



Belfast City Council

Report to:	Strategic Policy and Resources (Transition) Committee
Subject:	Consultation on the Clean Neighbourhoods and Environment Bill; & Regeneration and Housing Bill
Date:	15 th April 2010
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1.0	<u>Relevant Background Information</u>
1.1	Members will be aware that there remains uncertainty on whether or not the Review of Public Administration local government reform will progress as currently planned for 2011 with the establishment of 11 new larger councils and the transfer of functions. There remain a number of key outstanding decisions (e.g. local government boundaries, agreement on how the reform programme will be financed), which will impact upon the delivery of the RPA programme.
1.2	Notwithstanding, there has been two significant legislation Bills recently submitted into the Committee Stages within the NI Assembly and issued for public consultation. These include: <ol style="list-style-type: none"> 1. Clean Neighbourhoods and Environment (Northern Ireland) Bill; and 2. Regeneration and Housing Bill <p>Both Bills are intended to confer additional statutory powers to local government; enabling councils to deliver more integrated and responsive services at the local level and improve the quality of life of citizens.</p>
2.0	<u>Key Issues</u>
2.1	<i>Clean Neighbourhoods and Environment (Northern Ireland) Bill</i>
2.1.1	On 1 st March 2010, the Department of the Environment released the draft Bill for consultation, with comments sought by 23 rd April 2010. The Bill seeks to broaden the regulatory powers of local government to enable councils to manage and improve their local environments and enable simpler enforcement action to be undertaken.
2.1.2	The Bill seeks to bring forward corresponding provisions already in place within England and Scotland enabling local councils to: <ul style="list-style-type: none"> ▪ create revised powers to deal with nuisance alleyways; ▪ deal more effectively with the problem of nuisance vehicles by allowing district councils to remove them immediately; ▪ provide a range of new and extended powers to enable more effective control over the problems of litter, free distribution of printed materials and abandoned shopping trolleys; ▪ provide a range of new and extended powers to enable more effective control over the problems of graffiti and fly-posting; ▪ provide a range of new and extended powers in regard to dog control;

	<ul style="list-style-type: none"> ▪ provide more flexible powers for dealing with noisy neighbours, night-time noise from licensed premises and nuisance intruder alarms; ▪ update the legislation on statutory nuisance; and ▪ ensure greater flexibility at the local level for the use of fixed penalty notices.
2.1.3	Members will note that a detailed response, which strongly welcomes the new powers proposed under the Bill, albeit with the caveat that there will be potential resource implications, is being considered by the Health and Environmental Services Committee (a copy of which can be made available to Members on request). This Bill has been brought to the attention of the Strategic Policy and Resources Committee within the context of the RPA and the potential future service and financial implications associated with the proposed extension to the Council's statutory powers.
2.2	Regeneration and Housing Bill
2.2.1	The Minister for Social Development, Margaret Ritchie MLA, has recently launched for public consultation a draft Regeneration and Housing Bill (copy of which is attached at Annex 1) which sets out enabling legislation for the transfer to councils of some regeneration and housing related functions under the RPA. The closing date for the consultation is 26th April 2010.
2.2.2	The draft Bill puts forward policy proposals for the transfer of three areas of operational delivery from the Department of Social Development (DSD) and four from the Northern Ireland Housing Executive (NIHE) in May 2011.
2.2.3	<p>The three DSD related functions include:</p> <ul style="list-style-type: none"> ▪ Working in tackling urban deprivation; primarily the Neighbourhood Renewal Programme; ▪ Operational delivery of physical development projects under town and city environmental regeneration including; comprehensive development, public realm and environmental improvement; and ▪ Local community development support. <p>The four NIHE related functions include:</p> <ul style="list-style-type: none"> ▪ Houses in multiple occupation; ▪ Housing unfitness; ▪ The Living Over the Shops (LOTS) initiative; and ▪ Local energy conservation.
2.2.4	<p>The draft Bill seeks to enable Councils to:</p> <ul style="list-style-type: none"> ▪ address disadvantage and undertake community development ▪ provide financial assistance to address social need ▪ prepare and adopt 'statutory development schemes' ▪ develop land for planning purposes ▪ undertake environmental improvements and public realm schemes ▪ define and take forward a range of regeneration projects in their districts ▪ undertake certain statutory housing responsibilities

2.2.5	<p>Laganside Legacy</p> <p>Members will note that the Bill also makes specific provisions for the transfer of the former Laganside Corporation’s legacy of assets, liabilities and development agreements to Belfast City Council.</p>
2.2.6	<p>Clearly this is a very important piece of legislation which has the potential to impact upon the future role and functionality of the Council. It represents the first real positive step in enabling the transfer of additional functions to councils and in creating strong and responsive local government. The proposals will enhance local government service delivery and the ability of the Council to make a real and lasting difference at the local level and, therefore, should be strongly welcomed.</p>
2.2.7	<p>However, there are issues of detail which are still to be worked out when the associated regulations and potential transfer schemes are drafted. The Council will strongly advocate the need for intensive dialogue and engagement with the Department in relation to the development of the detail as to how the Bill will be implemented and the content of any associated subordinate legislation.</p>
2.2.8	<p>Members will note that there has been initial engagement between DSD and Council officials to establish the emerging departmental position in regards to the specific detail of the transfer of functions and associated resources to Belfast. An update on such discussions is set out within the accompanying RPA Transfer of Functions report to be considered by the Committee.</p>
2.2.9	<p>While a detailed draft Council response is attached at Annex 2 for Members’ consideration, there are a number of overarching strategic issues which Members should be made aware of. These include:</p> <ol style="list-style-type: none"> 1) Legislative Process: The Council is conscious that much of the detail around the outworking of this legislation will be set out within the subsequent regulations of which there is no detail at the moment. The Council would reiterate the need for the Department to consult with all interested parties in the drafting phase of any secondary legislation related to the draft Bill. <p>Due consideration will also need to be given to the inter-relationship between this Bill (and its component parts) and other RPA related legislation (e.g. Local Government Reorganisation Bill) and their component parts e.g. transfer schemes.</p> <ol style="list-style-type: none"> 2) Degree of central control/oversight: While the Council would accept the role of the Department and Minister in setting the regional policy framework within which the functions will be administered, local government should be afforded the necessary autonomy and flexibility to deliver local and innovative development schemes. 3) Regional Significance: Given the role of Belfast in the regional economy, it could be considered that any significant developments within the city are likely to have regional implications with the result that the proposals could be taken out of the Council’s remit and retained by the Department under the current provisions. Clarity has been sought on this issue. 4) Transfer of Assets and Liabilities: The Council would be concerned that provisions exist within the Bill which enable the Department to make regulations specifying exemptions to the transfer of assets and liabilities to councils in relation to both development schemes and Laganside. This could have significant financial implications for the Council if the Department were to transfer high-cost liabilities, yet retain high value assets.

5) **Resources:** In advance of any transfer of functions there needs to be a full due diligence assessment undertaken to ensure that the level of resources are adequate to provide the council with the capacity to deliver the functions effectively.

6) **Laganside:** The Council would have concerns about the ability of the Department (within the provisions of the Bill) to exempt a number of undeveloped sites from statutory transfer and instead transfer them on a non-statutory basis to the Council with specific conditions attached. Clarification is needed as to the Department's intentions in regard to this issue and the basis of any conditions attached to transfer. Again, the Council would advocate the need to be consulted with at an early stage.

3.0 Resource Implications

There are potentially significant resource implications for the Council resulting from the outworking of the Bill and the associated potential transfer of new functions to the Council in the future. At this stage, the resource implications are unknown; however, further detailed work will be required, working with the Department to examine any resource implications for the Council.

4.0 Recommendations

Members are asked to:

- i) note the contents of this report and, in particular, the draft composite corporate response attached at Annex 2; and
- ii) agree that the response (incorporating any revisions made by Committee) be submitted to the DoE, subject to ratification of the Committee's decision by Council

5.0 Decision Tracking

Following Committee approval, the Director of Legal Services will submit the Council's response to the DoE, subject to full Council approval.

6.0 Appendices

Annex 1: Draft Regeneration and Housing Bill and Explanatory Memorandum

Annex 2: Draft BCC response to Regeneration and Housing Bill