

STRATEGIC LEADERSHIP BOARD MEETING – 5 FEBRUARY 2007
STOCKTAKE REPORT ON WORK OF TASKFORCE SUB-GROUPS

AGENDA ITEM: 7

SUMMARY: Providing members with a stocktake on actions flowing from the recommendations of the sub-groups in July 2006.

ACTION REQUIRED: For Information

1. It was agreed at the Strategic Leadership Board meeting on 15 January that a stocktake report would be prepared on actions in relation to the recommendations from the Taskforce Sub-groups.
2. The attached reports provide information in relation to the work of each of the sub-groups, in a standard format. At this stage actions flowing from the recommendations have been confined to those necessary to inform the preparation of instructions for draft primary legislation, or the establishment of cross-departmental and cross-sectoral working groups and relationships.
3. It will be a matter for each Policy Development Panel, once established to take stock of progress, and to develop the programme of implementation for each of the workstreams, based on the sub-group reports, under the direction of the Strategic Leadership Board.

Stocktake Report - CAPACITY BUILDING

Conclusions from Subgroup report

Capacity is defined as the right organisation, systems, partnerships, people and processes to deliver against a particular agenda or plan.

Capacity building is necessary within local government in respect of:

- People elected members, officers, people transferring into local government, and stakeholders, in terms of the development of skills and competencies;
- Organisational focussing on systems and processes within the new structures, developed to meet specific organisational goals, and the ability to create effective partnerships and networks; - and with regard to:
 - Maintaining the organisation and its services during the period of transition;
 - Managing the transition;
 - Developing and implementing the new structures while continuing to deliver high quality services.

Specific structures and funding are required for capacity building. (The Sub Group stated a strong view that central government should provide this funding.)

Key Tasks identified

Short Term

Establish a central body to drive forward capacity building. This body should include elected members, officers and other stakeholders as well as existing resources such as NILGA and LGTG.

Develop a funding strategy, both in terms of seed funding and ongoing funding.

Develop a local government framework based on best practice and reflecting local needs.

Develop strategies to enhance the capacities of members, officers and other stakeholders.

Develop organisational capacity building models.

2007/2008

Formalise mentoring programmes for senior managers and elected members.

Deliver change management programmes.

Deliver induction programmes.

Investigate opportunities for sharing capacity building resources with the wider public sector including health and education.

Re-skill staff as necessary to meet the new challenges.

Influence education and professional bodies to reflect local government issues.

Further recommendations were made in relation to an ongoing programme for 2009 and beyond

Actions to Date

IDeA review of Taskforce structures added to the capacity building debate.

Action ongoing to secure appropriate resourcing.

Central RPA Team taking forward cross-cutting capacity building issues.

Areas still to be developed

Structures, systems, information and resources to enable appropriate capacity building.

Strategies and programmes to address capacity building needs.

Organisational development issues.

Action to influence beyond the local government environment.

Cross-cutting actions.

Stocktake Report - CENTRAL / LOCAL RELATIONSConclusions from Subgroup report

The establishment of a Minister for communities and Local Government within OFMDFM

The creation of a Partnership Panel between central and local government with associated recommendations in relation to membership, cessation of membership, procedures and support by a joint secretariat

The development of non-statutory Local Area Agreements, which would be jointly agreed between each of the new councils and central government; and

The development of a set of principles that would underpin the partnership

Key Tasks identified

Capacity Building to encourage relationships between central and local government e.g. job exchanges, secondments, joint seminars/conferences etc.

Legislative framework – primary & subordinate

Pilot proposed model from the establishment of the shadow councils

Further consideration of cross-cutting areas i.e. governance, community planning and performance management

Actions to Date

Policy proposals/draft submission issued to other Departments for comment

Taking account of comments from departments, policy proposals sent to Minister (agreed 29/11/07)

Policy proposals sent to Local Government Division to inform the Structures Order (primary legislation)

Areas still to be developed

Detailed policy/legislative proposals in respect of membership of the panel, cessation of membership of the Panel and the procedure of the Panel (the above should be determined by subordinate legislation)

Further discussion/consideration of Local Area Agreements; and partnership principles before detailed legislative proposals or administrative arrangements can be agreed

Consideration of cross-cutting issues i.e. LAAs relationship with Community Plans/performance management arrangements, NILGA's selection/nomination to Partnership Panel with Governance arrangements

Stocktake Report - COMMUNITY PLANNINGConclusions from Subgroup report

The sub group made 21 broad ranging recommendations covering areas including legislation, statutory guidance, pilot projects and capacity building.

Key recommendation is that a modified Scottish model of Community Planning, that would also include best practice identified in other situations, should be enacted in Northern Ireland, to create a model that is uniquely suited to the Northern Ireland situation. Such a model would include a duty to advance the process of community planning through partnership and to produce a community plan.

Key Tasks identified

Legislative framework; Primary and subordinate legislation required.

Development of Statutory Guidance.

Programme of information and awareness-raising required across all sectors.

Programme of pilots required to test processes and methodologies.

Capacity building required across all sectors.

Actions to Date

Formulation of policy paper to inform and support Local Government Division in drafting instructions to the OLC in respect of Primary legislative requirements.

Cross-departmental engagement with Health and Education to ensure community planning is taken into account in respect of implementation of RPA across the board.

Development of information and awareness-raising events and seminars.

Areas still to be developed

Programme of pilots.

Subordinate legislation.

Statutory guidance.

Capacity building programme.

Stocktake Reports - ESTATESConclusions from Subgroup report

The Subgroup made a series of recommendations aimed at modernising and improving service delivery through improved management of the estate.

Key Tasks identified

Legislative framework (primary – some items for inclusion in Structures Order
subordinate legislation – to be further considered/consultation
administrative guidance – for asset management)

Capacity Building

The need for a detailed programme of work (see roadmap in report) to be progressed (by both councils and transferring functions) during the transition phase and up to the establishment of the new councils

A need for the Finance and Estate groups to work more closely during the implementation phase

Actions to Date

Primary Legislation – Structures Order

Some performance information on property has been collected – see Appendix F of report

DoE membership and input to the Central RPA Estates Subgroup. This group was set up to collate the estates strategies and plans in the various RPA areas and to stimulate their effective co-ordination taking account of other reform programmes so that decision making by Ministers and Local Authorities on the location of new bodies is well informed and soundly based, having regard to service delivery needs, providing the best value for money, the rights of staff and consistent with government's wider social policy objectives and its statutory obligations, including those under Section 75 of the Northern Ireland Act 1998.

Areas still to be developed

Capacity Building

Subordinate legislation/administrative guidance

Consideration of the recommendation(s)/roadmap relating to the setting up of a Steering Group to oversee the development of asset management approaches/strategies within councils and areas where functions are transferring from central government.

Stocktake Report – FINANCE

Conclusions from Subgroup report

The Finance Sub-Group concluded that there were a number of areas, which would require further work and research in order to determine financial and legislative implications for local government reorganisation.

Key Tasks identified

A number of 'issues for future work' were identified by the Sub-Group (see Annex 8 of the Sub-Group report for more detail). Once guidance has been provided by the Strategic Leadership Board/Policy Panels on the way forward, work will be required to set up systems for addressing the following broad areas (list not exhaustive):

General Principles

- Legislation (subordinate)
- Transfer of functions
- Regional Rate
- District Rates
- Equalisation Grant
- Specific Grants
- Best practice in other countries

Transitional issues

- Borrowing / Debt
- Liabilities & long-term commitments (excluding borrowing)
- Reserves
- Transitional Arrangements
- Accounting Practices
- Financial Management
- Pensions
- Insurance
- VAT

Actions to Date

The financial input to the Local Government (NI) Order 2007 is now complete.

Areas still to be developed

All other areas within the key tasks identified will need to be considered to ascertain how local government financial issues need to be addressed during the transitional period and post April 2009.

Stocktake Report – GOVERNANCE

Conclusions from Subgroup report

Equitable representation / sharing of responsibility

Councils must employ proportionality in allocating positions of responsibility and in appointing to all internal and external committees and organisations, applied over the full term of the council.

Auditors surcharge powers to be reviewed in light of proposal to give “power of well being” to councils

Any new Performance Assessment Framework should require councils to demonstrate adherence to best practice in corporate governance and review councils’ adherence to implementation of regional policies.

Adherence to the mandatory “code of conduct” should be included in the “declaration on acceptance of office” that all councillors must sign after the election.

Protocol on the relationship between councillors and officers to be reviewed through performance assessment of corporate governance arrangements.

Each council must establish an Internal Standards Committee.

An external Commissioner for Local Government post to be established to look at concerns over conduct, behaviour or actions by individuals or groups of councillors.

Key officer roles of Head of the Paid Service / Chief Executive, Chief Financial Officer and Monitoring Officer should be explicitly referred to.

Councils must establish an Audit Committee.

Decision making and accountability

A group comprising at least 20% of the total membership of a council can “call in” a decision and trigger the requirement for a 75% voting majority in favour to proceed.

General presumption in favour of public access to all council and committee meetings, with exceptions detailed in guidance.

Each council should have a written constitution

Regulatory and quasi-judicial responsibilities of the council should be made explicit and councils be required to establish the necessary mechanisms for carrying out these roles – eg planning, licensing.

Explicit reference should be made to the need for the council to have effective mechanisms for taking decisions, scrutinising their impacts / outcomes, co-ordinating the corporate interests of the council, monitoring performance, developing policy, consultation arrangements and holding other bodies to account for the services delivered to citizens within the council area.

Councils should be required to publish an annual report.

Citizen engagement

Strengthen the current Best Value legislation and incorporate into the new Order.

Performance Assessment Regime should consider the effectiveness of councils’ arrangements for engaging with its citizens.

Enable councils to establish forums at a more local level.

Key Tasks identified

The extent to which primary legislation should be prescriptive in relation to the governance arrangements for the new councils.

Sharing of power and responsibility.

Weighted majority and “call in” powers.

Decision making structures.

Civic councils

Actions to Date

Minister met with political parties during November 2006, to explore views on governance arrangements to be put in place in new councils to inform preparation of instructions for draft legislation.

Government has undertaken to review the governance arrangements of councils at the end of their first term allowing for the possibility of change if the political environment or other circumstances warrant it.

Areas still to be developed

Weighted majority and “call in” powers

Ranking and equivalence of posts within the operation of the D’Hondt system

How and where responsibility for decision making will rest between the constituent parts of the governance structure.

Creation of area committees and the operation of these.

Stocktake Report - HUMAN RESOURCES

Conclusions from Subgroup report

People are crucial to the success of both the change process and the new organisations and should be involved and updated on progress.

The issues of developing the new structures; appointing the key personnel to effect the changes; filling the new structures; and addressing the issue of displaced staff are paramount to the successful establishment of the new organisations; whilst harmonisation of terms and conditions will provide a longer term challenge.

Preparatory work should be completed in advance of the shadow period. The short timescale of the shadow period will continue to pose a real challenge to the timely selection of the key personnel necessary to set up the new organisations.

A major body of work will remain for the new organisations post transfer and support will be required during the bedding in process.

Further work is required by Councils on the issue of shared HR services.

Key Tasks identified

HR input to new Local Government Legislation.

Completion of Staffing Database.

Establishment of Panels reflecting new council areas to undertake preparatory work in advance of Shadow Councils.

Preparatory work to be undertaken for the information of the Shadow and New Councils, i.e. - Job Descriptions and Selection Processes for key personnel in Shadow Councils; model structures for new Councils; staff transfer schemes; redundancy and compensation scheme; model terms and conditions.

Appointment of key personnel for Shadow Councils.

Agreement of new council structures.

Development and implementation of staff transfer schemes.

Filling new posts in new Councils.

Implementation of new structures in full – including redeployment and retraining.

Consideration of harmonisation of terms and conditions.

Consideration of the need for future HR support and oversight.

Actions to Date

Formulation of policy paper to inform and support drafting of instructions to the OLC in respect of the Local Government (Structures) Order.

Cross-Sectoral HR Forum established to inform the Government position on the proposed Public Service Commission Guiding Principles –

Areas still to be developed

Implementation of all HR tasks:-
 preparatory work for Shadow Councils;
 establishment of Shadow Councils;
 establishment of New Councils;
 bedding in of New Councils.

Stocktake Report - PERFORMANCE MANAGEMENT

Conclusions from Subgroup report

Sub Group believes that the key features of a new performance management framework should consist of the following three inter-connecting elements –

- A new statutory duty to secure best value and continuous improvement
- A requirement to publish performance indicators in respect of a number of nationally and locally agreed priorities
- An Improvement Service run by local government for local government which will include elements of Self assessment and periodic peer review

Key Tasks identified

Legislative framework; Primary and subordinate legislation required.

Development of Statutory Guidance.

Development of Performance Indicators.

Development of skills and capacity across organisations.

Actions to Date

Formulation of policy paper to inform and support Local Government Division in drafting instructions to the OLC in respect of Primary legislative requirements.

Cross departmental engagement to refine policy proposals.

Areas still to be developed

Subordinate legislation.

Statutory guidance.

Capacity building.

Stocktake Report - SHARED SERVICESConclusions from Subgroup report

The range of legislative powers available to councils in both Scotland and England should be granted to enable a more creative, empowered environment for Northern Ireland councils to work within to deliver effective and customer focused services.
Current Building Control Group system to be abolished.
Current Environmental Health Group system to be abolished.
Department to develop, on a without prejudice basis, legislative proposals to give effect to the creation of a new statutory waste disposal authority to be set up within local government.
Fire and Rescue Service should continue as a unitary body and delivered on a mandatory regional basis across the new councils.

Key Tasks identified

How the delivery of building control services might be co-ordinated across the new councils, perhaps by way of a regional building control committee.
Case needs to be examined for sharing a small group of professional environmental health staff across individual councils and how this should be given effect.
Further consideration needs to be given to the case for sharing legal and other corporate support services across groups of councils.
Determine precise mechanisms for sharing planning and roads services, including IT systems, governance and funding arrangements.
Consider in detail the creation of a new statutory waste disposal authority within local government.

Actions to Date

None

Areas still to be developed

See key tasks identified