



RPA TRANSFER OF FUNCTIONS **BRIEFING PAPER**

1.0	<u>RELEVANT BACKGROUND</u>
1.1	At a recent meeting of the Regional Transitional Coordination Group on 15 th December, 2008 a discussion paper had been submitted which set out the key proposals for the transfer of functions from central to local government. The paper comprised of a suite of position papers prepared by each of the transferring Departments (i.e. DOE, DCAL, DARD, DRD, DSD and DETI) which seeks to flesh out the proposed list of functions likely to transfer to local government and the associated estimated resources.
1.2	In addition, position papers from DARD, DHSSPS and DE were included setting out proposals for enhancing the involvement of local government elected members in governance arrangements for bodies within their area of responsibility.
1.3	At this stage, it is not the purpose of this paper to comment at a micro level on the individual proposals in regards to transferring functions nor to go into detail around the potential gaps in transferring functions, but rather to highlight some of the high level strategic issues which need to be considered and to put forward a series of next steps which it is recommended, are required for the Council to take any due diligence consideration of the transfer of functions and to ensure an effective and efficient assimilation of the new functions into the Council.
1.4	Members will note that some <u>initial</u> departmental feedback (in the absence of any level of detail contained within the transfer of functions paper) on the proposals put forward has been received and incorporated into an ' <u>Issues Log</u> ' attached at Annex 1 . Specific high level issues identified have been encapsulated within this covering report.
1.5	Consideration of the transfer of functions is ongoing through the work of both PDP C and the Regional Transitional Coordination Group (refer to para. 2.4.3 below). Accordingly, the Council need to urgently take forward its own internal consideration, within an overall agreed framework, around the transfer of functions and the associated impact on organisational structures, and ensure that the evolving internal thinking informs the policy and legislation programme. All levers of influence (e.g. Strategic Leadership Board, Regional Transitional Co-ordination Group, political lobby) should be utilised to move this agenda forward.
2.0	<u>KEY ISSUES</u>
	In considering the proposals put forward in regards to the transfer of functions to Local Government as part of the RPA process, there are three broad areas of concern with various issues arising which is outlined
2.1	<u>1. TRANSFERRING FUNCTIONS</u> - minimalist approach of NICS
2.1.1	Strong disappointment with the limited proposals outlined within the briefing paper and the clear absence of any detail in terms of, for example, definition, scope, governance, performance, historic spend profile and resources (especially in relation to asset transferral and any associated liabilities) - refer to Annex 2 for a list of the type of detailed information required if any due diligence review is to be undertaken by the Council in regards to the appropriateness and potential impact of the transferring functions. Any information provided is superficial in terms of analysis. No coherent business case or justification put forward for the current transfer proposals vis-à-vis the transfer of other functions.

2.1.2	Whilst information is given on the amount of resources (albeit these figures would be questionable) which are to be transferred, there is no information provided on assets and liabilities. It is difficult to see how any estimate can be made on resources associated with a particular function in the absence of information on what assets and liabilities are to transfer, or not to transfer. The costs of transferring functions and associated resources will be significantly influenced by the transfer (or not) of associated assets and liabilities, particularly given the fact that property costs are the second highest cost (after staff) in any business.
2.1.3	General feeling that the proposals put forward are at best courteous at worst insulting. It could be contended that what is on offer, by in large, would lead to greater inefficiencies and not create the transformation in the delivery of local public services.
2.1.4	The limited scale of the change is reflected in the proposed transfer of resources. Under the proposals. Under the current proposals, up to a maximum of 1,045 staff from a total of 32,000 in the Northern Ireland Civil Service and a mere £90,097 million from a budget of £8 billion will transfer from central to local government.
2.1.5	The proposals put forward are a clear demonstration of central government's retrenchment and significantly undermines the foregoing purpose of the RPA process which was to create strong local government which is enabled to effectively address local concerns and priorities. It fails to establish the much needed principle that central government should set the strategic direction, policy and priorities and Local Government delivers on the ground.
2.1.6	The proposals put forward fall substantially short of the Executive's own stated vision for Local Government: <i>"Our vision for local government is therefore one of a strong, dynamic local government creating communities that are vibrant, healthy, prosperous, safe, sustainable and have the needs of all citizens at their core. Central to the vision is the provision of high quality, efficient services that respond to the needs of people and continuously improve over time. That vision resonates with the Executive's Programme for Government and the strategic priorities contained within it. It also reflects the strong desire that central and local government should work in partnership to deliver the Programme for Government and the vision for local government."</i>
2.1.7	The Council has on previous occasions made detailed and evidence based arguments as to the appropriate suite of functions which should transfer to local government to enable the sector to effectively undertake its place shaping role and enable it to effectively address local priorities. Without rehearsing the previous arguments made, <u>the key gaps in the current proposals include the Councils role in the management, prioritisation and maintenance of local roads; and youth and library provision.</u> It is important to recognise that they have a clear impact upon and support wider urban regeneration; community safety; Good Relations and social and community development priorities of Councils.
2.2	<u>Specific Comments</u> Set out below are some illustrative examples of high level issues attached to two particular transferring functions (e.g. urban regeneration and local roads). As previously highlighted, a detailed issues log is attached at Annex 2 outlining departmental comments/issues on the overall suite of proposals on transferring functions.
	<i>Urban Regeneration</i>
2.2.1	DSD currently hold very significant land banks. On the basis that assets follow function it is assumed that those assets (and liabilities) currently held by DSD will transfer in order that their functions can continue to be undertaken. It is essential that there is clarity as to what assets and liabilities are to transfer, and the financial and statutory/ legal details associated with these.
2.2.2	Whilst the Council are currently in negotiations with DSD in regards to establishing a Public Service Agreement to maintain the Laganside Estate - consideration to its permanent transfer to Council should be taken forward as part of transfer of functions process.

	Roads
2.2.3	Disappointment in the dilution of the proposals put forward for the transfer of roads functions to Local Government which has moved from Councils having a direct responsibility for the strategic management and planning of local roads to a purely maintenance role for Councils with the public realm aspects of local roads. Decisions about roads need to be integrated with decisions about how to improve quality of life and the priorities for local roads should be determined by Elected Members accountable to the public rather than engineers who apply a regional one-size fits all approach. There are also issues around the separation made between the transfer of on-street and off-street parking.
2.2.4	It is not clear if it is just a maintenance function that is transferring - possibly by way of a management agreement - or if the associated assets or infrastructure are also transferring (e.g. is it only the function to deliver off street parking, grass cutting, salting of footways etc that is to transfer, but with actual ownership of say the car parks, the grass verges and the footways to remain in DRD ownership?).
2.2.5	There will inevitably be substantial resource implications for councils arising from the transferring roads functions. Work has already begun through a technical sub-group to explore some of the issues and it will be very important to identify as soon as possible the condition of any transferring infrastructure such as street lighting as well as the adequacies of maintenance programmes and budgets for functions such as gully emptying, grass cutting and maintenance of amenity areas. It is also worth noting that the “salting” of footways (actually snow and ice clearance) is a statutory function of the Roads Service with virtually no resource allocation currently and which is already delivered through a third party agreement. There is also little rationale for the separation between the proposed transferring functions.
2.2.6	It is difficult to determine how specific elements such as street lighting and public realm could be delivered effectively when the DRD would retain responsibility for the highways/footpaths, consents and associated design. This has been magnified through recent discussions between the Roads Service and Council in regards to proposed environmental enhancements (e.g. proposed upgrades to street lighting) in parts of the city as part of the Renewing the Routes Initiative. The Council has been restrained through the implementation of a one size fits all approach to regional standards.
2.2.7	There are also issues around the relationship with the retained DRD functions in respect of planning applications etc. Councils will need to consider whether or not they would wish to retain the internal capacity for advice on planning applications and strategic transport issues as part of their planning responsibilities. The continued separation of planning from transport at a local level is a weakness.
2.2.8	The question remains as to whether Councils would actually want ownership of assets such as maintaining grass verges/amenity areas as there will be clear public liability issues. However, I would suggest that liability issues will still exist if the Councils do not properly fulfil their management/maintenance responsibilities. If the Councils responsibilities are confined to simply maintenance/management, it would restrict their flexibility in terms of future use options for these assets. In addition, if maintenance/repair extends to renewals (for e.g. street lighting), where would responsibility and funding stream lie?
2.3	2. PROCESS – fragmented
2.3.1	The process put in place for taking forward Departmental and Ministerial consideration of the transfer of functions is significantly flawed, in that, individual Departments are responsible for developing transfer proposals and associated legislation which will be taken forward on a single tranche basis. This approach does not support nor promote the need to consider the transfer of functions as a whole package and does not recognise the interconnections and interdependencies between functions. Such an approach opens up scope for self perpetuation and retrenchment on a massive scale.

2.3.2	Rather than a single block (i.e. Departmental) approach being adopted, it would have been more appropriate to take forward a combined Local Government Transfer of Functions (NI) Order which would reflect the approach applied in the 1972 reform of local government.
2.3.3	There is significant risk that the current fragmented and carved up approach to the transfer of functions will result in greater confusion for the citizen in regards to responsibility and accountability. This approach will not act as a catalyst or driver for greater integration in public service delivery at the local level. What is needed is a single system of government through clarity of responsibility, alignment of purpose and ensuring that services are delivered by those parts of the system which are best placed to meet the needs of the citizens.
2.3.4	Furthermore, there is a clear absence of any timetable or project plan setting out the methodology or processes (including engagement and consultation arrangements) necessary for the timely and effective transfer of functions
2.4	<u>3. ENGAGEMENT</u> - coherent 'one council' approach
2.4.1	There are clearly detailed technical issues surrounding all of the transferring functions and important issues in relation to the integration with wider local government service delivery, financial and political systems. Accordingly, there is an urgent need for early engagement between central and local government officials to ensure that there is greater clarity of the functions transferring and appropriate consideration is given to the operational and technical issues attached to the transferring functions and their assimilation into councils. We need to now consider the appropriateness of the transferring functions and the potential implications for the Council including, for example, the transfer of under-resourced and inefficient functions; transfer of long-term financial and public liabilities; transfer of funding burden from the regional to district rate.
2.4.2	This engagement needs to be co-ordinated and centrally driven within BCC. Otherwise there is a risk that different parts of the organisation would engage with transferring departments on an individual basis with no clear direction as to the overall corporate position. There are major risks attached to adopting a fragmented and divisive approach to considering the transfer of functions e.g. diffusion of/ mixed messages being conveyed from the organisation; no connection or alignment with parallel planning, policy and financial frameworks within the organisation; absence of a holistic approach; lack of control from an organisational perspective; limited consideration given to what is the betterment of the organisation. It is important that we adopt a coherent and informed approach to how we engage and clearly demonstrate that we are a confident and assured partner in government.
2.4.3	A series of Technical Sub-Groups comprising of officials from transferring Departments and Local Government will be established under the auspices of the Regional Transitional Coordination Group, to consider in detail the operational and technical issues attached to the transferring functions. As this is clearly an important strand of work, the Council will ensure, as is reasonably possible, that those officers with the appropriate expertise and skills set are engaged within the Technical Sub-Groups. Appropriate internal mechanisms will be put in place to ensure that cross departmental consideration is given to transfer of function issues and political engagement in the process is maintained.

ANNEX

Annex 1	Initial BCC Issues Log
Annex 2	List of the type of detailed information required in regards to the transferring functions

TRANSFERRING FUNCTIONS ISSUES LOG

ANNEX1

The following table provides a summation of the **initial comments** received from Council Officers in regards to the transfer of function proposals. It is important to note that these are by no means definitive at this stage and have been provided within the context of limited details contained with the Regional Transitional Coordination Group briefing paper containing 'Departmental Proposals for the Transfer of Functions to Local Government'

GENERAL COMMENTS

- Over-arching concerns in relation to the clear unwillingness of central government to transfer functions in a way which will allow for stronger local government. There appears to be no overall vision at central government level and no co-ordination / oversight of what is transferring. It would appear in many cases that departments (particularly DRD) are transferring areas of work that are peripheral and problematic and there is a clear lack of coherence. The number of staff and budget being transferred is less than originally envisaged, giving rise to concern about under resourced services and the necessary critical mass of services for effective community planning.
- Significant dilution in the transfer of functions from original proposals put forward by Peter Hain.
- Lack of detail provided in terms of the definition and scope of the transferring functions and the associated resources
- Difficult to undertake a due diligence review of the potential consequences for the Council in the absence of detailed information
- Absence of clear timetable or project plan setting out the methodology or processes (including engagement and consultation arrangements) necessary for the timely and effective transfer of functions.
- Anticipate substantial resource implications for Councils attached to the majority of transferring functions which tend to have a legacy of being under resourced
- Public liability consideration will need to be given to the transferring functions
- Transfer of ownership vs the mere transfer of responsibility for the maintenance of particular functions (e.g. local roads public realm aspects) needs to be clarified
- There are clearly detailed issues around governance and capacity building that need to be more explicitly considered in terms of transferring functions
- Whilst some level of detail is provided on the amount of resources which are to be transferred, but no information is provided on assets and liabilities. It is difficult to see how any estimate can be made on resources associated with a particular function in the absence of information on what assets and liabilities are to transfer, or not to transfer. The costs of transferring functions and associated resources will be significantly influenced by the transfer (or not) of associated assets and liabilities, particularly given the fact that property costs are the second highest cost (after staff) in any business.

HEALTH & ENVIRONMENTAL SERVICES

- More detailed information is required regarding each transferring function.
- With reference to the Executive's stated intention to review the functions of local government 12 months after the new councils are established, the likelihood of any major additions to local government functions at that stage or in subsequent periodic reviews would be very low and consequently any significant concerns need to be articulated now.

- The paper (summarising the decisions announced by the Minister last March) under the subheading of “co-terminosity”, refers to the intention to develop new models of service delivery by grouping councils together for the delivery of significant services such as planning, regeneration, building control and environmental health. Based on past experience, BCC should seek to avoid having to deliver these services through such a grouping arrangement as it will be of sufficient scale to deliver these services independently and the implications in terms of local democratic accountability and engagement would be almost entirely negative.
- The splitting of responsibility for management of car parking will be very unhelpful. The ability to address city centre vitality and continuing problems with air quality will not be helped by this proposal.
- During the consultation period leading up to the original announcements about RPA the Council adopted the position that consideration should be given to the waste disposal function (but not waste collection) being transferred from councils to a regional or sub-regional waste disposal authority (see for example Paras 4.32 – 4.35 of the September 2005 response to the RPA Further Consultation). The opportunity to build on the success of the existing voluntary waste partnerships by creating statutory regional or sub-regional waste disposal authorities should therefore be taken up with Government again.

CORPORATE SERVICES (ISB)

Customer Service, Communication and Community Engagement

- Customer Service, Communication and Community Engagement whilst not specific functions to transfer will play a key role in the new arrangements as well as being crucial to managing the change effectively. The need for planning and resourcing around these issues to support effective transition needs to be emphasised.
- Communication with the general public (as well as staff) needs to form a key part of the transition with appropriate investment in a PR campaign.
- From the customers’ perspective the new arrangements could be quite confusing. We need to ensure that we are working well across sectors to ensure that we are managing all stakeholders through the change whilst continuing to serve the communities’ needs, in particular the most vulnerable and socially excluded.
- When the change happens in 2011, to whom and how will customers make contact for information and service? Will NI Direct have a roll in this? The scope of phase 2 of NI Direct is still unclear. Are there plans for a directgov website to replace NI Online?
- The changes are supposed to create strong local government and give a voice to local communities, yet so far there seems to be little engagement with local communities in shaping the new arrangements to serve them.
- Community engagement is referred to in connection with community planning. This need to be well defined and the right infrastructure in place to address needs across communities, agencies and sectors.

Information Assets

- With emphasis on integration of functions and co-ordination with community planning there are general issues re what information assets are transferring or required to be shared.
- Once we have clarity on scope of functions and definition of delivery models we need to get to grips with the information needs and practicalities of supporting community planning, service delivery, managing performance and customer service - all of these underpinned by information, systems and processes.

- There will be costs of supporting information needs and integrating/re-engineering systems and processes – these needs to be understood and factored into implementation plans and budgets.

Shared Services

- Exploring options for shared service delivery is a critical piece of work that needs to be done on behalf of the Council to inform/influence the work to be carried out by consultants for DoE.
- The Council could use the opportunity of reviewing the corporate centre to create a Council shared service focussed on transactions for HR, IT, Finance and Procurement. This would realise savings up front and put the Council in a stronger position re impact of change if these services were sourced elsewhere.
- The transfer document refers only to Shared Services in relation to back office. Council needs to consider Front Office Shared Services in terms of our Customer Service Strategy and Community Planning. FOSS has worked well in changing service delivery in the two tier structure in England and Wales and could be even more applicable here as we will still be fragmented from the customers' perspective.

Capacity Building

- Capacity Building will be a major issue in regards to moving forward with the RPA process and the transfer of functions and ensuring that the necessary capacity is in place to undertake the new functions and arrangements post RPA in terms of skills, resources, assets etc. In this context I understand it refers to personal understanding knowledge or skills of Members and officers. This is most relevant in relation to Members who will be the decision makers post RPA and to DoE officers who will (presumably) transfer to Local Govt. service.
- The Council has an established Member Development Framework which offers both individually tailored and general skills training for Members which could be build upon to facilitate this process.
- Other capacity building opportunities such as best practice visits or briefing sessions could be introduced through the TP Cttee. Timing is an issue here as we may be challenged if we expend money on capacity building of members who may disappear through the dual mandate or retire with a severance package.

PARKS & LEISURE

Areas highlighted as having a connection with the role and function of the P&L include:

- landscape design and the public realm (incl. streetscaping) should be led by the professional landscape architects within the Landscape Planning and Design Team of the Parks and Leisure Department.
- Emergency Response and Civil Contingencies (2 new duties to be placed on Councils) : both the Crematorium and Cemetery Function and the Leisure Centre function are intrinsically involved in delivering the Emergency response role and their expertise should be involved;
- Public realm functions of local roads including Streetscaping;
- Town and city centre environmental improvements;
- Grass cutting and weed spraying;
- Maintenance of Amenity Areas: - this Department pays out huge sums annually for accidents in Parks and Playgrounds and the cost of the liabilities of taking on

these functions would be likely to be colossal – it's one thing having liability for what we own, do we want liability for what we don't own but need to maintain?

- Urban Regeneration: functions associated with physical development such as environmental improvement schemes – again needs landscape planning and design input;
- Local water recreational facilities;
- Local Sports;
- Local festivals (usually play-out in the Parks and Leisure Centres)

DEVELOPMENT

- The emphasis on shared services approaches emerging from the paper will make the move to more integrated and locally responsive delivery more difficult to achieve for any future Council. The move away from the current problematic silo approach will be impossible for Councils depending on shared services with competing demands from across a broad region. These suggestions when taken across the range of candidate transfer functions have the potential to cripple the new Councils in an uncontrollable bureaucracy that cannot react to their local circumstances or reflect their priorities.
- The resource figures provided across all the functional areas seem somewhat minimal. Greater clarity is required in terms of the detail around the transfer of functions, associated resources, assets and liabilities. More detailed and historic information will be required if we are to undertake a due diligence review of the proposals put forward and the possible implications for the Council. There is limited consideration given to the potential to transfer to Council a formalised statutory duty for areas with what would appear to be limited consideration of ongoing costs and capacity.
- There are detailed technical issues for all the transferring functions and important issues in relation to the integration with wider local government financial and political systems.

Consultancy work being commissioned by PDP C - Options for future service delivery

- This again appears to state that the planning functions will not be returned to the new Councils but be on a service level arrangement or similar. This was challenged at the conference in Armagh where the response from Planning Service was that it was just one of the service delivery models being considered and likely to form part of the proposed review by the consultants. This raises issues in relation to the prioritisation of activity and the division of incomes from fees etc between different local authorities. There are fundamental issues in relation to the type of planning system that authorities may want to develop in the future and link to interrelated responsibilities around community planning and wellbeing. The objective appears to be one size fits all and the continuation of the status-quo.
- Another outcome from this work will be the development of a strategic outline business case for the transitional programme which will underpin the transfer of functions. This is an important point – is the model for delivery in effect to achieve the lowest cost. There are a range of additional or enhanced responsibilities that are not currently delivered by Central Government. Will the model be sensitive enough to consider these factors and be applied to the retained services within Central Government where the majority of the funding will remain.
- The issue of subsidiary suggests this should be locally delivered rather than a shared service. If Councils wish to share functions they could make that decisions themselves. The emphasis on this shared services approach and potential will make the move to more integrated and locally responsive delivery more difficult to achieve.

SPECIFIC COMMENTS on TRANSFERRING FUNCTIONS		ISSUES
DOE	Planning	<p>General comments</p> <ul style="list-style-type: none"> ▪ Under the proposals the Department will be responsible for the performance management of district council planning functions. Given the record of the Planning Service in relation to dealing with applications in an efficient and timely fashion this gives cause for some concern. ▪ The summary of transferring resources states that the estimated fee income, on transfer, for the DOE planning functions will be £21.5 million. This is something that should be explored more deeply with the Planning Service as it is likely that fee income will have been severely hit by the economic downturn and may fall well short of full cost recovery based on existing staffing. ▪ The transfer of functions from DOE Planning Service would provide strong opportunities for example for synergies and efficiencies if the function were to be associated with some existing Council regulatory functions like Building Control and Environmental Health through added value enforcement work as this has been a largely ignored function by Planning Service in the past. ▪ Clarity required as to whether local planning policy development will be the responsibility of the new Councils. ▪ Clarification required as to the intended role of the Department in regard to <i>“processing regionally significant planning applications (i.e. those which have a critical contribution to make to the economic and social success of Northern Ireland as a whole, or a substantial part of the region, involving complex impacts beyond an individual council area”</i>; ▪ Excluding depreciation and capital the budget is £31.1million of which only £21.5million is being transferred- pro-rata £1.95 per Council area. This means that the retained functions will account for £9.6million or over 30% of the budget, but only 4.4% of the fees. The cost of the retained functions would be the equivalent of 5 pro-rata Council allocations. ▪ It is not clear what figure the estimated fees income is based on and whether this reflects the recent downturn in economic and development activity. It should also be noted that there is no detail in respect of the past costs associated with local development planning and the projected budgets for this activity. The issue of the current overlap with the strategic planning responsibility with DRD also needs to be factored in for a comprehensive picture. ▪ In terms of the planning function, some of the functions listed over and above development control and local plans, such as tree preservation hazardous substance consents, etc. appear disjointed and there is a need to specify what these functions entail and what others (if any DOE is keeping). There is also a concern that

enforcement is currently under-resourced and not well performed by DOE – and it will be difficult for LAs to effectively carry out enforcement without adequate resource.

- In addition the oversight powers that the DOE has specified are extensive and draconian – surely this should be a partnership between central and local government. This approach conveys a lack of trust (it is appreciated that a comprehensive performance management framework is needed but this goes much further). Under 3.3. Councils should act as consultees on Regionally Significant Planning Applications as well as the ones specified in the list. DOE is in the process of making a number of fundamental changes to its ways of working with a review of area planning, digitising its application process, considering negative conditioning etc without discussing this in detail with DCs – yet this will have considerable implications for DCs.

Planning: local development plan functions and development control and enforcement.

- It would be timely to consider further synergies in the emerging of the transfer of functions. There are many areas that cross a variety of disciplines and the interlinking of both the policy formulation and the service delivery should be given further consideration. Building Control can bring additional added value in the whole custodianship of the built environment. This includes licensing premises for safe use should it be in entertainment, gambling or liquor as well built as maintain robust and accurate mechanism for estimating the rate base should property taxation prevail post RPA.
- Consideration needs to be given to the potential synergies between this function and the work of building control. This function sits in the same Department as Building Control in many other regions of the UK and an obvious close link between these disciplines exists *especially from a customer perspective*.
- When considering the implications of merging of these services, it is necessary to look past the mere delivery of the individual service and consider the potential outcomes. To significantly reduce the carbon footprint of an area it has been long established that the existing property stock must be improved. By merging the services in imaginative and ways and focusing on set objectives there could be a significant impact on issues such as carbon emissions. This is particular relevant in the housing proposals.
- It would be the view of Building Control throughout NI that this relationship should be firmed up at an early stage to enable the most advantageous service delivery model to be developed for Councils and for issues which include finance, assets, capacity building, governance, IT and all of the associated HR issues to be addressed.
- In terms of Planning issues and development control specifically, appropriate governance arrangements need to be put in place which supports greater transparency in the decision making process and this, together with the checks and balances which exist in any regulatory function (such as appeal and judicial challenge), would be sufficient to ensure public confidence in the post RPA system. I would argue against overly prescriptive control of governance arrangements.

		<p>Proposed reform of planning system and the introduction of a new local development plan system is being proposed which will replace the current area plans.</p> <ul style="list-style-type: none"> This is a new process similar to that for Local Development Frameworks in England with very ambitious timescales suggested in recent consultation papers. The timescales are such that if the process was initiated now the strategic documents for the new Council areas would be completed by 2011. Significantly different from the current Development planning approach and timescales. <p>It is also proposed, subject to consultation, that the Department will have the following reserve powers to take action where it believes a district council has failed to discharge its responsibilities or has discharged them in such a way that is contrary to regional policy or the public good, namely the power to:-</p> <ul style="list-style-type: none"> This needs to be clarified in respect of the role of the Department and the trigger points. This could seriously undermine confidence in the system. The stage at which these powers could be exercised needs to be carefully considered alongside the appeal system and the rights of applicants/ communities.
	Built Heritage	<ul style="list-style-type: none"> There is little detail in respect of the breakdown by function and the current total staff allocations for DoE and DRD planning functions including the associated advisory staff in NIEA. It is not clear from this paper or the NIEA paper whether the costs are to be transferred. The summary table suggests no transfer – which means that there should be some statement on the future relationships and access to the specialist built heritage services.
DCAL	<p>Armagh County Museum Leisure & Rec Sites Local Sports</p>	<ul style="list-style-type: none"> Reference is made to sites leased by DCAL, but again further information will be required in terms of these leases and any associated liabilities. Mention is made of associated maintenance budget that is to transfer but further detail is required if any form of due diligence review is to be undertaken. Resources are inadequate in terms of function delivery e.g. £50K and no staff has been identified for leisure and recreation sites in totality across Northern Ireland. We are unsure of numbers of sites, locations or levels of maintenance required. It is important to note that the Council currently spends approximately £13K per annum per play area for maintenance.
	<p>Local Arts NI Museum Council</p>	<ul style="list-style-type: none"> NI Museums Council functions are to transfer but to be delivered at a regional level – is it envisaged that this sits within one individual Council or as a shared service? Armagh County Museum is to transfer from National Museums NI – Other museums such as Ulster Museum, Ulster American Folk Park & Ulster Folk and Transport Museum & W5 are also (I understand) held/controlled by NMNI, but I presume there is a particular reason why only the Armagh County Museum is to transfer, and not the others also held by NIMC?

DARD	Rural Development	<ul style="list-style-type: none"> ▪ No detailed comments at this stage
DRD	Local Roads Public Realm Functions	<ul style="list-style-type: none"> ▪ Greater level of detail required both in relation to the extent of transfer and the future operation of the functions. The finance of the different aspects should be provided along with staff etc to allow an effective assessment and planning for potential integration. There should also be a schedule of facilities etc associated with the transfer. ▪ Ownership vs. maintenance is an issue which needs to be resolved. Will the current transfer proposals result in the transfer of assets or merely the responsibility for the maintenance of public realm aspects of local roads? ▪ There will be capacity issues for Local Government relating primarily to keeping the day job going whilst absorbing new service delivery responsibilities. There needs to be a discussion to see if DRD can assist with this changeover both prior, during and after the changeover date in terms of training, mentoring, secondments etc. Where will this be funded from? ▪ Local Government very quickly needs to build up its own capacity to properly assess and manage this transition. It will need swift analysis of the legislative requirements to see how they transpose into responsibilities and powers so we can place a judgement on the implications of transfer. (For example the gritting of footways is a transferring function, the DRD have a power but not a duty to do it, so therefore they don't. They apply little or no resources to this function, there may however be an expectation from Councillors that Councils need to undertake this role for ratepayers without resources being transferred to do it). We also need to urgently get a feel for how the functions currently operate within the DRD so we can ask the right questions when the detail starts to be worked through. This could be achieved through briefings, work shadowing, secondments etc. However given the tight timescale for this process these would need to start ASAP. ▪ Each Council will need to make decisions on how transferring functions will fit within its proposed structure. There will also need to be a wider debate amongst Councils regarding the possibility of delivering some of the functions on a shared basis either province wide or in smaller Council groupings. This will be set in the context of desegregation issues, economies of scale or expertise shortages. ▪ There will be a need to ensure that Councils do not inherit under funded services with poor standards, assets and excessive liabilities including ensuring assets are not in need of wholesale investment, shortly after transfer. There will also be an issue with the expectation of similar levels of service, already provided by Councils in similar functional areas, being expected to be delivered in the transferring functions to the same standards but with inadequate budgets (e.g. Grass cutting frequencies, street cleansing frequencies) ▪ There will also be difficulties in obtaining information at the level of the new proposed Council boundaries which will make it difficult for Councils to properly ascertain the implications of transfer. This would need to be further explored with DRD ASAP.

- As a general comment, the functions being transferred are at odds, which are in the main, problematic and low priority issues for the DRD. Given that they are low priority it is likely they are seriously under funded. Some of the logic in transferring isolated bits and pieces is strange, car parking being a prime example of, building in, disjointed service provision for the future. Local Government should control all aspects of car parking or none at all. There are also issues of giving wider control of local roads, including traffic management to Councils to enhance Councils other roles such as Economic Development etc. However this debate may be lost and time is not on our side. It is vital therefore that Local Government puts forward a strong voice in relation to the practicalities and appropriateness of these transferring functions and the ones which have not transferred but should.
- One could contend that the proposals put forward represent all the elements which local government may not want without the overall responsibility and budgets for local roads. It is difficult to determine how elements such as street lighting and public realm could be delivered effectively when the DRD would retain responsibility for the highways/footpaths, consents and associated design standards.
- It is anticipated that there will be substantial resource problems for councils arising from the transferring roads functions. Work has already begun through a technical sub group to explore some of the issues and it will be very important to identify as soon as possible the condition of any transferring infrastructure such as street lighting as well as the adequacies of maintenance programmes and budgets for functions such as gully emptying, grass cutting and maintenance of amenity areas. It is also worth noting that the “salting” of footways (actually snow and ice clearance) is a statutory function of the Roads Service with virtually no resource allocation currently.
- The question remains as to whether Councils would actually want ownership of assets such as grass verges/amenity areas as there will be public liability issues. However, I would suggest that liability issues will still exist if the Councils do not properly fulfill their management/maintenance responsibilities. If the Councils responsibilities are confined to simply maintenance/management, it would restrict their flexibility in terms of future use options for these assets. In addition, if maintenance/repair extends to renewals (for e.g. street lighting), where would responsibility and funding stream lie?
- There are also issues around the relationship with the retained DRD functions in respect of planning applications etc. Councils will need to consider whether or not they would wish to retain the internal capacity for advice on planning applications and strategic transport issues as part of their planning responsibilities
- Councils are to be responsible for the ‘local roads public realm functions’ but no definition is given for ‘local roads’. In terms of Belfast, what does this mean? More detail is essential.
- Re car parks - if contracts are currently in place with car park operators, are these to transfer – more detail required?

		<ul style="list-style-type: none"> ▪ What other non fixed assets are to transfer e.g. machinery/equipment associated with the roads functions? Also, will infrastructure assets such as street furniture, street lighting etc transfer to Councils ▪ Clarification is required in terms of staff transfer in respect of whether (or not) any of the expertise will transfer and the respective costs or service level arrangements.
<p>DSD</p>	<p>Urban Regeneration Town and City centre Regeneration Comm. Development</p>	<ul style="list-style-type: none"> ▪ Little quantification of resources either financial or human – also no mention of the pilot ideas previously raised by the Minister. ▪ Reference is made to their core functions and regeneration through the exercise of DSD powers and site assembly for developments, but says that policy responsibility for functions being transferred will remain with the DSD Minister as will policy and delivery of urban regeneration projects deemed by the Minister to be of “regional significance”. What is envisaged by ‘regional significance? If a function is to transfer, it would seem that the responsibility for policy making and budget holder should also transfer, but it would appear that this might not be the case? ▪ Regeneration functions are essential for place shaping and community planning and it is essential that as much of this function is transferred as possible. ▪ Whilst the Council are currently in negotiations with DSD in regards to establishing a Public Service Agreement to maintain the Laganside Estate – consideration to its permanent transfer to Council should be taken forward as part of transfer of functions process. ▪ DSD currently hold very significant land banks. On the basis that assets follow function it is assumed that those assets (and liabilities) currently held by DSD will transfer in order that their functions can continue to be undertaken. It is essential that there is clarity as to what assets and liabilities are to transfer, and the financial and statutory/ legal details associated with these. ▪ Whilst the Council are currently in negotiations with DSD in regards to establishing a Public Service Agreement to maintain the Laganside Estate – consideration to its permanent transfer to Council should be taken forward as part of transfer of functions process. ▪ Again detail required as to the office accommodation associated with the staff that are to transfer. Are these held freehold or leasehold? Liabilities? If staff are located in shared office accommodation, then clarity required as to whether office accommodation will in fact transfer, and if not, then alternatively what financial recompense is there? ▪ Clarification is required in terms of staff transfer in respect of whether (or not) any of the expertise will transfer and the respective costs or service level arrangements necessary

	Housing Related Functions	<ul style="list-style-type: none"> ▪ The DSD position paper says very little about the NIHE functions that are to transfer. It is imperative therefore that further detail of this is sought. Clarification about the range of HMO functions that will transfer and how energy conservation responsibilities of councils will sit alongside the NIHE's continuing role as the home energy conservation authority is required. ▪ Transfer focused on the more custodial and enforcement related issues. ▪ The Housing Executive should be asked to prepare a position paper given the will of DSD to leave the detail of transfer of the housing related functions to NIHE
DHSSPS	Role of Councils in future decision making structures	<ul style="list-style-type: none"> ▪ The Department has shown a clear support for joint working with local government and RAPHSW at the local level and joint arrangements being planned/developed. ▪ It is essential that these arrangements are central to the new structures (i.e. not peripheral) and that they are properly resourced with the right skills and that they are structured and managed in a way which allows them to effectively influence planning, commissioning and delivery of health improvement.

Transfer of Functions from DRD to Councils

It is suggested that the following detailed information is required in regards to the transferring functions:

- Description
- Scope
- Current levels of service delivery including service standards and performance data
- Current assets and liabilities (e.g. finance, staff, equipment, buildings, vehicles etc.) which are applied to each function – what assets are shared with non transferring functions
- Indication of specific specialist expertise required to deliver the service, and is that expertise transferring with the function
- Future plans/liabilities/issues/legislative change etc.
- Analysis of past and future funding levels to identify levels and trends
- What are the current delivery methods e.g. DRD staff, contractors, hybrid etc
- Current contracts in place and their status
- Current ICT systems and can they be disaggregated – are they compatible with Council ICT systems
- Details of main content of applicable legislation and the responsibilities and powers it confers on Councils
- Is there scope to improve current legislative deficiencies during this process
- What are the IR/HR issues, TUs, consultation etc.