



Belfast City Council Response to 'Local Government Reform – Policy Proposals' Consultation document

1.0 INTRODUCTION

- 1.1 Belfast City Council is fully supportive of the need for local government reform within Northern Ireland and welcomes the opportunity to respond to the '*Local Government Reform – Policy Proposals*' issued for consultation by the Department of the Environment.
- 1.2 The Council has a number of general comments to make in regard to reform proposals as well as detailed commentary on the individual questions set out within the consultation document. The response is intended to be constructive and seeks to ensure that the policy proposals take account of the associated operational and implementation issues within local government. It will be important that all efforts are taken to ensure that the reform proposals are both progressive but realisable.

2.0 GENERAL COMMENTS

- 2.1 The Department will be aware that the Council has proactively engaged within the local government reform process to date and has inputted into the policy development process. . Many of the comments, as set out within this response, therefore reinforce previous views expressed by the Council.
- 2.2 Belfast City Council notes the ambition as set in the Ministerial Forward to the consultation document so "*look at proposals for constructing the new governance framework to provide for efficient, fair and transparent decision-making in councils, with a regime to ensure that the highest standards of behaviour are maintained*". The Council believes that this is particularly important within the context of any potential future transfer of new functions to councils.

Alignment and Integration of Legislation

- 2.3 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.

Capacity Building

- 2.4 Belfast City Council is surprised to note that there are a number of key areas in relation to the reform which are not covered in this consultation. The Council would highlight, in particular, 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. This is further necessitated by the fact that the proposed local government reform policy proposals (e.g. new governance, decision making, ethical standards and performance regime) will coincide with the transfer of new functions to councils including community planning.

Resource Implications

- 2.5 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.

Governance arrangements

- 2.6 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 quality majority voting (i.e. 80% members present), may make it practically impossible for a decision to be made in some councils.
- 2.7 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.

Ethical Standards

- 2.8 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. The Council recognises the role that such frameworks provide in reinforcing the trust in councils and in local democracy and that this is particularly important in the context of any future transfer and delivery of new functions by councils. The Council would seek further engagement with the Department in developing such frameworks.

Service Delivery & Performance Improvement

- 2.9 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. The Council would highlight the current policy shift in the rest of the UK whereby there is a retrenchment in centralised scrutiny/inspection and move towards greater sector self-regulation.
- 2.10 Whilst the Council recognises the potential need for local and central government to jointly agree a small number of outcomes which may be delivered locally; possibly linked to certain transferring functions or aligned with the Programme for Government priorities, it would be concerned about the proposal to bestow to departments the ability to specify performance indicators for the delivery of council functions. The setting of performance indicators should be left to local authorities in the context of community planning.

Community Planning

- 2.11 The Council would fully support the proposal that local authorities lead and facilitate community planning and would view this as a key enabler for the integration of services to address local needs. The effectiveness of the community planning process and the delivery of improved outcomes will be dependant upon the strength of relationships between councils, departments and other public bodies. There should be a shared commitment to align plans and resources to address identified needs. The Council would therefore recommend that similar to other jurisdictions there be a statutory duty placed upon relevant public bodies and statutory agencies to participate and contribute to the community planning process.

Power of Well-Being

- 2.12 The Council would support, in principle, the proposal to introduce a power of well-being as this would provide appropriate freedoms for council to improve service provision and to contribute to the wider economic, social and environmental well-being of their areas. The Council would however, take this opportunity to highlight the recent legislative shift, linked to the introduction of the new Localism Bill for England and Wales, to establish a power of general competence rather than a power of well-being.
- 2.13 Belfast City Council would therefore request that further consideration be given as to whether the proposed power of well-being should be replaced with a power of general competence.

A Partnership Panel

- 2.14 Belfast City Council recognises the need for a strengthened and formal relationship between central and local government and believes that the proposals to streamline the number of local authorities in NI presents a real opportunity to create a more effective interface between central and local government. The Council would support the proposed establishment of a Partnership Panel as a positive way forward, however, would seek further clarification and engagement in respect to the representation, operation and remit of such a Partnership Panel.

3.0 Conclusion

- 3.1 Belfast City Council reiterates its overwhelming support for modernising local government in Northern Ireland and view these initial policy proposals as a positive step in moving forward. The Council recognises that the consultation document is dealing with indicative proposals at this stage and that an informed assessment of the likely impact of the proposals and the potential consequences for councils and citizens in the future will be difficult until the proposals are finalised further.
- 3.2 The Council would take this opportunity to reiterate the need for a closer working relationship with the Department in taking this process forward and on the further development of the policy proposals and drafting of any subsequent legislation.

Detailed Commentary on Questions

QUESTION	BELFAST CITY COUNCIL COMMENTS
Section 3 - Governance Arrangements	
<i>Section - Decision making structures (Paragraphs 3.5-3.9 - Pages 6-9)</i>	
Question 1: Do you agree that a list of alternative decision-making structures should be available to councils?	<p>Yes</p> <ul style="list-style-type: none"> - The Council agrees that alternative decision-making structures should be available to councils. - The Council would seek clarification if proposed decision-making models as set out within the consultation document prohibit other types of committees being established by councils (e.g. area committees, thematic committees).
Question 2: Where decision-making is devolved to a committee of the council, do you agree that effective internal scrutiny arrangements should be required?	<p>Yes</p> <ul style="list-style-type: none"> - The Council supports the need to ensure that effective scrutiny arrangements are in place to underpin the decision making processes within councils. However, the Council would urge caution about being overly prescriptive in terms of both the form and scope of such scrutiny arrangements. It is vital that any scrutiny arrangements do not result in the orderly and efficient transaction of business being made more difficult.
Question 3: If a list of decision-making structures, as set out, is provided, do you support the proposal that a default option should be available?	<p>Yes</p>
Question 4: Should a list of core issues, for which decisions must be taken by the full council, be specified? If so, what are your views on the issues that should be included in this list?	<p>Yes</p> <ul style="list-style-type: none"> - The Council believes that the starting point for identifying a core list of decisions which are to be reserved for decision by full council, should be those outlined within the Local Government 1972 Act (e.g. the striking of the rate, borrowing money and the acquisition and disposal of land). It will be for political consideration as to whether this list is to be revised.

Section - Sharing of power and responsibility (Paragraphs 3.10-3.17 –Pages 9-12)	
Question 5: Do you support the proposal that a limited number of methods for ensuring the sharing of positions on a council, its committees, and external appointments should be made available? Are the methods identified appropriate?	<p>Yes</p> <ul style="list-style-type: none"> - In order to provide for a degree of consistency, it would be beneficial if a limited number of systems of proportionality were outlined and the Council would support the choice of the Quota Greatest Remainder and Droop Quota being offered. - Belfast City Council has for a number of years successfully operated a system of proportionality which uses the Quota Greatest Remainder and d'Hondt systems to allocate places on Committees to party groupings based upon the strength of the groupings on the Council.
Question 6: Should the D'Hondt system be specified as the default model, for use in the absence of agreement?	<p>Yes</p>
Question 7: Do you support the proposal that the Department specifies the method for applying each of the available systems?	<p>Yes</p> <ul style="list-style-type: none"> - Belfast City Council believes that there would be advantages in the application of a consistent methodology across local government. However, the Council would request further information on the exact details of the proposed method and would seek further engagement with the Department on the proposed methods before coming to a decision.
Question 8: Do you agree that the Department should specify the list of positions that would be allocated using these methods?	<p>Yes</p> <ul style="list-style-type: none"> - The Council would suggest that consideration be given to the following positions being allocated on the basis of proportionality, as currently applied by the Council: <ul style="list-style-type: none"> • Lord Mayor and Deputy Lord Mayor • Positions on the Cabinet and/or Committees • Chairmen and Deputy Chairmen of Cabinet/Committees • Positions on Outside Bodies

	<ul style="list-style-type: none"> - Belfast City Council has for several years operated a system of proportionality which separates the various positions of authority into separate pools and appoints Members for different periods of time based upon what is deemed to be appropriate. Following the elections in May this year, the Council will divide the positions of authority into three pools. <ul style="list-style-type: none"> • Lord Mayor and Deputy Lord Mayor - for each year of the 4-year term; • Chairmen and Deputy Chairmen of the six standing committees for one year only. This is then re-run each year (could be expanded to include choices for each year of the 4-year term); • Positions on outside bodies for the full 4-year term. This is seen to be advantageous in providing for consistency of approach and to allow the Members appointed to develop a degree of expertise. - The Council would urge that the Department should not require that all of these positions be grouped together into one pool nor should it specify the period of time of the appointments, but rather it should be left to each individual council to decide how best the application of proportionality should be carried out.
<p>Question 9: What are your views on the proposal for ensuring proportionality in the membership of council committees? Are the methods to be used appropriate?</p>	<p>Yes</p> <ul style="list-style-type: none"> - The Council fully supports the use of either the Quota Greatest Remainder or Droop Quota for ensuring proportionality in the membership of committees.
<p>Section – Checks and Balances (Paragraphs 3.18-3.25 –Pages 13-16)</p>	
<p>Question 10: Should a call-in procedure be introduced to provide a check and balance for council-decision making?</p>	<p>Yes, in certain defined circumstances</p> <ul style="list-style-type: none"> - The Council would suggest that given the potential delay that the introduction of call-in could create in the democratic decision making process, such provisions should only be introduced in limited circumstances (e.g. one party overall control within a council) or where a council chooses to apply them. - The Council would highlight that it can be demonstrated that a system which embraces the principles and spirit of proportionality in its decision-making

	<p>structures can, over time, develop methods of reaching agreement across different political parties without the need for rigid structures for checks and balances. Decisions reached by mature debate and, where possible, consensus or agreement are much more robust and provide for better decision-making than those achieved through regulation.</p>
<p>Question 11: Do you support the proposal for such a call-in to be available in the two circumstances outlined, and for how it would operate?</p>	<p>Yes</p> <ul style="list-style-type: none"> - The Council has no objections to the principle of “call in” being available in the two circumstances outlined; i.e. where procedures used in reaching a decision are questioned, and where there is an issue in relation to the protection of political minorities in the council district. However, the Council would urge that the Department liaises with local authorities in order to develop and agree robust and clear definitions around the criteria for each of the two circumstances and to examine and detail the practicalities and process for implementing such procedures. - The Council would be concerned that, in their current form and without more detailed definition, there is a risk that the policy proposals may result in a high percentage of committee decisions being subjected to call-in and thereby making effective decision making more difficult.
<p>Question 12: Do you agree that 15% of council membership should be the trigger for a call-in?</p>	<ul style="list-style-type: none"> - Clearly such proposals will be for political consideration and individual Party Groups are likely to have their own views. - It is important to note from a practical perspective that under the current proposals (i.e.15% trigger) , 8 members of Belfast City Council can call-in a decision. - It is suggested, however, that consideration be given to the viability and practical implications of implementing the proposed 15% trigger for call-in within a working council and it is suggested that other trigger options should be further considered.
<p>Question 13: Should the use of qualified majority voting be introduced to provide safeguards in the council’s decision-making processes?</p>	<ul style="list-style-type: none"> - Clearly such proposals will be subject to political consideration and individual Party Groups may wish to express their own views.

	<ul style="list-style-type: none"> - The Council would highlight, however, that local government within Northern Ireland has operated for many years on the basis of a simple majority vote and this system has been successfully used in Belfast over the past years. The introduction of qualified majority voting proposed within the consultation document is suggested without any supporting evidence being presented to prove that it is desirable or even necessary. - It is suggested at para. 3.24, that qualified majority voting should be applied to “<i>strategic decisions</i>” without any definition being given to what this actually means. The Council would therefore seek further clarification on this.
<p>Question 14: Do you agree that 80% of council membership should be the threshold for qualified majority voting?</p>	<ul style="list-style-type: none"> - Again such proposals will be subject to political consideration and individual Party Groups may wish to express their own views. - Whilst suggesting that qualified majority voting may not be appropriate (refer to question 13 above), the Council would suggest that if introduced, due consideration should be given to the appropriateness of the proposed 80% threshold and the practical implications of implementing this within a working council and the impact it would have on a council’s ability to take decisions. - In practical terms, the implementation of the proposals as currently outlined would mean that at a full council meeting in Belfast with all 51 councillors present, 41 would need to vote in favour of a proposal before it could be agreed. Again, it is suggested that this may create unnecessary tensions, delays and possibly stifle the decision making process.
<p>Section - Transparency (Paragraphs 3.26 & 3.27 – Pages 16 & 17)</p>	
<p>Question 15: What are your views on the proposed steps to enhance transparency and openness in the operation of a council and its decision-making?</p>	<p>Yes</p> <ul style="list-style-type: none"> - The Council would support, in principle, the proposals to enhance the transparency and openness in the operation and decision-making processes within councils. However, would highlight the fact that limited information is contained within the consultation document as to the detail of any such proposals and would seek further clarification from and engagement with the Department on this point.

Section 4 - Ethical Standards	
<i>Section – Background (Paragraphs 4.1-4.7 –Pages 17-19)</i>	
Question 16: Do you agree that a statutory ethical standards framework should be introduced for members of district councils in Northern Ireland?	<p>Yes</p> <ul style="list-style-type: none"> - Belfast City Council has consistently argued that a statutory ethical standards framework and a mandatory code of conduct for all Councillors should be introduced within Northern Ireland. - The Council recognises the role that such frameworks provide in reinforcing the trust in councils and in local democracy and that this is particularly important in the context of any future transfer and delivery of new functions to councils. - The Council would seek further engagement with the Department in developing such frameworks.
<i>Section – Code of Conduct (Paragraphs 4.8-4.12 –Pages 20 & 21)</i>	
Question 17: Do you agree that the principles mentioned above should apply to councillors and co-opted members?	<p>Yes</p> <ul style="list-style-type: none"> - The Council would commend the proposed principles as set out within the consultation document and would suggest that they inform the development of any Code of Conduct which may be introduced.
Question 18: Do you agree that a mandatory Code of Conduct should be introduced and that all council members should give a written undertaking to comply with it before accepting office?	<p>Yes</p> <ul style="list-style-type: none"> - Belfast City Council has consistently argued that a mandatory code of conduct should be introduced for all Members and would seek further engagement with the Department whilst further developing these policy proposals. - The Council would also suggest that consideration be given to creating a Code of Conduct for Members of Public Bodies similar to the Model which has been successfully established in Scotland.
<i>Section - Complaints (Paragraphs 4.13-4.15 –Pages 22 & 23)</i>	
Question 19: Do you agree that all written complaints concerning alleged breaches of the Code should be	<p>Yes</p> <p>This would ensure independence in the initial consideration of alleged breaches and a</p>

sent in the first instance to the Commissioner for Complaints to determine how they should be investigated?	consistency of approach in how such initial consideration is undertaken.
Question 20: If you do not agree, what other suitable alternative would you suggest?	N/A
Section – Investigation and Adjudication (Paragraph 4.16-4.24 –Pages 23-28)	
Question 21: Do you agree that the Commissioner for Complaints should only deal with those cases that are deemed to be serious or high profile?	<p>Yes</p> <ul style="list-style-type: none"> - The Council notes that the consultation proposes that the Commissioner should only deal with cases that are ‘deemed to be serious or high profile’ The Council would highlight, however, the current absence of any definition or criteria of what would constitute a ‘serious’ or ‘high profile’ case, and would seek further clarification on who would determine this and the mechanisms for such determinations.
Question 22: Alternatively, would you prefer the Commissioner for Complaints to be responsible for <u>all</u> types of cases? What would you consider to be the advantages of this?	<p>No</p> <ul style="list-style-type: none"> - Councils should be responsible for those cases which are not of a ‘serious’ or ‘high-profile’ nature (which are still to be defined).
Question 23: Do you agree that each council should be required to establish a standards committee? If so, do you agree that each Standards Committee should include independent members and that an independent member should chair the committee?	<p>Yes</p> <ul style="list-style-type: none"> - The Council has consistently supported the establishment of a firm legislative basis supported by codes of practice to ensure equitable and fair representation of all interests in the future. The Council continues to believe that consideration should be given to an appropriate enforcement and sanction system, for example, through a two-tier system; firstly at a Council level through the creation of Standards Committees and secondly at an external level through either the creation of an independent Standards Commission or through extending the present responsibilities of the Commissioner for Complaints.
Question 24: Do you agree that complaints concerning less serious breaches of the Code should be dealt with by the relevant council’s standards committee; Do you agree that the council’s independent monitoring	Yes

<p>officer should undertake any necessary investigation; Do you agree that the standards committee will consider all cases on the basis of the monitoring officer's reports and on the evidence presented; and</p> <p>Do you agree that the council's standards committee should decide what sanctions, if any, should be taken against the members concerned?</p>	Yes
	Yes
	Yes - The Council would request that further clarity (and potential guidance) be provided in respect of the potential sanctions which could be imposed and in what circumstances.
<p>Question 25: Do you agree that monitoring officers should be independent of councils or do you think that they should be council officers who, in addition to investigating less serious complaints, might be better placed to support the development of an ethical culture within councils?</p> <p>Do you agree that an independent monitoring officer should be appointed to each council? If not, what alternative would you propose?</p>	No - It is already a Council officers job to advise the decision making process, wherever a decision is within the Councils powers and also on whether a decision is being made in accordance with the law and standing orders, financial regulations and other matters governing the process of decision making. - The Council would recommend that monitoring officers should be an appropriate council officer, for example, in the case of Belfast the Assistant Chief Executive/Town Solicitor could undertake this role. - In may be more appropriate to give councils the choice, within their own decision-making process, as to whether they wish to appoint an internal officer or an independent person.
	No - It should be left to a councils own discretion, within established decision making processes, to make the appropriate appointment of a monitoring officer.
<p>Question 26: Do you agree that sanctions should be available to standards committees and the Commissioner for Complaints where breaches of the Code have occurred?</p>	Yes - The Council would point out that further clarity (and potential guidance) in respect of the potential sanctions which could be imposed and in what circumstances, would be beneficial.

<p>Question 27: Do you agree that members should have a right of appeal to the Commissioner for Complaints concerning decisions taken by standards committees and to the Court system concerning decisions taken by the Commissioner for Complaints?</p>	<p>Yes</p>
<p>Section 5 – Service Delivery & Performance Improvement</p>	
<p><i>Section – Revised Best Value Duty (Paragraph 5.5 –Pages 30 & 31)</i></p>	
<p>Question 28: Do you agree that a newly defined best value (continuous improvement) duty should be placed on councils?</p>	<p>No</p> <ul style="list-style-type: none"> - The Council would be concerned with the apparent 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. The Council would highlight the current policy shift in the rest of the UK away from overly bureaucratic and centralised scrutiny/inspection regime and move towards greater sector self-regulation, subject to the achievement of a set of agreed targets or outcomes with central government.
<p><i>Section – Best Value Guidance (Paragraphs 5.6-5.7 –Pages 31 & 32)</i></p>	
<p>Question 29: Should the Department be able to issue guidance in relation to best value?</p>	<p>No, unless it is developed with Local Government</p> <ul style="list-style-type: none"> - In light of the Council’s response to question 28 above, the Council would be of the view that such guidance is unnecessary. - Notwithstanding, if such guidance is to be progressed the Council would reinstate the purpose of best value as set out within the consultation document is to establish a culture of good management for the delivery of efficient, effective and economical services that meet users’ needs. As it will be the responsibility of councils to deliver the duties as set out within any revised best value regime introduced, it is essential that local government contribute to the design and implementation of the process – as was the case with the development of the current best value duty.

<p>Question 30: Should councils be required to have regard to any guidance issued?</p>	<p>Yes</p> <ul style="list-style-type: none"> - If introduced, the Council would agree that local authorities should be required to have regard to any guidance issued but would highlight the need for Councils to be involved in developing and agreeing both the process and the associated guidance.
<p><i>Section – Performance Indicators and Standards (Paragraphs 5.8 & 5.9 –Page 32)</i></p>	
<p>Question 31: Do you agree that the Department should be able to specify performance indicators for the delivery of council functions?</p>	<p>No, unless it is developed with Local Government</p> <ul style="list-style-type: none"> - Whilst the Council recognises the potential need for local and central government to jointly agree a small number of outcomes which may be delivered locally; possibly linked to certain transferring functions or aligned with the Programme for Government priorities, it would be concerned about the proposal to bestow to departments the ability to specify performance indicators for the delivery of council functions. - The Council believes that the setting of performance indicators should be left to local authorities and set within the wider context of community planning and in developing integrated solutions to local needs. - Rather than introducing an overly bureaucratic and centralised performance regime, a more supportive approach should be developed. Local and central government should work together to develop and implement a more progressive approach to performance and service improvement including, for example, the creation of performance tools such as peer review, self assessment and benchmarking. - The performance of other public sector organisations involved in improving outcomes at a local level through community planning should be taken into consideration within any policy proposals. The Council would stress that any performance framework which is implemented should be based on the following principles: <ul style="list-style-type: none"> ▪ Councils are accountable to their ratepayers.

	<ul style="list-style-type: none"> ▪ Councils are responsible for their own performance and for leading on the delivery of services and improving outcomes for the people they serve. ▪ A range of assessment methods including self assessment, peer review and performance indicators should be used. ▪ The burden of inspection, data collection and reporting to be kept to a minimum. ▪ The framework should provide value for money, be affordable, transparent and fair, easily understood and capable of implementation.
<p><i>Section – Public Performance Reporting – A Corporate and Improvement Plan (Paragraphs 5.10-5.12 –Pages 32 & 33)</i></p>	
<p>Question 32: Do you agree with the proposals for the public reporting of a council’s performance improvement?</p>	<p>Yes</p> <ul style="list-style-type: none"> - Belfast City Council fully supports the need for local government to be open, transparent and accountable and recognises the importance of effective planning, performance and communication. - The Council would therefore welcome the proposal that local authorities should publish a corporate plan which gives due consideration to service improvement and performance management.. Belfast City Council’s Corporate Plan is already publicly available on the Council’s website at www.belfastcity.gov.uk/corporateplan - The Council firmly believes that the content of Corporate Plans and Improvement Plans should be decided by local authorities (not the Department) and take account of local need and circumstances. - Whilst the Council would be opposed to the introduction of a more prescriptive and one size fits all approach to corporate planning by councils, there may be potential benefit in the development of supporting guidance which would outline the core areas plans should address based on the need for councils to deliver efficient, economic and equitable services.
<p><i>Section – A Statutory Audit of the Corporate and Improvement Plan (Paragraphs 5.13-5.16 –Pages 34 & 35)</i></p>	
<p>Question 33: Should the local government auditor have a role in providing external assurance in relation</p>	<p>No</p> <ul style="list-style-type: none"> - Whilst the Council fully recognises the role and importance of the local government

to a council's improvement plan?	auditor and the independent scrutiny/assurances provided, the council does not agree that the role of the local government auditor should be extended to include auditing local authorities corporate and/or improvement plans as this would undermine the local democracy process. This role should be the role undertaken by elected Members who set the priorities for the organisation and should oversee deliver against these priorities.
Question 34: Is the proposed role for the local government auditor as comprehensive as might be required?	<ul style="list-style-type: none"> - The proposed use of the external auditor in this regard contradicts what is happening in the rest of the UK. The Council would urge that further consideration needs to be given to resource and capacity implications resulting from any proposed extension to the role of the local government auditor. - The Council would see potential benefit in the local government auditor being asked to provide assurance on the implementation of the agreed framework.
Section – A Power of Intervention/Enforcement (Paragraphs 5.17 – 5.20 – Pages 36 & 37)	
Question 35: Do you agree that Ministers should be able to intervene if a council is failing to deliver services?	<ul style="list-style-type: none"> - The Council would question the need for this. Section 129 of the Local Government Act already provides for this and the Council believes that this power, which should continue to be viewed as an action of last resort, is sufficient.
Section 6 – Community Planning (Paragraphs 6.1 -6.7 – Pages 37-40)	
Question 36: Do you agree that councils should lead and facilitate community planning and that a requirement should be placed on them to do so?	<p>Yes</p> <ul style="list-style-type: none"> - The Council would fully support the proposal that local authorities lead and facilitate community planning and would view this as a key enabler for joining-up services to address local needs. - Local councils are uniquely and ideally placed to lead and facilitate community planning. Democratically accountable to local people and with a broad remit to protect and enhance their district area, community planning is a natural extension of this role. - The Council is committed to the principle of “co-producing” improvements to quality of life across the city with local people and would welcome the development of a statutory community planning framework which would further enhance this work. The Council therefore welcomes the Department’s stated intention that “the

	<p><i>community planning process to be introduced would not be overly prescriptive, to take account of the range of situations that exist across the region and within individual districts. This would provide individual councils with the flexibility to act at a local level to best meet local needs.”</i></p> <ul style="list-style-type: none"> - Belfast City Council already has in place many innovative and effective ways of engaging and involving local people and connecting them to service planning and delivery. There are many excellent examples of joined-up working and partnership (e.g. community safety and district policing partnerships, community development and regeneration partnership working, health and well-being initiatives). It is imperative that councils are given the flexibility to build on this work in a way which works best locally. Statutory obligations and guidance must therefore be flexible and not unduly restrictive.
<p>Question 37: What are your views on departments and statutory bodies being required to participate in and support community planning?</p>	<ul style="list-style-type: none"> - Belfast City Council firmly believes that for community planning to work, all partners must be statutorily obliged to participate and contribute to the process. There should be a shared commitment to align plans and resources to address identified needs. - Whilst there are many examples of effective partnership working and excellent relationships between Belfast City Council and its partners, it is essential that a shared responsibility to develop and, more importantly, deliver the community plan is contained within the legislation. Belfast City Council therefore strongly recommends that public bodies / statutory agencies must be required to support and participate in the community planning process with shared responsibility for implementation. - The Council is disappointed to note that paragraph 6.5, page 35 of the consultation document only places a duty on government departments to <i>“promote the use of community planning and have regard to community”</i>. The Council would strongly urge that similar to other jurisdictions there should be a statutory duty placed upon relevant public bodies and statutory agencies to participate and contribute to the community planning process. This is important not just from a resources and planning point of view but also to ensure that regional government is better connected to local issues.

	<ul style="list-style-type: none"> - The Council would point out the provisions set out under Section 75 of the NI Act 1998 equality duty whereby statutory bodies must have due regard for the duty and would urge that the current policy proposals be reviewed.
<p>Question 38: Should councils be required to publish community plans for their districts, and to review these as necessary?</p>	<p>Yes</p> <ul style="list-style-type: none"> - Whilst the Council supports this proposal, it notes the envisaged role proposed for the Department in specifying the <i>“form, content and frequency”</i> of community planning reports. - In such circumstances, it will be important that any emerging guidance or process put in place are not unduly bureaucratic and can take account of local circumstances and need. Local government should be fully involved in the design of the community planning framework for the region including the reporting and monitoring arrangements.
<p>Question 39: Do you agree that the Department should be able to issue guidance to support community planning, and in relation to the format and content of a council’s community plan?</p>	<p>Yes, but the guidance needs to be flexible enough to adopt to different local authority circumstances</p> <ul style="list-style-type: none"> - The Council believes that it is essential that any such guidance is based upon an understanding of the current practice in partnership working within local council areas and any learning emerging from this, including any on-going “pilot” work with respect to community planning. Community planning is an evolving process and by its nature will require compromise and flexibility. This will need to be reflected in any guidance. - Again, the Council would urge that local government must be fully involved in the development of the community planning framework and associated guidance to ensure that local government experience and knowledge is taken into account. This will not only ensure that the framework is achievable but will set the basis for ongoing partnership working between local and central government. - The Council would point out the potential benefits of creating a supporting resource for councils (e.g. good practice toolkits and technical support) to assist were necessary in the community planning process. The Council would refer to the Scottish Community Development Centre as a good example of this.

Section 7 – Power of Well-Being (Paragraphs 7.1-7.3 – Pages 40 & 41)	
Question 40: Do you agree that a power of well-being should be introduced for councils, and that the Department should be able to issue guidance to support its operation?	<p>Yes</p> <ul style="list-style-type: none"> - The Council would support, in principle, the proposal to introduce a power of well-being as this would provide appropriate freedoms for councils to improve service provision and to contribute to the wider economic, social and environmental well-being of their areas. However, the Council would take this opportunity to highlight the recent legislative shift, linked to the introduction of the new Localism Bill for England and Wales, to establish a power of general competence rather than a power of well-being. Belfast City Council would therefore request that further consideration be given as to whether the proposed power of well-being should be replaced with a power of general competence. - No matter which power is introduced guidance would be required to clarify the operation of this new power, providing both clarity and protection for councils and local people. Local councils should be involved in developing this guidance in partnership with the Department.
Section 8 – A Partnership Panel (Paragraphs 8.1 -8.4 – Pages 41-43)	
Question 41: Should a Partnership Panel be established to formalise relations between central and local government?	<ul style="list-style-type: none"> - Belfast City Council recognises the need for a strengthened and formal relationship between central and local government and believes that the proposals to streamline the number of local authorities in NI presents a real opportunity to create a more effective interface between central and local government. The Council would support the proposed establishment of a Partnership Panel as a positive way forward, however, would seek further clarification and engagement in respect to the representation, operation and remit of such a Partnership Panel.
Question 42: What are your views on the proposed remit of the Panel?	
Section 9 – Supervision of Councils (Paragraphs 9.1-9.2 – Pages 43 & 44)	
Question 43: Do you agree that the supervision powers currently available to the DoE should be made available to all departments?	<p>No</p> <ul style="list-style-type: none"> - Given that these powers are so rarely used, the Council does not understand why this power should be expanded to other departments

Section 10 – The Reorganisation of District Councils	
<i>Section – Staff Transfer Schemes (Paragraphs 10.6 – 10.8 – Pages 46 - 48)</i>	
Question 44: Do you agree that model transfer schemes should be developed?	<p>Yes</p> <ul style="list-style-type: none"> - Staff Transfer Schemes - Yes the Council would agree that model transfer schemes should be developed. - Assets and Liabilities Transfer Schemes – See answer in Question 46 below
Question 45: Who should be responsible for preparing any model transfer schemes?	<ul style="list-style-type: none"> - In relation to ‘Staff Transfer Schemes’, the Council believes that the Department should be responsible for preparing any model transfer scheme to be agreed through the appropriate negotiating machinery - Assets and Liabilities Transfer Schemes – See answer in Question 46 below
<i>Section – Assets and Liabilities Transfer Schemes (Paragraphs 10.9 – 10.11– Pages 48 & 49)</i>	
Question 46: Do you agree that transfer schemes in relation to property and assets of government departments transferring to the new councils should provide for a continuing interest for the department concerned?	<p>No</p> <ul style="list-style-type: none"> - The Council does not agree that departments should have a continuing interest in transferred property & assets. If strong local government is a key outcome of RPA then these proposals would appear to significantly weaken local government’s autonomy & decision making process in relation to their estates & assets. Assets follow function, and if a function and associated legislative power is to transfer to councils then so too should the resources and assets associated with that function also transfer. The assets are key to service delivery and to do otherwise would be at odds with strong local government and the democratic process. - The Council would note that as part of the previous RPA deliberations, it was proposed that the Local Government (Re-Organisation) Act (Northern Ireland) 2010 would provide a ‘standard’ rule for the transfer of assets and liabilities from the 26 council structure to the new 11 council structure. This would avoid the need for Transfer Schemes for the majority of local government assets. - The Transfer Schemes were therefore only to capture the transfer of property, rights, and liabilities that were outside this standard rule arrangement as set out in the legislation. It was proposed that the legislation would provide that all existing

	<p>assets & liabilities of the merging councils would transfer to the respective new council structure, with the exception of those councils with split areas arising from the Local Government Boundaries Act (NI) 2008, believed to affect only Belfast, Lisburn & Castlereagh.</p> <ul style="list-style-type: none"> - In such exceptions a Transfer Scheme would be required. They would also be required for the scheduling of assets in joint ownership of two current Councils who may not be part of any new cluster arrangement. It was also intended that individual Transfer Schemes would be used to transfer property, rights, and liabilities associated with specific central government functions transferring to local government. - Belfast City Council had previously asserted that all existing assets & liabilities of the present Belfast City Council would transfer to the new Belfast City Council. Any assets held for local government purposes situated within the transferring areas of Castlereagh & Lisburn (and which are to be assimilated within the new Belfast City Council area) would transfer to the new Belfast City Council area, as well as any liabilities specifically referable to the transferring assets.
<p><i>Section – Financial Arrangement (Paragraphs 10.12 & 10.13 – Pages 49 & 50)</i></p>	
<p>Question 47: Do you support the proposal that existing district councils should be able to incur expenditure on behalf of the new council to be established for that area?</p>	<p>Yes, in certain circumstances</p> <ul style="list-style-type: none"> - The Council recognises that there may be occasions whereby existing councils may need to incur expenditure in preparation for the formation of the new council and that appropriate provisions need to put in place to enable this. The Council would urge, however, that further detail and potential guidance should be developed to provide clarity in respect to both the scope and nature of such expenditure and the associated governance and decision-making process.