

Appendix A

Belfast City Council Response to the draft Guidance for Local Government Performance Improvement 2015 – a consultation paper

1. Belfast City Council welcomes this opportunity to respond to the DoE's consultation document on the draft Guidance for Local Government Performance Improvement 2015. In addition to the specific questions posed in the document we would like to take this opportunity to raise a number of general and specific points made in the draft for which we would welcome clarification in the final version.
2. The Council agrees that alignment of the performance duty to the Community Plan is crucial if we are to provide a vehicle by which the progress and impact of the Plan can be demonstrated.
3. However there is an inherent assumption in the guidance that the improvements measured and monitored via the performance duty will be a measure of the success of the *entire* Plan. This is unlikely to be the case since there is no statutory obligation on other contributing organisations to measure anything or to make similar arrangements to improve (it is merely an aspiration that they will do so – as recommended in paragraph 5 of the draft guidance). For this reason the assessment of the impact of the Community Plan as a whole can only ever relate to the specific contribution of the Council itself. It would be helpful if this could be more explicitly acknowledged.

Q1: Do you think that the proposed guidance will enable Councils to comply with the duty to make arrangements to secure continuous improvement in the exercise of their functions?

6. Belfast City Council has reviewed the draft guidance and is largely satisfied that it can be used, during 2015-16, to support its work in complying with the performance improvement duty as set out in Sections 84 and 85 of Part 12 of the Local Government Act (Northern Ireland) 2014. It may be helpful, however, if the guidance could be laid out to reflect the layout of the legislation itself rather than move to and fro between different parts of the Act.
7. Paragraph 1 of the cover letter states that the guidance is designed to assist councils during the first year of their operation 2015-16. However, there are multiple references to requirements of councils extending beyond this time period. The Council would recommend that the guidance is clear as to what will specifically be required of councils in year 1 and that revised guidance will therefore be issued in 2016.

8. With regards to paragraphs 14 and 27 of the guidance, the Council agrees that in the first year of its operation we should select strategic objectives from our corporate or business plan as performance objectives (paragraph 14). Given that Community Plans are unlikely to be fully developed until 2016 or 2017 it may be worth extending this interpretation into 2017.
9. It is our understanding that after this initial year of implementation the 'objectives' identified in the corporate plan will by default, become our 'improvement objectives' as they will have emerged as a result of our Annual Performance Report. This is important in terms of how the obligation to consult upon (paragraphs 28-30) and formally agree (paragraph 24) them is interpreted. It is our view that the plans and ambitions of Councils are determined through an ongoing process of formal and informal consultation and engagement with a wide range of stakeholders and that paragraph 28 is, therefore, general enough to allow for this.
10. It is unclear what is meant in paragraph 28 by the specific requirement in relation to alignment with the Council's Constitution/Standing Orders in this paragraph as the articulation of a process for consultation does not appear to be a requirement of either document.
11. Although we welcome the attempt made on page 18 to set out a timetable for performance activity in the 2015-16 period we would recommend that given the range of plans, reports and interventions that may or may not be required - it would be helpful for the timetable to include specific reference both to the *documentation* Councils are expected to deliver and those they might expect to receive. Where the documentation is not required (or not likely to be available) in this first year it would be helpful to see that explicitly stated in the timetable.
12. We would recommend that paragraph 42 is reworded to make it clear that a council will not have to produce either an Annual Performance Report in respect of 2015-16, nor to publish a summary of any report relating to a special inspection by the LGA as none will have taken place.
13. The Council agrees with paragraphs 8 and 10 which indicate that 'continuous improvement' may take a number of forms and will not be confined to quantifiable measures.

Q2: Do you agree with the proposed arrangements for assessment and auditing by the Local Government Auditor?

14. The Council seeks clarification on the proposed audit arrangements from the LGA. It is our understanding that paragraphs 55-57 of the guidance and Items 5 and 6 in the timetable cover the LGA's duty under Section 94 of the Act. However paragraphs 55-57 state that the improvement assessment carried out by LGA will include both a forward looking and a retrospective assessment. While we have no difficulty understanding how the forward looking assessment (as described in paragraph 58) will operate, as it is simply an assessment of how likely, based on the Council's Improvement 'Plan' (Corporate Plan in year 1), the Council is likely to comply with the legislation, we are less clear about how the retrospective improvement assessment might work in this first year given that the Council will *not*, according to paragraph 42 of the guidance, be required to produce an annual performance report (as required by Section 92(2) of the Act).
15. It is difficult to understand how the LGA might be expected to carry out an assessment of whether performance improvements have been met in 2015-16 when there is no requirement on Councils themselves to produce a retrospective improvement report in this year. There would appear to be a conflict between what is stated in paragraph 42 and what is intended by paragraph 56. If not then we would welcome clarification on what documentation the LGA would be basing its 'retrospective assessment of performance' on.
16. There appears to be an error in paragraph 61 which refers to the LGA issuing an *Audit and Assessment report* according to Section 94 of the Act. Section 94 in fact refers to an *Improvement Assessment* which was addressed in paragraph 55 of the guidance. It is therefore assumed that paragraph 61 should in fact relate to Section 95 of the Act, which contains the November 30th deadline. However the content of the paragraph replicates Section 94. Clarification on what is actually required under Section 95 is essential if Councils are to have a proper understanding of the audit and assessment duty.
17. We would also welcome clarification on whether paragraph 63 of the guidance detailing the LGA's audit of the Council's assessment of performance is that which will inform the LGA's performance assessment. The confusion lies in the conflict between this statement and paragraph 42 which expressly states that "*this will not be a requirement in 2015/16 as there will be no previous year on which to report*". Although it is clear that paragraph 62 applies to 2017-18, this is not expressly stated for paragraph 63.

18. We understand that the LGA's 'voluntary statement of practice' (paragraph 52) due to be prepared and published by NIAO in 2016 is likely to provide a more specific articulation of their expectations. We also look forward to working with the LGA to produce a more detailed timetable for Belfast (paragraph 69) in order that it aligns as seamlessly as possible with our existing planning and performance frameworks.

Q3: Do you agree that the proposed dates specified for implementing performance improvement in 2015-16 are appropriate?

19. According to the timetable as laid out in the guidance they key date for Councils is to produce at least one performance improvement objective by 31st May (Item 3) together with a timetable and plan for its achievement. This can take the form of an extract from (or all of) its corporate plan in 2015-16. We are content that this is achievable as are the steps to achieve it (Items 1 and 2). We would be grateful for more detail on the content of each of the reports that the LGA will require as early as possible so that we are adequately prepared in advance.

20. We understand that the legislative requirement for Councils to produce an Annual Performance Report will not apply in 2015-16.

21. We seek clarification that Item 7 on the timetable involving the LGA Audit does indeed relate to November 2016 as stated and would appreciate details of the requirements of Councils and on the LGA between July 2015 and November 2016 which would, presumably involve the same milestones as the 2015-16 period with an additional September 30th deadline for Councils to produce a Performance Improvement Plan.

22. It seems unlikely that the proposed dates could be challenged in any case given that at least two of them, September 30th and November 30th are set out in the original legislation. The challenge, were it to occur, would relate only in understanding and collating the content of what may be required in a timely way in Year 1. However we welcome the adoption of a minimalist approach for the first year as it will provide an opportunity to set out a template for how the process will run 'for real' in future years.