



## Belfast City Council

<b>Report to:</b>	Strategic Policy & Resources Committee
<b>Subject:</b>	Local Government Reform Policy Proposals – Draft response to consultation document
<b>Date:</b>	4 February 2011
<b>Reporting Officer:</b>	Peter McNaney, Chief Executive
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<b>1.0</b>	<b><u>Relevant Background Information</u></b>
1.1	As Members are aware, as part of his announcement to the Assembly on 30 <sup>th</sup> November, the Environment Minister launched the ‘Local Government Reform – Policy Proposals’ consultation document (a copy of which is attached at Appendix 2) which set out proposals intended to modernise the governance and legal framework within which district councils operate. It is envisaged that the proposals will, in due course, be translated into a draft Bill (previously known as the Local Government Reorganisation Bill) to be considered by the NI Assembly.
1.2	<p>The consultation document sought views on eight key areas including:</p> <ol style="list-style-type: none"> <li>1. <b>New governance arrangements</b> –proposals in regards to decision making structures; sharing power and responsibility; putting in place necessary checks and balances (including proposals to introduce a call-in procedure) and ensuring that there is openness and transparency in how councils conduct their business.</li> <li>2. <b>Ethical Standards</b> –proposals for a new ethical standards regime for local government which would include a mandatory code of conduct for councillors with supporting mechanisms for the investigation and adjudication of appeals.</li> <li>3. <b>Service Delivery and Performance Improvement</b> - proposals for the introduction of a new service delivery and performance improvement framework for local government. This would involve a revised, more expansive statutory duty for councils to secure best value and to continuously improve services.</li> <li>4. <b>Community Planning</b> – proposals to bring forward a statute based community planning process, led and facilitated by the new councils.</li> <li>5. <b>Power of Well-Being</b> – proposals to confer to councils a new power of well-being which would enable councils to take any action that is not already the responsibility of another agency, to promote or improve the well being of their districts. It is suggested that such a duty would further support the community planning role of councils.</li> <li>6. <b>Partnership Panel</b> – proposals to formalise the relationships between the Executive and district councils and provide a forum to consider strategic issues collectively. It is proposed that the Panel will consist of Departmental Ministers and representatives from each of the 11 new councils.</li> <li>7. <b>Supervision of Councils</b> – proposals to extend the supervision powers currently available to the DOE to all Government Departments.</li> <li>8. <b>Reorganisation of District Councils</b> – seeks views on how key elements of the reorganisation of district councils (e.g. transfer of staff, transfer of assets and liabilities etc) should be progressed.</li> </ol>
1.3	The closing date for responses to this consultation is 11 <sup>th</sup> March 2011.

2.0	<b><u>Key Issues</u></b>
2.1	The Council's draft response to this consultation is attached at Appendix 1, for Members consideration. The Council has previously made a number of detailed consultation responses in the past on the RPA process and has engaged in the discussions as part of the Policy Development Panels. The comments as set out in this response therefore reflect views previously expressed by the Council.
2.2	<p>Whilst a detailed draft response, is attached at Appendix 1, Members are asked to note the following key points raised within the response:</p> <ul style="list-style-type: none"> <li>i) <b>Alignment and Integration of Legislation:</b> The Council is aware of the separate, but associated pieces of legislation (e.g. Planning Bill, Local Government Finance Bill) currently under consideration within the NI Assembly and which will inevitably impact upon the future remit and operation of local authorities. The Council would commend that further consideration be given to the interconnections between these pieces of legislation and the local government reform policy proposals.</li> <li>ii) <b>Governance arrangements:</b> Whilst the Council fully supports and recognises the importance of ensuring that decision making processes are efficient, fair and transparent, it would highlight the potential for some of the current governance proposals to create unnecessary tensions and delays in the decision making process in councils. For example, the proposals in respect to suggested % triggers for both call-in (i.e. 15% of total council membership) and qualified majority voting (i.e. 80% members present), may make it practically impossible for a decision to be made in some councils.  Clearly such proposals will be for political consideration and individual Party Groups are likely to have their own views. It is suggested however that consideration be given to the viability and practical implications of implementing the proposals within a working council. It would be important to subject such proposals to a test on decisions which are actually made by councils to determine whether it would work. It may be beneficial to consider other options for % thresholds.</li> <li>iii) <b>Resource Implications:</b> The Council also points out that there is no reference in the consultation document to the resource and financial implications for councils of implementing the policy proposals and would seek further engagement with the Department in this regard.</li> <li>iv) <b>Capacity Building:</b> The Council highlights the critical need for sufficient capacity within both central and local government to ensure that the reform proposals are implemented in an effective way. Supporting Members' development should therefore be a critical component of any reform programme brought forward.</li> <li>v) <b>Community planning</b> – the Council continues to advocate that local councils are uniquely and ideally placed to lead and facilitate community planning and that all partners must be statutorily required to participate and contribute to the process</li> <li>vi) <b>Ethical Standards:</b> Belfast City Council has consistently supported the establishment of a statutory ethical standards framework and a mandatory code of conduct for all Councillors and would therefore welcome, in principle, the proposals set out within the consultation document.</li> <li>vii) <b>Service Delivery &amp; Performance Improvement:</b> The Council would be concerned with the over reliance within the consultation document, on best value to drive service improvement rather than setting the performance framework in the context of community planning and providing councils with appropriate flexibility to address local needs.</li> <li>viii) <b>Power of Well-Being:</b> Highlights the recent legislative shift, linked to the introduction of the new Localism Bill for England and Wales, to confer to councils a wider power of general competence rather than a power of well-being and requests that further consideration be given to appropriateness of this within Northern Ireland.</li> <li>ix) <b>Partnership Panel</b> – agreement in principle with the proposal to establish a Partnership Panel but would further clarification sought on the representation, operation and remit of the Panel.</li> </ul>

	<b>NILGA Briefing Sessions</b>
2.3	NILGA are holding a series of briefing sessions for local government representatives to examine and discuss the reform policy proposals with a view to informing the development of a composite response on behalf of the local government. A copy of the invitation and dates for the briefing sessions is attached at Appendix 3. It is suggested that the Committee approve the attendance of the Chairman of the Committee, the Deputy Chairman of the Committee and a representative from each of the other Parties (or their nominee) at the NILGA briefing sessions.

<b>3.0 Resource Implications</b>
There are no Human Resource or financial implications contained within this report

<b>4.0 Recommendations</b>
Members are asked to note the content of this report and <ol style="list-style-type: none"> <li>1. consider the Council's draft response attached at Appendix 1</li> <li>2. agree the submission of the Council's response, subject to any proposed amendments made by Members, to the Department of the Environment by 11<sup>th</sup> March; and</li> <li>3. approve the attendance of the Chairman, Deputy Chairman and a representative from each of the other parties (or their nominees) to the NILGA briefing sessions.</li> </ol>

<b>5.0 Documents Attached</b>	
<b>Appendix 1</b>	Draft Council response to the Local Government Reform Policy Proposals consultation document
<b>Appendix 2</b>	Local Government Reform Policy Proposals – Consultation document
<b>Appendix 3</b>	Invite to NILGA briefing sessions on Local Government Reform Policy Proposals