

LOCAL GOVERNMENT REFORM POLICY PROPOSALS

SYNOPSIS OF RESPONSE TO PUBLIC CONSULTATION

Introduction

1. On 30 November 2010, the Department of the Environment published a consultation document, 'Local Government Reform: Policy Proposals'. The consultation document sought views on policy proposals to underpin the reform of local government.
2. The reform proposals impact on every aspect of local government operation; the structures for efficient, fair and transparent decision-making, the sharing of power and responsibility, the standards by which councils and councillors operate, how improvement in the delivery of council services can be achieved, and how councils can act as the focal point for improving the outcomes for citizens in their area through community planning. The policy proposals flow from the former Executive's decisions of 13 March 2008 on the future shape of local government.
3. The proposals were formulated by the Department following research into the operation of local government in other jurisdictions of the UK and Ireland, and extensive engagement with the local government sector and the main political parties.
4. A total of 77 responses were received to the consultation. The Department is grateful to all those who replied for taking the time and effort to make comment on these important proposed changes to how councils would operate in the future. The level of detailed input indicates the importance of these reforms to both local government and the people that they serve.

5. Responses were received from a wide range of interests. The table below shows how the Department has grouped the responses and the number of responses from each of the groups.

Groups	Totals	%
Community, Voluntary and Charity Groups	25	32.47
Individuals	6	7.79
Local government (Councils, Councillors and local government organisations)	26	33.77
Political parties	3	3.89
Private Sector	11	14.29
Others	6	7.79
Total	77	100

6. A list of respondents is attached at Appendix 1.
7. The majority of comments referred directly to the proposals detailed within the consultation document. There were, however, additional comments received relating to issues not specifically dealt with in the document and these are highlighted in the final section of this synopsis.
8. This document provides an overview of the findings from the responses to the consultation, including points raised by a number of respondents. The format of this synopsis follows the chapters as set out in the consultation document.
9. While a total of 77 responses were received by the Department, 3 respondents did not answer any of the questions or offer comment on the proposals set out in the consultation document, and not all questions were answered by every other respondent. This document details the number of respondents to each question and the

percentage of those who supported or opposed the proposal/question. In order to illustrate some of the issues raised, comments made by respondents have been quoted in the document.

1. Governance Arrangements

Context

- 1.1. The consultation document considered policy proposals for the reform of the governance arrangements of councils, particularly in relation to decision-making structures with appropriate checks and balances, the sharing of power and responsibility, and transparency in the conduct of council business.
- 1.2. A total of 54 respondents provided an answer or comment on all or some of the proposals outlined in this Chapter of the consultation document. The table below shows the number of responses from each of the identified groups.

Groups	Totals	%
Community, Voluntary and Charity Groups	14	25.92
Individuals	3	5.56
Local government	23	42.59
Political parties	3	5.56
Private Sector	8	14.81
Other	3	5.56
Total	54	100

Decision-making Structures

- 1.3. Four questions were asked in relation to proposals in relation to the provision of alternative structures for councils to provide for efficient and effective decision-making.

Question 1: Do you agree that a list of alternative decision-making structures should be available to councils?

Question 2: Where decision-making is devolved to a committee of the council, do you agree that effective internal scrutiny arrangements should be required?

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?

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?

A total of 42 respondents made comment on all or some of the proposals in this section of the document.

Alternative decision-making structure

- 1.4. A majority, 78.5%, of respondents including all bar 1 of those from the Local Government sector (19 councils and 3 local government organisations) and the 3 political parties that responded supported the proposals in relation to decision-making structures either in full or in part. However, 9.5% of respondents expressed some concerns in relation to including the cabinet style model in the list of alternative decision-making structures. In supporting the proposals a small number of councils commented that further information would be required on the practical operation of the proposed new models.
- 1.5. Some 17% of respondents, from the Community, Voluntary & Charities, Individuals and Private sectors expressed the view that a single decision-making structure should be in place across all the councils to ensure consistency, and understanding for stakeholders. There was not, however, a consistent view on which model should be introduced.

- 1.6. The individual councillor expressed the view that alternative structures are already available by way of delegation and that the discretion of councils to form committees as they think fit should not be limited to the models suggested.

Internal scrutiny arrangements

- 1.7. All the respondents who support the introduction of alternate decision-making structures, including 3 of those who indicated a preference for a single model, also agree that effective scrutiny arrangements would be required if decisions are devolved from the full council. A number of councils and a local government organisation commented that councils should have flexibility on the nature and operation of these structures.
- 1.8. The individual councillor did not support this proposal and an organisation from the private sector commented that decision-making should rest with the full council.

Default option

- 1.9. Amongst the 29 who responded in relation to a default model being included only 3 did not support the proposal (1 council, the individual councillor and an individual). One council and a political party commented that the default should be the traditional committee system.

List of decisions for full council

- 1.10. There was widespread (94%) support amongst those who responded to question 4 that a list of decisions that must be the responsibility of the full council should be specified. There was a general consensus that the decisions that should be reserved to the

full council should include agreeing the corporate; operational and community plans; setting budgets; striking the rate; governance arrangements; significant financial matters such as requests for borrowing, acquisition/disposal of land or property, and other matters with a potentially significant political or public interest impact. A number of councils expressed the view that councils should be able to add to such a list.

1.11. One council and an organisation from the Others group did not support the proposal.

Sharing of Power and Responsibility

1.12. There were five questions asked in relation to the introduction of procedures to ensure that power and responsibilities are shared across the political parties and independents represented on a council.

Question 5: Do you support the proposal that a limited number of methods for ensuring the sharing of positions on the council, its committees, and external appointments should be made available? Are the methods identified appropriate?

Question 6: Should the D'Hondt system be specified as the model for use in the absence of agreement?

Question 7: Do you support the proposal that the Department specifies the method of application of each of the systems to be available?

Question 8: Do you agree that the Department should specify the list of positions that would be allocated using these methods?

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?

Methods for allocation positions

1.13. Mixed views were expressed by the 34 respondents to this question. There was support for the proposal from 53% of respondents, across all the groups, with a further 9% of respondents (from local government) agreeing with the principle but expressing the view that the Single Transferrable Vote method should not be included. Some 12% of respondents (from the Local Government sector) expressed the view that the methods should be provided as suggested approaches rather than being prescribed in legislation. One political party and 2 individuals expressed the view that D'Hondt should be the single standard method.

1.14. The individual councillor did not support the proposal.

Default model

1.15. From the 23 respondents who offered a view on the use of D'Hondt as the default model, 70% supported the proposal. A further 22% (2 councils, 1 individual and 2 others) supported the proposal in principle whilst making a range of additional comments. For example, one council commented that either D'Hondt or Saint Lague would be appropriate, while one of the others indicated that it should not be applied every year.

1.16. The one council that did not support the proposal did not offer an alternative view whilst a political party expressed the view that STV should be the default method. In its response an organisation from the Others group commented that further consideration of the equality implications of this approach would be required.

Specification of operation of methods

- 1.17. A significant majority, 82% of the 28 respondents to the question, agreed that the Department should specify the method of each application to ensure consistency of their use across the councils.
- 1.18. Three councils, an individual and an organisation from the Others group did not support the proposal.

Specification of positions

- 1.19. The views expressed by the 25 respondents who commented on the proposal that the Department specify the positions that would be allocated using the agreed method were mixed. There was direct support for the proposal from 20% of respondents (1 council, a political party and 3 others). A further 28% of respondents (3 councils and 4 others) supported the proposal in principle suggesting that need for some flexibility to be provided.
- 1.20. The majority of the 52% that did not support the proposal expressed the view that this should be a matter for each council, given the potential for differing structures; 10% commented that guidance should be provided on a potential list; the individual councillor commented that this would restrict the discretion of councils.

Membership of committees

- 1.21. There was broad support (85%, which included 14 councils, 2 local government organisations and 2 political parties, out of 26 responses) for the Department's proposal that the membership of committees should reflect the political makeup of the council.

1.22. Of the four that did not directly support the proposal one individual indicated qualified support commenting that it should not apply to ad-hoc or small committees; the individual councillor expressed the view that representation on committees should be area based.

Checks and Balances

1.23. Five questions were asked in relation to the introduction of a system of checks and balances in council decision-making to ensure the fair treatment and representation of every served by the council.

Question 10: Should a call-in procedure be introduced to provide a check and balance?

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?

Question 12: Do you agree that 15% percent of council membership should be the trigger for a call-in?

Question 13: Should the use of qualified majority voting be introduced to provide safeguards in the council's decision-making processes?

Question 14: Do you agree that 80% of council membership should be the threshold for qualified majority voting?

Introduction of call-in procedure

1.24. There was overwhelming support for the introduction of a call-in procedure with a total of 94% of the 32 who responded to question 10 giving a positive answer. Some 28% of the respondents expressed the view that it should only apply where devolved structures are adopted, but that it would not be appropriate in the traditional committee system, as committees make recommendations for decision by the council.

1.25. The proposal was not supported by 1 council and an individual.

Operation of call-in

1.26. Of the 25 who responded to question 11, 84% expressed support for the call-in to apply in the two circumstances outlined. Of these 29% commented that further information would be required on the operation of the process, including that of external validation. The individual councillor commented that it should not be limited as outlined, but that a scrutiny committee was an anomaly. An organisation from the Private sector commented that it should not be a matter for Ministerial/Departmental intervention.

1.27. A council and an individual did not support the proposal.

Trigger for call-in

1.28. Mixed views were expressed by the 30 respondents to question 12 in relation to the number of councillors that would be required to trigger the call-in procedure. One third of respondents (5 councils, 2 political parties, 2 private sector organisations and 1 other) directly supported the proposals that the trigger be set at 15% of council membership. Four councils plus 2 local government organisations commented that further consideration should be given to the practical implications of setting the trigger at this level. Around 27% of respondents, across the groups, expressed the view that a figure in the region of 20% or 25% would be more appropriate.

Introduction of Qualified majority Voting

1.29. There was significant support for the introduction of qualified majority voting in the circumstances outlined in the consultation document. Of the 27 who responded 52% (including 7 councils and

the three political parties) fully endorsed the proposal, with a further 37% (including 6 councils and a local government organisation) endorsing it in principle subject to further information on the process being available, or certain conditions applying.

1.30. Three councils and the individual councillor rejected the proposal.

Threshold for QMV

1.31. As with question 12 there were mixed views expressed on the appropriate level for the threshold for qualified majority voting by the 24 respondents that offered a comment. Three councils, 2 political parties and 1 respondent from the Private sector agreed that the threshold should be set at that outlined in the consultation document.

1.32. Just over 62% of respondents commented that a lower figure would be appropriate with 60% of these suggesting alternate figures for the threshold ranging from 60% to 75%. One council suggested that the threshold should be agreed by the council at its Annual General Meeting.

1.33. The proposal was not supported by 1 council.

Transparency

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?

1.34. An overwhelming majority, all bar 1 of the 37 who proffered a comment (including 17 councils, a local government organisation, the 3 political parties and a range of other organisations and

individuals), supported the policy objective outlined in the consultation document of increasing transparency in the operation of a council. One council did not directly endorse the proposals but called for more detail on what they would entail.

1.35. In responding 41% of the councils that supported the proposals expressed the view that work on standardising a format for a published constitution would be helpful. This view was supported by the response from a local government organisation and one other respondent. Three of those that responded (1 from the Community, Voluntary & Charities group, 1 from the Private sector and 1 from Others) commented that the opportunity for councils to hold 'closed' meetings should be restricted to a minimum.

2. Ethical Standards

Context

- 2.1. The Department proposes to introduce a new ethical standards regime for local government which would include the introduction of a mandatory Code of Conduct for councillors with supporting mechanisms for investigation, adjudication and appeals. This would involve all written complaints regarding breaches of ethical standards in district councils being referred to the Northern Ireland Commissioner for Complaints (the Commissioner) to decide whether a case should be referred to the relevant council for local resolution or whether the matter should be retained for investigation by the Commissioner's Office.
- 2.2. A total of 63 respondents provided an answer or comment on all or some of the proposals outlined in this Chapter of the Consultation document. The table below shows the number of responses from each of the identified groups.

Groups	Totals	%
Community, Voluntary and Charity Groups	17	26.98
Individuals	5	7.94
Local government	25	39.68
Political parties	3	4.76
Private Sector	9	14.29
Other	4	6.35
Total	63	100

Question 16: Do you agree that a statutory ethical standards framework should be introduced for members of district councils in Northern Ireland?

- 2.3. It was recognised by the respondents that there is a strong need to have an ethical framework for councillors, in line with other jurisdictions within the UK.
- 2.4. An overwhelming majority of those who did respond either agreed, agreed in principle, or partially agreed in principle (78%) to the introduction of an ethical standards framework.
- 2.5. Fifteen respondents (19%) made no comment, 2 respondents (3%) neither agreed nor disagreed.

Question 17: Do you agree that the principles mentioned above should apply to councillors and co-opted members?

- 2.6. A favourable majority of responses (48%) were in agreement. A small number (5%) neither agreed nor disagreed. The majority of the remainder, (46%) offered no comment.
- 2.7. One Individual (1%) disagreed, on the basis that they believed that the principles were regarded as meaningless and ineffective. Some respondents took the opportunity to ask for clarification on the term “co-opted member”. Three councils suggested the additional principle of Stewardship.

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?

- 2.8. In line with the support for an ethical standards framework, there was also strong support for a code of conduct (77%). A small number (22%) made no comment. An Individual (1%) neither agreed nor disagreed.
- 2.9. Within the positive responses, the issue of training and guidance was also highlighted as a particularly important issue coming from the Local Government and the Community, Voluntary & Charities sectors. A number also emphasised the need to have an ethical system in place before the transfer of powers to councils.
- 2.10. A few respondents pointed out the position in England, following the introduction of the Localism Bill, whereby a code of conduct would no longer be compulsory.

Question 19: Do you agree that all written complaints concerning alleged breaches of the Code should be sent in the first instance to the Commissioner for Complaints to determine how they should be investigated?

- 2.11. Analysis of the responses to this and question 20 revealed that the majority of the Local Government Sector viewed it to be appropriate that the Commissioner should be responsible for the initial sift of cases which would then be divided accordingly. A few misinterpreted this to mean that the Commissioner would hold all cases with no council input. However, taking into account the overall replies which were submitted for both questions, it was clear that the majority wanted the Commissioner involved and that the 2 tier system i.e. adjudication of cases by both the Commissioner and councils was deemed favourable.

2.12. Therefore, the key message received from the respondents was that whilst they believed that the Commissioner should have a role in proceedings, more clarification was necessary. In addition, Local Government, Individuals and the Private sectors endorsed the view that it was essential to involve the Commissioner in order to gain public confidence in the system.

2.13. Some 45% of respondents were in favour of the Commissioner receiving complaints whilst 42% made no comment and 3% neither agreed nor disagreed.

2.14. Within the Local Government sector, the remaining 9% disagreed, on the basis that it was deemed that most types of cases would be low level anyway, or because more clarification was required. Only 2 councils did not quantify their reasoning for their negative reply.

Question 20: If you do not agree, what other suitable alternative would you suggest?

2.15. The majority of respondents provided either a “No Comment”, or in view of their reply to question 19, a “Not Applicable” response. This reinforced the view that the two tier approach was favoured.

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?

2.16. The majority of responses (50%) were in favour of the Commissioner being responsible for those cases deemed “serious” or “high profile”. Additional comments from the Others, Individuals and the Local Government sector focussed on requesting

clarification of what defined a “serious” case. There was also interest as to the detail on the possible sanctions that could apply.

2.17. Those who disagreed with this proposal (7%) came from the Private, Community, Voluntary & Charities, and Individual sectors, and did so due to requiring more clarification but they did acknowledge that the Commissioner was needed in the process. One council from the Local Government sector (1%) partially disagreed, on the basis that they believed that councils should take sole responsibility for the process.

2.18. Two respondents (a council from the Local Government sector and a respondent from the Community, Voluntary & Charities group (2%) neither agreed nor disagreed. The rest of the respondents made no comment (40%)

Question 22: Alternatively, would you prefer the Commissioner for Complaints to be responsible for all types of cases? What would you consider to be the advantages of this?

2.19. In line with the replies to questions 19, 20 and 21 the majority of respondents would appear to prefer a two tier system whereby the Commissioner would retain those cases deemed high profile or serious while those outside of this category would be referred to the council for action.

2.20. Consequently, the majority of respondents (35%) disagreed with this option. A large response provided a no comment or not applicable reply (52%) due to the answers they had previously given. A small number (5%) neither agreed nor disagreed. Those who agreed (8%) either said they wanted the Commissioner to have

the necessary power to assess the decisions of the council standards committees, or believed it would act as a safeguard to vexatious complaints. Overall however, it came across that there was consistent support for the two tier system.

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?

Establishment of Standards Committees

- 2.21. Strong support was made for the establishment of Standards Committees. Around 49% of respondents from across all Sectors, either agreed, agreed in principle, or partially agreed in principle.
- 2.22. Out of the Local Government sector who replied to this question, 19 (70%) were in agreement. The principle of having some control, responsibility and accountability was a factor for gaining this support. Within the Community, Voluntary & Charities grouping, a view was expressed that they were in favour but felt that one body should be created to deal with cases at this level for all councils, which would be a better use of resources.
- 2.23. There was no comment offered by 43%, the replies being mainly from the Private and the Community, Voluntary & Charities sectors. From the additional replies, 4% disagreed with the proposal – one council felt that sufficient governance structures were in place. A respondent from the Community, Voluntary & Charities sector disagreed on the basis that more detail was required in light of possible economic and budgetary considerations. A comment from

a councillor within the Local Government Sector suggested that it would be difficult that any committee could be perceived as independent and could compromise the rights of any members.

2.24. A small number (4%) from the Local Government, Others and Community, Voluntary & Charities sectors neither agreed nor disagreed.

Independent Members on Standards Committees

2.25. It was recognised that providing an element of independent representation would provide overall confidence in the system. A total of 36% were in favour, of which 22% came from the Local Government sector. A total of 56% offered no comment. In addition, some councils did suggest that it should be up to them to decide whether independents should be appointed rather than making it a requirement. The selection process for independent appointments was also of interest.

2.26. Only 5% neither agreed nor disagreed. A small number (3%) disagreed, one each from the Local Government and Individual sectors. The individual believed that the inclusion of external members would introduce a quango element, not appropriate to local government. The other negative response was from a council, but they did not expand on their reasons for this reply.

Independent Chair

2.27. The question as to whether an independent should chair the committee was tentatively supported but the majority of replies made no comment (79%). Of the remainder, which took account of

all sectors, 13% (or 56% of those who actually replied) were in favour.

2.28. A total of 1% of respondents neither agreed nor disagreed and 7% disagreed but offered no further clarification on their decision.

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 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

Do you agree that the council's standards committee should decide what sanctions, if any, should be taken against the members concerned?

Less serious breaches by Standards Committees

2.29. In line with the support already shown for the establishment of Standards Committees, 44% agreed that they should be responsible for less serious breaches, the majority coming from the Local Government sector. Five councils believed that any recommendation of a Standards Committee should be ratified by full council.

2.30. Only 5% disagreed with this proposal, coming from the Local Government and the Private sectors, with one council pointing out that the existing governance arrangements would be adequate. A majority of 50% made no comment, while 1% neither agreed nor disagreed.

Independent Monitoring Officer undertaking investigation

2.31. A majority (53%) did not comment on this issue. Of the remainder, mainly from the Local Government sector, 35% were in agreement. A small number, again from the Local Government as well as the Others sector (3%) neither agreed nor disagreed. Those who did not agree or partially disagreed, (9%) being from the Local Government sector and the Private sector, either felt that adequate arrangements were already in place, or if undertaken, could be perceived that an in house investigation was designed to cover up any breaches.

Monitoring Officer Reports considered by Standards Committees

2.32. Again, a majority of respondents, being 55%, made no comment on this question. Of the other replies, 36% were in favour as this was seen as the council committee having some control within the process and 5% neither agreed nor disagreed. A small number (4%) either disagreed or partially disagreed, because they felt that adequate systems were already in place.

Sanctions by Standards Committees .

2.33. A large majority of respondents, mainly coming from the Community, Voluntary & Charities sector made no comment on this issue (61%). Out of the remaining replies, 27% were in favour, but required more details surrounding the sanctions issue. Some 3% neither agreed nor disagreed. Of those that disagreed (9%) it was on the basis that they believed that either the Commissioner or full council should still have an input to the overall decision.

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?

Do you agree that an independent monitoring officer should be appointed to each council?

If not, what alternative would you propose?

2.34. For the purposes of this question and to gauge the responses correctly, the replies were divided between whether an independent monitoring officer or a council officer was preferred and also replies relating to the appointment to councils.

Independent

2.35. From the respondents, 31% stated that they agreed or agreed in principle to an independent monitoring officer, the majority coming from the Local Government sector and Political Parties. Of the other replies, the majority mostly from the Community, Voluntary & Charities sector, either gave a no comment (52%) or a not applicable response (9%). 7% neither agreed nor disagreed. A respondent from the Others sector disagreed (1%), as they favoured the Chief Executives of councils to hold this post.

Council Officer

2.36. From the respondents, 9% stated that they agreed or agreed in principle to a council officer undertaking the duties, with one council believing that the duties could be undertaken by existing internal legal provision.

2.37. Again, the majority of respondents made no comment (48%), with a further 42% of responses categorised as not applicable. These

responses were concentrated mainly outside of the Local Government sector. Only 1% disagreed on the basis that they had already stated they preferred an independent.

Summary

2.38. Overall, the preferred option would favour an independent monitoring officer. Interest in the possible appointment process was highlighted, with a councillor suggesting that the Commissioner should be able to appoint these officers. A political party suggested that the officer should be based within the Commissioner's Office and appointed on a case by case basis. A small number from the Local Government sector felt it was a role councils could share. One council also suggested that the service should be provided on a call in basis.

Independent Monitoring Officer appointed to each council

2.39. From the respondents 23% stated that they agreed or agreed in principle to an appointment to each council. Of the remainder, 58% offered no comment/not applicable and 5% neither agreed nor disagreed. The remaining 14% disagreed, mainly because they either wanted further information i.e. could the post be shared; was it full or part time; and more details of possible costs involved?, or because they did not favour an independent.

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?

2.40. Overall there was support for this proposal with 37% either agreeing, agreeing in principle, or partially agreeing in principle, to sanctions being available for Standards Committees, and 43% for

sanctions being available for the Commissioner, giving an overall agreement of 80%. Some councils, (4%), believed that any decision on awarding sanction(s) should be endorsed by full council beforehand. In general, respondents hoped that sanctions would be proportionate across the sector and more information was needed regarding the proposed sanctions. The need for suitable training and uniformity of approach was also highlighted.

2.41. There were 9% who neither agreed nor disagreed.

2.42. Two respondents from the Private sector, an Individual, a council and also a councillor (7%) disagreed to Standards Committees having any sanction responsibility, with the same council also rejecting the Commissioner's authority in this respect.

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?

2.43. Forty three% of those respondents (or 84% of those who replied), either agreed, agreed in principle, or partially agreed in principle, to the provision of an appeal system. The majority believed that a right of appeal would support the ethical framework and ensure that appropriate checks and balances were in place. Respondents requested more detailed information on the appeals process. Other comments made from within the Local Government sector related to the costs, namely the liability for payment of legal costs by relevant councillor(s).

2.44. There were 49% who made no comment and 7% neither agreed nor disagreed. A political party partially disagreed (1%) on the basis that if the Commissioner endorsed council sanctions then any right of appeal should be directly through the court system.

3. Service Delivery and Performance Improvement

Context

- 3.1. The consultation document considered policy proposals for the introduction of a new service delivery and performance improvement framework to support continuous improvement in the delivery of council services over time.
- 3.2. A total of 53 respondents provided either a general comment on the overall proposals or, an answer or comment on all or some of the individual proposals outlined in this Chapter of the consultation document. The table below shows the number of responses from each of the identified groups.

Groups	Totals	%
Community, Voluntary and Charity Groups	13	24.53
Individuals	3	5.66
Local government	25	47.17
Political parties	3	5.66
Private Sector	5	9.43
Other	4	7.55
Total	53	100

- 3.3. Of the 7 respondents that provided a general comment on the overall suite of proposals, 86% (respondents from the Community, Voluntary & Charities sector and the Private sector) supported the introduction of a new framework. The respondents from the private sector commented that councils must be properly resourced to take on these additional responsibilities. One council objected to the introduction of any framework based on central government

oversight and regulation believing that it should be local government driven.

Revised Best Value Duty

Question 28: Do you agree that a newly defined best value (continuous improvement) duty should be placed on councils?

3.4. Of the 44 who responded to this question, 94% supported the proposal with only 6% opposing it. Whilst supporting the proposal in principle, many of those from the Local Government sector (43%) expressed concern in relation to the definition of equity and its delivery or that the duty should not be overly prescriptive or bureaucratic. Those who opposed the proposal (all councils) commented that it would add to the regulatory regime and this is not required for the delivery of continuous improvement.

Best Value Guidance

Question 29: Should the Department be able to issue guidance in relation to best value?

Question 30: Should councils be required to have regard to any guidance issued?

3.5. All 40 responses received to this question, from across the different groups, including 23 from the Local Government sector and the 3 political parties supported the issue of guidance. Of these 23 responses, almost 70% strongly expressed the view that the guidance should be developed in partnership with local government. In addition 24% (4 of the councils and 2 of the political parties) commented that the guidance should not be overly prescriptive and allow for flexible approaches to be adopted at a local level.

- 3.6. There was overwhelming agreement, with only 1 (a council) of the 36 who responded to question 30 supporting the proposal that councils should be required to have regard to any guidance issued. Of those that supported the proposal, 36% qualified that support by again commenting that the guidance should be developed with the sector and that it should not be overly prescriptive.

Performance Indicators and Standards

Question 31: Do you agree that the Department should be able to specify performance indicators for the delivery of council functions?

- 3.7. Almost 92% of the 37 who responded to this question, including 20 from local government and the 3 political parties supported the proposal. In their responses, 87% of those from local government and the political parties strongly expressed the view that any such performance indicators must be developed in partnership with the sector. Nearly 57% added that the number of mandatory performance indicators (PIs) should be kept to a minimum, with councils having the freedom to add local PIs where appropriate.
- 3.8. The proposal was not supported by 1 council, a local government organisation and an individual.

Public Performance Reporting: A Corporate and Improvement Plan

Question 32: Do you agree with the proposals for the public reporting of a council's performance improvement?

- 3.9. Of the 38 who responded to this question a significant proportion, 92%, supported the proposal that councils should publish an annual

improvement plan. However, almost 64% of the 22 responses from local government and the political parties expressed concerns in relation to the proposed role for the Department in specifying the form and content of such reports. Key themes that emerged in these responses were, that any mandatory elements should be kept to a minimum, after engagement with the sector, and that the Department's role should be advisory rather than prescriptive.

A Statutory Audit of the Corporate and Improvement Plan

Question 33: Should the local government auditor have a role in providing external assurance in relation to a council's improvement plan?

Question 34: Is the proposed role for the local government auditor as comprehensive as might be required?

Proposed role

3.10. Mixed views were expressed by the 35 who responded to question 33. Almost 49%, including 10 from local government and the 3 political parties, indicated broad support for the proposal with a number qualifying their support commenting that the auditor must have the required competencies. The others, including 13 from local government either directly opposed or had significant concerns in relation to the proposal. These objections or concerns focussed on the perceived impact on local democracy and the addition of unnecessary bureaucracy and costs.

Scope of role

3.11. A total of 28 respondents provided an answer or comment in relation to question 34. Of the 17 that had indicated broad support in relation to the role for the Local Government Auditor (question 33) almost 65% considered that it did not need any further extension.

Three, 11% of, respondents (1 from the private sector and 2 from the Community, Voluntary & Charities group indicated that it should be extended to include such issues as making recommendations as to performance indicators, or ensuring that all council plans include the promotion of equality. One council commented that the proposed role is too comprehensive. The remaining responses reiterated the view that the local government auditor should have no role in examining the Improvement Plan.

A Power of Intervention / Enforcement

Question 35: Do you agree that Ministers should be able to intervene if a council is failing to deliver services?

3.12. The 32 who responded to this question expressed a range of views, however, there were only 2 responses (a council and a political party) that objected in principle to the proposal. There was unqualified support from 28% of respondents, from the Private sector and the Community, Voluntary & Charities group. A further 41%, mainly from local government and the political parties commented that any such power should be used as a method of last resort. Some 16% of responses, from local government expressed the view that the use of the power should be limited to the Department of the Environment Minister. Almost a quarter of respondents indicated that the powers provided in section 129 of the Local Government Act (Northern Ireland) 1972 would be sufficient for this purpose and should be maintained.

4. Community Planning

Context

4.1. The consultation document considered policy proposals for the introduction of a community planning process, led and facilitated by councils, to provide a framework whereby councils, Departments, statutory bodies and other relevant agencies and sectors can work together to develop and implement a shared vision for promoting the well-being of their area based on effective engagement with the community.

4.2. These proposals attracted a significant level of interest with a total of 67 respondents provided either a general comment on the overall proposals or an answer/comment on all or some of the individual proposals outlined in this Chapter of the consultation document. The table below shows the number of responses from each of the identified groups.

Groups	Totals	%
Community, Voluntary and Charity Groups	23	34.33
Individuals	3	4.48
Local government	25	37.31
Political parties	3	4.48
Private Sector	9	13.43
Other	4	5.97
Total	67	100

4.3. Of the 7 respondents, from the Community, Voluntary & Charities group and the Private sector, that provided a general comment on the overall suite of proposals, but did not answer the specific questions, all supported the introduction of community planning.

The Duty on Councils

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?

- 4.4. There was universal support for the proposal from the 59 who responded to this question. However, 1 organisation from the Community, Voluntary & Charities group expressed concerns that providing flexibility could lead to a 'council lottery' based on resources rather than need: an individual commented that councils would not be able to lead any comprehensive form of community planning. Two respondents from the Private sector suggested that a financial limit should be placed on community planning so as not to waste public money and ensure the debate remains focussed.
- 4.5. In their responses 20% of those from the Local Government sector expressed the view that clarity is required on what community planning does and does not entail to avoid confusion. The same percentage from this group also commented on the need for adequate resources to be available.
- 4.6. A key theme in 61% of the 23 responses from the Community, Voluntary & Charities group was the need for the inclusion of a statutory obligation in respect of consultation and engagement with community bodies and individuals. Of these responses, 57% also expressed the view that all public and community service providers should be included under this requirement. Two organisations from the Community, Voluntary & Charities group (3% of respondents) commented on the need for any structures established by councils to be representative community interests.

The Duty on Departments and Statutory Bodies

Question 37: What are your views on departments and statutory bodies being required to participate in and support community planning?

- 4.7. All 58 respondents to this question broadly agreed with the proposal though 24% of the responses from the Local Government sector and the political parties indicated that the duty on departments outlined in the consultation documents need to be strengthened. This view was supported by a political party. Some 11% from this group also commented on the need for departments and statutory agencies to bring resources and senior management commitment to the process. Two councils also commented on the need for the alignment of the plans of relevant participating departments and statutory agencies.
- 4.8. Nearly 20% of all respondents (split equally between local government and others) expressed the view that the duty on departments and statutory bodies should be extended to include their role in “delivering” community planning. Two organisations from the Community, Voluntary & Charities group expressed the view that there should be sanctions for departments that fail to participate and engage.

Publishing Community Plans

Question 38: Should councils be required to publish community plans for their districts, and to review these as necessary?

- 4.9. There was unanimous support for this proposal from the 40 respondents who commented on the issue. A small number

expressed the view that the publication of a plan should not become the focus of attention.

Guidance

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?

4.10. There was broad support for the proposal from all 57 organisations and individuals who answered the question or provided a detailed comment. In their responses 59% of the 22 from the Local Government sector and a political party commented that the guidance should not be overly prescriptive, to provide for the necessary flexibility at a local level. Just under 44% of respondents from the Community, Voluntary & Charities group expressed the view that the guidance should include material on such issues as standards of engagement with the community, provision for both local and thematic community plans, and steps to ensure that community planning structures are fully representative of all community bodies. This view was supported by an individual and an organisation from the Private sector.

Other issues

4.11. In their responses 4 organisations from the Community, Voluntary & Charities group, an individual and an organisation from the Others group highlighted the need for a clear statutory link between community planning and land-use planning. They expressed the view that the integration of both processes can help achieve more sustainable and cohesive communities. This issue was also raised during the consultation on the Reform of the Planning System.

4.12. Two councils commented that provision should be made for any Community Planning Partnerships established to become 'bodies corporate'.

5. Power of Well-being

Context

- 5.1. The consultation document considered policy proposals for the introduction of a power of well-being to enable councils to take actions that are not already provided for in their legislative framework or the responsibility of another agency to promote or improve the well-being of their area.
- 5.2. Given the clear link between a power of well-being and the delivery of community a significant level of interest was generated with a total of 64 respondents providing an answer or comment on proposal outlined in this Chapter of the consultation document. The table below shows the number of responses from each of the identified groups.

Groups	Totals	%
Community, Voluntary and Charity Groups	22	34.37
Individuals	3	4.69
Local government	25	39.06
Political parties	3	4.69
Private Sector	7	10.94
Other	4	6.25
Total	64	100

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?

- 5.3. There was almost total support for the proposal with 95% of respondents expressing a positive view in response to the question, although some commented that clarity on what it will and will not

entail is important. Two Private sector organisations expressed the view that it should be subject to legal restrictions so that it would not be abused or used as an unfettered power to achieve planning gain. Two councils had concerns in relation to the resourcing implications of using the power.

- 5.4. There was recognition in the responses that guidance would be required for the appropriate and effective use of the new power. Six organisations from the Community, Voluntary & Charities group and an individual (11% of respondents) commented that the guidance should include examples of how the power could be used.
- 5.5. The remaining 5%, including one council, an organisation from the Community, Voluntary & Charities group, and one from the Private sector indicated that a clear definition of the power is required to inform a debate on the issue.
- 5.6. There were 17% (11) of the respondents (8 from local government, 1 political party, 1 from the Community, Voluntary & Charities group and 1 individual) who supported the proposal but commented that consideration should be given to a power of general competence as an alternative.

6. A Partnership Panel

Context

- 6.1. The consultation document considered policy proposals for the establishment of a Partnership Panel to formalise the relationships between the Executive and district councils to support the delivery of improved outcomes for everyone.
- 6.2. A total of 49 responses were received in relation to the proposals outlined in this Chapter of the consultation document. The table below shows the number of responses from each of the identified groups.

Groups	Totals	%
Community, Voluntary and Charity Groups	9	18.37
Individuals	3	6.12
Local government	25	51.02
Political parties	3	6.12
Private Sector	5	10.20
Other	4	8.17
Total	49	100

- 6.3. Two questions were asked in relation to the policy proposals for the establishment of the Partnership Panel:

Question 41: Should a Partnership Panel be established to formalise relations between central and local government?

Question 42: What are your views on the proposed remit of the Panel?

Establishing a Partnership Panel

- 6.4. There was widespread support for this proposal with nearly 92% of the 49 respondents, including 24 from local government and the 3 political parties, giving a positive reply to question 41. One council commented that it would need more detail on the operation of the Panel before an informed response could be given.
- 6.5. Six respondents from local government recognised the benefits of a Partnership Panel but commented that it should not increase unnecessary bureaucracy. Clarification was also sought by some respondents on the appointment process to the Panel. Five responses, from the Private sector and the Community, Voluntary & Charities sector expressed the view that the Panel should either include external representatives or engage with relevant interests on specific strategic issues.
- 6.6. In not supporting the proposal a respondent from the private sector suggested that it adds to the complexity of the reform programme, while one from the Others group considered it to be excessive and a duplication of a range of other structures. In its response an organisation from the Others group raised concerns in relation to the potential for conflicts of interest to occur.

Remit of Panel

- 6.7. There were 29 responses, predominantly from the Local Government sector and the political parties, to question 42 and of these nearly 66% endorsed the proposed remit outlined in the consultation document. Just under 28% of responses, across the groups, made more general comments in relation to the operation of the Panel, its support arrangements and the need for it to be more

than a 'talking shop'. One council commented that the remit was too weak and an opportunity for a strong partnership would be lost, while a respondent from the private sector considered that it was too vague to be of any value. Alternative remits were not provided.

7. Supervision of Councils

Context

- 7.1. The consultation document considered policy proposals for the extension of the supervision powers provided by sections 127-129 of the Local Government Act (Northern Ireland) 1972 to all departments.
- 7.2. A total of 38 respondents provided an answer or comment on proposal outlined in this Chapter of the consultation document. The table below shows the number of responses from each of the identified groups.

Groups	Totals	%
Community, Voluntary and Charity Groups	5	13.16
Individuals	2	5.26
Local government	22	57.895
Political parties	3	7.895
Private Sector	3	7.895
Other	3	7.895
Total	38	100

Question 43: Do you agree that the supervision powers currently available to the Department of the Environment should be made available to all departments?

- 7.3. Mixed views were expressed in the 38 responses to this question. There was agreement from 29% of respondents (3 from Local Government, 1 political party, 4 from the Community, Voluntary & Charities sector, 1 individual and 2 from the Private sector) that the supervision powers should be extended. The remaining 71% did not support the proposal. A key theme that emerged in these

responses was that such an extension had the potential to diffuse the supervisory powers and that the Department should act as a channel for the other departments who could provide a supporting and advisory role.

8. Reorganisation

Context

- 8.1. The consultation document considered policy proposals associated with ensuring the effective transfer of staff and ownership of assets arising from the reorganisation of councils to 11 and the transfer of functions from departments.
- 8.2. A total of 35 respondents provided an answer or comment on all or some of the individual proposals outlined in this Chapter of the consultation document. The table below shows the number of responses from each of the identified groups.

Groups	Totals	%
Community, Voluntary and Charity Groups	2	5.72
Individuals	-	-
Local government	24	68.57
Political parties	3	8.57
Private Sector	3	8.57
Other	3	8.57
Total	35	100

Staff Transfer Schemes

Question 44: Do you agree that model transfer schemes should be developed?

Question 45: Who should be responsible for preparing any model transfer schemes?

- 8.3. There was total support for the development of transfer schemes from the 31 respondents that answered question 44. There were, however, a range of views expressed in relation to who should be responsible for their preparation. Almost 36% of responses

suggested that they should be developed in partnership between the Department and local government. Other suggestions included the Local Government Staff Commission (10.71%), DOE solely (10.71%), local government (10.71%), the Local Government Reform Joint Forum (7.14%), and the relevant transferring department and local government (7.14%).

Assets and Liabilities Transfer Schemes

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?

- 8.4. A range of views were expressed in the 29 responses to this question, however, 55% expressed the underlying view that if a council assumes responsibility for a function and related assets and liabilities it should have sole responsibility thereafter. Concerns were raised by 25% of respondents from the Local Government sector and a political party in relation to what a “continuing interest” would entail. Two councils and one of the political parties commented that any provision for a continuing interest should contain limiting covenants for property that would allow a council to apply for a change of use.

Financial Arrangements

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?

- 8.5. There was broad support, almost 93% of the 27 responses, for the Department’s proposal. In supporting the proposal respondents commented that appropriate criteria and controls would need to be

put in place to limit the extent of any such expenditure. One council suggested that the new authorities should be formed in such a way that they have the ability to expend monies on establishment costs. An organisation from the Private sector commented that it seemed unreasonable in that existing Councils could run up bills and commitments for the new Councils.

9. Additional issues Raised

9.1. A total of 23 respondents made comments on a range of matters that had not been directly covered in the consultation document but that they considered were relevant to the reform programme going forward. The table below shows the number of responses from each of the identified groups.

Groups	Totals	%
Community, Voluntary and Charity Groups	6	26.08
Individuals	1	4.35
Local government	13	56.52
Private Sector	1	4.35
Other	2	8.70
Total	23	100

Council autonomy

9.2. The first issue raised, by 7 respondents from the Local Government sector, related to the perceived loss of autonomy for councils and the risk that this will conflict with local democracy.

Resource Implications

9.3. A total of 16 responses, 12 from the Local Government Sector, 2 from the Community, Voluntary & Charities group, and 1 each from a Private sector organisation and an individual commented on the resource implications of the proposals and how these are to be met.

Capacity Building

9.4. Five respondents from the Local Government sector, 2 from the Community, Voluntary & Charities group and 1 from the private

sector commented on the importance that capacity building will play in ensuring the successful implementation of the reform programme.

Legislation

9.5. Four respondents from the Local Government sector commented on the sequencing of the legislation that would impact on councils, particularly the Planning Bill that was being considered by the Assembly while this consultation was in progress, and the interconnections between them.

Other issues

9.6. Two councils suggested that in taking forward the development of draft legislation and guidance the Department should take account of the Localism Bill that is currently being considered by the UK Parliament.

9.7. One council and two organisations from the Community, Voluntary & Charities group commented that a phased approach to the implementation of the reform programme should be adopted.

9.8. One organisation from the Community, Voluntary & Charities group commented on the need for decision-making and policy development to be informed by both men and women. An organisation from the Others group also raised the issue of participation by under-represented groups.

9.9. Another organisation from the Community, Voluntary & charities group commented on the need for staff in the new proposed new councils to be trained in rural proofing and for all policies and programmes to be subject to rural proofing.

9.10. Two organisations commented on the then Minister's announcement in relation to the review of the Local Government Staff Commission.

APPENDIX 1

Community, Voluntary & Charities	Big Lottery Fund
	Causeway Coast Community Consortium
	Children in NI
	Community Change
	Community Places
	Confederation of Community Groups Newry
	Community Relations Council
	Disability Action
	Early Years
	Engage Consortium
	NI Women's European Platform
	NIACRO
	Niamh (NI Assoc for Mental Health)
	Older People's Advocate
	Playboard
	Rainbow Project
	Rural Community Network
	Save the Children
	Supporting Communities NI
	Ulster Farmers' Union
	Women's Support Network
	NI Environment Link
	Royal Society for the Protection of Birds
	Sustainable NI
	Ulster Wildlife Trust
6 Individuals / Members of the Public	

Local Government Sector	Antrim Borough Council
	Ards Borough Council
	Armagh City and District Council
	Ballymena Borough Council
	Ballymoney Borough Council
	Banbridge District Council
	Belfast City Council
	Carrickfergus Borough Council
	Castlereagh Borough Council
	Coleraine Borough Council
	Craigavon Borough Council
	Down District Council
	Dungannon and South Tyrone Borough Council
	Fermanagh District Council
	Larne Borough Council
	Limavady Borough Council
	Lisburn City Council
	Newry & Mourne District Council
	Newtownabbey Borough Council
	North Down Borough Council
	Omagh District Council
	Strabane District Council
	Northern Ireland Local Government Association
	Society of Local Authority Chief Executives
	National Association of Councillors
	Local Government Staff Commission
	Cllr McDonnell (Independent Moyle)
Political parties	Alliance
	SDLP
	Sinn Féin

Private Sector	AQB Architectural Workshop
	Construction Employers Federation
	Development Planning Partnership
	Environmental and Planning Law Assoc EPLANI
	Institute of Directors
	NI Renewable Industry Group
	NI Independent Retail Trade Assoc
	Quarry Products Assoc NI
	Renewable Energy Services
	Rosetta Design Services
	Royal Town Planning Inst
Other	Association for Public Service Excellence
	Northern Ireland Public Service Alliance
	Equality Commission for Northern Ireland
	Public Service Commission
	Northern Ireland Judicial Appointments Commission
	Ministerial Advisory Group for Architecture and Built Heritage