industry Training Board (CITB) NI	£54,700
Consumer Council for NI	£2,381,573
Council for Nature Conservation and the Countryside	£68,000
Disability Living Allowance Advisory Board NI	0
Drainage Council NI	0

Economic Research Institute of NI Ltd (ERINI)	£924,000
Fair Employment Tribunal/ Industrial Tribunals	£3,330,379
Fisheries Conservancy Board for NI	£404,057
Fuel Poverty Task Force	Wound Up December 2008
Health and Safety Executive for NI	£3,995,484
Historic Buildings Council	£36,000
Historic Monuments Council	£36,000
Ilex Urban Regeneration Company Ltd	£3,600,000
Invest NI	£135,144,000
Joint Government Voluntary and Community Sector Forum	0
Labour Relations Agency	£3,200,000
Livestock and Meat Commission for NI	0
Local Government Staff Commission	0
Middletown Centre for Autism	£800,350
National Museums and Galleries of NI	£17,806,720
NI Building Regulations Advisory Committee	£2,500
NI Fire and Rescue Service	£82,213,000
NI Fishery Harbour Authority	£90,096
NI Fuel Poverty Advisory Group	0
NI Guardian Ad Litem Agency	£3,357,000
NI Local Government Officer Superannuation Committee (NILGOSC)	0
NI Museums Council	£309,000
NI Tourist Board	£10,502,000
NI Transport and Holding Company	£109,200,000
NIHE	£481,584,000
Northern Ireland Industrial Court	£17,800
Older Peoples Advocate	Budget to be agreed
Planning Appeals Commission	£2,523,000
Poisons Board	Board currently unconstituted and in abeyance
Research and Education Advisory Panel	0 ⁵
Sport NI	£6,785,981
Statute Law Committee	Not met since 1998 and now considered defunct
Statistics Advisory Committee	0
Strategic Investment Board NI	£9,035,000
Ulster Supported Employment Ltd (USEL)	£545,000
Vaughan's Charity Trustee	0

⁵ In an announcement made to the NI Assembly on 20 September 2010 Minister Gildernew advised of her decision to resolve REAP

Water Appeals Commission	0
Youth Council for Northern Ireland	£4,349,000
TOTAL	£946,751,980

Cost per household: £1,300 (approx)

Therefore, in general terms, Non Departmental Public Bodies cost each household in Northern Ireland £11,650 per year.

For the purposes of comparison, I have used figures for 2009/2010 illustrating local and central government spend for devolved administrations in the UK.

Region	Local Government Expenditure	Central Government Expenditure⁶	TOTAL	Percentage Local	Percentage Central
Northern Ireland	£648.3 million ⁷	£10,363 million	£11,011.3 million	5.9%	94.1 %
Scotland	£12,865 million ⁸	£18,653 million	£31,518 million	40.8 %	59.2%
Wales	£7,422 million ⁹	£9,527 million	£16,949 million	43.8 %	56.2%

It is clear from the table above that just under half of public expenditure in other devolved administrations is under the responsibility of local government. It is therefore evident that councils in Northern Ireland fall short of the influence and decision-making powers in comparison to those in neighbouring jurisdictions. Ideally the powers of councils should increase. Until that happens it is imperative that locally elected representatives in Northern Ireland are involved in decision-making outside the remit of their local councils. Due to the large sums of money involved in running NDPBs it is important that these bodies and the public money spent are publically accountable. As elected representatives for the area, councillors

⁶ Northern Ireland Figure collective figure for NI Office and NI Executive. All figures for central government spend accessed in chapter 6 Central Government Own Expenditure, Public Expenditure Statistical Analyses 2009. Table 6.1 Central Government Own Expenditure in budgets by departmental group, 2003-04 to 2010-11 http://www.hm-treasury.gov.uk/d/pesa_2010_chapter6.pdf

⁷ http://www.doeni.gov.uk/index/local_government/local_government_funding.htm

⁸ Chapter 7: Local Government Financing and Expenditure, Public Expenditure Statistical Analyses 2009. Table 7.5 Local Government Current Expenditure on services in the UK by country and function, 2003-04 to 2008-09 http://www.hm-treasury.gov.uk/d/pesa_2010_chapter7.pdf

⁹ Ibid

should have an overview of the needs and interests of the area as a whole. It appears that a large percentage of public money spent locally is not under direct democratic control. Councillors have a legitimate interest in investigating how effectively NDPB budgets are being used and for what priorities.

Representation by Elected Members on Public Bodies

Out of all the Non-Departmental Public Bodies established in NI, only 14 bodies have elected members on their boards. These are as follows:

- Education and Library Boards (x5)
- Drainage Council
- Patient Client Council
- Local Commissioning Groups under the Health and Social Care Council
- Local Government Staff Commission
- Northern Ireland Fire and Rescue Service
- Public Health Agency
- Northern Ireland Housing Executive (and NI Housing Council)
- NI Museums Council
- Sport NI

Education and Library Boards

Education and Library Boards are responsible for securing the provision of primary and secondary education, education services for children with special needs and youth services in its area. There are 5 Education and Library Boards in Northern Ireland, namely Belfast Education and Library Board (BELB), North Eastern Education and Library Board (NEELB), Southern Education and Library Board (SELB), South Eastern Education Library Board (SEELB) and Western Education and Library Board (WELB). (To note: as of 1st April 2009, Library Services are administered through Libraries NI with an approximate budget of £30 million).

Final decisions on the future of education (in reference to the Review of Public Administration) were announced by the Secretary of State in November 2005, which can be summarised as follows¹⁰:

- A new Education and Skills Authority will be established to focus on the operational delivery of educational services. It will also be involved in the strategic planning of the schools' estate and ensuring delivery of the 14 to 19 curriculum.
- The Department of Education will continue to be responsible for education policy and strategy. Some of the operational functions currently performed by the Department of Education will transfer to the new Authority.

¹⁰ <http://www.rpani.gov.uk/summary-of-decisions.htm>

- The Authority will bring together all the direct support functions currently undertaken by the Education and Library Boards, CCEA and the Regional Training Unit. It will also have responsibility for front-line and related functions currently undertaken by CCMS, NICIE and CnaG.
- The Authority will be the sole employing authority for teachers and support staff which will result in greater coherence and consistency.
- A new Education Advisory Forum will be established which will provide a direct link between education sectors and the Department.

As the new Education and Skills Authority was not set up as planned on 1 January 2010, the intended arrangement is to set up transition boards, which will operate up until the establishment of the ESA.

In an article in the Irish News on Monday 21 June 2010, it was reported that a *“failure to appoint politicians to education boards means controversial cuts will be approved without any input from elected representatives.... it has been more than six months since elected members were involved in any major education board decision [and] while non-political members of these boards have been chosen, no elected members has yet been appointed.”*

In the same article, a Department of Education spokesperson confirmed that the selection and appointment processes were under way to appoint members to boards for the transitional period up until the establishment of the Education and Skills Authority (ESA).

NILGA sought an update on the status of the appointment processes and were advised of the following:

- **BELB:** there are currently 4 vacancies for local councillors on the Board. The Minister has not appointed any councillors. Until December 2009, 14 councillors sat on the Belfast Education and Library Board.
- **NEELB:** there are 9 members on the board, representing the 9 district councils in the area. There has no appointments of elected members made to the Board as yet.
- **SELB:** there will be 6 councillor members (one from each of the 6 council areas for which the Board serves). The recruitment process for these 6 members is currently underway by Department of Education. Previously there were 14 elected members of the Board.
- **SEELB:** confirmed that 4 commissioners have been appointed to oversee the running of the Board (made by Ministerial appointment). There are no elected members on any committee within the SEELB and it is intended that no appointments will be made until the ESA has been set up.
- **WELB:** did not respond to any emails or telephone calls to confirm if any councillors have been appointed.

Drainage Council for Northern Ireland

The terms of reference for the Drainage Council for Northern Ireland is to decide which watercourses and sea defences should be maintained by the Rivers Agency at public expense and to consider the Department of Agriculture and Rural Development's proposal in relation to drainage schemes.

The Council is made up of ten District Councillors, a drainage specialist, representatives from conservation, fisheries, agriculture, industry, tourism and DOE Planning Service, and the Chief Executive of the Rivers Agency. Members are normally appointed for a four year term and appointments are made in accordance with the principles of the Commissioner for Public Appointments. It is set out under the Drainage (NI) Order 1973 that ten members of the Drainage Council shall be appointed to represent district councils.

Health and Social Care Board

The Health and Social Care Board was established on 1 April 2009 under the Review of Public Administration to replace the existing four Health and Social Services Boards.

The Board of Directors comprises of 12 members all appointed by the Minister. None of these currently holds elected representation. However, the Board also comprises of five local commissioning groups (LCGs), under which it devolves its role at a local level. Each LCG consists of 18 members – and four members of each LCG are local councillors.

Patient Client Council

The Patient and Client Council (PCC) was established on the 1st April 2009, which aims to be “a powerful, independent voice for people”.

The Patient and Client Council have a Board made up of a Chair and sixteen non-executive directors, recruited from across Northern Ireland under the Public Appointments Process. The Board is responsible for setting the policy and direction for the Patient and Client Council and for monitoring progress and performance. Of the 16 members which make up the Board, 5 of these are locally elected representatives, 5 are representatives from the community and voluntary sector, 5 lay persons and 1 trade union representative.

Local Government Staff Commission for NI

The Local Government Staff Commission for NI exists to exercise general oversight of matters connected with the recruitment, training and terms and conditions of employment of officers of

councils and the Northern Ireland Housing Executive (NIHE); and to make recommendations to councils and the NIHE on such matters.

The Local Government Staff Commission was established in 1974. Members are paid an allowance and expenses. Administration costs are funded by district councils and a minimal contribution is made by the DOE from time to time.

The reconstituted Commission commences on 1 December 2010 and comprises 6 members and 1 chairman. The make-up of membership is one serving Chief Executive, an independent (former local government officer), a serving HR officer and 3 local government councillors.

Northern Ireland Fire and Rescue Service (NIFRS) Board

The NIFRS Board is constituted to make provision for fire-fighting services and for the protection of fire. The NIFRS Board was established on 1 July 2006 under the Fire and Rescue Service (NI) Order 2006 and replaced the outgoing fire authority for NI. A review of the NIFRS Board has not yet determined how/ if the RPA may affect its future structure and accountability.

The NIFRS board has 12 members, 4 of which are elected members from district councils. The membership from the elected representatives changed from 1 July 2006 when the Fire and Rescue Services (NI) Order 2006 came into effect. Prior to this, there were eight district council members on the Board.

Whilst the elected member posts of the Board had not been filled for over a year, the NIFRS announced the appointment of 4 elected members to the Board on the 6 October 2010.

Public Health Agency

The Public Health Agency was established in 2009 under the RPA, set up to provide a renewed and enhanced focus on public health and wellbeing, by bringing together a wide range of public health functions under one organisation. It is a multi-disciplinary, multi-professional body with four key functions:

- health and social wellbeing improvement;
- health protection;
- public health support to commissioning and policy development;
- HSC research and development.

The PHA is required to have two representatives from local Government, 1 Trade Unions representative and 1 Social Care representatives among its non-executive members. Any councillor wishing to be considered, must apply and be appointed through the Public Appointment Process by the Health Minister, by undergoing a short-listing and interview

process. The appointment process for the PHA has recently been completed and two local councillors now sit on the Board.

Northern Ireland Housing Executive

The NIHE Board has been constituted to examine housing conditions and housing requirements on a regular basis and draw up wide ranging programmes to meet these needs. The Board is responsible for general management, policy development and operation of the Housing Executive. There are ten Board members, six of which are appointed by the Minister responsible for housing, and the remaining three are nominated by the NI Housing Council (and at least one member of the Board must be female).

The NI Housing Council was established in 1971. The Council is consulted by the Housing Executive and the Department for Social Development on all matters that affect housing policy in NI. The Housing Council is made up of one representative from each of the 26 district councils in NI and four members of the Housing Council always sit on the Board of the Housing Executive – appointed for a one year period.

NI Museums Council

The NI Museums Council was established in 1993 to support and advise local museums in NI in improving their standards of collections care, and in making their collections as accessible as possible. It is intended that under the Review of Public Administration the NI Museums Council will be abolished and its functions will be transferred to central and local government. There are 2 elected members and 1 local government officer on the NI Museums Council Board of Directors, nominated by the district councils which provide Accredited Museums.

Sport NI

Sport NI was established in 1973 to further sport and recreational facilities in NI. There is one local councillor on the Board, however this appointment was made through the Public Appointments Process, therefore open to anyone with an interest in this field, rather than a designated place given specifically for an elected member.

Changing face of Local Government Representation

The table below illustrates the reduction in the level of democratic accountability as a direct result of restructuring:

Name of Organisation (NDPB)	Previous number of locally elected representatives	Current number of locally elected representatives
BELB	14	4 (vacant)

NEELB	14	9 (vacant)
SELB	14	6 (vacant)
SEELB	14	0 (4 commissioners have been appointed in the interim)
WELB	14	0
NIFRS	8	4 (appointed)
NIHE	6	6 (appointed)
Drainage Council	10	10 (appointed)
Public Health Agency (previously Health Promotion Agency)	0	2
NI Museums Council	2	2
Local Commissioning Groups (HSC Board)	0	4 per area (5 areas in NI)
TOTAL	96	63 (with 44 appointed)

Key Findings

Out of all the Non Departmental Public Bodies in Northern Ireland (and £8.5 billion of public money), only 14 Boards have elected members representation. Of those 14 NDPB, only 11 specify in their constitution or in statute that elected members must have a place on the Board (the other 2 organisations with elected member representation appoint through the Public Appointments process which is open for anyone to apply).

Furthermore, of those 11 organisations which do specify that elected members should sit on their Board, 6 have appointed councillors to the posts.

The other five (namely the Education and Library Boards) have not yet appointed, but at the time of writing, were in the process of doing so, apart from the South Eastern Education and Library Board, who have appointed Commissioners to oversee the running of the Board until the Education and Skills Authority has been set up.

The date for the Education and Skills Authority to be established has yet to be agreed by the NI Executive, therefore it is unclear when SEELB will have local councillors to provide any democratic accountability or scrutiny.

Options for developing local democratic accountability in Northern Ireland

Community Planning

The introduction of Community Planning legislation will provide a framework to enable the delivery of better, more responsive public services. This legislation will make it easier for councils fulfil their role, giving them more responsibility to act within an appropriate framework, to work in partnership with other bodies and the communities they serve, and to embed a culture of quality, equality and improvement.

Minister Foster in her statement to the Northern Ireland Assembly on 31 March 2008 reflected a “strong desire that central and local government should work in partnership to deliver both the Programme for Government and the vision for local government”. This should be a three-way process whereby local Community Planning partnerships can influence regional direction, but also can help to co-ordinate the delivery of regional priorities, as set out in the Executive’s Programme for Government, in a way that is sensitive to local needs and circumstances.

Scrutiny

An Overview and Scrutiny function should be at the heart of the Councillor’s role as an Elected representative. Under RPA proposals, governance arrangements for the new 11 councils were developed; and included a range of options from which councils could select their decision-making structure. This included the streamlined committee model and the cabinet style model under which provision must be made for effective scrutiny arrangements in the streamlined committee and cabinet style models. These options should be made available to existing councils.

In England and Wales, the Local Government Act 2000 gives councils scrutiny powers to report “on matters which affect the authority’s area or the inhabitants of that area.” This provides a framework to investigate the role of NDPBs in the council’s area (however, this Act does not provide a specific obligation on the NDPB to take part or respond).

Furthermore, the Local Government and Public Involvement in Health Act 2007 provides powers for scrutiny of Local Area Agreements (LAA). This enables councils to scrutinise organisations named in the Act¹¹ which are signed up to specific LAA targets. Powers are to:

¹¹ Organisations covered in this legislation are: district councils, the Environment Agency, Natural England, fire and rescue authorities, JobCentre Plus, the Health and Safety Executive, the Broads Authority, National Park

- Scrutinise local improvement targets (LAA targets);
- Require information from partner organisations signed up to LAA targets;
- Require these organisations to have regard to scrutiny recommendations which relate to a relevant LAA target.

In relation to the scrutiny of health, the Health and Social Care Act 2001 established the power of health scrutiny for all upper-tier councils in England and Wales to scrutinise health services. Health Overview and Scrutiny Committees have specific powers and roles including:

- To review and scrutinise the operation of the health service in its area and to make reports and recommendations to NHS bodies in respect of that review and scrutiny;
- The right to refer the Secretary of State any substantial variations of NHS services that are not in the interests of local people or where the consultation has been inadequate;
- The right to establish joint health scrutiny committees to consider issues of concern to two or more health scrutiny committees.

Health bodies are required to: provide information; make arrangements for officers to attend health scrutiny committee meetings and answer questions; respond in writing to health scrutiny committee reports; and consult the health scrutiny committees at an early stage on any plans for substantial variations or developments of health services.

Finally, under the Police and Justice Act 2006, members of Crime and Disorder Reduction Partnerships are required to take part in scrutiny locally. This includes the main partners: the council, the police authority and police force, the primary care trust, the fire and rescue authority, plus the co-operating bodies such as probation, NHS and further education institutions. The powers this scrutiny committee has are:

- To scrutinise how the partnership members are discharging their crime and disorder functions with a scrutiny committee designed to do this;
- To require information to be provided by partners, and require attendance at meetings;
- To require partners to respond to reports and 'have regard' to recommendations.¹²

Authorities, Youth Offending Teams, police authorities, Transport for London, Chief Officer of Police, local probation boards, Probation Trusts and other providers of probation services, Primary Care Trusts, National Health Service Trusts, NHS Foundation Trusts, Joint Waste Authorities, Regional Development Agencies, Learning and Skills Council, Sport England, English Heritage, Arts Council, Museums, Libraries and Archives council, Highways Agency, Metropolitan Passenger Transport Authorities, Homes and Communities Agency.

¹² Powers for scrutiny of Quangos – page 8 – Who's in Charge? And Other Questions to Ask About Quangos (Local Government Association <http://www.lga.gov.uk/lga/aio/7129227>)

Ethical standards regime and a new Code of Conduct

High ethical standards are a cornerstone of good governance and fundamental to the reputation of local government. There is a need to have a transparent Ethical Standards regime in place that has the confidence of elected members and officers of Councils, and the public. It is essential to promote confidence in local democracy that new arrangements should be introduced including a statutory 'Code of Conduct' for all members.

Transfer of local functions to local councils

Decisions about public services should be taken as close as possible to local people by locally elected representatives, not by unelected boards.

NILGA are particularly disappointed with the uncertainty over the future of the RPA and would urge the Environment Minister and his Executive colleagues to work together as a matter of urgency to continue the momentum to drive these changes forward.

NILGA would advocate the principles contained within the European Charter for Local Self Government,¹³ as the standard that should be aspired to be achieved in Northern Ireland.

The **European Charter for Self Government** outlines local authorities as one of the main foundations of any democratic regime and should (for example):

- (i) *Local authorities shall, within the limits of the law, have full discretion to exercise their initiative with regard to any matter which is not excluded from their competence nor assigned to any other authority.*
- (ii) *Public responsibilities shall generally be exercised, in preference, by those authorities which are closest to the citizen. Allocation of responsibility to another authority should weigh up the extent and nature of the task and requirements of efficiency and economy.*
- (iii) *Powers given to local authorities shall normally be full and exclusive. They may not be undermined or limited by another, central or regional, authority except as provided for by the law.*
- (iv) *Where powers are delegated to them by a central or regional authority, local authorities shall, insofar as possible, be allowed discretion in adapting their exercise to local conditions.*
- (v) *Local authorities shall be consulted, insofar as possible, in due time and in an appropriate way in the planning and decision - making processes for all matters which concern them directly.*

The Secretary of State for Northern Ireland in his announcement of 22 November 2005 set out the four guiding principles on which the Review of Public Administration would be based. In the

¹³ European Charter for Local Self Government , Council of Europe, 15.X.1985

context of the discussion about the future relationship between central and local government and the transfer of functions from central government to local government, it is important to restate these principles.

- (1) **Subsidiarity:** the need to balance the efficiency of regional service delivery against local democracy and local responsiveness;
- (2) **Equality and Good Relations:** in terms of service delivery, diversity and employment, the governance of organisations including the Councils and the embracement of principles set out in A Shared Future – The Framework for Good Relations;
- (3) **Common Boundaries:** experience elsewhere demonstrates that people can understand public services better when they are delivered in common boundaries which also makes it much easier for organisations to deliver real joined-up services; and
- (4) **Strong Local Government:** all the Review consultations saw people coming out strongly in support of local government as the centrepiece in service delivery and local democracy.

In the course of his announcement on 22 November 2005, the Secretary of State set out a vision of the future in which a small or core Civil Service lets go of the reins of service delivery and passes them on to local government and other organisations. He emphasised the need for local government to be at the centre of service delivery and civic life playing a key role in engaging with their communities. He recognised the reality that people who believe that they are not getting the public services they deserve much prefer to take their complaint to their elected representative whom they believe should be directly accountable for oversight of the quality of service delivery.

He continued that the implementation of the RPA proposals would bring back to local government the major functions such as planning, local roads, physical regeneration, local economic development. He stated that it was right that, as far as possible, services and functions which affect only the people in a local area should come under the control of representatives elected by the citizens who live there and that elected representatives must have meaningful input into the local delivery of regional services.

Finally, the Secretary of State announced the mechanism whereby the vision of joined-up public services serving the needs of the public would be created. He announced that Councils would have the central role in delivering joined-up services by the introduction of a new system of community planning which would impose a statutory duty on Councils to develop and co-ordinate the delivery of plans to address the requirements of their communities. These plans are to be built on the principles of sustainable development and a shared future and other public

service organisations will be directed in legislation to co-operate fully with Councils in this planning process.¹⁴

Conclusions

A lack of democratic representation on Non-Departmental Public Bodies reduces the accountability of the bodies. It is important that decisions about public services and public money are taken as close as possible to local people and local communities by those who have been elected to represent them. There are a number of ways that this can be achieved, which are outlined above.

It is important that central government and local government work together in order to ensure that local communities are strengthened and have the ability to make decisions about their local areas, including what services are offered and what money is spend on improving an area.

Greater local accountability and engagement should benefit both the elected and the electorate as people will feel empowered as their opinions are taken into account when decisions are made about the areas in which they live.

Recommendations

- 1. Introduce community planning as a matter of priority in order to provide a framework to enable delivery of better, more responsive public services where local people have a say in what services are delivered locally.**
- 2. Introduce scrutiny powers for local councils which enable locally elected representatives to call Non Departmental Public Bodies to account.**
- 3. Introduce a new ethical standards regime and a new Code of Conduct in order to improve confidence in governance arrangements within council structures.**
- 4. Lobby for a full commitment by the NI Executive to the European Charter of Local Self Governance.**

¹⁴ DELIVERING ON THE REVIEW OF PUBLIC ADMINISTRATION:CREATING STRONG LOCAL GOVERNMENT (Paper outlining the Local Government Preferred Approach) NILGA, June 2008



Belfast City Council

Report to:	Strategic Policy and Resources Committee
Subject:	10 Year Review of the Regional Development Strategy
Date:	18 February, 2011
Reporting Officer:	Stephen McCrory, Democratic Services Manager (Ext. 6314)
Contact Officer:	Gareth Quinn, Senior Democratic Services Officer (Ext. 6316)

1	Relevant Background Information
1.1	Members will be aware that the 'Shaping our Future Regional Development Strategy 2025 – 10 Year Review Consultation Document' had been launched by the Minister for Regional Development on 6th January, 2011. A public consultation process has been initiated and the Department for Regional Development has requested that comments be submitted by 31st March. A Special meeting of the Development Committee has been scheduled for 24 th March to give consideration to a draft response on behalf of the Council.
1.2	The purpose of the Regional Development Strategy is to provide an overarching spatial framework to influence the future distribution of activities throughout the Region to 2035. The document examines the factors which are having an impact on the region, sets out aims and provides guidance on how these aims can be achieved.
1.3	It is intended that the review would result in a revised Strategy which would replace the one which had been published in 2001, and which was subsequently amended in 2008 after a 5 Year Review.

2	Key Issues
2.1	The Northern Ireland Local Government Association (NILGA) in conjunction with the Department for Regional Development is holding a consultation event, specifically for Councillors and officers, to examine the revised Regional Development Strategy.
2.3	Attendance at this consultation event will provide an opportunity for Councillors to have their views heard and will also allow Members to be aware of further issues affecting other Councils from across Northern Ireland.
2.2	The event will be held at the 'Old Court House', Antrim on Tuesday, 1 March, 2011 from 10.30am – 1.00pm.

3	Resource Implications
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3.1	There is no cost to attend this event.
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4	Equality Implications
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4.1	N/A
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5	Recommendations
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5.1	<p>It is recommended that the Committee agrees to authorise:</p> <ul style="list-style-type: none"> ▪ the attendance at the consultation event of any Member who so wishes along with the relevant officers who are involved in drafting the Council's response to the consultation; and ▪ the payment of the appropriate travelling allowances in connection therewith.
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6	Decision Tracking
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<p>Officers responsible: Gareth Quinn, Senior Democratic Services Officer March 2011</p>	
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7	Key to Abbreviations
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NILGA –Northern Ireland Local Government Association	
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8	Documents Attached
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N/A	
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Belfast City Council

Report to:	Strategic Policy and Resources Committee
Subject:	Financial Reporting – Quarter 3 2010/11
Date:	18 February 2011
Reporting Officer:	Julie Thompson, Director of Finance and Resources
Contact Officer:	Ronan Cregan, Head of Finance and Performance

Relevant background information

The Strategic Policy and Resources Committee agreed at on 18 June 2010 that:

- the council would produce financial reporting packs for the Strategic Policy and Resources Committee and each Standing Committee on a quarterly basis
- the Budget and Transformation Panel would also receive monthly financial updates if there were any significant issues to report.

The reporting pack contains a summary dashboard of the financial indicators and an executive summary explaining the financial performance (Appendix 1). It also provides a more detailed explanation of each of the relevant indicators covering the year to date and forecast financial position, progress in year on the capital programme, implications for reserves, payments to creditors and recovery of debt.

The style and layout reflect much of the discussion and feedback arising from the members' financial training at the end of September 2010. As we previously advised the committee, we will continue to develop the style and contents of the reports in liaison with members.

Central finance and departmental management teams have worked together to develop the information within the financial reporting packs.

Key Issues

Current and Forecast Financial Position 2010/11 and Implications for Reserves

The current year to date financial position for the council is an under spend of some £0.7m (0.8%) with a forecast end of year under spend of some £0.6m (0.5%).

As in quarter 2, the key elements of the under spend relate to the current unutilised pay rise budget, additional electricity generation income, fuel costs being lower than anticipated, the deferred roll out of food collection as part of waste management and

delays in the filling of vacant posts.

In addition, the forecast also reflects:

- the utilisation of £0.7m of the 2010/11 under-spend, £0.5m less than was agreed at Strategic Policy and Resources Committee on 19th November 2010, due to fewer voluntary redundancies than had been anticipated; and
- increased savings in committees compared to the previous quarter's forecast.

This year to date and forecast position reflects the recent notification from LPS of an estimated claw back amounting to £3.5m for 2010/11 (compared to £600k at quarter 2). LPS are trying to take actions to reduce this estimated clawback, (potentially by up to £0.5m) but there are many factors which could impact on the final position which will be declared in September.

At the Budget and Transformation Panel meeting on 8 February 2011, Members recommended that the claw back should be covered from this year's under spend, assuming there were sufficient resources available. This recommendation was made on the basis that deferring payment in the context of a volatile rate base may compound the council's financial position in future years.

Members should note that the key drivers of the under spend have been addressed as part of the rate setting process for 2011/12. For example, the estimates for 2011/12 only cater for a pay rise for those staff who earn less than £21,000 per annum.

The district reserves of the council were planned to be some £9.1m by 31 March 2011, being the opening reserves of £4.6m at 1 April 2010 and the £4.5m contribution from the rates to reserves, agreed as part of the 2010/11 rates setting exercise. The current forecast under spend of £0.6m would lead to reserves of some £9.7m by 31 March 2011. In addition, there are also £231k of specified reserves which will be utilised in 2011/12.

The financial reporting pack contains more detail on both the overall council position and the financial performance in each of the Committees.

Other Financial Indicators

The financial reporting pack includes information on a number of other financial indicators - progress in year on the capital programme, payments to creditors and recovery of debt.

Of these indicators, recovery of debt is currently red and cause for concern. Work is ongoing in relation to implementing the recommendations made in the report to committee on 22 October 2010, and in particular from mid-January we have introduced additional measures to pro-actively manage debt.

Recommendations

Members are recommended to note the above report and associated financial reporting pack.

Decision Tracking

N/A

Key to Abbreviations

LPS - Land and Property Services

Documents Attached

Appendix 1: Financial Reporting Pack

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Strategic Policy and Resources Committee

Quarterly Finance Report

Report Period: Quarter 3 2010/11

Dashboard: Quarter 3, 2010/11

Strategic Element: Financial Planning	Variance £,000 (under)/ Over Q2	Indicator % Q2	Variance £,000 (under)/ Over Q3	Indicator % Q3			Page no
Year to date variance							3
BCC	(1,423)	(2.5%)	(728)	(0.8%)			
• Strategic Policy & Resource	(2,112)	(13.0%)	(2,012)	(8.4%)			
• Health & Environ. Committee	(890)	(4.0%)	(785)	(2.6%)			
• Parks & Leisure Committee	213	2.3%	(150)	(0.9%)			
• Development Committee	(222)	(2.2%)	(560)	(3.6%)			
Forecasted variance							4
BCC	(2,138)	(1.9)	(629)	(0.5%)			
• Strategic Policy & Resources	(2,049)	(6.5)	(1,644)	(5.2%)			
• Health & Environ. Committee	(648)	(1.6)	(690)	(1.8%)			
• Parks & Leisure Committee	193	0.9	92	(0.4%)			
• Development Committee	(490)	(2.4)	(980)	(4.8%)			
Capital Programme							5
Forecasted Capital variance	1,168	17%	79	1.2%			
Reserves							6
Reserves variance	(2,138)	48%	(629)	14.0%			
Strategic Element: Better Services	Days Qtr 2		Days Qtr 3				
% of creditors paid in 30 days (average)	71		72				7
% Debt recovered in 30 days (average)	45		43				9
% Debt under 90 days old	41		45				10

Notes:

1. Negative variances represent an under spend

2. Movement on last quarter: Better Worse Unchanged

3. Tolerance R/A/G guide for % variances:



Executive Summary

Year to Date % variance

The Council revenue position was an under-spend of £0.7m (0.8%) at the end of quarter 3, down by £0.7m from quarter 2.

As in quarter 2, the key elements of the year to date under-spend relate to the current unutilised pay rise budget, additional electricity generation income, fuel costs being lower than anticipated, the deferred roll out of food collection as part of waste management and delays in the filling of vacant posts causing slippage in the delivery of some programmes.

The year to date position also reflects:

- the utilisation of £0.7m of the 2010/11 under-spend, £0.5m less than was agreed at Strategic Policy and Resources Committee on 19th November 2010, due to fewer voluntary redundancies than had been anticipated; and
- increased savings in committees compared to the previous quarter.

This year to date position reflects the recent notification from LPS of an estimated claw back amounting to £3.5m for 2010/11 (compared to £600k at quarter 2). LPS are trying to take actions to reduce this estimated clawback, (potentially by up to £0.5m) but there are many factors which could impact on the final position which will be declared in September.

At the Budget and Transformation Panel meeting on 8 February 2011, Members recommended that the claw back should be covered from this year's under spend, assuming there were sufficient resources available. This recommendation was made on the basis that deferring payment in the context of a volatile rate base may compound the council's financial position in future years.

Members should note that the key drivers of the under spend have been addressed as part of the rate setting process for 2011/12. For example, the estimates for 2011/12 only cater for a pay rise for those staff who earn less than £21,000 per annum.

Forecast % variance

The Council is forecasting an under spend of £0.6m (0.5%) at the year end, down £1.5m from the £2.1m reported at quarter 2. The forecast reflects the factors set out in the year to date variance above, most notably, the £3.5m reduction in estimated rates income which Members are aware is also a significant issue for the rates for 2011/12.

Capital Programme

At quarter 2 we had reported that expenditure was likely to exceed plan as a result of two projects completing earlier than we had expected, although on time and within budget. Since then we have revised our forecast to take account of four other projects which we now expect to be delayed, and we now forecast expenditure to be back in line with plan.

All other projects under way remain within their approved estimates with all necessary funding in place through provision in the rates or other means.

Reserves

Our forecast for reserves at the year-end is £9.7m, taking account of both in-year savings and the £3.5m reduction in estimated rates income. In addition, there are also £231k of specified reserves which will be utilised in 2011/12.

Better Services: Creditors and Debtors

The average number of creditors paid within 30 days is 72%, improved slightly from quarter 2 (71%). We are continuing to take action to bring the actual performance closer to the target of 75%.

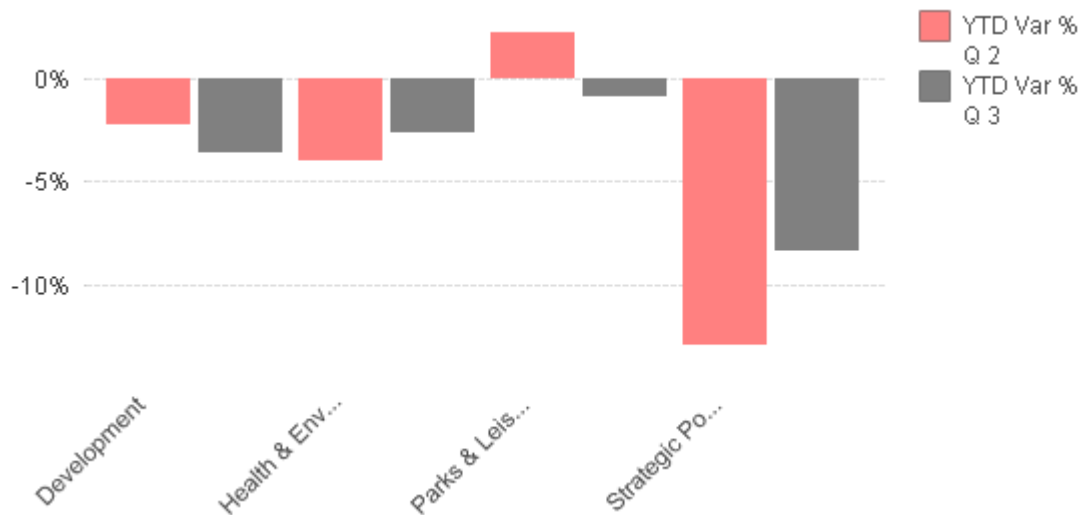
The overall Council debt has risen to £4.1m (quarter 2: £3.6m), the percentage of debtors collected within 30 days has fallen slightly to 43% (quarter 2: 45%) and the percentage of debt under 90 days old has increased slightly to 45% (quarter 2: 41%).

Whilst there has been some improvement during the year, further work is required to reduce the overall level of debt. We have redirected resources to assist in contacting customers who have failed to pay invoices and to identify the underlying reasons why they have not paid.

Work is also ongoing in relation to implementing the recommendations made in the report to committee on 22 October 2010, and in particular from mid-January we have introduced additional measures to pro-actively chase debt.

Year to Date % variance

This indicator calculates the difference between the budgeted net expenditure and the actual net expenditure as a percentage. It is reported for the year to date.



Commentary and action required

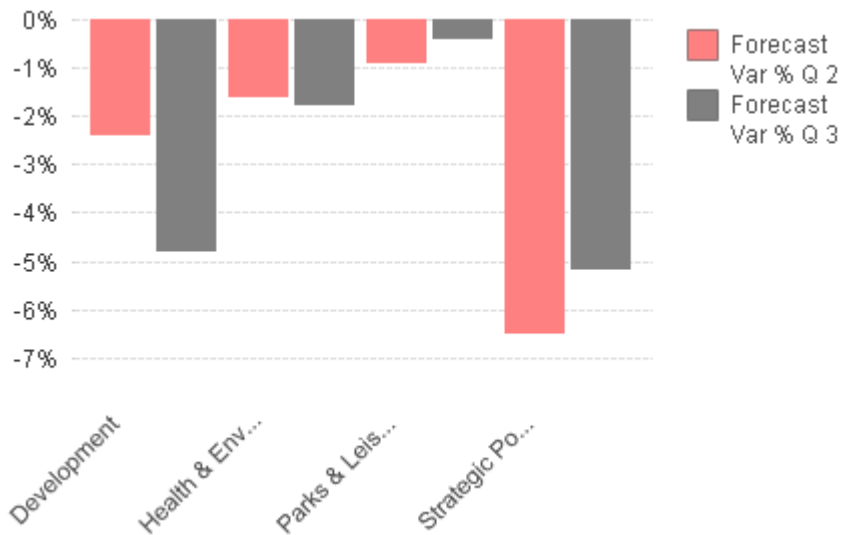
The Council has an under-spend of £728k (0.8%) at the end of quarter 3, down by £695k from quarter 2. The main reasons for the variance are:

- The deferred roll out of the inner city food collection element of the waste management plan means that forecast 2010/11 expenditure is no longer required. In addition, the contingency budget for potential fuel price pressures, held centrally, has not been needed to date. Together these give rise to a £909k under spend at the end of quarter 3 (SP&R)
- Electricity generation income from the North Foreshore is higher than anticipated leading to additional income of £267k (SP&R)
- Pensions are under-spent by £413k, though expect to be fully utilised by the year end (SP&R)
- Pay is under spent by £935k given there has been no pay rise in 2010/11.
- Departmental under-spends are mainly as a result of delays in filling posts and consequent delays in projects and programmes, as well as increased savings.
- Although Parks and Leisure has over-spent on its employee costs budget by 3%, and has experienced increases in utility costs and reductions in income, these have been offset somewhat by a delay in its playground refurbishment programme (£250k).

The most significant factor arising since quarter 2 is the recent revision by the L&PS to their forecast for the rates income which is now reduced by £3.5m, some £2.9m worse than they had forecast in December 2010.

Forecast % variance

This indicator calculates the difference between the planned net expenditure and the forecasted net expenditure as a percentage. It is reported as a forecast for the end of the financial year.



Commentary and action required

The Council is forecasting an under-spend of £629k (0.5%) at the year end.

The main reasons for this forecast under-spend are :

- Electricity generation is forecasting to raise additional income of £350k by the year end.
- Food waste collection proposals and fuel contingencies are forecast to be under spent by £1m at the year end.
- £1.1m of the budgeted pay rise is not anticipated to be required in 2010/11
- Under-spends on employee costs as a result of delays in restructuring, the application of the council's vetting procedure and staff turnover.
- Additional savings in departmental budgets.

Although SP&R had agreed to spend an additional £1.2m on voluntary redundancy and other initiatives, this expenditure is now forecast to be £700k because fewer staff have volunteered for redundancy.

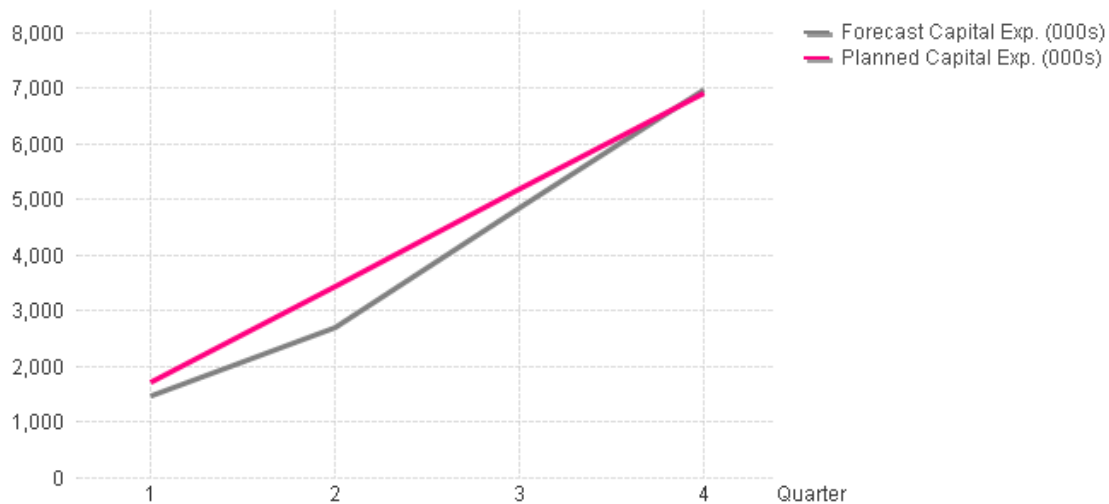
The most significant factor arising since quarter 2 is the recent revision by the L&PS to their forecast for the rates income which is now reduced by £3.5m, some £2.9m worse than they had forecast in December 2010.

Members should note that the budgetary challenge strand of the efficiency programme for 2011/12 delivered almost £800k of cash savings. The work in this area will assist in addressing many of the areas where under spends have occurred this year.

Capital Programme

This indicator shows the planned capital expenditure against the planned forecasted expenditure for the current year.

The planned capital expenditure is taken from the agreed capital programme which provides for new buildings, vehicles and large investments in IT amongst others.



Commentary and action required

At quarter 2 we had forecast that capital expenditure would exceed the plan by some £1.1m, as a result of 2 projects completing earlier than expected, although on time and within budget. Since then we have revised our forecast for the following reasons:

1. We have not been able to initiate the following projects because of planning and environmental issues:

Replacement Fuel Station Duncrue	£300k
Roselawn Extension	£320k
Mercury Abatement City of Belfast Crematorium	£200k

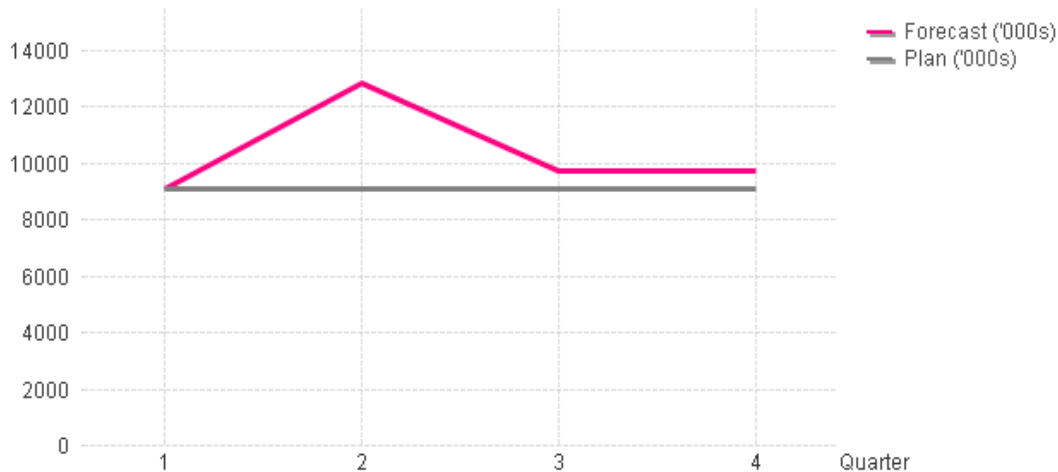
2. We are also reviewing the Waste Heat Utilisation scheme in Duncrue because the tender price is considerably in excess of the council approved estimate (£260k).

As a consequence of these in-year adjustments, our forecast for capital expenditure for the year 2010/11 is now in line with our original estimate.

All other projects under way remain within their approved estimates with all necessary funding in place through provision in the rates or other means.

Reserves Balance

This indicator shows the forecasted reserves balance against the planned reserves balance, from the rate setting exercise.



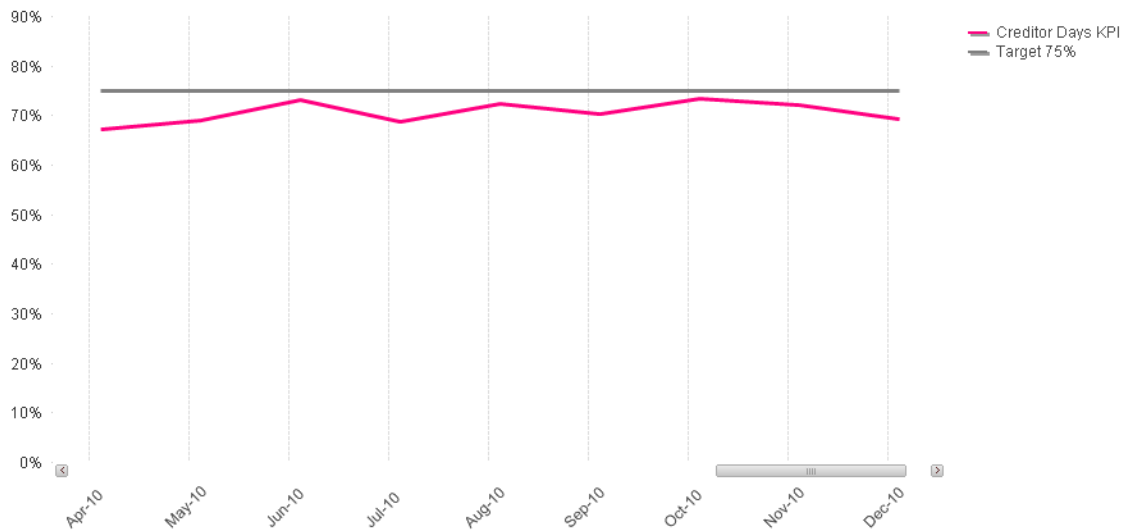
Commentary and action required

The district reserves of the council were planned to be some £9.1m by 31 March 2011, being the opening reserves of £4.6m at 1 April 2010 and the £4.5m contribution from the rates to reserves, agreed as part of the 2010/11 rates setting exercise. The current forecast under spend of £0.60m would lead to reserves of some £9.7m by 31 March 2011. In addition, there are also £231k of specified reserves which will be utilised in 2011/12.

In line with good practice, the council will continually monitor its level of reserves in the context of the key financial risks facing the organisation, for example, the uncertainty around the future rates base.

% of Creditors paid within 30 days

This indicator measures the percentage of supplier (creditor) invoices that have been paid within the 30 day limit.



Commentary and action required

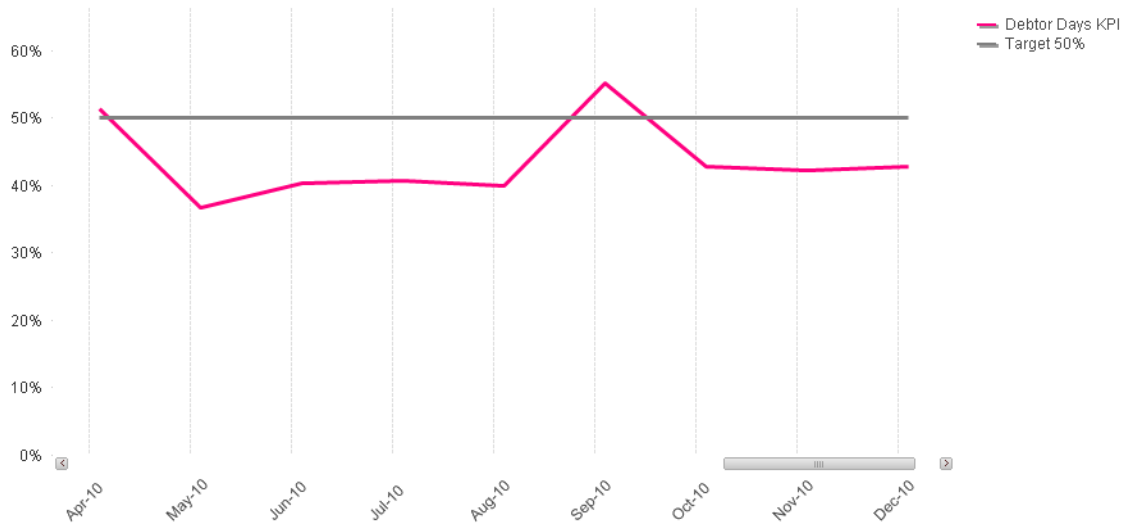
Based on the figures for quarter 1, quarter 2 and quarter 3 the average percentage of invoices paid within 30 days has risen slightly from 71% to 72%.

To maintain and improve the situation further, we are contacting suppliers on a case by case basis to let them know that we will return their invoice to them if the invoice does not contain enough information to enable us to process it. This will encourage suppliers to provide all necessary information in future months.

We are also contacting suppliers that we currently pay by cheque to encourage payment through the BACS system.

% of Debtors collected within 30 days

This indicator measures the percentage of customer (debtor) invoices that have been collected within a 30 day period.



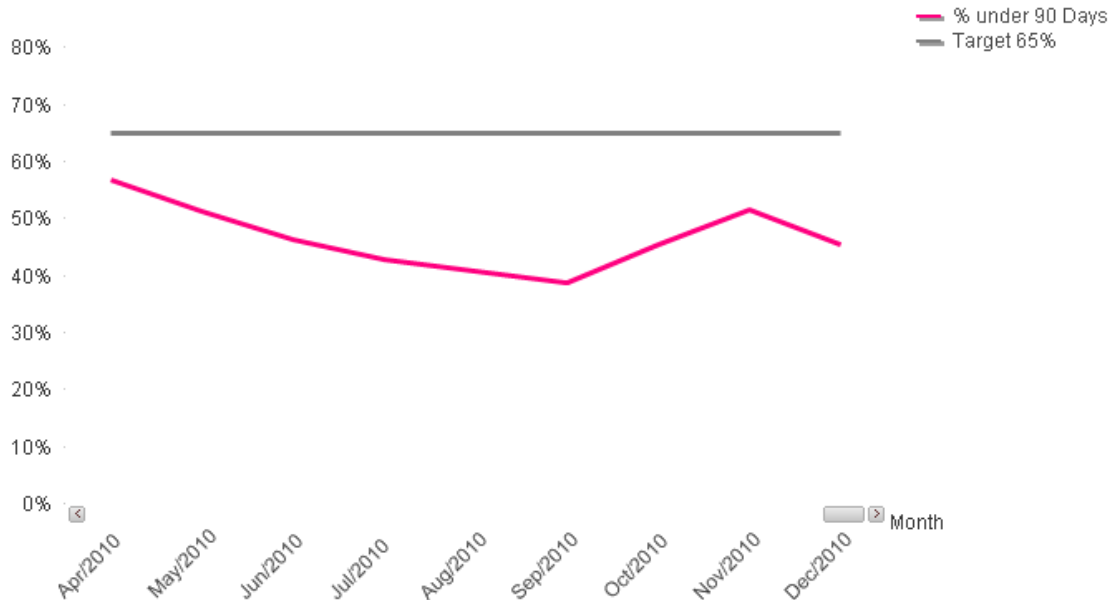
Commentary and action required

Based on the figures for quarter 1, quarter 2 and quarter 3 the average percentage of debt collected within 30 days has remained static at 43%.

We have redirected existing resources to assist in the improvement of debt collection levels. We have also adjusted the timetable for sending reminder letters and we are now instigating actions to pro-actively chase debt at an earlier stage.

% of Debt under 90 days old

This indicator measures the percentage of outstanding money (debt) owed to the council that is less than 90 days old.



Commentary and action required

Although the proportion of debt under 90 days old at 45% has increased from 41% at quarter 2, this is still less than the 47% at quarter 1.

Whilst there has been some improvement during the year, further work is required to reduce the overall level of debt.

We have redirected resources to assist in contacting customers who have failed to pay invoices in order to identify the underlying reasons why they have not paid.

We have also adjusted the timetable for sending reminder letters and we are now instigating actions to pro-actively chase debt at an earlier stage.

Work is ongoing in relation to implementing the recommendations made in the report to committee on 22 October 2010.

Appendix A – Supplementary Information

Belfast City Council – Movement on Reserves

	Variance YTD £'000	% Variance	Plan 10/11 £'000	Forecast for Y/E at P9 £'000	Forecast Variance £'000	% Variance
Total Departmental	(4,442)	(5.2%)	114,946	110,603	(4,343)	(3.8%)
City Investment Fund			3,000	3,000		0.0%
Capital Financing			7,019	7,019		0.0%
Rates & General Grant	214					
General Grant			(4,372)	(4,158)	214	(4.9%)
Rates Income			(125,078)	(125,078)		0.0%
APP	3,500			3,500	3,500	
Movement on Reserves	(728)	(0.8%)	(4,485)	(5,114)	(629)	14.0%

Analysis of Reserves Balance	£ 000's
Opening Balance @ 01.04.2010	4,602
Add Forecast Movement for 10/11	5,114
Specified Reserves	231
Forecast Reserves @ 31.03.11	9,947

Belfast City Council - Departmental Analysis & Forecast

	Plan YTD £'000	Actual YTD £'000	Variance YTD £'000	% Variance	Plan 10/11 £'000	Forecast for Y/E at P9 £'000	Forecast Variance £'000	% Variance
Strategic Policy & Resources	23,962	21,950	(2,012)	(8.4%)	31,731	30,087	(1,644)	(5.2%)
Health & Environmental	30,164	29,378	(785)	(2.6%)	39,332	38,642	(690)	(1.8%)
Parks & Leisure	16,330	16,180	(150)	(0.9%)	22,291	22,382	92	0.4%
Development	15,563	15,003	(560)	(3.6%)	20,351	19,371	(980)	(4.8%)
Employee Pay Rise (1.5%)			(935)		1,241	120	(1,121)	(90.3%)
Total Departmental	86,019	82,511	(4,442)	(5.2%)	114,946	110,603	(4,343)	(3.8%)

Note: Negative variances represent an under spend

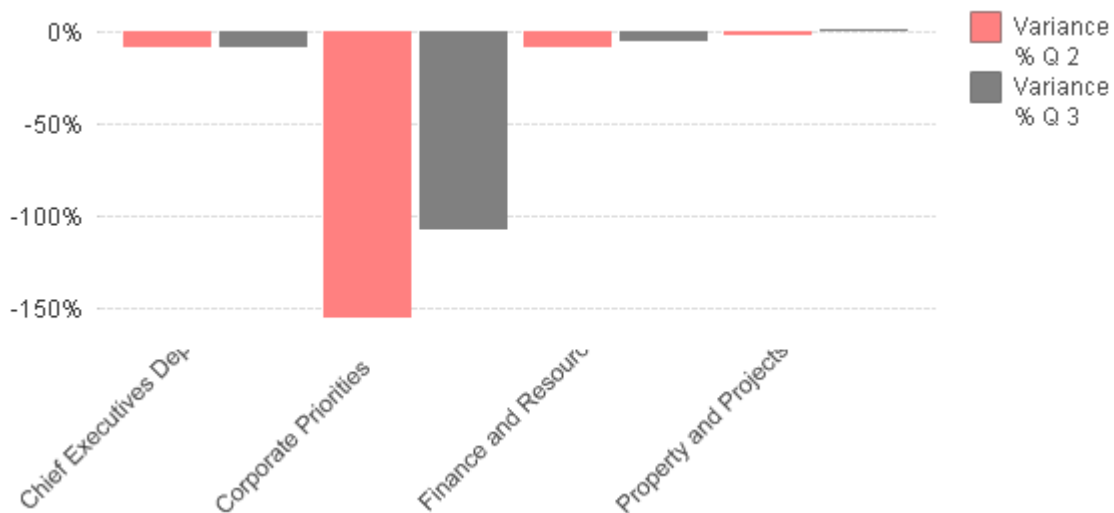
**Appendix B – Strategic Policy and Resources
Committee detail**

Year to Date % variance

Source: SAP

PI definition:

This indicator calculates the difference between the budgeted net expenditure and the actual net expenditure as a percentage. It is reported for the year to date.

**Commentary and action required**

The Strategic Policy and Resources Committee is under-spent by £2.0m at the end of quarter 3.

The variance against plan for corporate priorities has an under-spend of £1,134k at the end of quarter 3. The corporate priorities budget is used to deliver corporate work which benefits the whole organisation and would not normally be funded through functional budgets. The main reasons for the variance are:

1. Contingency budgets for food collection (as the roll-out has been deferred until 2011/12) and fuel are unlikely to be required, together giving rise to a £909k under-spend.
2. Electricity generation income from the north foreshore is higher than anticipated, leading to an over-recovery of £267k.

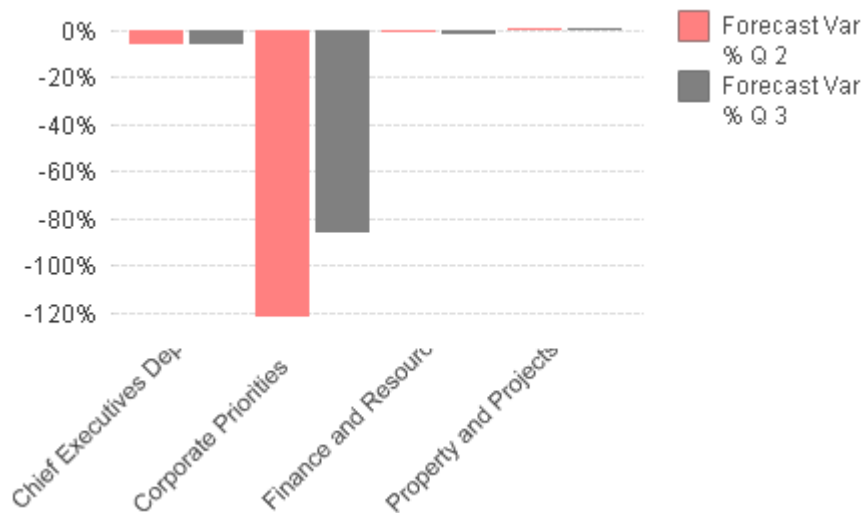
Pensions currently have an underspend of £413k but this budget will be fully utilised by the year end.

Forecast % variance

Source: SAP

PI definition:

This indicator calculates the difference between the planned net expenditure and the forecasted net expenditure as a percentage. It is reported as a forecast for the end of the financial year.



Commentary and action required

The Strategic Policy and Resources Committee is forecast at quarter 3 to have an under-spend of £1.6m.

Some £1.35m of this forecast is driven by corporate priorities, including:

1. Electricity generation is forecasting additional income of £350k
2. Food and fuel contingencies are forecast to be under-spent by £1m

Members should note that the food and fuel contingencies have been removed and the estimated electricity income has been reviewed for 2011/12 estimates.

Strategic Policy and Resources Committee - Section Expenditure Budgetary Analysis & Forecast

	Plan YTD £'000	Actual YTD £'000	Variance YTD £'000	% Variance	Plan 10/11 £'000	Forecast for Y/E at P9 £'000	Forecast Variance £'000	% Variance
Strategic Policy & Resources Total	23,962	21,950	(2,012)	(8.4%)	31,731	30,087	(1,644)	(5.2%)
Chief Executives Department	4,517	4,116	(402)	(8.9%)	5,727	5,367	(360)	(6.3%)
Legal Services	590	544	(46)	(7.8%)	787			
Corporate Communications	785	736	(49)	(6.2%)	1,061			
Business Support	187	265	77	41.2%	249			
Good Relations	567	532	(35)	(6.2%)	448			
Democratic Services	2,027	1,770	(257)	(12.7%)	2,700			
Strategic Policy	361	269	(93)	(25.6%)	482			
Finance and Resources (exc corp Priorities)	9,346	8,841	(505)	(5.4%)	12,385	12,208	(177)	(1.4%)
Human Resources	1,284	1,271	(14)	(1.1%)	1,696			
Finance and Performance	2,134	1,797	(338)	(15.8%)	2,834			
ISB	3,156	3,512	355	11.3%	4,167			
Audit Governance & Risk Services	646	631	(15)	(2.3%)	861			
Project Corporate Systems	258	211	(47)	(18.2%)	344			
Pensions	1,425	1,012	(413)	(29.0%)	1,900			
Directorate	323	259	(64)	(19.8%)	424			
Occupational Health (Was Health & Safety)	119	149	30	24.8%	159			
Property and Projects	9,047	9,076	29	0.3%	12,258	12,328	70	0.6%
Facilities Management	10,960	11,137	177	1.6%	14,741			
CIT Management	501	524	22	4.5%	649			
Projects, Procurement and Estates	(2,414)	(2,585)	(171)	7.1%	(3,131)			
Corporate Priorities	1,052	(82)	(1,134)	(107.8%)	1,361	185	(1,176)	(86.4%)



Belfast City Council

Report to:	Strategic Policy and Resources Committee
Subject:	Business Support Review - Finance & Resources Department
Date:	18 February 2011
Reporting Officer:	Julie Thompson, Director of Finances & Resources

Relevant Background Information

The SP&R Committee gave approval on 22 October 2010 to secure a proportion of the 2010/11 under spend to fund potential voluntary redundancies (VR) this financial year.

It was agreed that specific proposals in relation to potential voluntary redundancies in targeted areas such as Finance & Resources, Parks & Leisure Services and Facilities Management would be developed with a view to bringing these back to standing committees / Strategic Policy and Resources Committee for approval.

Permission to release 2 people on VR in the Finance and Resources Department was given at Strategic Policy and Resources Committee on 21 January 2011.

Key Issues

The voluntary redundancies identified within the Finance and Resources Department were two Secretarial Assistant posts. The deletion of these two posts was identified during the review of Finance and Resources Business Support, the aim of which was to improve effectiveness and ensure a more flexible business support service throughout the department.

The outcome of the review of the business support function, including the changes under VR, is as follows:

Current staffing establishment:

No.	Job title	Grade	Located in
1	Programme & Business Support Officer	PO3	ISB
1	Business Support Officer	PO3	Directorate
1	Business Support Officer	PO1	Former BIS
2	Programme & Business Support Assistant	SO1	ISB
2	Secretarial Assistant	Scale 6	1x HR 1xDirectorate
1	Business Support Assistant	Scale 6	1x HR
3	Business Support Assistant	Scale 5	1XFormer BIS 1xDirectorate 1 x ARGS
15	Business Support Clerk	Scale 3	Across all functions
2	Receptionist/Telephonist	Scale 3	ISB

Total of 28 posts

Proposed staffing establishment:

No.	Job title	Grade	Proposed location
2	Business Coordinators	PO3	Directorate
4	Senior Business Support Assistant	SO2	2xISB 1xHR 1x Finance & Performance
3	Business Support Assistants	Scale 5	3xFinance & Performance
14	Business Support Clerk	Scale 3	Directorate with allocation to functions
2	Receptionist/Telephonist	Scale 3	ISB

Total of 25 posts

In summary the overall effect of this means two voluntary redundancies (as previously agreed by committee) and one Business Support Clerk will move back to the basic grade pool to be redeployed elsewhere.

Management wishes to implement the above changes in order to provide greater flexibility; better alignment of resources across the department; and better planning and coordination.

A significant consultation exercise has taken place with the trade unions and staff members between October 2010 and January 2011. While management considers much progress to have been made in moving towards the trade union side position and with the individual employees concerned, the trade unions have advised they do not endorse the management proposal.

The proposals set out above however present a clear business case for the voluntary redundancy of two secretarial posts and an alignment of remaining resources across the department. There is no compulsory redundancy nor financial detriment to any member of staff.

Resource Implications**Financial (as reported to Committee on 21 January 2011)**

The one off cost to the council to release the two Secretarial Assistants on voluntary redundancy is £89,000

This will result in year on year savings of £59,590

The payback period is 1.49 years

Human Resources

Consultation will continue with all relevant stakeholders, including Trade Unions and staff to develop an implementation plan which is fully in accordance with all HR policies and procedures. The changes will be implemented fully in accordance with the councils HR policies and procedures.

Recommendations

Members are asked to agree to the Director of Finance and Resources implementing the changes outlined above, in accordance with normal Human Resource policies and procedures that include job description agreement, job evaluation and the Council's Categorisation process.

Decision Tracking

Responsible Officer – Director of Finance & Resources

Key to Abbreviations

VR – Voluntary Redundancy

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Belfast City Council

Report to: Strategic Policy and Resources Committee

Subject: Connswater Community Greenway Update

Date: 18th Feb 2011

Reporting Officer: Gerry Millar, Director of Property and Projects

Contact Officer: Celine Dunlop, Estates Surveyor, Property and Projects.

1	Relevant Background Information
1.1	Belfast City Council, as part of the City Investment Strategy, has agreed to coordinate the acquisition of lands to enable the Connswater Community Greenway Programme to proceed. The Council will secure rights over the land needed for the Greenway and shall be responsible for the management and maintenance of this land and any assets on the land. The Greenway must be accessible for 40 years to comply with the Big Lottery Fund letter of offer, although the intention is to secure rights for longer if possible.
1.2	The Council have awarded the contract for the construction of the Greenway to SIAC/Galliford Try and construction is due to commence late January 2011.

2	Key Issues
2.1	(i) An area of land at Ladas Drive consisting of 0.190 acres and shown outlined red on the attached plan at Appendix'1' has been identified as being required for the Connswater Community Greenway. Council officials have agreed to purchase these lands from Castlereagh Borough Council for £9500 and on the condition that the land shall be used only for amenity purposes.
2.2	(ii) An area of land at the Loop River and adjacent to the Police site at Ladas Drive consisting of 133.2 sq metres and shown outlined red on the plan attached at Appendix'2' has been identified as being required for the Connswater Community Greenway. Council officials have agreed to purchase these lands from Castlereagh Borough Council for £1000.

3	Resource Implications
	Financial
3.1	(i) The proposal to acquire the land at Ladas Drive from Castlereagh Borough Council requires expenditure of £9500 to purchase the land plus associated reasonable professional and legal fees.
3.2	(iii) The proposal to purchase the small area of land adjoining the Loop River and the Police site off Ladas Drive requires expenditure of £1000 plus associated reasonable professional and legal costs.
3.3	The purchase costs for all of the land required for the Connswater Community Greenway are included in the Connswater Community Greenway budget of the City Investment Fund and there will be no additional cost to Council.
	Human Resources
3.5	Staff resource required from Estates Management Unit and Legal Services.
	Asset and Other Implications
	The additional land will form part of the Connswater Community Greenway which when complete will be managed and maintained by the Council.

4	Equality Implications
4.1	The Connswater Community Greenway will have a positive impact in terms of equality of opportunity and good relations.

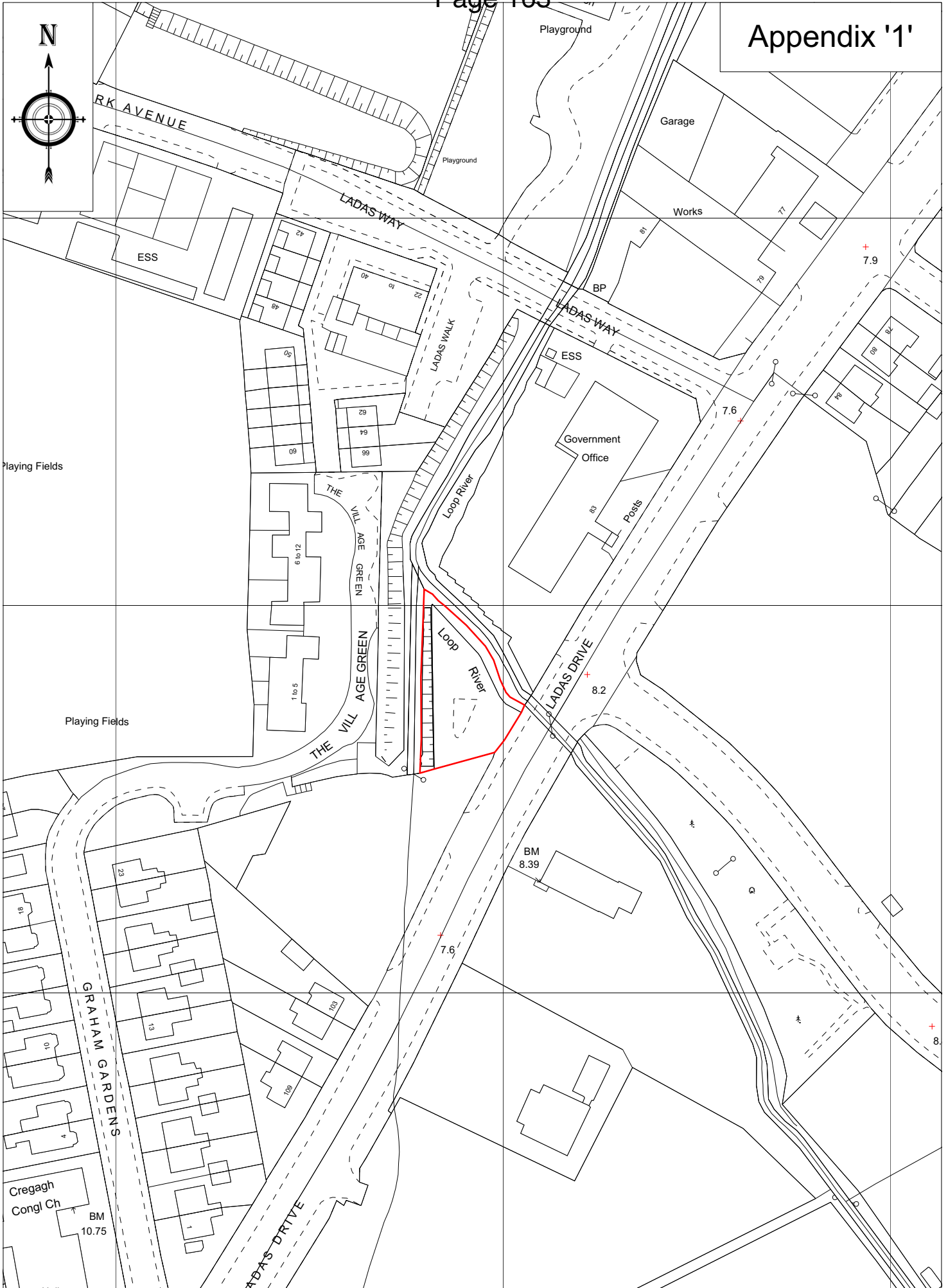
5	Recommendations
5.1	(i) It is recommended that the Committee grant approval for the Council to purchase the lands outlined red on the plan attached at Appendix '1' from Castlereagh Borough Council for £9500.
5.2	(ii) It is recommended that the Committee grant approval for the Council to purchase the lands shown outlined red on the plans at Appendix '2', for £1000.

6	Decision Tracking
6.1	Action by Celine Dunlop and Lisa Armstrong to be completed by 31 st May 2011.

7	Key to Abbreviations
7.1	N/A

8	Documents Attached
8.1	Plans at Appendix '1' and Appendix '2'.

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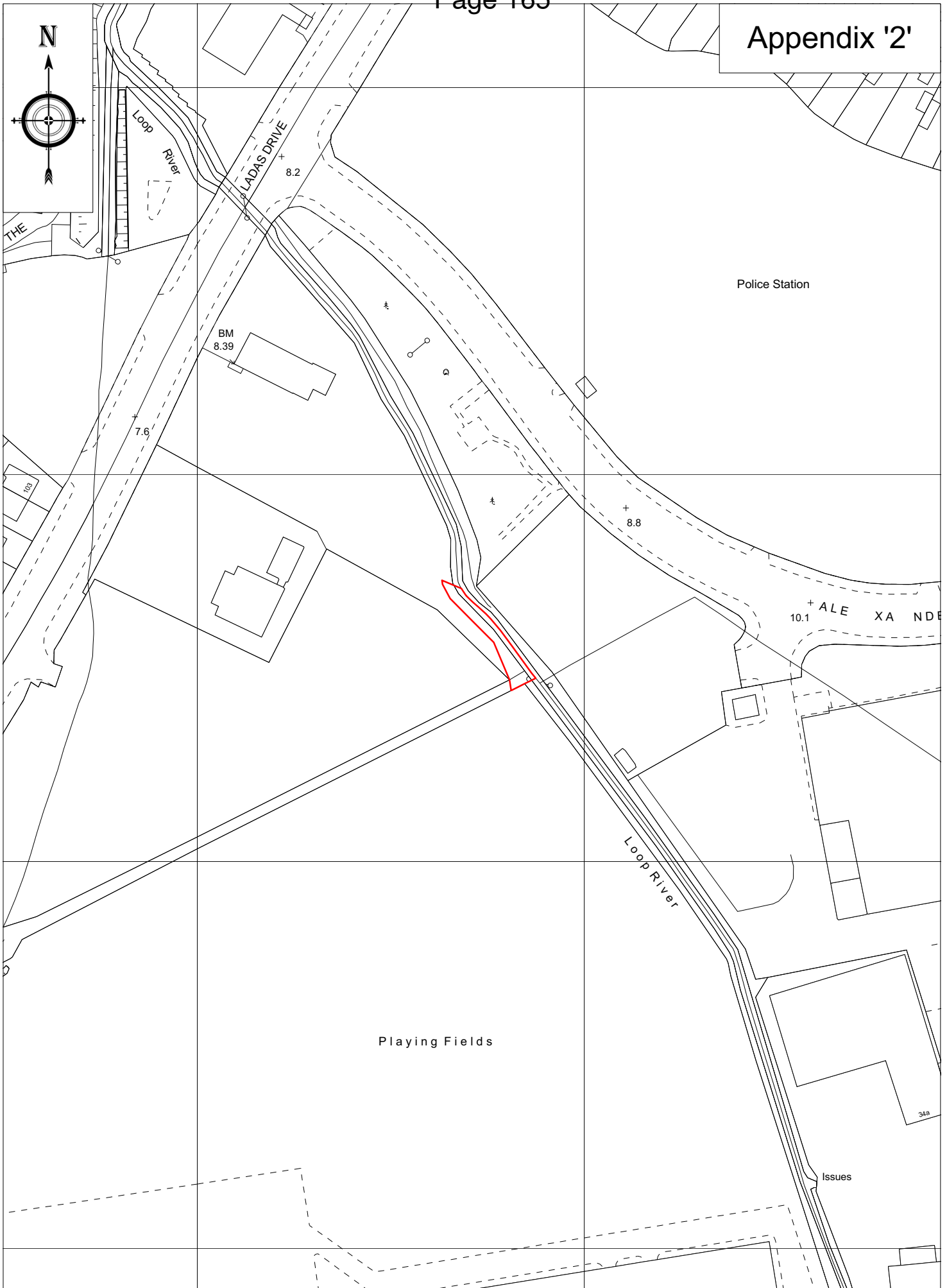
Scale 1:1250

Connswater Community Greenway - Plot 66b

Area 0.190 acres

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Scale 1:1250

Connswater Community Greenway - Plot 72

Area 133.2 sq m

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Belfast City Council

Report to:	Strategic Policy & Resources Committee
Subject:	North Foreshore landfill gas powered electricity generation facility
Date:	
Reporting Officer:	Gerry Millar, Director of Property & Projects
Contact Officer:	Susan Quail, North Foreshore Project Manager

1	Relevant Background Information
1.1	In February 2008, Council approved the appointment of Renewable Power Systems Ltd as a joint venture partner for the generation of electricity from landfill gas at the North Foreshore. This led to the installation of five x 1 Megawatt generators which became operational in September 2009. Electricity is sold to NIE and exported to the local grid via a NIE sub-station sited at the North Foreshore.

2	Key Issues
2.1	Each generator requires a supply of 600 m ³ of landfill gas per hour to operate at maximum efficiency.
2.2	In September 2009, the gas field was producing in excess of 3000 m ³ of landfill gas per hour.
2.3	As anticipated, a gradual natural decline in the volume of gas has occurred and output is now in the region of 2400 m ³ per hour.
2.4	It is anticipated that the volume of landfill gas will continue to decline over the foreseeable future but at a slower rate. It is not possible to give accurate predictions of gas volumes as this depends on the composition of waste, the rate of decomposition, temperature, rainfall, seasonal weather conditions and atmospheric pressure.
2.5	On the advice of Renewable Power Systems Ltd, our Joint Venture Partner, one generator must now be removed to operate the facility at maximum efficiency

3	Resource Implications
3.1	<p data-bbox="300 230 419 266">Financial</p> <ul data-bbox="300 300 1367 1081" style="list-style-type: none"> <li data-bbox="300 300 1367 432">• The gross accrued income to the Council from the sale of electricity, together with government incentives for the generation of 'green' electricity from landfill gas, will amount to c £3.35 million for the period September 2009 to August 2010. <li data-bbox="300 472 1367 604">• The net accrued income to the Council after profit sharing with our joint venture partner will be in the region of £1.5 million which is at the top end of £1.0 million to £1.5 million as estimated in 2008. An income of £1.5 million represents a 60% per annum return to Council. <li data-bbox="300 645 1367 777">• The joint venture procurement process evaluated the set-up and operational costs associated with this facility. This included the cost of removing one generator during the second year of operation. The cost is currently £230,340. <li data-bbox="300 817 1367 882">• The removal of one generator will reduce the council's plant fee cost by 20% or £269,132 per annum. The removal cost will be recovered within one year. <li data-bbox="300 922 1367 1081">• Whilst the volume of landfill gas and hence the quantity of electricity generated will continue to decline, it is worthwhile noting that the wholesale price of electricity on the All Ireland Electricity Market has increased by roughly 30% over the past year. If this continues, the loss of income through reduced generation will be minimised
3.2	<p data-bbox="300 1149 539 1184">Other Implications</p> <ul data-bbox="300 1218 1367 2128" style="list-style-type: none"> <li data-bbox="300 1218 1367 1384">• It is clearly in the interests of the Council that the volume of gas and electricity generation be maximised. Whilst we have no control over the volume of landfill gas produced from decomposing waste, the council could initiate a process whereby diminishing volumes of landfill gas can be replaced by biogas produced by means of anaerobic digestion. <li data-bbox="300 1424 1367 1794">• In an effort to encourage private sector involvement in the generation of biogas, the Department of Enterprise Trade and Investment has introduced the draft Northern Ireland Renewable Obligation Amendment Order 2011, which comes into effect on 1 April 2011. This will significantly increase the level of government incentives for the generation of electricity from biogas. These are to be increased from 1 Renewable Obligation Certificate to 3 Renewable Obligation Certificates per megawatt hour of generation. In financial terms this represents a revised grant of roughly £140 per megawatt hour or approximately £190 per megawatt hour to include income from the sale of electricity. Using these figures a one megawatt generator could produce a gross income in the region of £1.5 million per annum. <li data-bbox="300 1834 1367 2063">• A site of approximately 1.3 acres adjoining the generating facility at the North Foreshore has been identified as the location of a possible anaerobic digestion facility. The next step in procuring this facility is to publicly invite development submissions from private operators. The appointed operator will be required to lease the site from the Council, fund, construct, and operate the facility to produce biogas for sale to Council. The Council will retain the income from the sale of electricity and Renewable Obligation Certificates. <li data-bbox="300 2103 1246 2128">• This facility will prolong the lifespan of the remaining four generators.

	<ul style="list-style-type: none"> The cost to Council of this initiative is nil. The site will generate a rental income and the Council will derive an income from the sale of electricity and Renewable Obligation Certificates.
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4	Equality and Good Relations Considerations
4.1	None.

5	Recommendations
5.1	To note the removal of one generator.
5.2	To approve a request to publicly invite development submissions from private sector operators to develop and operate an anaerobic digestion facility at the North Foreshore.

6	Documents Attached
6.1	Copy report to Development Committee seeking approval to appoint Renewable Power Supplies Ltd as a joint venture partner.
6.2	A brief description of the anaerobic digestion process. Source – Friends of the Earth.
6.3	A site location plan

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**Belfast City Council**

Report to:	Development Committee
Subject:	Appointment of a Joint Venture Partner for the Generation of Landfill Gas at the North Foreshore
Date:	16 January 2008
Reporting Officer:	Marie-Thérèse McGivern, Director of Development, ext. 3470
Contact Officer:	Shirley McCay, Head of Economic Initiatives, ext. 3459 Susan Quail, North Foreshore Unit Manager, ext. 3441

Relevant Background Information

The decomposition of waste at North Foreshore, the former Dargan Road Landfill site, produces landfill gas which is composed of 50% methane and 50% carbon-dioxide. Under current UK Legislation and EU Directives the Council is not permitted to vent this potent greenhouse gas into the atmosphere. As the site is closed, the land is capped to contain the gas and a network of gas wells and inter-connecting pipe work is being installed to collect the gas which is fed to a central flair. This process is closely monitored by the Council's Health & Environmental Services Department and overseen by Environment & Heritage Service.

Landfill gas is a valuable sustainable, renewable energy source and following a comprehensive scoping study it was determined that the most expedient use would be the generation of 'green' electricity for sale to the national grid.

At the Development Committee meeting in April 2005, the Members considered options on how best to progress this project, and approved a recommendation to appoint an experienced operator as a joint venture partner to install, operate and manage the Landfill Gas Electric generation facility. Management of the gas field will be retained by the Council to ensure the highest safety standards: and the Committee has previously approved the installation of a cable to connect the facility to the national electricity grid.

Key Issues

Following Committee approval to appoint a joint venture partner, a procurement process was initiated which involved an invitation of interested parties followed by a comprehensive evaluation process culminating in the nomination of three potential operators:

Renewable Power Systems Ltd
Bioverda Ltd
Energen Natural Power Ltd

These companies operate UK/Ireland wide and are experienced in joint venture relationships with local authorities in the management and operation of land fill gas powered electricity generating facilities. A further selection process required the above companies to submit operational proposals and financial arrangements in response to a tender document prepared by Development Department. A further evaluation process including interviewing company representatives has identified Renewable Power Systems Ltd as the preferred operator. This has been a robust selection process to ensure the 'best deal' for Council over a proposed 20 year contract period.

With the Council's approval, Legal Services will issue a draft contract for execution in accordance with the terms and conditions contained in the tender documents.

Resource Implications

The above selection process has ensured that Belfast City Council will achieve best value. It is estimated that the sale of electricity to the national grid will generate an income of £1.0 to £1.5 million per annum to the Council, although this will diminish over the 20 year contract period as the level of land fill gas decreases.

Recommendations

Members are asked to approve the appointment of Renewable Power Systems Ltd, Bedford Business Centre, Mile Road, Bedford as the Council's joint venture partner in the generation of electricity from landfill gas at North Foreshore.

Anaerobic Digestion

Currently, much of our biodegradable waste such as food, garden waste, card and paper is sent to landfill, where it breaks down to release methane, a powerful greenhouse gas.

Anaerobic Digestion (AD) is a treatment that composts this waste in the absence of oxygen, producing a biogas that can be used to generate electricity and heat.

Producing 100 per cent renewable energy from our biodegradable waste helps tackle climate change caused by land filling and incineration.

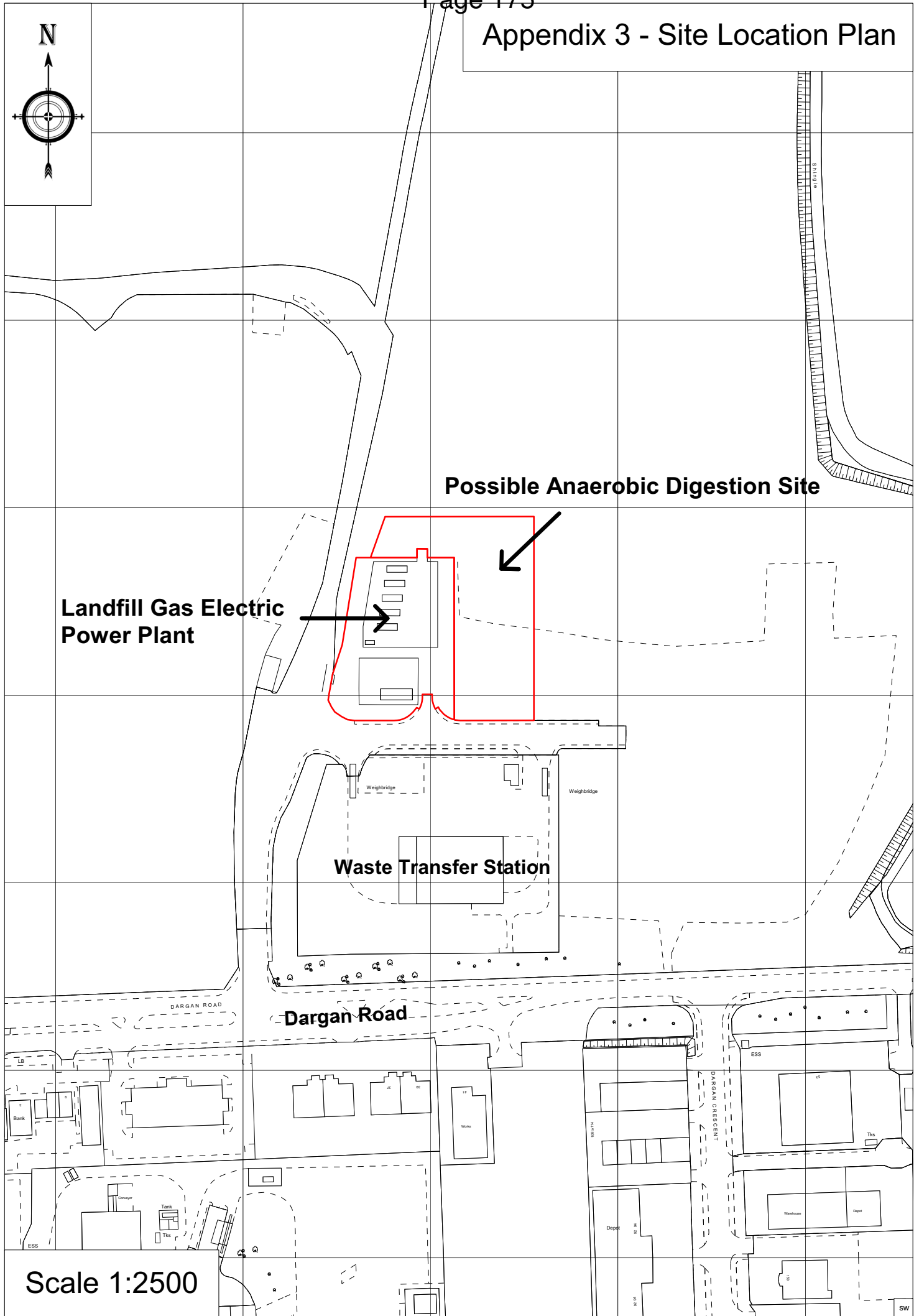
AD is a biological process that happens naturally when bacteria breaks down organic matter in environments with little or no oxygen. It is effectively a controlled and enclosed version of anaerobic breakdown of organic waste in landfill which releases methane.

Almost any organic material can be processed with AD, including waste paper and cardboard (which is of too low a grade to recycle, e.g. because of food contamination), leftover food, grass clippings and other green waste.

AD produces a biogas made up of around 60 per cent methane and 40 per cent carbon dioxide. This can be burnt to generate heat or electricity or can be used as a vehicle fuel. If used as a vehicle fuel the biogas needs to be purified. It can then be used to power vehicles such as bin lorries or be fed into the local grid to provide fuel for home heating.

As well as biogas, AD produces a solid and liquid residue called digestate which can be used as a soil conditioner to fertilise land. The amount of biogas and the quality of digestates obtained will vary according to the feedstock used. More gas will be produced if the feedstock is something like grass or waste food which decomposes easily.

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MEETING OF HISTORIC CENTENARIES WORKING GROUP**Minutes of the Meeting of Monday, 7th February, 2011**

Members present: Councillors Adamson, Hargey, Hendron, Kelly and Rodway.

In attendance: Mr. C. Quigley, Town Solicitor and Assistant Chief Executive;
Mrs. H. Francey, Good Relations Manager;
Ms. A. Deighan, Good Relations Officer;
Mr. R. Corbett, Records Manager;
Mr. J. Hanna, Senior Democratic Services Officer; and
Mr. B. Flynn, Democratic Services Officer.

Election of Chairman

The Members agreed that Councillor Hendron be elected Chairman of the Working Group for the period to end on the date of the Local Government Elections to be held in May, 2011.

Councillor Hendron took the Chair and thanked the Members for her election.

Election of Deputy Chairman

The Working Group agreed that Councillor Hargey be elected Deputy Chairman of the Working Group for the period to end on the date of the Local Government Elections to be held in May, 2011.

Councillor Hargey thanked the Members for her election.

Background Information and Principles

The Good Relations Manager reminded the Members that the Strategic Policy and Resources Committee, at its meeting on 10th December, had agreed to establish a Historical Centenaries Working Group on the undernoted terms:

“That an All-Party Working Group be established, which would be convened from representatives of the Strategic Policy and Resources Committee, to consider historic centenaries which the Council might wish to consider over the next decade; the principles which should be applied to consider those issues and the actions that the Council might wish to take itself, carry out with others or support the celebrations of others.”

The Good Relations Manager referred to the need to develop principles that could guide the Working Group and referred to a report entitled: ‘Reflecting the People’, which had been compiled in 2010 by Mrs. M. Mackin, who had undertaken work for the Council in respect of a review of memorabilia within the City Hall. She suggested that the principles outlined within this document could assist the Working Group as a basis for progress. She then referred Members specifically to an extract within the report, viz., ‘Principles for Shared Space and Programming’ in which Mrs. Mackin had suggested that the Council should seek to ‘enhance the overall sense of shared experience and community involvement; to promote maximum participation by all communities and to provide access to attractive, high quality and unique services within the City Hall’.

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**Historic Centenaries Working Group,
Monday, 7th February, 2011**

The report had also suggested that the Council could facilitate the exploration of differing perspectives in respect of the historical, political and cultural interpretations of history and develop the notion of a shared future whilst acknowledging the diversity of the City.

In addition, the Good Relations Manager referred to a speech by An Taoiseach, Mr. Brian Cowen T.D, which had been delivered at University College Dublin in May, 2010 during which he outlined the principles which the Government of the Republic of Ireland would wish to utilise in its consideration of the decade of centenaries. An extract of that speech is set out hereunder:

“We want to see full acknowledgement of the totality of the island’s history and the legitimacy of all the traditions on the island that draw their identity and collective memory from our shared history. We want the process of commemoration to recognise the totality of the history of the period, and all of the diversity that this encompasses. We believe that mutual respect should be central to all commemorative events and that historical accuracy should be paramount.”

Councillor Adamson, wished to place on the record that he acted as the Chairman of the Somme Association; was a member of the Pan-Unionist Centenary Committee; was the Honorary Historian of the Ulster Unionist Party; and acted as an advisor to the Rev. Ian Paisley in respect of the decade of centenaries.

After discussion the Working Group noted the information provided by the Good Relations Manager.

Proposed Terms of Reference

The Good Relations Manager outlined the proposed Terms of Reference for the Working Group, a copy of which is set out hereunder:

- “To consider historic centenaries and commemorations which the Council might wish to consider marking over the next decade;
- to establish a core set of principles to be applied in considering those centenaries and in identifying appropriate events to be commemorated;
- to consider what actions the Council might wish to take itself, carry out with others or support the celebrations of others in the marking of those centenaries;
- to give consideration to how a budget might be developed to support any actions agreed; and
- to make recommendations to the Strategic Policy and Resources Committee regarding the issues above.”

**Historic Centenaries Working Group,
Monday, 7th February, 2011**

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In addition, the Working Group considered a list of events which occurred between 1911 and 1925 which had been prepared by the Records Manager, which might be considered for commemoration during the period. A copy of the list is set out hereunder:

Chronology of Historic Events: 1911 – 1925

21 August 1911	Irish Women's Suffrage Federation Formed
28 September 1912	Ulster Covenant/Declaration signed
31 January 1913	Ulster Volunteer Force formed
26 August 1913	ITGWU strike begins in Dublin (Lock-Out) runs until January 1914
19 November 1913	Irish Citizen Army formed (J Connolly etc)
25 November 1913	Irish Volunteers (IVF) established (split when WW1 begins)
24/25 April 1914	UVF gun-running (Larne, Donaghadee, Bangor)
26 July 1914	Irish Volunteers gun-running (Howth)
20/21 April 1916	'Aud' vessel carrying arms for Irish Volunteers intercepted - Roger Casement arrested, later hanged
24 April 1916	Easter Rising begins
3 - 12 May 1916	Execution of leaders of Easter Rising
1 July 1916	Battle of Somme begins
1918	Conscription Crisis
December 1918	General Election – massive victory for Sinn Féin
21 January 1919	First meeting of Dáil Éireann in Mansion House, Dublin. Two policemen killed by Irish Volunteers (IRA) marking beginning of War of Independence (‘Troubles’)
23 December 1920	Government of Ireland Act passed establishing 26-county parliament in South and 6-county parliament in North.
22 June 1921	Opening of NI Parliament by George V
9 July 1921	Truce between IRA and British

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**Historic Centenaries Working Group,
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6 December 1921	Anglo-Irish Treaty signed
7 January 1922	Treaty approved by Dáil Éireann Sinn Fein split leading to Irish Civil War, 1922 - 3.
November 1925	Recommendations of Irish Boundary Commission leaked. Border between Irish Free State and Northern Ireland confirmed."

A number of Members referred to the list of anniversaries and welcomed the fact that it was an all-encompassing list and had included women's issues.

Councillor Adamson referred to the 1500th anniversary of the founding of Bobbio Abbey in northern Italy by St. Columbanus in the year 614. He indicated that the foundation of this monastery had been invaluable in the spread of Christianity throughout Europe and, although St. Columbanus had a direct linkage to Bangor, County Down, his impact on the wider area around Belfast was also immense. He suggested that this anniversary could also be considered by the Working Group.

After discussion, the Working Group agreed to adopt the Terms of Reference and agreed to note the information which had been provided in respect of the anniversaries which would take place throughout the decade.

Proposed Workshop/Seminar for Members

The Working Group agreed to host, on 28th February, a briefing session, to which all Members of the Council would be invited, at which the local historians Eamon Phoenix and Gordon Lucy would provide an overview of the forthcoming decade of centenaries within their historical context.

Miscellaneous Correspondence

The Working Group noted information which had been provided on the hosting of a conference by the Community Relations Council on 21st March in the City Hall in respect of the decade of centenaries. In addition, the Working Group noted that the Royal British Legion would be hosting a 'fun day' at The King's Hall Complex, Balmoral, on 4th June to mark its 90th anniversary.

Chairman

GOOD RELATIONS PARTNERSHIP**MONDAY, 7th FEBRUARY , 2011****MEETING OF THE GOOD RELATIONS PARTNERSHIP**

- Members present: Councillor Hendron (Chairman); and
Councillors Maskey and McCarthy.
- External Members: Mr. S. Brennan, Voluntary/Community Sector;
Rev. L. Carroll, Presbyterian Church;
Ms. A. Chada, Minority Ethnic Groups;
Mr. R. Galway, Bombardier Aerospace/
Confederation of British Industry;
Ms. M. Marken, Catholic Church;
Mr. P. Scott, Catholic Church;
Ms. M. de Silva, Voluntary/Community Sector; and
Ms. E. Wilkinson, Belfast Regeneration Office.
- Also attended: Ms. K. McErlean, Community Relations Council.
- In attendance: Mrs. H. Francey, Good Relations Manager;
Mr. I. May, Peace III Programme Manager;
Mr. D. Robinson, Good Relations Officer; and
Mr. H. Downey, Democratic Services Officer.

Apologies

Apologies for inability to attend were reported from Mr. P. Bunting, Archdeacon B. Dodds and Mr. P. Mackel.

Expression of Sympathy

The Chairman, on behalf of the Partnership, expressed her sympathy and condolences to Mr. S. Brennan on the recent death of his father.

Expression of Thanks

The Chairman, on behalf of the Partnership, thanked Rev. L. Carroll, Fortwilliam Presbyterian Church, and all those organisations and agencies which had provided assistance, including accommodation, to residents who had been forced to leave their homes during a recent lengthy security alert in the Antrim Road area of the City.

Minutes

The minutes of the meeting of 10th January were taken as read and signed as correct.

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**Good Relations Partnership,
Monday, 7th February, 2011**

**Good Relations Programme –
Audit and Evaluation**

The Partnership was reminded that the District Council Good Relations Programme, which was managed by the Office of the First Minister and the Deputy First Minister, provided 75% of the funding required by the Council to undertake its good relations work. The Good Relations Manager reported that the Council received currently approximately £500,000 towards programme and certain staffing costs and that, as a condition of funding, it was required to undertake an audit and evaluation of the programme for 2010/2011.

She explained that each year, the Council submitted to the Office of the First Minister and the Deputy First Minister a proposed action plan for approval under the Good Relations Programme. The plan was required to be formulated on the basis of prioritised needs and issues identified in a good relations audit completed within the last two years and stipulated that a monitoring and evaluation framework be in place. Funding of £12,500 had been included within the action plan to enable a comprehensive audit of current need within the Council and the community, together with an evaluation of the effectiveness of the Council's programme. 75% of this sum would be recouped from the Office of the First Minister and the Deputy First Minister. She informed the Members that, in line with the Council's procurement procedures, quotations had been sought from four organisations which possessed the appropriate expertise to undertake this work, following which Blueprint Consulting had been appointed.

The Partnership noted the information which had been provided and that a representative of Blueprint would attend its next meeting in order to outline in detail the audit and evaluation process which would be undertaken.

Peace III – Implementation Update

The Partnership considered a report which provided an update in respect of the implementation of Phase 1 of the Peace and Reconciliation Action Plan. The report provided an overview of the various themes and actions set out within the Plan, together with a summary of expenditure under each of the four elements of the Plan. The Peace III Programme Manager drew the Partnership's attention to the following issues:

Forthcoming Events

“Speak Your Peace”

A conference was being organised by the Community Relations Council and POBAL in order to highlight issues of relevance to the promotion of peace-building initiatives. The event would take place in the Armagh City Hotel on 24th February and all Members of the Partnership were invited to attend.

Celebratory Events

Events to mark the completion of the Belfast Divercity Project and the Belfast Citizenship Programme would be taking place in the City Hall on 23rd and 29th March respectively. An invitation to attend each event would be extended to all Members of the Partnership.

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Partnership Review and Development

The Partnership was reminded that a number of events had, in 2009 and 2010, been held to review progress against the implementation of Phase 1 of the Peace and Reconciliation Action Plan. The Peace III Programme Manager reported that it was proposed that further events be held during the course of 2011 and early 2012, which in addition to reviewing progress, would identify actions to contribute to ongoing partnership development prior to moving into Phase II of the Peace and Reconciliation Action Plan.

He outlined the primary issues which would be addressed at the review sessions and suggested that it would be appropriate to obtain external consultancy support in order to facilitate discussions and to oversee the drafting of a partnership development programme for members of the Partnership. He added that funding of £15,000 had been set aside for that purpose. Accordingly, he recommended that the Partnership approve the procurement of external consultancy support, as outlined, subject to further consultation taking place with and approval being granted by the Special European Union Programmes Body.

The Partnership noted the information which had been provided and approved the appointment of an external consultant to facilitate the review sessions.

Peace III – Review of Phase I

The Peace III Programme Manager informed the Partnership that the Special European Union Programmes Body had commissioned ASM Horwath to undertake a review of the implementation to date of the fourteen local action plans being delivered under the Peace III Programme Priority 1.1 – Building Positive Relations at a Local Level. He reported that, in terms of the Belfast Plan, the review had found that the Good Relations Partnership included established Peace and Reconciliation policy partners, that models of inter-agency collaboration were clearly evident and it was also successfully encouraging community collaboration at both an internal and external level. It had found also evidence of the adoption of a bottom-up approach through the use of community bodies for delivery and community involvement in planning. In addition, it had stated that there was a clear ongoing process of embedding expertise within appropriate stakeholders, with the aim of mainstreaming Peace and Reconciliation activities through interventions such as the community planning approach and by encouraging greater cross-community working with the community and voluntary sector.

The Peace III Programme Manager informed the Members that the Belfast Plan was subject to ongoing self-evaluation by projects co-ordinated by the Peace III team and that the results of this exercise were used to provide quarterly progress reports to the Special European Union Programmes Body and monthly updates to the Good Relations Partnership. That process had informed the development of the Phase II Peace and Reconciliation Plan and would be used also in the preparation of final reports on Phase I of the Good Relations Programme.

Noted.

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**Peace III – Update on
Application for Phase II Funding**

The Partnership considered the undernoted report:

“Purpose of report

To update the Partnership on the Phase II application for the Peace and Reconciliation Action Plan 2011-2013.

Key Issues

As the Partnership will be aware, a bid for Peace III funding for Phase 2 of the Belfast Peace & Reconciliation Action Plan was submitted to the Special European Union Programmes Body (SEUPB) on 17th September. Correspondence was received from SEUPB received on 21st December stating that the Peace III Priority 1.1 Steering Committee had recommended the Belfast Peace and Reconciliation Action Plan for approval, having reached the threshold score. The Committee agreed an award of funding towards Programme Costs of £3,945,847 which has been identified in the Economic Appraisal, undertaken by Cogent Consulting, as the preferred option. An additional award of funding towards Management Support Costs is pending following an options analysis by SEUPB.

Following this correspondence, further information relating to the economic appraisal and the preferred option were requested from SEUPB and this was received on 12th January.

The preferred option from the economic appraisal recommends the following projects for approval:

<u>Theme 1: Shared City Space</u>	<u>Cost</u>
Project 1: Community Cohesion Networks	£150,000
Project 6: City of Neighbourhoods – Health and Wellbeing	£151,400
<i>Total</i>	<i>£301,400</i>
<u>Theme 2: Transforming Contested Space</u>	
Project 7: Tackling Sectarianism and Racism	£300,000
Project 9: Belfast Sectarian and Racism Tension Monitoring Project	£601,500
Project 10: Youth Engagement Programme	£827,947
<i>Total</i>	<i>£1,729,477</i>

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<u>Theme 3: Shared Cultural Space</u>	
Project 11: Migrant Forum	£150,000
Project 12: City of Festivals II	£300,000
Project 13: Creative Legacies II	£300,000
Project 14: Roots of Empathy	£165,000
<i>Total</i>	<i>£915,000</i>
<u>Theme 4: Shared Organisational Space</u>	
Project 17: Grants Programme	£1,000,000
<i>Total</i>	<i>£1,000,000</i>
<i>Total Programme costs</i>	<i>£3,945,847</i>
Administration (pending options analysis)	£713,300
<i>Total Phase II Costs currently recommended</i>	<i>£4,659,147</i>

Potential for additional Projects

The preferred option from the economic appraisal further recommends that Council should be given the opportunity to strengthen the case for the following projects:

Project 2: Mending the City Scars	£870,500
Project 3: Creating Shared Space in the Playing Field	£608,500
Project 5: City of Neighbourhoods through integrated neighbourhood planning	£712,358
Project 6: City of Neighbourhoods – Health and Wellbeing – Community Garden element	£132,000
Project 8: Interfaces & Mediation Programme	£150,000
<i>Sub Total</i>	<i>£2,473,358</i>
<i>Potential Total Phase II Programme Costs</i>	<i>£7,132,505</i>

General Recommendations

The following general recommendations are made in the appraisal:

- A detailed additionality statement of current Council, partners and key stakeholder activities should be prepared which explicitly identifies how each proposed project within the Plan is additional and complementary to current activities on the ground. The appraisal also recommends that the issue of additionality is reviewed regularly for all projects.

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- The following projects will require an independent Green Book Economic Appraisal:
 - Project 9: Belfast Sectarian and Racism Tension Monitoring Project
 - Project 10: Youth Engagement Programme
- Note that pending approval the following projects will also require an independent Green Book Economic Appraisal
 - Project 2: Mending the City Scars
 - Project 3: Creating Shared Space in the Playing Field
 - Project 5: City of Neighbourhoods through integrated neighbourhood planning
- That cross-border activity is actively promoted and that all projects demonstrate some level of cross border activity.
- A detailed implementation and communications plan should be agreed by the Partnership in order for the programme to begin as soon as approval by SEUPB has been granted.
- Annualised SMART project outputs and spend profiles must be agreed by the Partnership and provided to SEUPB within one month of issue of any letter of offer.
- That salaries be maintained at current levels.
- Monitoring and evaluation is undertaken in line with the Aid for Peace Framework and reported to SEUPB in a timely manner.
- Lessons learnt by the Partnership through the completion of Phase I and the delivery of Phase II must be adequately recorded and reported to SEUPB.
- That there is ongoing consultation with stakeholders on specific projects within the programme
- That there is a focus on new participants and specific focus on the PEACE III target groups
- The Partnership must ensure that within the delivery of programmes a concerted effort is made to engage with all Peace III target groups.

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- Any process for resource allocation to local groups that has been built into programmes is clearly defined and agreed by the Partnership for accountability and transparency purposes
- Tenders received for the delivery of programmes should be assessed by the whole partnership in order to ensure open and transparent tendering procedures.
- State Aid should be considered at project level assessment.
- Clarification should be sought as to the breakdown of costs proposed in the Roots of Empathy project, and that further detail on the outputs from the Phase I project are provided in order to provide a better assessment of value for money offered.
- An up to date organisational chart should be provided detailing the structure of the Phase II team, including partners external to the Council, and the reporting mechanisms in place.
- The appraisal recommends that the Consortium has input into Good Relations Partnership meetings and to the roll out of Phase II.

Next Steps

At a meeting with SEUPB representatives on 27th January, the following points were noted:

The PEACE III programme review procedure does not allow grounds for appeal on those projects which have been rejected outright.

A Letter of Offer is anticipated by the end of February relating to approved projects and management support costs. A further meeting has been requested to discuss the additional information and clarification required for those deferred projects.

It is likely that the budget for management support costs within the Letter of Offer will be capped at 10% of the programme costs.

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Regarding the deferred projects it is likely that Council will be invited to bid for additional resources under Priority 1.1 following the June Steering Group meeting, with information to be received by SEUPB in September. It is anticipated that a decision on any further allocation would then be communicated in December 2011.

The independent green book appraisals on those approved projects over £500k can proceed.

All projects should be brought back to the Good Relations Partnership for consideration prior to project commencement.

Equality Implications

None at present

Recommendation

The Partnership is requested to note the information provided relating to the financial position of Phase I of the Peace and Reconciliation Action Plan.”

The Partnership adopted the recommendation.

Peace III – City of Festivals Action Plan

The Partnership was reminded that, at its meetings on 19th September and 12th November, it had approved a Festivals Action Plan for 2010/2011 as part of Action 3.1 City of Festivals under the theme of Shared Cultural Space within the Belfast Peace and Reconciliation Plan. The Peace III Programme Manager explained that the action plan had included an indicative budget which, it was intended, would be revised upon the appointment of a Festivals Co-ordinator. He informed the Partnership that a contract had been awarded recently for that role and that would lead to the implementation of the Festivals Action Plan.

He drew the Partnership’s attention to an amended version of the plan which set out the total budget to be allocated under each of the elements contained therein. The total cost of implementing the Plan would be £50,000, of which £30,000 had been included within the Development Department’s budget for 2010/2011. The remaining £20,000 had been allocated by the Good Relations Partnership under Peace III and would be recouped in full from the Special European Union Programmes Body. He added that the Action Plan would, upon completion, be subjected to a full evaluation, following which a report would be submitted to the Partnership.

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The Partnership approved the undernoted revised Festivals Action Plan for 2010/2011 and associated budget:

“Festivals Forum Action Plan 2010 / 2011

Core Themes

- Celebration of culture and arts
- Community cohesion
- Shared space
- Cultural tourism
- Civic pride
- Internationalism

Priorities for Action	Total Budget	Lead	Timescale
1. Develop and disseminate a short and practical Festivals Strategy (2010-2012) for Belfast that addresses opportunities, removes barriers and leads to action	£3,000	Co-ordinator and Forum	Completed by March 2011
2. Use Festivals Forum to lobby for increased resources and recognition of festivals as integral to arts, culture and tourism in the city	-	Co-ordinator and Forum	Ongoing
3. Create a coordinated campaign to improve awareness of Belfast as a City of Festivals, including co-ordinated marketing approach through key agencies such as BVCB and NITB	£5,000 PEACE III	TCA team/ BVCB/NITB	Ongoing

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Priorities for Action	Total Budget	Lead	Timescale
1. Council to ensure that festival-related plans in and across Council are aligned	-	TCA	December 2010
2. Involve key stakeholders in an initiative to share, and where possible, integrate festival plans across the city	-	Co-ordinator and Forum	Ongoing
3. Hold knowledge-sharing meetings between funders and festivals to improve understanding of needs associated with festivals e.g. funding timelines, flexibility, as well as needs of funders	-	Co-ordinator	2 meetings 1 by March 2010 1 by June 2011
4. Develop a policy toolkit for measuring the social and economic impact of festivals. This may require a recalibration of target markets to get a better balance between visitor and community targets	£5,000 PEACE III	Co-ordinator and TCA Team	June 2011
5. Coordinate a new, integrated and shared box office/ticketing system for the city	£2,000	ACNI, Audience NI, Culture NI	Ongoing – initial feasibility by June 2011

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Priorities for Action	Total Budget	Lead	Timescale
1. Undertake a series of practical measures to support festival organisation: <ul style="list-style-type: none"> • Create a pool of resources such as equipment that can be shared • Run training and mentoring programmes • Encourage clusters and joint marketing campaigns • Create an operational toolkit 	£5,000	Co-ordinator	March 2011
2. Council to investigate access to its properties, spaces and infrastructure as an available resource for festivals	-	TCA Team	Database on website March 2011
3. Develop a Belfast Festivals Charter	£5,000 PEACE III	Co-ordinator	June 2011
4. Develop cross border networking opportunities	£5,000 PEACE III	Co-ordinator	June 2011
13. Festival Forum meetings and capacity building	£5,000	TCA Team	Ongoing
14. Festivals co-ordinator, overheads, supplies etc	£15,000	TCA Team	November– June 11
TOTAL	£50,000”		

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Good Relations Plan 2011/2012

The Partnership considered the undernoted report:

“Purpose of report

To present for approval the updated Good Relations Plan for Belfast for the period 2011-2012, aligned to the Council’s current corporate plan.

Relevant Background Information

The Belfast Good Relations Plan was first published in 2007 and endorsed by all of the political parties and key agencies in the city. This was intended to last for a 3-year period and, late in 2009, officers began a series of meetings to update the framework and refresh the Plan.

A draft Plan was approved in principle by the Good Relations Partnership, at its meeting on 16th April 2010, and issued for public consultation in May.

Finalisation of the Plan was held back because of:

- (i) the need to ensure alignment with the Government’s Cohesion, Sharing and Integration policy paper, published in July, 2010; and
- (ii) the inter-agency panel set up to support the Good Relations Unit’s *Growing a Shared City* project was used to elicit the external actions to be included in the Plan. It has taken some time to obtain appropriate responses from these external agencies, many of whom have had to make amendments to future plans as a result of the changed economic climate.

The Partnership will recall that a draft Plan was tabled at its meeting on 3rd December and that comments were requested. We have incorporated into the Plan the comments received from the Belfast Trades Council and proposed actions from the Community Relations Council.

The Partnership will also be interested to learn that the Community Relations Council welcomed the Plan and stated that ‘this plan takes ‘mainstreaming’ seriously. It is to be commended as the best available interpretation of Good Relations for core priorities in any local government area.’

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The Community Relations Council noted that 'the plan has a sophisticated and well-articulated intellectual framework for problem analysis and is very well expressed.....this is an exciting and visionary plan with the potential to influence thinking well beyond the city'.

The draft Plan has been approved by the Council's Chief Officers' Management Team, who commended it, particularly the narrative. Further detail will be added to ensure that the action plan incorporates key tasks, milestones, responsibilities and performance measures, in line with normal corporate policy, to ensure its effective implementation.

The actions proposed by external agencies will be monitored regularly by the inter-agency panel which supports the Good Relations Unit's *Growing a Shared City* project.

Key Issues

The Council's overall aim is to improve the quality of life now and for future generations for the people of Belfast. We want to see Belfast as an attractive, competitive and safe city.

The core assumption behind this refreshed Good Relations Plan and framework is that good relations and community cohesion remain fundamental elements within the city's future development.

The Council, along with the major statutory agencies involved in managing the city, is committed to promoting and delivering good relations and community cohesion outcomes.

Timescale

The framework will be retained for two years and the action plan element updated on a regular basis. Publication of a limited number of copies is expected in the coming weeks.

Resource Implications

None at present. Each action would in due course produce business plans and detailed resource requirements.

Equality and Good Relations Implications

Since the principal purpose of the Plan is to promote better community and race relations in the city, any implications are positive.

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**Good Relations Partnership,
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Recommendation

The Partnership is requested to approve the Plan for publication.”

After discussion, the Partnership approved the Good Relations Plan for 2011/2012, a copy of which was available in full on the Modern.gov internet site.

St. Patrick’s Day 2011 – Small Grants Scheme

The Partnership was reminded that, at its meeting on 3rd December, it had approved the award of £33,374 to community groups in order to enable them to hold small-scale events to celebrate St. Patrick’s Day. The Good Relations Manager explained that an application had been received initially from Hannahstown Community Association seeking funding from the scheme to hold an event on that day. However, as the Good Relations Unit had been advised by an officer from Lisburn City Council that the Association was based within its boundary, the application had not been assessed as it was deemed ineligible.

She reported that, following subsequent communication with Hannahstown Community Association, it had been established that the group was, in fact, located within the Belfast City Council area. Its application had since been assessed, using the appropriate scoring matrix, and it qualified for funding under the scheme. Accordingly, she recommended that Hannahstown Community Association be awarded funding of up to £300 to hold a community event to celebrate St. Patrick’s Day.

The Partnership adopted the recommendation.

Remembering the Future

The Partnership was advised that the Community Relations Council, in conjunction with the Heritage Lottery Fund, would, on 21st March, be facilitating an event entitled “Remembering the Future”. The conference, which would be held in the City Hall, would highlight important historic anniversaries from the twentieth century and would provide an opportunity for debate and discussion on how these events could best be acknowledged and addressed over the forthcoming decade. An invitation to attend would be extended to all Members of the Partnership.

Noted.

Good Relations Grant-aid Fund

The Partnership noted that the next call for applications under the Good Relations Grant-aid Fund would open on 14th February, with the closing date being noon on 4th March. It was envisaged that a list of those organisations being recommended for funding would be submitted to the Partnership meeting which was scheduled to take place on 5th April.

Chairman



Belfast City Council

Report to:	Strategic Policy and Resources Committee
Subject:	Request to address Committee – Services Industrial Technical Professional and Technical Trade Union (SIPTU)
Date:	18th February, 2011
Reporting Officer:	Mr. Stephen McCrory Democratic Services Manager (ext. 6314)
Contact Officer:	Mr. Stephen McCrory Democratic Services Manager (ext. 6314)

1	Relevant Background Information
	A request has been received from the Services Industrial Technical Professional and Technical Trade Union (SIPTU) to address the Committee as part of its campaign to protect the Community Sector, the service users and providers of vital services to the local community.

2	Resource Implications
	None associated with this report.

3	Recommendations
	The Committee is asked to consider whether it wishes to hold a briefing session, to which all Members of the Council will be invited, for this purpose.

4	Decision Tracking
Officer responsible:	Jim Hanna will advise to the Trade Unions of the Committee's decision
Date Completed by:	25th February, 2011

5	Documents Attached
	Copy of letter received from SIPTU.

SIPTU**Services Industrial Professional & Technical Union**

HEAD OFFICE: LIBERTY HALL, DUBLIN 1. TELEPHONE: 01-8586300

SIPTU Belfast Hub Office

James Fearon House

3 Antrim Road

Belfast

BT15 2BE

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Mr Peter McNaney
 Chief Executive
 Belfast City Council
 Adelaide Exchange
 24-26 Adelaide Street
 Belfast
 BT2 8GD

11th January 2011

Dear Mr McNaney

We request the opportunity to meet with Belfast City Council to advise of our campaign to protect the Community Sector, the service users and providers of the vital services to our local community.

As you will no doubt be aware, the intended Budget cuts will seriously hinder the excellent and essential services that the community groups deliver to our community. We are concerned the cuts will be targeted at what is possibly seen as the point of least resistance, and that the Community Sector – which is currently largely unorganised into unions, will suffer disproportionately.

We must not allow this to happen and in this regard we are working with socially conscious political leaders and community activists to build a strong coalition of progressive thinking people who will stand together and best defend our Community Sector.

Our proposed presentation will take no more than 30 minutes. We look forward to a positive and constructive meeting and if you have any queries please do not hesitate to contact the undersigned at nincnally@siptu.ie.

Yours sincerely

Niall McNally
 SIPTU Organiser

07909115759

Chief Executive's Office		
Date	13 JAN 2011	
Seen by CX		
Referred to		
ACX	Corp Comms	Dem Serv
GR	SPP	Bus Supp.
Dev	F&R	H&ES
P&L	P&P	Other
Ref	MCN 27/01	

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Belfast City Council

Report to:	Strategic Policy & Resources Committee
Subject:	Department for Regional Development – Bi-lingual Traffic Signs Draft Policy & Draft Equality Impact Assessment Consultation
Date:	18 February 2011
Reporting Officer:	Peter McNaney, Chief Executive
Contact Officer:	Sharon McNicholl (Ext. 6009), Joanne Delaney (Ext. 6206)

1.0	<u>Relevant Background Information</u>
1.1	<p>The Council, at its meeting on Tuesday 1st February, considered the undernoted Notice of Motion submitted by Councillor Mac Giolla Mhin:</p> <p>“This Council welcomes the recent release of a consultation document by the Department for Regional Development on the introduction of bi-lingual traffic signage. The Council supports the introduction of such signage in Belfast, which would assist the Council in demonstrating the cultural diversity which the City enjoys and enhance the potential for the success of its various tourism initiatives.”</p> <p>The Council referred consideration of the Motion to the Strategic Policy and Resources Committee.</p> <p>It should be noted that the consultation runs from 10th January 2011 to 11 March 2011. Following consideration of all responses a final Equality Impact Assessment will be published on the Department’s website at www.drdni.gov.uk. The consultation document is attached as Appendix One.</p>
1.2	<p>The draft policy is intended to facilitate the introduction of a limited number of certain bi-lingual traffic signs in English and either Irish or Ulster–Scots for the specific purpose of promoting minority languages. DRD states that this policy will help the department meet its commitments under the European Charter for Regional or Minority Languages, which came into force on 1 July 2001.</p> <p>The purpose of the consultation is to obtain:</p> <ul style="list-style-type: none"> ▪ Views on the draft policy itself ▪ Views on the draft assessment of the equality impact of the draft policy; and ▪ Any further information which could be useful in assessing those equality impacts
1.3	<p><i>Equality Impact Assessment (EQIA)</i></p> <p>The draft EQIA examines the various factors influencing the policy development and how these factors impact on the section 75 groupings.</p> <p>In developing the draft policy three main options were considered which are as follows:</p> <ul style="list-style-type: none"> ▪ <i>Do nothing</i> – was deemed not commensurate with the overall desire to include either Irish or Ulster Scots on traffic signs for the specific purpose of promoting both languages. It was therefore set aside ▪ <i>Treat all traffic signs bi-lingually</i> – was deemed would place an enormous burden on Roads Service in terms of finance, to replace the signs, and staff resource. This option could not be justified for economic reasons. ▪ <i>Consider a limited range of signs for treatment</i> – the final option was to consider a limited range of signs which, when treated bi-lingually, could be confined to discrete areas where a level of support could be confirmed. This is the Department’s preferred option. <p>In light of the differential impacts highlighted in the EQIA it is recommended that the Draft Equality Impact Assessment is referred to the Party Groupings on the Council for individual consideration</p>

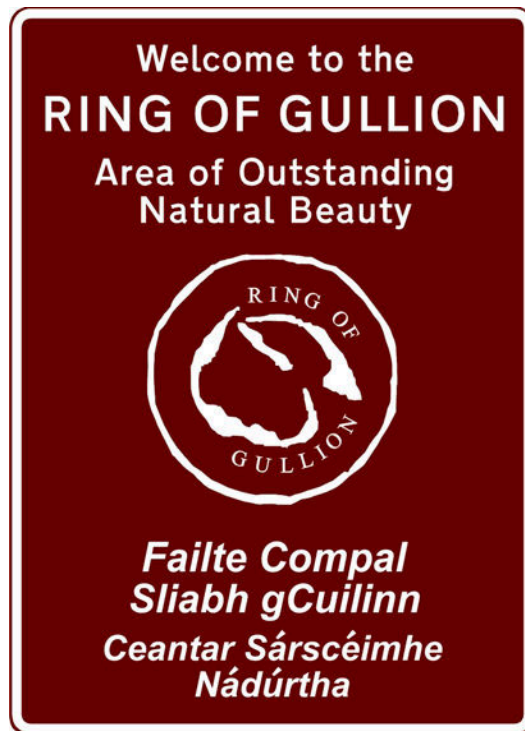
	and comment.
1.4	<p><i>Summary of the Draft Policy</i></p> <p>Documentation issued by the DRD states that the draft policy is intended to facilitate the introduction of a limited number of certain bi-lingual traffic signs in English and either Irish or Ulster-Scots for the specific purpose of promoting minority languages.</p> <p>The draft policy will permit the inclusion of either Irish or Ulster-Scots, as well as English on the following types of signs, examples for each and specifics are detailed in the consultation document:</p> <ul style="list-style-type: none"> i) Town/village place name signs ii) Some worded supplementary plates to standard warning signs (e.g. School) and iii) Certain tourist signs <p>The Policy highlights that the types of sign have been carefully chosen so that they can be employed in discrete localised areas to minimise their impact and to go some way to ensuring that they will get as much local support as possible. In order to ensure community support, applications will only be considered where there is an affirmative resolution of support from the local authority.</p> <p>The principal language to be used on traffic signs is English. It shall always take precedence where a legend is present on a traffic sign. Only one additional language may be added to a sign.</p> <p>There are a number of functions proposed within the policy relating specifically to District Councils namely:</p> <ul style="list-style-type: none"> ▪ Signs will have to be requested by a promoter through their local District Council. The promoter may be the Local Council in the case of town or village entry signs, a local tourist operator in the case of tourist signs, or the manager of the facility in the case of the warning supplementary signs, which could, for example, be a school Principal. ▪ The EQIA states that the Local District Council will be responsible for reimbursing Roads Service of the total cost of the sign approval, design, manufacture and erection, although it is envisaged that the Local District Council will recover these costs from the promoter. No direct cost will be borne by the Department. However the Policy & Procedure Guide states that "<i>The Local Council shall then supply and erect signs that comply in all respects with the agreement entered into</i>" – therefore clarification is required as to who would have responsibility for erecting and maintaining signs. ▪ The consultation recognises that this could be a politically sensitive issue and may not be accepted in all areas. Consequentially, in order to ensure a degree of local support for any bilingual signing proposal, Roads Service will require, as a pre-requisite, confirmation that the proposal has the support of the relevant Local Council
2.0	<u>Key Issues</u>
2.1	<p>Points for Consideration</p> <p>As mentioned above the draft policy outlines a number of potential functions for District Councils in terms of administering the policy. In relation to these functions Council Officers have highlighted that it would be helpful if clarification could be given as to:</p> <ul style="list-style-type: none"> ▪ The definition of the terms 'Discrete areas' and 'Overall Support' used within the policy; ▪ The definition of an "area" is important in terms of surveying areas for opinion before submitting signs for approval. Administering the legislation on street signs is more clearly defined in that a survey is conducted of those residents within a specified street; ▪ As with any new policy the resource implications of its administration need to be explored

	<p>including the costing of applications;</p> <ul style="list-style-type: none"> ▪ Clarity is required on who is responsible for erecting and maintaining signs and any attendant liability issues.
3.0 Resource Implications	
N/A	
4.0 Equality Implications	
It has been recommended that the consultation document in terms of the Draft Equality Impact Assessment be referred to the Party Groupings on the Council for individual consideration and comment	
5.0 Recommendations	
<ol style="list-style-type: none"> 1. It is recommended that the consultation document in terms of the Draft Equality Impact Assessment be referred to the Party Groupings on the Council for individual consideration and comment. 2. The Strategic Policy and Resources Committee is asked to consider the draft consultation and to consider if it wishes to submit a Council response to the draft policy or to refer to Party Groupings on the Council for individual consideration and comment 	
6.0 Documents Attached	
Appendix 1	DRD – Bi-lingual Traffic Signs Draft Policy & Draft Equality Impact Assessment – Consultation document

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Bi-lingual Traffic Signs
Draft Policy & Draft Equality Impact Assessment
Consultation

The consultation period will end on 11 MARCH 2011.



Department for
**Regional
Development**

www.drdni.gov.uk

AN ROINN

Forbartha Réigiúnaí

MÁNNYSTRIE FUR

Kintra Pairts Fordèrin

ROADS Service

SEEKING YOUR VIEWS

We are carrying out a Consultation on a draft Roads Service policy and procedure guide and a draft Equality Impact Assessment (EQIA) on it. The draft policy is intended to facilitate the introduction of certain bi-lingual traffic signs in English and either Irish or Ulster-Scots for the specific purpose of promoting minority languages. The policy will help the Department meet its commitments under the European Charter for Regional or Minority Languages, which came into force on 1 July 2001.

The purpose of this consultation is to obtain:

- your views on the draft policy itself;
- your views on this draft assessment of the equality impact of the draft policy; and,
- any further information which could be useful in assessing those equality impacts.

When considering your response, the following questions may offer a useful guideline:

1. Do you have any comments on the overall policy proposal, either about the concept or the detail?
2. Do you have any general comments on the equality issues covered in this draft assessment?
3. What are your views on the draft conclusions?

4. Are there any other issues that have not been addressed? If so, what are these?

5. Is there any other relevant information you consider should have been taken into account in performing this analysis?

The Department will publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read Appendix 2 at the back of this document on the confidentiality of consultations. This will give you guidance on the legal position about any information given by you in response to this consultation.

Should you require this document in an accessible format such as Braille, audio format/CD, minority ethnic language etc, please contact us by any of the means provided below.

The document is also available for download at www.drdni.gov.uk

Comments can be sent to us at;

Department for Regional Development
Roads Service, Transportation and Engineering Policy Unit
Room 3-29
Clarence Court
10-18 Adelaide Street
Belfast
BT2 8GB

or e-mailed to: roads.transportation@drdni.gov.uk

The consultation period will end on 11th March 2011.

Following consideration of all responses a final Equality Impact Assessment will be published on the Department's website at <http://www.drdni.gov.uk> under the consultations link.

This document is also available from the Department at the address given above or by calling 028 9054 0633 or by using our textphone number 028 9054 0022.

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1 Executive Summary

- 1.1 In response to requests for such signing, and in keeping with the spirit of the European Charter for Regional or Minority Languages, Roads Service has developed a draft policy and procedure guide for the provision of bi-lingual traffic signing.
- 1.2 The draft policy is intended to facilitate the introduction of a limited number of certain bi-lingual traffic signs in English and either Irish or Ulster-Scots for the specific purpose of promoting minority languages.
- 1.3 Fuller information about the detail of the draft policy is contained in Section 3.
- 1.4 This draft EQIA examines the various factors influencing the policy development and how these factors impact on the section 75 groupings.
- 1.5 This draft EQIA concludes that the Department is unaware of any data to suggest that the policy has a differential impact on the majority of Section 75 groups. However, there are differential impacts, both positive and negative on the political opinion and religious beliefs groupings.
- 1.6 It also concludes that the proposal for bi-lingual traffic signs has the potential to have a negative impact on good relations between persons of different political opinion.
- 1.7 However, the Department would maintain that the policy has been carefully developed in order to try and minimise this impact by confining the use of bi-lingual traffic signing to discrete areas where there is a confirmed overall support for such signing.

- 1.8 The Department would invite comment on any part of this Draft EQIA and would welcome any data that consultees feel is relevant.
- 1.9 The Department would also invite comment on any aspect of the draft policy contained in Appendix 1, and welcome any suggestions on how it could be improved.

2 Introduction

- 2.1 This section outlines the background to the creation and purpose of this document.

Section 75

- 2.2 Section 75 of the Northern Ireland Act 1998 requires the Department for Regional Development, in carrying out its functions, to have due regard to the need to promote equality of opportunity:
- between persons of different religious belief, political opinion, race, age, marital status or sexual orientation;
 - between men and women generally;
 - between persons with a disability and persons without;
 - between persons with dependents and persons without.
- 2.3 In addition, without prejudice to its obligations above, the Department must also have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.
- 2.4 The Department is fully committed to complying with the statutory requirements of section 75 of the Northern Ireland Act 1998.

- 2.5 Under section 49A of the Disability Discrimination Act 1995 (DDA 1995) (as amended by the Disability Discrimination (Northern Ireland) Order 2006), the Department is required when carrying out its functions to have due regard to the need to:
- promote positive attitudes towards disabled people; and
 - encourage participation by disabled people in public life ('the disability duties').
- 2.6 This consultation document presents the findings of a draft EQIA on the draft policy and procedure guide.
- 2.7 The draft EQIA has been carried out in accordance with the guidance set down by the Equality Commission for Northern Ireland in its Practical Guide on Equality Impact Assessment.
- 2.8 The draft EQIA considers the impact that the policy may have for the section 75 groupings within the general public especially persons with disabilities.

Why is this Consultation being undertaken

- 2.9 The European Charter for Regional or Minority Languages came into force in the UK on 1 July 2001. In Northern Ireland, it applies to Irish and Ulster-Scots.
- 2.10 While the Charter does not place any direct responsibility on the Department in respect of traffic signing, it requires that the Department's business in relation to the use of Irish, in particular, be examined in a pro-active way, with a view to protecting and promoting use of the Irish language. In light of this, and associated requests for such signing, Roads Service developed a draft policy

and procedure guide to allow the inclusion of either Irish or Ulster-Scots as well as English on certain traffic signs.

- 2.11 As with all new or revised policies a Section 75 Equality of Opportunity Screening Analysis was undertaken and this concluded that the draft policy should be the subject of a full EQIA given the potential for impact on equality of opportunity and good relations.
- 2.12 We believe that the draft policy proposal will impact on the political opinion and religious belief Section 75 groups. We would expect that those from a Nationalist/Catholic background would be more likely to be generally supportive of the draft policy while those from a Unionist/Protestant background less so.

3 Defining the Policy

- 3.1 A full version of the draft policy and procedure guide is contained at Appendix 1.
- 3.2 The draft policy will permit the inclusion of either Irish or Ulster-Scots, as well as English on the following types of signs:
- (i) town/village place name signs;
 - (ii) some worded supplementary plates to standard warning signs (e.g. 'School'); and,
 - (iii) certain tourist signs.
- 3.3 All signs to be treated 'bi-lingually' will be based on existing prescribed signing and will generally be subject to existing design standards. Examples are as follows:



- 3.4 The types of sign have been carefully chosen so that they can be employed in discrete localised areas to minimise their impact and to go some way to ensuring that they will get as much local support as possible.
- 3.5 The principal language to be used on traffic signs is English. It shall always take precedence where a legend is present on a traffic sign.
- 3.6 Only one additional language may be added to a sign as drivers must be able to fully assimilate the message displayed on a sign.
- 3.7 Where the additional language spelling is the same or very similar to the English version, then it should be omitted from the sign to avoid redundancy and possible driver confusion.

- 3.8 Where there is more than one possible spelling of the alternative place name, in either Irish or Ulster-Scots, then the local Council, as the applicant and representative for the area, shall decide which should be used.
- 3.9 Additional languages shall always be added in italics at 80% size of the English version and shall be located below the English version.
- 3.10 The proposal is that signs will have to be requested by a promoter through their local District Council. The promoter may be the Local Council in the case of town or village entry signs, a local tourist operator in the case of tourist signs, or the manager of the facility in the case of the warning supplementary signs, which could, for example, be a school Principal.
- 3.11 The local District Council will be responsible for reimbursing Roads Service of the total cost of the sign approval, design, manufacture and erection, although it is envisaged that the local District Council will recover these costs from the promoter. No direct cost will be borne by the Department.
- 3.12 It is recognised that this could be a politically sensitive issue and may not be accepted in all areas. Consequentially, in order to ensure a degree of local support for any bilingual signing proposal, Roads Service will require, as a pre-requisite, confirmation that the proposal has the support of the relevant local council.
- 3.13 There are no plans to provide bi-lingual signs generally, particularly given the different perspectives of the different councils. It would also be difficult to justify the expenditure required to make wholesale changes to road the signing system to include a second language given the current economic difficulties.

4 Consideration of Available Data and Research

4.1 We looked at the following sources of quantitative data:

- Census 2001;
- NI Omnibus Survey, January 2007; and,
- NI Life and Times Survey (NILT), 1999;
- Research on bi-lingual signing in Wales; and,
- Roads Service correspondence and photographs.

4.2 The 2001 Census recorded that, of the some 1.6 million people aged 3 and over living in Northern Ireland, 167,490 had some knowledge of Irish and 1,450,467 had no knowledge of Irish.

4.3 Of the 167,490 figure, the Census recorded 75,125 individuals who could speak, read, write and understand Irish. In addition:

- 36,479 people were recorded as being able to understand spoken Irish but not read, write or speak the language;
- 24,536 as able to speak the language but not read or write it;
- 7,183 as able to speak and read Irish but not write it; and,
- a further 24,167 as having some other combination of skills.

The 2001 Census data can be found via the following link:

<http://www.nisranew.nisra.gov.uk/Census/pdf/Key%20Statistics%20ReportTables.pdf>

4.4 There are no census data relating to the number of Ulster-Scots speakers anywhere within the United Kingdom. The Northern Ireland Life and Times survey (NILT, 1999) found that 2% of the population spoke Ulster-Scots, which would be around 35,000 people.

4.5 The NI Omnibus Survey is conducted several times each year by the Central Survey Unit of the Northern Ireland Statistics & Research Agency (NISRA) and is designed to provide a snapshot of the behaviour, lifestyle and views of a representative sample of people aged 16 and over. In January 2007, the survey reported that 18% of respondents had some knowledge or understanding of Irish whilst 4% of respondents had some knowledge or understanding of Ulster-Scots.

4.6 In terms of research it would appear that most extensive exploration of the matter has been undertaken on the use of bi-lingual traffic signs in Wales. A number of reports were reviewed and these are as follows:

- Rutley K.S. 1972, An Investigation into Bi Lingual (Welsh / English) Traffic Signs. TRRL Report LR 475. Transport Research Laboratory, Crowthorne, UK.
- Bowen R. 1972, Bi lingual Traffic Sign Report of the Committee Inquiry. Welsh Office.
- Rutley K.S. 1974, A Second Investigation into Bilingual (Welsh English) Traffic Signs. TRRL Supplementary Report 34 UC. Transport Research Laboratory, Crowthorne, UK.
- Ryder J.P. 1980, Bilingual Traffic Signs in Wales - A Review. Department of Town Planning University of Wales Institute of Science and Technology.

- 4.7 Apart from the 'Committee of Inquiry' report the investigations primarily concentrated on the technical considerations and in particular those related to road safety. The 'Committee of Inquiry' report also gathered data in the form of views from others and the position elsewhere.
- 4.8 In terms of sign design a main recommendation that any bi-lingual traffic sign should conform in general to the existing prescribed standards of size, colour and shape.
- 4.9 The reports recognise that adding any additional information to a sign will increase reading times and that a second language will further add to this. However, all of the reports and particular the latest one, Ryder, concluded that there is no evidence to suggest that bi-lingual signs are associated with adverse safety effects.
- 4.10 The 'Committee of Inquiry' report also examined the use of bi-lingual signs elsewhere and concluded that these present no major difficulties in terms of conforming to international agreements (for traffic signs) or in terms of providing a practicable traffic signing system.
- 4.11 None of the reports however explored the equality aspects of introducing a bi-lingual signing system.
- 4.12 Bi-lingual traffic signing is also used throughout the Republic of Ireland and in some parts of the Highlands of Scotland. Roads Service is not aware of any formal research or data that assesses the impact of either.
- 4.13 In terms of other data, Roads Service has over the past number of years regularly received correspondence requesting the provision of

bi-lingual traffic signing. This correspondence has come from a mixture of private individuals and public representatives. The vast majority of requests have been for Irish to be included as the second language.

4.14 In terms of existing traffic signing, which may be construed by some as politically sensitive, Roads Service is aware of some on-going difficulties with the presentation of 'Londonderry' on some of its traffic signs. The word London is often painted over to leave derry, which in some cases is then subsequently painted over in a tit-for-tat act of vandalism.



5 Assessment of Impact

5.1 The narrative which follows highlights the impact of the implementation of the policy on each of the individual Section 75 groups.

5.2 **Political Opinion** - the Department has concluded that there may be a positive impact on those from Nationalist background and a negative impact on those from a Unionist background. Where requests for bi-lingual traffic signing have come from political

representatives, these have generally been from those representing a Nationalist party. The on-going difficulties with the presentation of Londonderry on traffic signs would seem to confirm the differing perspectives of those of different political outlooks.

5.3 Religious Belief – Given the link that exists between politics and religion in that those from a Nationalist background are usually brought up in the Catholic faith whilst those from a Unionist background are usually brought up in a Protestant faith, it is reasonable to assume that the findings for political opinion may also apply to religious belief.

5.4 Racial Groups - the Department has concluded that there is no known reliable data to indicate that this policy will have a particular impact on a particular racial group. The Department would comment that bi-lingual road signs have been used throughout both the Republic of Ireland and in Wales, and certain parts of Scotland with no reported difficulties in either respect. English is still retained as the main the language on signs and it is assumed that the majority of economic migrants will have sufficient knowledge of it.





- 5.5 **Age Groups** - the Department has concluded that there is no known reliable data to indicate that this policy will have a particular impact on people of different ages.
- 5.6 **Men and Women in General** - the Department has concluded that there is no known reliable data to indicate that this policy will have a particular impact between men and women in general.
- 5.7 **Sexual orientation** - the Department has concluded that there is no known reliable data to indicate that this policy will have a particular impact on persons of a particular sexual orientation.
- 5.8 **Marital status** - the Department has concluded that there is no known reliable data to indicate that this policy will have a particular impact on persons of a particular marital status.

- 5.9 **People with disabilities** - the Department has concluded that there is no known reliable data to indicate that this policy will have a particular impact on people with disabilities. The assessment did consider the possible impact that the use of two languages on a sign could present for some people with learning difficulties but the Department was unable to source any data that suggested a direct correlation. Again the Department would comment that there are no reported difficulties either in the Republic of Ireland, Wales or the Highlands of Scotland where bi-lingual traffic signs are used.
- 5.10 **Persons with dependants** - the Department has concluded that there is no known reliable data to indicate that this policy will have a particular impact on persons with dependants.
- 5.11 In the absence of **reliable data**, we would welcome comments in relation to the impact of this policy as part of the public consultation exercise.
- 5.12 The proposal for bi-lingual traffic signs has the potential to have a negative impact on **good relations** between persons of different political opinion and religious belief.

6 Consideration of Alternatives and Mitigation

- 6.1 In developing the draft policy three main options were considered, which are as follows:
- Do nothing;
 - Treat all traffic signs bi-lingually; and,
 - Select a limited range of certain signs for treatment.

- 6.2 'Doing nothing' was not commensurate with the overall desire to include either Irish or Ulster Scots on traffic signs for the specific purpose of promoting both languages. It was therefore set aside.
- 6.3 Treating all signs bi-lingually would place an enormous burden on Roads Service in terms of finance, to replace the signs, and staff resource, to design the signs and manage their installation. This would have been difficult to justify given that there is no operational need for the inclusion of other languages. If all signs were to be considered then the three languages would need to be accommodated which would have a disproportionate affect on the size of signs and the amount of information that can be safely displayed. This option could not be justified for economic reasons.
- 6.4 The final option was to consider a limited range of signs which, when treated bi-lingually, could be confined to discrete areas where a level of local support could be confirmed. This proposal also means that the costs for the signs can be recovered from the promoter ensuring that provision of such signs is, as far as possible, cost neutral to the Department. This is the preferred option.
- 6.5 It should be noted that all of the proposed new signs developed as a result of this draft policy are based on existing prescribed signs and follow the design rules currently used here. These design rules have been developed over many years by the Department for Transport in London and the methodologies used are founded on extensive research.
- 6.6 In recognition of concerns about reading times and road safety, any second language shall always be added in italics at 80% size of the English version. It shall also be located below the English version.

- 6.7 The Department considers that all viable mitigation measures were explored during the decision making process.

7 Conclusion

- 7.1 The screening for the draft policy recommended that the draft policy be the subject of an EQIA.
- 7.2 This draft EQIA concludes that the Department is unaware of any known reliable data to suggest that the proposed policy presents any form of differential impact to the following groupings: racial groups; age groups; men and women in general; sexual orientation; marital status; and, persons with dependants.
- 7.3 This draft EQIA also concludes that there is potentially a positive impact on the religious belief and political opinions groupings and in particular those of a catholic/nationalist persuasion.
- 7.4 However, this draft EQIA also concludes that there is also potentially a negative impact on the religious belief and political opinions groupings and in particular those of a unionist persuasion.
- 7.5 The proposal for bi-lingual traffic signs has the potential to impact on good relations between persons of different political opinion.
- 7.6 However, the Department would maintain that the policy has been carefully developed in order to try and minimise these impacts by confining the use of bi-lingual traffic signing to discrete areas where there is a confirmed level of overall support for the signing. However, the Department has also to be mindful of issues such as the on going difficulties with the presentation of Londonderry on traffic signs (paragraph 4.14) which may indicate that a minority of

the community, from both sides of the political divide may have difficulties with the draft policy proposal.

- 7.7 The Department invites comment on any part of this Draft EQIA and welcomes any data that consultees feel is relevant to draft policy.
- 7.8 The Department also invites comment on any aspect of the draft policy contained in Appendix 1, and welcome any suggestions on how it could be improved.

8 Formal Consultation

- 8.1 This equality impact assessment is issued in draft form for public consultation for an 8 week period starting during the week commencing 10th January 2011.
- 8.2 This draft EQIA is being issued to all consultees listed in the Department's Equality Scheme. A full list of consultees is detailed at Appendix 3.
- 8.3 The draft EQIA has been placed on the Department's website <http://www.drdni.gov.uk> from which it can be downloaded.

9 Policy Decision

- 9.1 This draft EQIA will be finalised following consideration of the comments made during the consultation process with the final decision taken by the Minister.

10 Publication of the Results of the EQIA

- 10.1 All those who responded to the consultation exercise will be informed of the outcomes of the EQIA.
- 10.2 The EQIA will be published on the Department's website and copies in accessible format will be available on request (contact details as given on pages (ii) and (iii) of this consultation document).

11 Monitoring for Future Adverse Impact and Publication of Results

- 11.1 The Department will monitor the impacts of any introduction of bi-lingual traffic signs and identify any unforeseen results.
- 11.2 The outcome of the monitoring will be reviewed and the results published in The Department's annual progress report to the Equality Commission.

Roads Service Policy & Procedure Guide: RSPPG_E0XX

Title: Bi-lingual Road Signs

Author:
Owner: Director of Engineering
Version: 1
Date Issued:

Classification

Procedure Category: Engineering
Business Category: Network Management
Business Function: Informing Road Users
Business Activity: Traffic Signs

Notes

Notes section containing a large, faint watermark reading "DRAFT".

Certification

This document complies with Roads Service Policy and is to be implemented with effect from the date of issue.

(Signed)

Director of Engineering

Certification Date:

1 Introduction

1.1 Purpose

1.1.1 This Roads Service Policy & Procedure Guide (RSPPG) sets out policy for the inclusion of minority languages on certain roads signs and where so included, how such signs are to be designed and funded.

1.2 Definitions

1.2.1 Regional or Minority Language – a language traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State's population and which is different from the official language(s) of that State.

1.2.2 Cost, total cost, etc – The combined cost of design, purchase, erection and illumination or reflectorisation of a sign, including administration charges.

1.2.3 Hamlet – a settlement with a population of between 50 – 499 ^a

1.2.4 LTN – Local Transport Note published by The Stationery Office

1.2.5 TSR – The Traffic Signs Regulations (Northern Ireland) 1997

1.2.6 TSM – The Traffic Signs Manual published by The Stationery Office

1.3 Background

1.3.1 The European Charter for Regional or Minority Languages came into force in the United Kingdom on 1st July 2001.

1.3.2 The thrust of the Charter is to pro-actively protect and promote regional and minority languages. Its overriding purpose is cultural. In Northern Ireland it applies only to Irish and Ulster-Scots.

1.3.3 Following a number of representations from elected representatives, interest groups and individuals, the Roads Service Board, at its meeting on 26th May 2006, agreed that three groups of traffic sign should be considered in relation to the implementation of the Charter. These were:

- the erection by Councils of town/village place name signs bearing the Irish or Ulster-Scots equivalent of the name in addition to the English version;

^a Taken from the draft Sub-Regional Transport Plan which adapted a system of classification of settlements from the Report of the Inter-Departmental Urban-Rural Group published in February 2005 <http://www.nisra.gov.uk/archive/urbanreport.pdf>

- the display of Irish or Ulster-Scots in addition to English on certain worded supplementary plates to standard warning signs (e.g. 'School') if requested by the premise; and
- the inclusion, in consultation with the NI Tourist Board, of Irish or Ulster-Scots in addition to English on signs funded by private premise owners (e.g. tourist destinations, churches, schools and certain commercial premises) in close proximity to the destination.

1.4 **Implementation**

1.4.1 This RSPPG shall be implemented with immediate effect.

1.5 **Costs and benefits**

1.5.1 It is anticipated that all costs incurred by Roads Service in connection with the design, supply and erection of the sign types referred to above will be recoverable.

1.5.2 The main benefits to derive from implementation of this RSPPG will be an increased opportunity to service customer expectations for the inclusion of regional or minority languages on road signs. This RSPPG will clarify for Roads Service staff the circumstances in which Roads Service will permit the provision of such signs on the public road.

2 Roads Service Policy & Procedure

2.1 Core principles

2.1.1 This policy shall only apply to the following generic sign types;

- Town/village nameplate signs;
- Privately funded tourist signing (TSR Schedule 7 Part III).
- Certain worded supplementary plates;

2.1.2 All applications for the erection of new signs or the replacement of existing signs must be made through the appropriate local authority.

2.1.3 In order to ensure community support for the inclusion of Irish or Ulster-Scots on signs, applications will only be considered where there is an affirmative resolution of support from the local authority.

2.1.4 The local authority shall be responsible for the reimbursement to Roads Service of all costs associated with the provision of new signs or replacement of existing signs in any of the above categories containing Irish or Ulster-Scots in addition to the English equivalent.

2.2 Town/Village Nameplate Signs

2.2.1 Town/Village nameplate signs are those included in TSR Schedule 7: Part V. Roads Service policy on the provision of town/village nameplate signs is articulated both in paragraph 4.1.2 of RSPPG_E029 'The Signing of Tourist Attractions and Facilities' and paragraph 2.7.9 of RSPPG_E034 'Direction Signs' and this policy shall remain unchanged.

2.2.2 Examples of typical town / village signs are shown in Appendix 1.

2.3 Privately Funded Tourist Signing

2.3.1 Tourist Signs are those included in TSR Schedule 7: Part III. Roads Service policy on the provision of Tourist Signing is articulated in RSPPG_E029 'The Signing of Tourist Attractions and Facilities' and this policy shall remain unchanged.

2.3.2 Examples of typical Tourist signing are shown in Appendix 2

2.4 Supplementary Plates

Only supplementary plates which refer to the existence of a community facility shall be included in this policy. Only the following diagram numbers will be considered for the inclusion of a second language.

- School – Diagram 546
- Patrol – Diagram 547.1
- Playground – Diagram 547.2
- Disabled People – Diagram 547.4
- Disabled Children – Diagram 547.7

2.4.1 Sample of these diagrams are shown in Appendix 3.

2.5 Sign design

2.5.1 The principal language to be used on traffic signs is English. It shall always take precedence where a legend is present on a traffic sign.

2.5.2 In the interests of road safety drivers must be able to fully assimilate the message displayed on a sign. For this reason **only one** additional language may be added to a sign and lengthy place names in an additional language should be avoided. Where the length of the destination name is considered by Roads Service to be excessive, it may be omitted if no suitable abbreviation exists. Roads Service shall be the final arbiter as to what is displayed on the sign.

2.5.3 Where the additional language spelling is the same or very similar to the English version, then it should be omitted from the sign to avoid redundancy and possible driver confusion.

2.5.4 Where there is more than one possible spelling of the alternative place name, in either Irish or Ulster-Scots, then the local Council, as the applicant and representative for the area, shall decide which should be used.

2.5.5 All bilingual traffic signs shall comply with the rules of traffic sign design prevailing at the time of erection (currently Chapter 7 of TSM and LTN 1/94). In particular, the legend x-height shall be the same as that for other direction signing on the road, namely, that appropriate to the 85th- percentile speed of traffic, as indicated in Appendix A of LTN 1/94.

2.5.6 Additional languages shall always be added in italics at 80% size of the English version. Spacing between the two blocks of legend shall be 2 sw (stroke widths). Legends within blocks should be centered. Sign legend and background colours shall conform to TSR requirements. Signs shall be illuminated in accordance with Roads Service policy on sign illumination and reflectorisation.

2.6 Sign erection

2.6.1 In all cases where signs have been agreed with Roads Service, the local Council shall enter into an agreement drawn up in accordance with Article 29(3) of RTRO and the terms and conditions specified for the provision of permanent signs contained within Appendix A of RSPPG_E034 Direction Signs. The local Council shall then supply and erect signs that comply in all respects with the agreement entered into.

2.7 Financial arrangements

2.7.1 The local Council shall be responsible for payment of all approving signing covered by this RSPPG.

3 Equality Impact Assessment (EQIA)

3.1 Section 75 of the Northern Ireland Act 1998

An equality screening analysis has been carried out on the policy contained within this RSPPG. The analysis identified potential differential impacts on two groups listed in section 75 of the Northern Ireland Act 1998, namely political opinion and religious belief. A full equality impact assessment is recommended.

4 References

4.1 General References

- 4.1.1 The Traffic Signs Regulations (Northern Ireland) 1997
- 4.1.2 RSPPG_E029 – The signing of Tourist Attractions and Facilities
- 4.1.3 RSPPG_E034 – Direction Signs
- 4.1.4 Local Transport Note 1/94 – The Design and use of Directional Informatory Signs

5 Appendices

5.1 Appendix 1- Sample Town/Village Nameplate Signs



Figure 1
Standard monolingual sign
(1.9 x 1.9m 150 / 75mm x-height)



Figure 2
Bilingual version of place name only
(additional language version of place name at 80% of English version)
(1.9 x 2.1m 150 / 75mm x-height)



Figure 3
All sign elements replicated in Irish
(2.7 x 2.7m 150 / 75mm x-height)



Figure 4
All sign elements in Ulster-Scots
(1.9 x 2.7m 150 / 75mm x-height)

5.2 Appendix 2 – Sample Tourist Destination Signs



Figure 1
Bilingual “Tourist information” signs with Irish and Ulster-Scots
(additional language at 80% size of English version)



Figure 2
Bilingual “Museum” sign with Irish only.
Ulster-Scots version same as English
(additional language at 80%
size of English version)

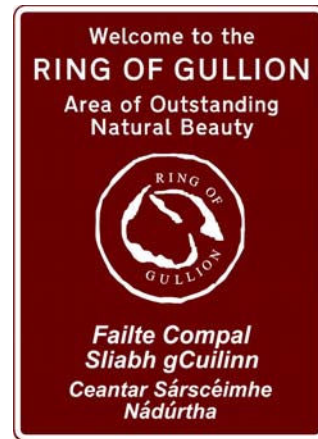


Figure 3
Bilingual “Area of Outstanding Natural
Beauty” sign with Irish
(additional language size varies)

5.3 Appendix 3 – Sample Warning Signs and Supplementary Worded Plates



Bilingual “School” and “Playground” signs with Irish and Ulster-Scots (additional language at 80% size of English version)



Bilingual “Disabled children” sign and “Disabled people” plate with Irish and Ulster-Scots (additional language at 80% size of English version)



Bilingual “Patrol” sign with Irish. Ulster-Scots version same as English (additional language at 80% size of English version)

Freedom of Information Act 2000 – Confidentiality of Consultations

The Freedom of Information Act gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity, should be made public or treated as confidential.

This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that: The Department should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided.

The Department should not agree to hold information received from third parties 'in confidence' which is not confidential in nature. Acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

List of Consultees

All Government Departments (12 + 2 Junior Ministers)

All Local Government Councils (26) (E-mail)

All MLAs (108)

All NI Members of Parliament

All NI Members of European Parliament

Altnagelvin Hospitals HSS Trust

Age Northern Ireland

Age Sector Platform (E-mail)

Alliance Party of Northern Ireland

An Munia Tober (E-mail)

Antrim Borough Council (E-mail)

Ards Borough Council (E-mail)

Armagh City & District Council (E-mail)

Autism NI (E-mail)

Automobile Association

Ballymena Borough Council (E-mail)

Ballymoney Borough Council (E-mail)

Banbridge District Council (E-mail)

Barnardos NI (E-mail)

Barnardos Tuar Ceatha Project

Belfast Butterfly Club (E-mail)

Belfast City Council (E-mail)

Belfast Education and Library Board

Belfast Harbour (E-mail)

Belfast Health and Social Care Trust

Belfast Healthy Cities Project (E-mail)
Belfast Hebrew Congregation
Belfast International Airport (E-mail)
Belfast Islamic Centre (E-mail)
Belfast Solicitors' Association
British Deaf Association (NI) (E-mail)
Bryson House (E-mail)
BT
Cara-friend
CARE in Northern Ireland (E-mail)
Carers Northern Ireland (E-mail)
Carrickfergus Borough Council (E-mail)
Carlingford Lough Commission
Castlereagh Borough Council (E-mail)
Catholic Bishops of Northern Ireland
Cedar Foundation (E-mail)
Centre for Aging Research and Development in Ireland (E-mail)
Child Poverty Action Group
Children in Northern Ireland (E-mail)
Children's Law Centre (E-mail)
Chinese Welfare Association (E-mail)
Chrysalis Women's Centre (E-mail)
Church of Ireland
Citizens Advice Bureau (E-mail)
City of Derry Airport (E-mail)
Coalition on Sexual Orientation (E-mail)
Coiste-na n-iarchimi
Coleraine Borough Council (E-mail)
Coleraine Harbour (E-mail)

Commissioner for Children and Young People (E-mail)
Committee on the Administration of Justice (E-mail)
Community Development and Health Network (E-mail)
The Community Foundation (E-mail)
Community Places (E-mail)
Community Relations Council
Community Transport Association (E-mail)
Confederation of British Industry (E-mail)
Concordia Partnership for Progress (E-mail)
Conservation Volunteers Northern Ireland (E-mail)
Consumer Council for NI (E-mail)
Cookstown District Council (E-mail)
Co-ownership Housing Association
Council for Nature Conservation and the Countryside
Craigavon Borough Council (E-mail)
Cruse Bereavement Care (NI)
Democratic Unionist Party (E-mail)
Departmental Library (2)
Departmental Solicitors' Office
Derry City Council (E-mail)
Derry Well Woman (E-mail)
Disability Action (E-mail)
Down District Council (E-mail)
Down's Syndrome Association (E-mail)
Dungannon & South Tyrone Borough Council (E-mail)
Eastern Health and Social Services (E-mail)
Economic Research Institute of Northern Ireland (E-mail)
Employers' Forum on Disability (E-mail)
Equality Commission for NI (E-mail)

Equality Forum NI
Executive Council of the Inn of Court of NI
Falls Community Council (E-mail)
Falls Women Centre (E-mail)
Federation of Passenger Transport
Federation of Small Businesses (E-mail)
Fermanagh District Council (E-mail)
Fermanagh Women's Network
First Division Civil Servants' Association
Food Standards Agency NI
Foyle Women's Aid (E-mail)
Foyle Women's Information Network (E-mail)
FPA NI
Friends of the Earth (E-mail)
Gay and Lesbian Youth (NI) (E-mail)
George Best Belfast City Airport (E-mail)
Gingerbread NI (E-mail)
Green Park HSS Trust
Green Party (NI)
Guide Dogs (E-mail)
Health and Safety Executive for Northern Ireland (E-mail)
Help the Aged (NI)
HM Council of County Court Judges (NI)
IMTAC (E-mail)
Indian Community Centre (E-mail)
Inland Waterways Northern Ireland
Institute of Directors (E-mail)
Institute of Professional Legal Studies (QUB)
Institution of Highways and Transportation (E-mail)

Invest Northern Ireland (E-mail)
Irish Congress of Trade Unions (NI Committee) (E-mail)
Irish & Local Studies Department, Central Library
Irish Transport Trust (E-mail)
Labour Party
Larne Borough Council (E-mail)
Larne Harbour (E-mail)
Law Centre (NI)
Law Society of Northern Ireland (E-mail)
Legal Deposit Libraries
Lesbian Line (E-mail)
Limavady Borough Council (E-mail)
Lisburn City Council (E-mail)
Living Streets (E-mail)
Local Government Staff Commission for Northern Ireland (E-mail)
Londonderry Harbour Office (E-mail)
Lower North Belfast Community Council (E-mail)
Magherafelt District Council (E-mail)
Magherafelt Women's Group (E-mail)
MENCAP (E-mail)
Methodist Church in Ireland (E-mail)
Mid-Ulster Women's Network (E-mail)
Ministry of Defence
Mobilise NI
Motorcyclist Action Group
Moyle District Council
Multi-Cultural Resource Centre (E-mail)
National Energy Action
Newry & Mourne District Council (E-mail)

Newry & Mourne Senior Citizens' Consortium (E-mail)
Newry & Mourne Women Ltd (E-mail)
NIACRO (E-mail)
NI Bird Watchers' Association (E-mail)
NI Cycling Initiative (E-mail)
NIE
NI Environment Link (E-mail)
NI Islamic Centre
NI Women's Aid Federation
North Down Borough Council (E-mail)
North Eastern Education and Library Board (E-mail)
North South Ministerial Council
North West Community Network (E-mail)
North West Forum of People with Disabilities (E-mail)
Northern Health and Social Care Trust
Northern Health and Social Services Board
Northern Ireland Ambulance Service
Northern Ireland Anti-Poverty Network (E-mail)
Northern Ireland Assembly
Northern Ireland Association for Mental Health (E-mail)
Northern Ireland Association of Citizens' Advice Bureaux (E-mail)
Northern Ireland Chamber of Commerce and Industry (E-mail)
Northern Ireland Chamber of Trade
Northern Ireland Chest, Heart and Stroke Association (E-mail)
Northern Ireland Community Relations Council (E-mail)
Northern Ireland Conservative Association
Northern Ireland Council for Ethnic Minorities (E-mail)
Northern Ireland Council for Voluntary Action (E-mail)
Northern Ireland Court Service

NIE

Northern Ireland Gay Rights Association (E-mail)
Northern Ireland Human Rights Commission (E-mail)
Northern Ireland Judicial Appointments Commission
Northern Ireland Law Commission
Northern Ireland Local Government Association (NILGA)
Northern Ireland Office (Human Rights & Equality Unit) (E-mail)
Northern Ireland Ombudsman
Northern Ireland Public Service Alliance (E-mail)
Northern Ireland Rural Development Council (E-mail)
Northern Ireland Rural Women's Network (E-mail)
Northern Ireland Statistics and Research Agency (E-mail)
Northern Ireland Tourist Board (E-mail)
Northern Ireland Transport Holding Company (E-mail)
Northern Ireland Women's European Platform
NSPCC (E-mail)
NTL Cable Tel
NUS-USI (E-mail)
Office of the Archbishop of Armagh (E-mail)
Omagh District Council (E-mail)
Omagh Women's Area Network (E-mail)
The Omnibus Partnership (E-mail)
Parents' Advice Centre (E-mail)
Parents and Professionals and Autism
Participation and the Practice of Rights Project
The Participation Network (E-mail)
Phoenix Gas (E-mail)
POBAL (E-mail)
Polish Association NI (E-mail)

Presbyterian Church in Ireland (E-mail)
Press for Change (E-mail)
Progressive Unionist Party (E-mail)
Protestant, Unionist, Loyalist Network
Quarry Products Association (E-mail)
Queen's University Belfast
Queer Space (E-mail)
RAC
Rainbow Project (E-mail)
Relate NI
RNIB (NI) (E-mail)
Road Haulage Association
Road Safety Council for Northern Ireland (E-mail)
ROSPA
Royal Group of Hospitals
Royal National Institute of Blind People (E-mail)
Royal National Institute for the Deaf (NI) (E-mail)
Rural Community Network (E-mail)
Rural Community Transport Partnerships (18)
Rural Development Council
Rural Support (E-mail)
Save the Children (E-mail)
SDLP (E-mail)
Sense NI (E-mail)
Sign Language Centre Belfast
Sikh Cultural Centre
Sinn Fein (E-mail)
Southern Education and Library Board (E-mail)
Southern Health and Social Care Trust

Southern Education and Library Board
South Eastern Health and Social Care Trust
South Tyrone Empowerment Programme (E-mail)
Sperrin Lakeland Senior Citizens' Consortium (E-mail)
Staff Commission for Education and Library Boards
St. Angelo Airport (E-mail)
Strabane District Council (E-mail)
SUSTRANS (E-mail)
Traditional Unionist Voice
Translink (E-mail)
Transport 2000
Travellers' Movement NI
Ulster Archaeological Society (E-mail)
Ulster Automobile Club
Ulster Scots Heritage Council (E-mail)
Ulster Society for the Protection of the Countryside (E-mail)
Ulster Unionist Party (E-mail)
Ulster Wildlife Trust
ULTACH (E-mail)
UNISON (E-mail)
University of Ulster
Viridian
Warrenpoint Harbour (E-mail)
West Belfast Taxi Association
Western Education and Library Board
Western Health and Social Services Board
Western Health and Social Care Trust
Wildfowl and Wetlands Trust (E-mail)
Women's Forum (E-mail)

Women's Forum Northern Ireland (E-mail)

Women's Information Group (E-mail)

Women's Resource and Development Agency (E-mail)

Women's Support Network (E-mail)

Workers' Party (E-mail)

World Wide Fund for Nature

Youth Council for NI (E-mail)

Youthnet (E-mail)

Mr A Arlow, Newcastle

Ms O'Kane, Londonderry