

**From the office of the  
Minister of the Environment**



Department of the  
**Environment**

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Your reference:

Our reference: COR/275/09

29 September 2009

Dear John

You will be aware that the Local Government Reform Executive Sub Committee, which I chair, met on Tuesday 15 September 2009. I will update you on our discussions at the Strategic Leadership Board (SLB) meeting on 16 October. In the interim, I thought it would be helpful to write to you and provide a brief résumé of the key points the Sub Committee agreed.

We discussed the recommendations, outlined in Arnold Hatch's letter and enclosures dated 30 April 2009, about the marginal changes to the package of functions announced for transfer, from central to local government, in the Assembly on 31 March 2008. You will recall that the key areas involved were the public realm aspects of local roads functions (Department for Regional Development), "Living Over the Shop" grant scheme (Department for Social Development), and Travellers' Transit Sites (also Department for Social Development). I can confirm that:-

- Minister Murphy has accepted local government's proposal that the following public realm functions should transfer (pedestrian permits, alley gating, permitting local events on roads, off street car parking and on street parking enforcement). This is subject to his Department retaining policy ownership of the on street parking enforcement function;
  - Minister Murphy has also confirmed that he is content for his Department to retain the following functions which local government advocated should not transfer (maintenance of amenity areas, salting of footways, grass cutting/weed spraying, gully emptying and street lighting);
  - Minister Ritchie has accepted the local government proposal that the "Living Over the Shop" grant scheme should transfer; and
  - Minister Ritchie has not accepted the sector's recommendation that Travellers' Transit Sites function should remain with the NIHE.
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I know that Minister Ritchie has carefully considered the views of local government on the Travellers' Transit Sites issue but is not convinced by the argument that the transfer of responsibility for this function would adversely impact on the traveller community. Indeed, the new councils will have a responsibility equal to that of the NIHE to protect the rights of minority groups. The Executive Sub Committee supports Minister Ritchie's position.

The Sub Committee also received an update on current thinking on community planning and the programme of activities involved in supporting its introduction in 2011. I emphasised the strong views, expressed by SLB members, about the need for Departments to commit to engaging with local government as the programme progresses. I can confirm that Executive Sub Committee members do appreciate the importance of community planning and expressed their full support to the required engagement between central and local government as implementation of the programme is taken forward. I will also write to all other Ministerial colleagues seeking their commitment to this engagement process.

I updated the Sub Committee on the work that is being taken forward, through the assessment of options for local government service delivery project, to support a bid to the Department of Finance and Personnel (DFP) for funding of our implementation programme. I explained that it was likely to be mid October of this year before PricewaterhouseCoopers (PwC) had completed the economic appraisal of delivery options and SLB had the opportunity to consider the key findings. The Sub Committee members are all well aware of the budgets constraints that the Executive is working within and the many competing priorities for resources. It is clear that DFP will require a very clear assessment of the costs and benefits of implementation along with details of how these pressures might be funded. We agreed, therefore, that it would be helpful to let Ministers have sight of the PwC report as soon as possible.

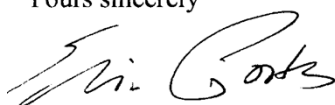
The Sub Committee also discussed the issue of transfer arrangements for civil servants whose functions will transfer to local government in 2011. We reviewed the arguments for and against the two main options i.e. permanent transfer and temporary transfer arrangements based on those applied in the case of the Department of Health Social Service and Public Safety (DHSSPS) staff whose functions transferred to the new Health and Social Care bodies on 1 April 2009. We noted that the intention is for similar arrangements as those applied in the Health sector to be adopted by the new Education and Skills Authority – due to be established in January 2010.

Our view is that temporary transfer arrangements would have a number of advantages, particularly in terms of flexibility in managing the workforce and thus is consistent with the Executive's commitment to make every effort to avoid redundancy costs and it also facilitates business continuity. It was decided that the temporary transfer model that applied to DHSSPS staff will, therefore, be the starting position for the central government representatives in discussions and negotiations at the Local Government Reform Joint Forum.

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I do hope you find this update helpful. I am copying this letter to SLB members for information.

Yours sincerely



**EDWIN POOTS MLA**  
**Minister of the Environment**

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**ORIGINAL FUNCTIONS PROPOSED TO TRANSFER as at 31 MARCH 08**

- **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

## **MARGINAL CHANGES TO TRANSFER OF FUNCTIONS**

The following changes were agreed by the Executive Sub-Committee in **September 2009**

### **DRD**

Minister Murphy has now approved the transfer of the following public realm functions –

- Pedestrian permits
- Alley Gating
- Permitting events on local roads
- Off street parking and;
- On street car parking enforcement.

Minister Murphy has indicated that the decision to transfer on street parking enforcement is subject to his Department retaining policy ownership for this function.

### **DSD**

- Living over the Shop (LOTS) is a Northern Ireland Housing Executive (NIHE) initiative which is intended to encourage people to live in properties over shops in certain areas of town centre regeneration within certain towns and cities. Minister Ritchie has approved the transfer of the Living over the Shop Scheme from Central to Local Government.
- Responsibility for provision of travellers Transit sites should transfer to the new councils. There is a degree of commonality between Transit Sites and the Councils' existing responsibilities for caravan and amenity areas and it would be more closely related to the Councils' Environmental Health responsibilities.
- The Housing Executive will retain responsibility for permanent housing, group housing and serviced sites.

The Transfer of Functions Working Group will now reconstitute in order to provide clarity on the detail of the revised suite of functions transferring from Central to Local Government.

# Transfer of Functions – Summary

## Planning

- Local development plan functions
- Development control and enforcement

## Public Realm Aspects of Local Roads

- Streetscaping
- Off street parking / on street parking enforcement (Central Government retain policy ownership for this function)
- Pedestrian permits
- Alley gating (traffic regulation orders facilitating alley gating to avoid antisocial behaviour)
- Permitting local events to be held on roads

## 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 a local level
- Responsibility for travellers transit sites
- Living over the Shop Scheme

## Local Economic Development (transfer from Invest NI)

- Start a Business Programme and Enterprise Shows
- Youth Entrepreneurship (such as Princes 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
- 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
- Donaghadee Harbour

#### Other

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