

Document Pack

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



28th February, 2012

MEETING OF STRATEGIC POLICY AND RESOURCES COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet in the Lavery Room (Room G05), City Hall on Friday, 2nd March, 2012 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
 - (b) Minutes
 - (c) Declarations of Interest
2. **Local Government Reform Update** (Pages 1 - 12)
3. **Review of the Size of the Northern Ireland Assembly and Government Departments** (Pages 13 - 32)

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

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Report to:	Strategic Policy and Resources Committee
Subject:	Local Government Reform Update
Date:	2 March 2012
Reporting Officer:	Peter McNaney, Chief Executive
Contact Officer:	Kevin Heaney (Ext. 6202)

1.0	<u>Relevant Background Information</u>
1.1	Members will be aware that the NI Executive's draft Programme for Government and Investment Strategy for Northern Ireland, contains a clear commitment to proceed with local government reform (Review of Public Administration as it's known), based on the 11 council model, with elections to shadow councils in 2014, and the establishment of the new 11 councils in 2015. There is a commitment also to transfer key functions (e.g. planning, regeneration and community planning) to councils as part of the reform process.
1.2	In terms of the 11 council model, the Local Government Boundaries Commissioners' final recommendations report published in June 2009 proposed that the new Belfast City Council would increase its population base from 277,000 to 320,000 (approximately). The new Belfast boundary would incorporate parts of the adjoining Castlereagh Borough, Lisburn City and a small part of North Down District Council area. The number of electoral wards, and therefore councillors, would increase from 51 to 60, with an average of 40 electoral wards for the other 10 new council areas.
1.3	<p>Subject to a Boundary Order being submitted for the consideration of the NI Assembly, the current position in regards to the proposed new extended Belfast boundary, as set out within the Boundary Commissioners' recommendation report, would incorporate the following areas:</p> <ul style="list-style-type: none"> • Castlereagh District –Tullycarnet, Gilnahirk, Braniel, Hillfoot, Merok, Cregagh, Wynchurch, Glencreagh, Belvoir • Lisburn City District – Colin Glen, Poleglass, Lagmore, Twinbrook, Kilwee & Dunmurry • North Down District - inclusion of part of Cedar Grove, Knocknagoney <p>A copy of the detailed Boundary Commissioners' Recommendations report is available at http://www.lgbc-ni.org/index/publications/final_recommendations.htm. Copies can be made available to Members if needed.</p> <p>It is understood that the DoE are to submit for the consideration of the NI Assembly within the coming weeks a draft Local Government (Boundaries) Order laid in the Assembly which will give effect to the boundary changes.</p>
2.0	<u>Key Issues</u>
	<u>Correspondence received from the Minister of the Environment</u>
2.1	<p>Correspondence has been recently received from the Minister of the Environment, dated 15 February, setting out initial proposals for taking forward local government reform. A copy of the letter received is attached at Appendix 1. In his correspondence the Minister has requested that by the end of March 2012, councils should restore key aspects of the necessary implementation structures to support the operational delivery of the local government reform programme at the local level. These include:</p> <p>(i) 11 voluntary Transition Committees - voluntary joint committees representing the 11</p>

	<p>council groupings which will co-ordinate and oversee the reform programme; and</p> <p>(ii) Transition Management Teams – joint executive teams representing the council groupings and providing support and advice to voluntary Transition Committees</p> <p>The Minister outlined also his intentions in regards to:</p> <p>(iii) Regional governance arrangements - establish a Regional Transition Committee (RTC) to provide high level political leadership for the implementation of the reform programme. It is understood that membership will be comprised of the Minister and the Chairs of the 11 Transition Committees, which will be supported by a Regional Transition Management Team (RTMT) comprised of Council Chief Executives;</p> <p>(iv) Transition Committee Funding – NI Executive has decided that there will be no central government funding to support local government reorganisation. Indeed, councils will be required to provide the necessary resources (financial and human capital) to support preparations at the local level. The DoE had previously provided central government Transition Committee funding (including £2,700 pro-rata annual payment to Members of the voluntary Transition Committees).</p>						
2.2	<p>The Council has received correspondence from the National Association of Councillors (copy attached at Appendix 2) setting out the Association’s concerns in regards to the absence of central government funding for key elements of the reform process including severance payments for members who may be displaced by the proposed reduction in the number of local councils in 2015. The Association has sought clarification from local government if they believe they can fund the reform programme or whether they expect central government to provide part funding.</p>						
2.3	<p>How such costs are identified, planned and budgeted for on a potential ‘invest to save’ basis will be crucial. It is understood that the DoE are considering what financial instruments could be put in place to give Councils greater flexibility to fund specific one-off costs of reform.</p>						
<p><u>Implementation Timetable</u></p>							
2.4	<p>Whilst specific details are still to emerge from the NI Executive and DoE in regards to the implementation programme and timetable for local government reform, it is understood that the high-level key milestones include:-</p> <table border="1" data-bbox="204 1384 1485 2036"> <tr> <td data-bbox="204 1384 437 1541">By April 2012</td> <td data-bbox="437 1384 1485 1541"> <ul style="list-style-type: none"> • restore 11 voluntary Transition Committees to co-ordinate and oversee the reform programme at the local level • restore 11 Transition Management Teams to provide support and advice to voluntary Transition Committee </td> </tr> <tr> <td data-bbox="204 1541 437 1928">By 2012 year-end</td> <td data-bbox="437 1541 1485 1928"> <ul style="list-style-type: none"> • bring forward necessary enabling legislation for local government reform: <ul style="list-style-type: none"> - Boundaries Order which will deal with the creation of the new 11 council boundaries; - Local Government Reorganisation Act which will deal with issues such as putting in place the necessary governance arrangements, establishment of Statutory Transition Committees and establishment of Shadow Councils • establish Regional Transition Committee to provide high-level political leadership (at a regional level) for the implementation of the reform programme </td> </tr> <tr> <td data-bbox="204 1928 437 2036">By May 2013</td> <td data-bbox="437 1928 1485 2036"> <ul style="list-style-type: none"> • Statutory Transition Committees established representing those clusters of councils which are to merge together. The Statutory Transition Committees will oversee the reform programme at the local level and </td> </tr> </table>	By April 2012	<ul style="list-style-type: none"> • restore 11 voluntary Transition Committees to co-ordinate and oversee the reform programme at the local level • restore 11 Transition Management Teams to provide support and advice to voluntary Transition Committee 	By 2012 year-end	<ul style="list-style-type: none"> • bring forward necessary enabling legislation for local government reform: <ul style="list-style-type: none"> - Boundaries Order which will deal with the creation of the new 11 council boundaries; - Local Government Reorganisation Act which will deal with issues such as putting in place the necessary governance arrangements, establishment of Statutory Transition Committees and establishment of Shadow Councils • establish Regional Transition Committee to provide high-level political leadership (at a regional level) for the implementation of the reform programme 	By May 2013	<ul style="list-style-type: none"> • Statutory Transition Committees established representing those clusters of councils which are to merge together. The Statutory Transition Committees will oversee the reform programme at the local level and
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		make the necessary preparations for the establishment of Shadow Councils in 2014 and Councils in 2015.
	By June 2014	<ul style="list-style-type: none"> election to and establishment of 'Shadow Councils' to oversee implementation of reform programme.
	By April 2015	<ul style="list-style-type: none"> 11 new councils become operational as legal identities, with the transfer and integration of functions from central government to the new councils.
2.5	<p>Members will appreciate both the scale of the challenge of preparing for local government reform, and the opportunity which it presents in terms of the planned transfer of key place-shaping functions such as planning and regeneration back to the Council, which will further enhance our ability to make a real and lasting difference in stimulating the local economy and improving the quality of people's lives across the city. Such functions would also be key enablers which would underpin the Council's ability to deliver its investment priorities as set out within the Council's draft Investment Programme 2012-2015.</p>	
2.6	<p>Whilst the Council will be less affected by the convergence issues which will be experienced by the other merging councils, we now need to restore our focus on planning for reform and, in particular, the extension of the Council boundaries, including the associated operational and financial implications, and the transfer and integration of new functions.</p>	
2.7	<p>To direct the Council's previous engagement and work around RPA, Members had agreed and put in place an implementation (transition) plan. Whilst the delivery of this plan was halted with the delays and then postponement of the RPA process, the key workstreams identified and initial work progressed remains valid albeit that it will need to be reviewed and refreshed. Members input into this process will be crucial and it is suggested that any emerging implementation plan will be an integral part of the Committees' future work programme. Examples of some of the critical issues which the Council will need to address in moving forward include:</p> <ul style="list-style-type: none"> (i) Influencing key strands of emerging legislation which may affect the future governance and operational arrangements of the Council (ii) dealing with the HR related matters associated with the potential transfer of new staff from neighbouring councils or transferring function departments (iii) addressing the organisational and governance implications resulting from local government reform and transfer of functions (iv) due diligence review of the potential transfer of assets and liabilities from Lisburn and Castlereagh and any associated financial implications (v) identifying and managing the financial and operational implications of extending council services to those geographical areas coming within the new Belfast boundary (vi) managing potential rates conversation issues resulting from the proposed extension of the Belfast boundary (vii) ensuring that transferring functions such as planning and regeneration are fit-for-purpose at point of transfer (viii) effective and continued communication with all key stakeholders <p>As previously highlighted by Members, it will be important that the Council is professional in its approach to dealing with critical transition issues (as outlined above) and ensures that appropriate due diligence and benchmark reports are developed, examining potential options and any associated implications/consequences.</p>	

	<u>Members' Workshop Session</u>
2.8	To inform this work, the Committee meeting on the 2 nd March 2012 will be a focused workshop session to identify and explore with Members the current status of local government reform, the potential governance and implementation structures necessary, the role of Members in driving the process forward and initial thoughts on the key workstreams which will form the basis of a forward work programme for the Committee. A copy of workshop programme is attached at Appendix 3 .
	<u>Governance - Belfast Transition Committee</u>
2.9	Members will note that in establishing the previous RPA governance and delivery structures, the Environment Minister at the time, Sammy Wilson MLA, agreed that the Council's Strategic Policy and Resources Committee be designated as the Belfast ' Voluntary Transition Committee (vTC) ' and that this committee would schedule an additional meeting each month to deal with RPA and transformation related matters. In addition, the Council's vTC established a joint political forum with Lisburn/Castlereagh vTC and had met on 3 occasions to identify and discuss important transition related issues. Given the postponement of the RPA this joint forum had been suspended.
2.10	In moving forward to re-establish the Belfast vTC as recently requested by the Environment Minister, Members may wish to recommend that the same governance arrangements be put in place i.e. that the Council's SP&R Committee be designated as the Belfast vTC. It should be noted however that this would mean that the PUP would not have a place on the vTC as no member of the PUP is presently on SP&R Committee. Party Leaders have briefly discussed this and expressed their willingness to invite a member of the PUP to join meetings of the vTC.
	<u>Engagement with Lisburn and Castlereagh</u>
2.11	Notwithstanding, the Council will need to give consideration to how it would wish to engage with Lisburn and Castlereagh in preparing for any proposed boundary changes and planning/managing any associated transition matters (e.g. ensuring service harmonisation, transfer of assets and liabilities, mitigating potential financial risks, minimising the impact on rates etc).
2.12	It is understood from discussions with senior officials within the DoE that when the Statutory Transition Committees are brought forward through legislation, it is likely that there will be a pre-requisite that the Belfast ' Statutory Transition Committee ', should include political representation from Lisburn and Castlereagh. It will be important that this is proportionate and representative of those areas to transfer within the new Belfast boundary.
2.13	As the DoE will circulate, in due course, detailed guidance in respect to the role, remit and composition of Statutory Transition Committee, including the Belfast Statutory Transition Committee, it will be critical that the Council engages and discusses this with the DoE in advance.
	<u>Transfer of Functions</u>
2.14	As previously agreed by the Committee, discussions are ongoing with the DSD, DoE and DoE Planning Service regarding the potential for the Council to support the delivery and integration of key functions such as planning and regeneration at a local level in advance of any formal transfer to councils in 2015. Such discussions will further amplify over the coming months as the Council and Party Group Leaders actively engage with the NI Executive, Ministers and government departments in regards to the delivery of the Belfast Investment Programme and key investment priorities for the city.

3.0 Resource Implications

There will clearly be financial and Human Resources implications for the Council in preparing for RPA;

however, the scope and scale of these remain somewhat uncertain in the absence of further detail from the NI Executive and clarification on potential funding options.

4.0 Recommendations

Members are asked to:

- i. note the indicative milestones for local government reform as set out within the report;
- ii. note that the Committee meeting on 2 March will be used as a workshop session to explore with Members the potential governance and implementation structures, the role of Members in driving the reform process and the key work strands required;
- iii. agree that the Council recommends to the DoE that the Strategic Policy and Resources Committee be designated as the Belfast voluntary Transition Committee and determine whether the PUP should be invited to nominate a member to sit on the vTC
- iv. give initial consideration as to how the Council may wish to engage with Lisburn and Castlereagh in respects to important transition issues.

5.0 Documents Attached

Appendix 1 Correspondence received from the Environment Minister

Appendix 2 Correspondence received from the National Association for Councillors

Appendix 3 Workshop Programme

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APPENDIX 1: Correspondence received from Environment Minister

From the office of the
Minister of the Environment



Department of the
Environment
www.doeni.gov.uk

DoE Private Office
8th Floor
Goodwood House
44 - 58 May Street
BELFAST
BT1 4NN

Telephone: 028 902 56019

Email: private.office@doeni.gov.uk

Your reference:

Our reference: SUB/184/2012

15 February 2012

Dear Council Mayors and Chairs

As you will be aware, the Executive decided in November 2011 that the reform of local government would be delivered on the basis of an 11-council model. As Minister responsible for implementation of the local government reform programme, I shall manage this decision in line with the 2015 timetable proposed in the Programme for Government 2011-2015. As a result, I will now be working to refresh this major initiative in partnership with the local government sector.

Consequently, I would ask you to restore, as soon as it is possible, the 11 Voluntary Transition Committees which are a key aspect of the implementation structures needed to bring about operational delivery of the programme in the council groupings. I would ask that the VTC for your constituent councils is established if possible by the end of March 2012 and confirm by e-mail to Linda MacHugh, Director of Local Government Policy Division (email linda.machugh@doeni.gov.uk) that the Committee has been re-established together with the name of the Chair, the Chief Executive (to act as the main point of contact for correspondence), the Transition Manager and a list of Transition Committee and Transition Management Team Members. I recognise this process will be more straight forward for those VTCs that have continued to meet.

Previous guidance circulars issued to Councils during 2008 and 2009 for Transition Committees will be refreshed accordingly to bring them into line with the reform programme going forward and re-issued as soon as possible. However, in re-establishing your Committee you should in the meantime, continue to follow the guidance in Circular LG 16/08 about the formation and membership of Transition Committees and Transition Management Teams, as it remains relevant to an extent. You should also note that Circular LG 19/08 about Transition Committee Funding is withdrawn. This is as a consequence of the Executive's decision that local government should bear responsibility for the implementation costs of the reform programme. I confirm that central funding will not be provided to support the work of

Transition Committees moving forward. This is a matter for the amalgamating councils to provide the resources necessary to undertake this work.

I appreciate that, in re-establishing the Transition Committees, this may entail additional duties for Councillors. Therefore, I draw your attention to the system of allowances under Section 36 of the Local Government Act (NI) 1972, which provides Special Responsibility Allowances for members.

For the purposes of leading the transition process, I will soon put in place a Regional Transition Committee to provide high level political leadership for the implementation of the programme. I will write to you again to set out the terms of reference, membership and date of the first meeting of the Regional Transition Committee and to invite the Chair of your Voluntary Transition Committee to join that Committee as a member.

Finally, I plan to visit each Voluntary Committee to discuss how, together, we take forward this important work.

I have copied this letter to the President of NILGA, Council Chief Executives, the Local Government Staff Commission, the Chair of the Local Government Reform Joint Forum, the Chair of the Public Service Commission, the Chair of SOLACE, the Chair of the National Association of Councillors and the Chair of the Environment Committee.

Yours faithfully

A handwritten signature in black ink that reads "Alex Attwood". The signature is written in a cursive, flowing style.

ALEX ATTWOOD MLA
Minister of the Environment

APPENDIX 2: Correspondence received from National Association of Councillors

National Association of Councillors
Northern Ireland Region



8 February 2012

Mr Peter McNaney
Town Clerk and Chief Executive
Belfast City Council
City Hall
Donegall Square
Belfast BT1 5GS

Chief Executive's Office		
Date	10/2/12	
Seen by	GA	
Referred to		
AGX	Corp Comms	Dem Serv
GR	SPP	Bus supp
Dev	F&R	H&ES
P&L	P&P	Other
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16/2
Emailed to
KHeaney
smcroy

Dear Mr McNaney

RE: FUNDING OF LOCAL GOVERNMENT REORGANISATION

Further to our earlier letter regarding severance payments to councillors displaced by local government reorganisation, we are concerned that the Environment Minister, Alex Attwood, has now made it clear to us that he expects the entire cost of reorganisation, including transfer of functions, additional member training, amalgamation of councils, transition committees and severance payments, to be borne directly by the councils with no funding input from central government.

We are concerned that local councils will not have sufficient resources to carry through all these changes adequately. We would be interested in knowing whether you believe this to be possible or whether you expect central government to provide at least part of the necessary funding.


Yours faithfully

Clr Ronnie Ferguson
Regional Secretary, NAC

Kum,

*Refer to this in RPL
paper for H&E, so
we can send a
response.*

Administrative Assistant: Nick Rogers
National Association of Councillors, Sketrick House, Jubilee Road, Newtownards BT23 4YH
Phone 028 9181 9413 Email: naoc@btconnect.com
Regional Secretary: Councillor R Ferguson
c/o The Council Offices, 2 Church Street, Newtownards BT23 4AP 028 9182 4000 Fax 028 9181 9628

National Association of Councillors
Northern Ireland Region 

29 November 2011

Mr Peter McNaney
Town Clerk and Chief Executive
Belfast City Council
City Hall
Donegall Square
Belfast BT1 5GS

File: RPA
Severance arrangement

Dear Chief Executive

Our members are increasingly concerned that as yet there is no clear agreement about the award of severance payments to those councillors who will be displaced by the proposed reduction in the number of local councils in 2015.

Severance payments have been promised by a number of ministers going back to 2005, but the current Environment Minister, Alex Attwood, has told the NAC that unlike previous ministers he is not minded to approve severance payments.

Given this new uncertainty, we would be grateful if you and other chief executives of local councils could press the Environment Minister for a clear commitment to the award of severance payments on the same basis as those council officers who may also be displaced by the restructuring.

Yours faithfully



R FERGUSON
Secretary, NAC, Northern Ireland Region

RPAfile

Chief Executive's Office		
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ACX	Corp Comms	Dem Serv
GR	PP	Bus Supp.
Dev	F&R	H&ES
P&L	P&P	Other
Ref	McN 04/12	

11/12/11
Remailed 6/12
Corn Wilson
H McNaney

Administrative Assistant: Nick Rogers
National Association of Councillors, Sketrick House, Jubilee Road, Newtownards BT23 4YH
Phone 028 9181 9413 Email: naoc@btconnect.com
Regional Secretary: Councillor R Ferguson
c/o The Council Offices, 2 Church Street, Newtownards BT23 4AP 028 9182 4000 Fax 028 9181 9628

APPENDIX 3

Government Reform Workshop with Members

Friday 2 March, 10am-12noon in Lavery Room, City Hall

OUTCOMES

1. Establish a shared understanding of the current status of local government reform;
2. Provide a forum for Members discussion on some of the key challenges and immediate actions required to make 'local government reform' happen;
3. Examine the potential governance arrangements to support implementation;
4. Agree next steps and timescales

WORKSHOP PROGRAMME

10.00 -10.15	Arrival – tea and coffee, scones
10.15 -10.25	Welcome & Context - by Chair of SP&R
10.25 -10.40	Session 1 Where are we now? – by Chief Executive <ul style="list-style-type: none"> - brief re-cap of history of RPA - overview of current status and anticipated delivery timetable - what does local government reform means for Belfast City Council - outline the key challenges BCC may face in moving forward
10.40 -10.55	Session 2 What did we learn last time round? – by Chief Executive <ul style="list-style-type: none"> - need to focus attention and energy on Belfast - whilst still keeping a watching brief on regional discussions - direct engagement with Environment Minister, DoE and other Ministers required - Joint political and officer voice - Professionalise engagement with Lisburn & Castlereagh through evidence base - Need to put enabling legislation in place and then move to delivery
11.55 -11.15	Members discussion
11.15 -11.30	Session 3 How do we make it happen? - by Gerry Millar <ul style="list-style-type: none"> - role of elected Members and Transition Committee in driving the process - committed senior management team - engaging with transferring function departments - engaging with Lisburn and Castlereagh - communicating and Influencing key stakeholders – manage expectations
11.30	Closing remarks and next steps - by Chair of SP&R

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Report to:	Strategic Policy and Resources Committee
Subject:	Review of the Size of the Northern Ireland Assembly and Government Departments.
Date:	2 March 2012
Reporting Officer:	Peter McNaney, Chief Executive
Contact Officer:	Kevin Heaney (Ext. 6202)

1.0	<u>Relevant Background Information</u>
1.1	The Chief Executive's office has received correspondence, dated 15 February 2012, from the Chairperson of the Northern Ireland Assembly and Executive Review Committee, informing the Council of the initiation of a review of the size of the Northern Ireland Assembly and the number of government Departments (copy attached at Appendix 1). The Committee has invited the Council to submit its views on the review by Wednesday 28 March 2012 .
1.2	A copy of the detailed Terms of Reference for the review is attached at Appendix 1. In summary the Assembly and Executive Review Committee are to consider: <ul style="list-style-type: none"> ▪ size of the NI Assembly and its statutory relationship with Westminster; ▪ potential reduction in the number of government Departments and re-allocation of functions; ▪ number of MLAs the potential benefit of streamlining government institutions
1.3	After giving consideration to all the evidence received as part of the consultation process, the Assembly and Executive Review Committee are to submit for the consideration of the NI Assembly the following two reports:- <ul style="list-style-type: none"> (i) number of MLAs by early June 2012; and (ii) number of NI government Departments by October 2012.
2.0	<u>Key Issues</u>
2.1	Given the potential political implications of the outcome of this review, in terms of <u>possible</u> reductions in the number of Departments and/or MLAs, the Committee may wish to consider referring the 'call for evidence' to individual Party Groups for consideration and to respond accordingly.

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

4.0 Recommendations
Members are asked to: <ul style="list-style-type: none"> i. note the contents of this report and appendices attached; and ii. consider whether the 'call for evidence' be referred to individual Political Parties for consideration and to respond accordingly.

5.0 Abbreviations
Appendix 1 Assembly and Executive Review Committee - 'Call for Evidence'

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APPENDIX 1



Mr Peter McNaney
Belfast City Council
Belfast City Hall
Belfast
BT1 5GS

15 February 2012

Dear Mr McNaney

At its meeting on 14th February, the Assembly and Executive Review Committee agreed the Terms of Reference (TOR) for its immediate Review of Parts III and IV of the Northern Ireland Act in the context of reviewing the size of the Assembly and the number of NI departments.

I now invite you to submit your views, using the attached Call for Evidence pro forma (which includes the TOR for the Review), for the Committee's consideration.

The deadline for the return of the Call for Evidence is **Wednesday, 28th March**. May I apologise for the tight timescale in relation to this request – you will note that Phase 1 and 2 of the Review must be completed by early June 2012.

Should you have any queries in relation to making a submission, please contact the Committee Clerk, whose contact details can be found at the end of the Call for Evidence pro forma.

On behalf of the Committee, I look forward to receiving your views.

Yours sincerely,

Stephen Moutray MLA
Chairperson
Assembly and Executive Review Committee

Chief Executive's Office		
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ACX	Corp Comms	Dem Serv
GR	SPP	Bus Supp.
Dev	F&R	H&ES
P&L	P&P	Other
Ref	McN 57/02	

Assembly and Executive Review Committee
Room 375, Parliament Buildings, Ballymiscaw, Stormont, Belfast BT4 3XX

Telephone: 028 9052 1735 E-mail: committee.assemblyandexecutivereview@niassembly.gov.uk

Northern Ireland
Assembly

Assembly and Executive Review Committee

Stakeholder 'Call for Evidence' paper

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- Assembly and Executive Review Committee's Priorities for Review
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- Current Arrangements: Constituencies and Members per Constituency
- The Parliamentary Voting System and Constituencies Act 2011 (PVSC Act)
- Comparative Arrangements in Relation to Constituencies and 'Decoupling'
- Reducing the Number of MLAs and Maintaining Effectiveness
- The Committee System
- The Number of NI Departments
- Further Information

Section 4: Issues (as set out in (1)-(5) of the Committee's Terms of Reference) and Questions to consider

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Section 1				
<u>Stakeholder Details</u>				
Stakeholder Name	Telephone Number			
Stakeholder Address	Stakeholder Type (Include one or more X)			
	Registered Political Party	<input type="checkbox"/>	Local Government	<input type="checkbox"/>
	Academic	<input type="checkbox"/>	Government	<input type="checkbox"/>
	Legislature	<input type="checkbox"/>	Non-Government	<input type="checkbox"/>
	Other (Please Specify)/ Member of the Public			<input type="checkbox"/>
Please provide some background information on your role as a stakeholder				
(This box will expand as you type)				
Guidelines for Completion of Submissions				
<p>The Committee would ask that stakeholders submit <u>electronic</u> responses using this pro forma.</p> <p>Stakeholders should be aware that their written evidence will be discussed by the Committee in public session and made public by the Committee by publication of its Report or other means.</p> <p>Stakeholders should also be aware that if they decide to publish their submissions, the publication would not be covered by Assembly privilege in relation to the law of defamation.</p>				
Section 2				

Introduction

Powers

- 2.1. The Assembly and Executive Review Committee is a Standing Committee established in accordance with Section 29A and 29B of the Northern Ireland Act 1998 and Standing Order 59 which, amongst other powers, provide for the Committee to:
- II. make a report to the Secretary of State, the Assembly and the Executive Committee, by no later than 1 May 2015, on the operation of Parts III and IV of the Northern Ireland Act 1998; and
 - III. consider such other matters relating to the functioning of the Assembly or the Executive as may be referred to it by the Assembly.

The Secretary of State's Proposed Bill

- 2.2. The Secretary of State for Northern Ireland intends to bring forward a Northern Ireland Bill in the Third Session of Parliament. The primary purpose of the Bill is to effect changes relating to political donations in Northern Ireland. However, it also provides an opportunity to make changes to the Northern Ireland institutions where there is broad support among the parties and where Westminster primary legislation would be required, such as future amendments to the NI Act 1998. This relates directly to point II of the Committee's remit above.
- 2.3. With the Secretary of State seeking to introduce this Bill in the Third Session of Parliament, the Assembly and Executive Review Committee agreed that it would take forward an immediate review of a key area in relation to the operation of Parts III and IV of the Northern Ireland Act 1998 much earlier than planned. The proposed Bill may be the only opportunity to make institutional changes, where Westminster primary legislation would be required, prior to the next Assembly election. The Secretary of State is seeking Assembly agreed proposals for change prior to the summer recess of 2012.

Assembly and Executive Review Committee's Priorities for Review

The Committee agreed its immediate priority area for review in relation to Parts III and IV of the Northern Ireland Act 1998 at its meetings on 17th and 31st January 2012 and the **Terms of Reference** of its Review as follows:

2.4. The Assembly and Executive Review Committee will review the potential benefit of streamlining governing institutions, focusing on the number of MLAs elected to the Northern Ireland Assembly as a result of the Parliamentary Voting System and Constituencies Act 2011 and any further reductions for the next Assembly election; and on the reduction in the number of Northern Ireland departments and associated re-allocation of functions.

- **Phase 1 – Review Evidence Gathering**

The Review will take evidence on:

- (1) Whether the statutory link between Westminster and Northern Ireland constituencies should be removed and the implications of removing or retaining this link.
- (2) The implications of the forthcoming reduction (on the implementation of the Parliamentary Voting System and Constituencies Act 2011) and any further reduction in the number of MLAs;
- (3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity;
- (4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including in particular, proposals to ensure a robust and effective committee system; and
- (5) The reduction in the number of NI departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions are maintained.

- **Phase 2 – Consideration and Report on Number of MLAs**

The Committee will consider all evidence received in relation to reducing the number of MLAs and report and make recommendations to the Assembly on these matters by early June 2012.

- **Phase 3 – Consideration and Report on Number of NI Departments**

The Committee will consider all evidence received in relation to reducing the number of Northern Ireland departments and report and make recommendations to the Assembly in late October 2012.

Matters Outside the Scope of the Review

2.5. The Committee has agreed that the following issues are outside of the scope of the Review:

- Alternative electoral systems/ models; for example, additional member system or alternative vote and;
- The statutory basis for the current committee system

Section 3

Background

This section provides brief background information on the issues being considered by the Committee as part of this review.

Current arrangements: Constituencies and Members per Constituency

- 3.1. The Belfast Agreement states that ‘A 108 member Assembly shall be elected using PR-STV from existing Westminster constituencies.’
- 3.2. Consequently Section 33 of the Northern Ireland Act 1998 states that:
- ‘ (1) The members of the Assembly shall be returned for the parliamentary constituencies [Westminster] in Northern Ireland
- (2) Each constituency shall return six members’
- 3.3. There are currently 18 Westminster Parliamentary constituencies in Northern Ireland, therefore, as a direct consequence, there are 108 Members of the Legislative Assembly (MLA).
- 3.4. Legislation by the Westminster Parliament is required for s33 of the Northern Ireland Act to be changed.

The Parliamentary Voting System and Constituencies Act 2011

- 3.5. The Parliamentary Voting System and Constituencies Act 2011 reduced the number of Westminster Parliamentary constituencies from 650 to 600. As a result, the number of Parliamentary constituencies in Northern Ireland will be reduced from 18 to 16 for the purposes of the next UK Parliamentary election. Therefore, as a direct consequence mandated by s33 of the Northern Ireland Act 1998, the number of MLAs will be reduced from 108 to 96.
- 3.6. It is possible that the number of constituencies in Northern Ireland could increase following future reviews of Westminster parliamentary boundaries. However, this would require a significant drop in the number of people registered to vote in Great Britain.

Comparative Arrangements in Relation to Constituencies and ‘Decoupling’

- 3.7. Unlike the Northern Ireland Assembly, the Scottish Parliamentary and National Assembly for Wales constituency boundaries are now not coterminous with Westminster boundaries. In other words, those legislatures have ‘decoupled’

from Westminster constituency boundaries.

- 3.8.** Section 2 of the Government of Wales Act 2006 specifies that the National Assembly for Wales constituencies are the parliamentary constituencies in Wales.
- 3.9.** Section 13 of the Parliamentary Voting System and Constituencies Act 2011 (PVSC Act) amended that section to provide that the Assembly constituencies are the constituencies specified in the Parliamentary Constituencies and Assembly Electoral Regions (Wales) Order 2006, as amended. The effect is that any future changes to Parliamentary constituencies made under the new rules introduced by the PVSC Act 2011 will not change Assembly constituencies.
- 3.10.** The Scottish Parliament (Constituencies) Act 2004 removed the statutory link between the Scottish Parliamentary constituencies and those for the House of Commons. As a result the number of MSPs remained at 129, even when the number of MPs was reduced.
- 3.11.** If the Assembly were to 'decouple' from Westminster boundaries, legislation by the Westminster Parliament is needed (reference paragraphs 3.1-3.4).

Reducing the Number of MLAs and Maintaining Effectiveness

- 3.12.** Issues (3) and (4) of the Terms of Reference relate to the number of MLAs required for the Assembly to function effectively and for those elected individuals to discharge their full range of constituency and parliamentary functions. The key functions of the Assembly include:
- Representing the key interests of the people;
 - Holding the Executive to account;
 - Advising and assisting the Executive
 - Scrutinising and approving the budget; and
 - Making and passing legislation
- 3.13.** In addition to statutory functions, increasing importance has also been attached by the Assembly to ensuring that it effectively engages local people in its operations.
- 3.14.** MLAs cover a variety of business areas and communities, including constituency business, plenary business in the Chamber, participation in Assembly Committees and other commitments such as all-party groups.
- 3.15.** Reducing the number of MLAs will have implications for both parliamentary and representative functions. These need to be considered and proposals are required to assist in sustaining effectiveness.

The Committee System

- 3.16.** The Committee system is recognised as being a crucial component of modern parliamentary systems and is particularly important in unicameral legislatures such as the Assembly. The current committee system is a product of the Northern Ireland Act 1998 (as amended) and the Assembly's Standing Orders. As might be expected the Northern Ireland Act requires the Assembly's Standing Orders to make provision for establishing *'statutory committees.'*
- 3.17.** The Belfast (Good Friday) Agreement states in paragraph 9 of Strand One that there is to be a *'Committee for each of the main executive functions of the Northern Ireland Administration... Membership of the Committees will be in broad proportion to party strengths in the Assembly to ensure that the opportunity of Committee places is available to all Members'*.
- 3.18.** Section 29 of the Northern Ireland Act 1998 states that the Committees will *'advise and assist each Northern Ireland Minister in the formulation of policy with respect to matters within his responsibilities as a Minister'*. It also confers on these committees the powers described in paragraph 9 of the Belfast Agreement.
- 3.19.** The Northern Ireland Act 1998 also makes provision for Standing Committees such as the Assembly and Executive Review Committee and the Audit Committee, with Standing Orders providing for a number of further committees to assist the Assembly in discharging its functions.

The Number of Northern Ireland Departments

- 3.20.** Section 17(4) of the Northern Ireland Act 1998 allows for up to 10 Ministers with departmental responsibilities, although this can be amended [for example, the Northern Ireland Act 1998 (Amendment of Schedule 3) Order 2010 allowed for the transfer of policing and justice functions]. Under section 21(3) of the 1998 Act, a department under the First and deputy First Minister is not included in the *'up to 10'* Ministers figure. The current number of government departments was arrived at following inter-party negotiations, primarily between the UUP and SDLP, which were concluded on 18 December 1998. The subsequent report from the First Minister (Designate) and Deputy First Minister (Designate) stated:

'We have agreed that there should be an Office of the First Minister and Deputy First Minister and ten Departments, which taken together will be responsible for the work of the current six Northern Ireland Departments. The new Departments and corresponding Ministerial offices will be:

- *Agriculture and Rural Development*
- *Environment*
- *Regional Development*
- *Social Development*

- *Education*
- *Higher and Further Education, Training and Employment*
- *Enterprise, Trade and Investment*
- *Culture, Arts and Leisure*
- *Health, Social Services and Public Safety*
- *Finance and Personnel*

- 3.21.** The Departments (Northern Ireland) Order 1999 established new Northern Ireland Departments and renamed some departments. The six departments at the time of the Belfast Agreement were agriculture, economic development, environment, education, health and social services, finance and personnel.
- 3.22.** Since 1999, a number of Transfer of Functions Orders have reassigned certain functions to other Departments, but the number of Departments did not change until the establishment of the Department for Justice under the Department of Justice (Northern Ireland) Act 2010.
- 3.23.** It is within the remit of the Assembly and Executive Review Committee to report on Executive structures. The Executive is also considering streamlining departments through its Efficiency Review Panel. The Committee expects to receive an update on this work in due course, but wishes to receive evidence in relation to the number of departments and reallocation of functions.
- 3.24.** In January 2012, it was announced that the Office of the First Minister and deputy First Minister will ask officials to make arrangements to prepare the necessary Assembly legislation to abolish the Department of Employment and Learning (DEL) and transfer its functions. Furthermore, the Office announced that it is seeking views from key stakeholders and interested parties on how functions implemented by DEL should be transferred to other departments in the most appropriate manner.

Further Information

- 3.25.** Stakeholders will wish to refer to the Research and Information Service (RaISe) research papers (listed below), produced for the Committee in respect of its review of Parts III and IV of the Northern Ireland Act 1998. Research papers can be accessed on the Assembly and Executive Committee's webpage: <http://www.niassembly.gov.uk/Assembly-Business/Committees/Assembly-and-Executive-Review/Research-Papers/>.
- 3.26.** Research papers:
- *Update Paper on Size of Assembly;*
 - *Size of the Northern Ireland Assembly;*
 - *Further Information Relating to the Structure of the Northern Ireland*

Assembly;

- *Electoral Systems for the Scottish Parliament and National Assembly for Wales;*
- *The Size of the Assembly and Number of Government Departments (including Efficiency Review Panel);*
- *Parliamentary Voting System and Constituencies Bill;*
- *The Parliamentary Voting System and Constituencies Act 2011.*

Section 4

Issues (as set out in (1)-(5) of the Committee's Terms of Reference) and Questions to consider

(1) Whether the statutory link between Westminster and Northern Ireland constituencies should be removed and the implications of removing or retaining this link

What would be the advantages and disadvantages of Northern Ireland 'decoupling' from the Westminster constituency model for Assembly elections?

Please offer supporting evidence for your view on whether the link should be removed, or retained.

If your view is that the link should be removed, how many constituencies and MLAs per constituency do you envisage in the 'decoupled' system, and why?

(This box will expand as you type)

(2) The implications of the forthcoming reduction via the Parliamentary Voting System and Constituencies Act 2011, and any further reduction in the number of MLAs

What, in your view, will be the implications of the reduced number of MLAs arising from the Parliamentary Voting System and Constituencies Act 2011 (ie 16 rather than 18 constituencies)?

A further reduction in the 16 constituency scenario could arise from a decrease in the number of MLAs per constituency. What, in your view, are the implications of such a further reduction?

Do you consider that the number of MLAs per constituency should remain at 6 or decrease, and if so, for what reasons?

(This box will expand as you type)

(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity.

What size of an Assembly is required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained?

Are there comparable arrangements elsewhere which the Assembly and Executive Review Committee could usefully consider?

What factors should the Committee take into account when deciding on the size of the Assembly?

(This box will expand as you type)

(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including in particular, proposals to ensure a robust and effective committee system

Please indicate what you would propose to change in the current arrangements to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly.

In particular, what changes would you propose to ensure a robust and effective committee system?

(This box will expand as you type)

(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained

How many departments are required to effectively discharge the current range of devolved functions?

In broad terms, what functions should be grouped in the reduced number of departments and what factors informed your decisions on grouping functions together in a department?

(This box will expand as you type)

Section 5

Additional Information

Please provide any additional information which you believe will be of assistance to the Committee during the course of the Review.

(This box will expand as you type)

Section 6

Contact Details

All responses should be sent by email please to:

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Belfast
BT4 3XX

Tel: 028 90521787 or
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To arrive no later than 28th March 2012

Email: committee.assembly&executivereview@niassembly.gov.uk

Thank you for your submission