

AGENDA ITEM: 4

SUMMARY: This paper sets out the Executive's decisions on the transfer of responsibility for a range of functions from central to local government.

ACTION REQUIRED: To note for information.

BACKGROUND

1. The Review of Public Administration (RPA) was set up by the Northern Ireland Executive, in 2002, to deliver wide ranging and comprehensive modernisation and reform to the public sector. The full range of RPA decisions was included in two announcements, in November 2005 and March 2006, by the Direct Rule administration.
2. Following the restoration of devolved government, on 8th May 2007, the Executive reviewed the progress that had been made in implementing the RPA. An integral element of the process was consideration of the strategic direction of the implementation programme. In that context, the Executive commissioned a review of the previous administration's decisions on local government. The review was launched on 6th July 2007. The key purpose of the review was to consider what local government should deliver in the context of a fully functioning devolved Assembly and Executive and in the context of the strategic direction of the review of public administration.
3. The outcome of the review, which was announced by Minister Foster on 31st March 2008, included setting a vision for local government, the rationalisation of the current configuration of councils to create 11 new council areas and the transfer of responsibility for a range of functions from central to local government. This paper homes in on the decisions in relation to the transfer of functions.

TRANSFERRING FUNCTIONS

4. The Executive carefully considered the functions which should transfer from central to local government. On the one hand, emphasis was placed on the key objectives of strengthening local government and developing the principle of subsidiarity that seeks to ensure that powers are delegated to the most local level possible. On the other hand, the need to ensure effective and efficient service delivery was an important consideration. A balance had to be struck.
5. Annex A provides a summary of the functions which are to transfer. The following paragraphs highlight specific transfers.

Planning

6. In order for the new councils to fulfil their role in place shaping they will have responsibility for local development plan functions, development control and

enforcement. Responsibility for regional spatial planning will remain with central government. However, it was agreed that the Minister of the Environment and the Minister for Regional Development would give further consideration to the roles of DOE and DRD in discharging this function at the centre, not only in the context of RPA implementation but also planning reform.

Public Realm Aspects of Local Roads

7. Responsibility for the public realm aspects of local roads functions will also transfer to local government. The local roads public realm responsibilities include Roads Service work in relation to: streetscaping; town and city centre environmental improvements; grass cutting and weed spraying; gully emptying; street lighting; off-street parking; pedestrian permits; maintenance of amenity areas; alley-gating (which involves making traffic regulation orders facilitating alley-gating to avoid antisocial behaviour); permitting local events to be held on roads; and salting of footways.
8. Responsibility for mainstream local roads functions will be retained within the Department for Regional Development. However, it was agreed that there will be a formal and direct input by new councils to local roads decision making and an enhanced accountability framework within which the Roads Service relationship with local government will operate. It was envisaged that this could take the form of an appropriate statutory framework setting out the respective roles and responsibilities of Roads Service and the new councils. It was also proposed that Roads Service would implement structural arrangements to facilitate coterminosity with new council boundaries.

Urban Regeneration and Community Development

9. In order to support the vision for local government, the urban regeneration and community development delivery functions to transfer include those associated with physical development (such as environmental improvement schemes, comprehensive development and urban development grant), area based regeneration (such as neighbourhood renewal) along with some community development programmes and support for the voluntary and community sectors. Some of the Department for Social Development's funding programmes for these functions are already delivered through Councils and ways are to be explored in which partnership working can be further strengthened through pilot projects during the transitional phase in the run up to the full transfer of these functions. It was considered that this would provide valuable learning and experience which will inform and support the wider transfer. These partnering arrangements can be used to test the feasibility of transferring some of these functions in advance of the new Councils being established

Housing

10. The Northern Ireland Housing Executive is to remain as the strategic housing authority. The Housing Council, which was to be abolished under the RPA proposals of the previous administration, is to be retained. This will ensure that local government will have a continuing involvement in strategic housing issues.
11. Some housing functions will, however, transfer. These are the registration of houses in multiple occupation and housing unfitness responsibilities, including

repair and demolition notices. Although the Housing Executive will maintain its statutory role as the Home Energy Conservation Authority, the new councils will take the lead on energy conservation at a local level. They will also have responsibility for travellers' transit sites with the Housing Executive retaining responsibility for permanent housing, group housing and serviced sites for travellers.

Local Economic Development and Tourism

12. In order to facilitate local government in driving forward local economic development a number of functions are to transfer from Invest NI. These include Start a Business Programme and Enterprise Shows (which are focussed on supporting business which operate primarily in the local market); Youth Entrepreneurship (such as the Prince's Trust and Shell Livewire) activities which involve the promotion of entrepreneurship within the younger community; the Social Entrepreneurship Programme; Investing in Women (a programme specifically targeting female entrepreneurship); and Neighbourhood Renewal funding relating to enterprise initiatives.
13. The local tourism functions covering small scale tourism accommodation development; local tourism marketing; local tourism product development; Visitor Servicing; providing business support including business start up advice along with training and delivery of customer care schemes; and providing advice to developers on tourism policies and related issues will also transfer.

Other Functions

14. Other new or enhanced functions for local government are:-
 - the delivery of the EU Rural Development Programme;
 - the authority to Spot List (i.e. issue a temporary Building Preservation Notice) to enable Councils to add a building to the statutory list on a temporary basis, subject to ratification by my Department;
 - the authority to draw up local lists of buildings that are of architectural and/or historic interest;
 - Armagh County Museum;
 - local water recreational facilities;
 - local sports;
 - functions of the NI Museum Council;
 - local arts;
 - local festivals (which was announced by the Minister of Culture, Arts and Leisure in this House on 4 December 2007); and
 - Donaghadee Harbour
15. It was also agreed that further consideration would be given to proposals for the extension of local government responsibilities for civil contingencies arrangements and to proposals to place an additional duty on councils to produce good relations plans and strategies.

LOCAL GOVERNMENT AND DELIVERY OF OTHER SERVICES

16. In addition to the transfer of responsibility for the delivery of services, a number of Ministers propose to strengthen the relationship between their Departments and local government in delivering services. They are considering, or proposing

to enhance, the involvement of local government elected members in the governance arrangements for bodies within their areas of responsibility.

17. The Minister of Health, Social Services and Public Safety announced, on 4 February 2008, that the proposals for Health and Social Care reform would ensure greater potential for democratisation with public representatives as members of Local Commissioning Groups and on the Board of a new Regional Public Health Agency as well as having an active role within the future proposals for patient, client and carer representation.
18. Legislation is being taken forward to establish a single library service for Northern Ireland under a new body, the Library Authority, which as a regional body will be accountable to the Minister of Culture, Arts and Leisure and to the Assembly. It is proposed that the legislation provides for reserved places on the Board of the Authority for elected members of District Councils. Subject to the passage of legislation, the Library Authority will come into effect in April 2009. To ensure the library service reflects local needs, management responsibilities will be established on an area basis, and consultative arrangements will be established, involving chiefly Councils but also other statutory as well as voluntary bodies. The consultative arrangements will apply until the community planning responsibilities of the new councils are in operation. The effectiveness of these liaison and consultative arrangements will be reviewed after a year of operation.
19. In Education, legislation is currently being drafted that will establish a single Education and Skills Authority that, as a regional body, will be accountable to the Minister of Education and this House. The Minister of Education is considering whether or not to provide for reserved places on the Board of the Authority for elected members of District Councils. In addition, the Minister of Education is considering the arguments around the transfer of Youth Services to District Councils. The informal education and development provided by the Youth Service is an important and integral part of the education system as a whole. However, the Minister of Education proposes to establish some regional structures, within the Education and Skills Authority, which will be coterminous with the new council delivery groups. Mirroring the approach proposed in relation to library services, the Minister proposes to develop consultative arrangements, involving councils but also other statutory as well as voluntary bodies, to ensure that the services provided by the Education and Skills Authority reflects local needs. Again, these consultative arrangements will apply until the community planning responsibilities of District Councils are in operation. The effectiveness of these consultative arrangements will also be reviewed after a year of operation.
20. It is also acknowledged that there is a need to make the NI Fishery Harbour Authority more accountable to local government. The Department of Agriculture and Rural Development is, therefore, to explore the options available to deliver an increased role for local government in fishery harbour management within the existing structures.

EXPENDITURE AND STAFF

21. It is estimated that the family of functions that will transfer to local government accounts for annual expenditure of some £116 million and involves around 1,070 staff. This constitutes a 25% increase in the budget of local government and an increase of almost 12% in its staff complement.

22. A breakdown of these estimates is set out at Annex B.

COMMITMENT TO FURTHER REVIEW

23. The Executive considered that the strengthening of local government will be a process and not an event. It was recognised that ongoing developments, such as the outcome of the Assembly and Executive Review Committee and any implications arising from the restructuring of Departments, would impact on this process.

24. Against this background, the Executive committed to reviewing the family of functions to be delivered by local government 12 months after the new Councils become operational and periodically thereafter.

ANNEX A

SUMMARY OF TRANSFERRING FUNCTIONS

- **Planning:** local development plan functions, development control and enforcement.
- **Public Realm Aspects of Local Roads**
 - streetscaping;
 - town and city centre environmental improvements;
 - grass cutting and weed spraying;
 - gully emptying;
 - street lighting;
 - off-street parking;
 - pedestrian permits;
 - maintenance of amenity areas;
 - alley-gating (traffic regulation orders facilitating alley-gating to avoid antisocial behaviour);
 - permitting local events to be held on roads; and
 - salting of footways.
- **Urban Regeneration and Community Development:**
 - functions associated with physical development (such as environmental improvement schemes, comprehensive development and urban development grant)
 - area based regeneration (such as neighbourhood renewal)
 - some community development programmes for the voluntary and community sectors.
- **Housing:**
 - registration of houses in multiple occupation
 - housing unfitness responsibilities, including repair and demolition notices
 - energy conservation at local level
 - responsibility for travellers' transit sites.
- **Local Economic Development** (transfer from Invest NI):
 - Start a Business Programme and Enterprise Shows
 - Youth Entrepreneurship (such as Prince's Trust and Shell Livewire)
 - Social Entrepreneurship
 - Investing for Women
 - Neighbourhood Renewal funding relating to enterprises initiatives.
- **Local Tourism:**
 - small scale tourism accommodation development
 - local tourism marketing
 - local tourism product development
 - Visitor Servicing
 - Providing business support including business start up advice along with training and delivery of customer care schemes; and
 - providing advice to developers on tourism policies and related issues.
- Delivery of the EU Rural Development Programme;

- Authority to Spot List to enable Councils to add a building to the statutory list on a temporary basis, subject to ratification by the DOE;
- Authority to draw up local lists of buildings that are of architectural and/or historic interest;
- Armagh County Museum;
- local water recreational facilities;
- local sports;
- functions of the NI Museum Council;
- local arts;
- local festivals; and
- Donaghadee Harbour

Arrangements will also be developed whereby local government will have a formal input to the decisions in relation to a number of responsibilities that are remaining with central government.

**TRANSFER OF FUNCTIONS
SUMMARY OF RESOURCES (USING 2006/07 EXPENDITURE)**

ANNEX B

DEPARTMENT	RESOURCES		
	FUNCTION	£000's	STAFF
DOE	Planning	919 ⁽¹⁾	610
	Built Heritage	0	0
DCAL	Armagh County Museum	185	6
	Leisure & Rec Sites	63	0
	Local Sports	0	0
	Local Arts	⁽²⁾ 416	0
	NI Museum Council	253	6
	Local Events	400	0
DARD	Rural Development	⁽³⁾ 17,000	0
DRD	Local Roads Public Realm Functions	⁽⁴⁾ 15,000	⁽⁴⁾ 200
	Donaghadee Harbour	134	2
DSD	Urban Regeneration / Comm. Development	73,604	200
	Housing Related Functions	940	36

DEPARTMENT	RESOURCES
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	FUNCTION	£000's	STAFF
DETI	Local Economic Development	(5) 5,700	8
	Local Tourism	1,330	4
OFMDFM	TBC	TBC	TBC
DE	NONE	-	-
DEL	NONE	-	-
DFP	NONE	-	-
<u>TOTALS</u>	<u>CURRENT TRANSFER TOTALS</u>	<u>115,994</u>	<u>1,072</u>

- (1) This is a net figure which takes account of some £19.5M receipts.
- (2) Previous estimates indicated that £1.7 million would be transferred. However, the most recent information provided by DCAL indicates that much less funding is currently allocated to these local art projects. £416,000 is the current funding allocated but this will change from year to year.
- (3) This is an estimate of the annual expenditure of the £102m EAFDR funding which embraces the 2007/13 period.
- (4) These are high level estimates and are to be refined.
- (5) This is a net figure. In addition there is some £4.4M of matched funding receipts from the ERDF.

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