

STRATEGIC LEADERSHIP BOARD

MINUTES OF MEETING HELD ON 7 NOVEMBER 2008

STORMONT HOTEL, BELFAST

Members:	Cllr Sammy Wilson, MP, MLA	Environment Minister, Chair
	Cllr Helen Quigley	SDLP NILGA
	Ald Arnold Hatch	UUP NILGA
	Cllr John Mathews	Alliance NILGA
	Cllr Joanne Bunting	DUP NILGA
	Cllr Alex Maskey, MLA	Sinn Fein
	Cllr John O'Kane	SDLP
	Cllr Tony Hill	Alliance
	Ald Sam Gardiner, MLA	UUP
	Cllr Sean Begley	Sinn Fein NILGA
	Cllr Jim Wells, MLA	DUP
	Peter McNaney	LG Adviser (RPA Working Group)
	Ashley Boreland	LG Adviser (Ards BC)
	Paul Simpson	DOE
	Cynthia Smith	Planning Service
Apologies:	Stephen Peover	DOE
	Paul Priestly	DRD
	David Ferguson	DSD
	James Hutchinson	DOE
	John McGrillen	LG Adviser (SOLACE)
Joint Secretariat:	Ian Maye	DOE Joint Secretary
	Heather Moorhead	NILGA Joint Secretary
In Attendance:	Graham Craig	Special Adviser to the Minister
	Pamela Baxter	DOE
	Nora Winder	NILGA
	Sheena Mairs	NILGA
	Helen Richmond	NILGA
	Helen Bryan	NILGA
	Catherine Ley	DOE (minute taker)
	Brian Burns	DOE
	Jackie Lambe	DOE
	John Murphy	DOE

Actions

- 1 **Welcome and Minutes of Last Meeting**
- 1.1 The Chair welcomed everyone to the meeting.

1.2 Apologies were noted from Stephen Peover, Paul Priestly, James Hutchinson, David Ferguson and John McGrillen.

1.3 The Chair asked if members had any comments on the minutes or if they were content to agree them. The Chair noted that the amendments to the minutes of the 3 September meeting as requested had been done. Cllr Bunting asked if it was possible for members to see changes to minutes before they were put on the website.

The minutes of the previous meeting were agreed.

Joint Secretariat to circulate amended minutes in tracked changes to members before they are published in their final form on the website

2 Matters Arising

2.1 The Chair provided members with the following updates:

- A letter had issued to Cllr Dermot Curran to thank him for his work on the SLB and a copy of the letter had been issued to members for information.
- The Chair wrote to Ministerial colleagues in support of the NILGA paper on principles to inform the transfer of functions to local government. Responses have so far been received from DSD, DRD and DFP, and these have been circulated to members. The Chair added that Nigel Dodds broadly supported the principles, but had reservations on a final commitment until the Strategic Outline Case was complete.
- The Chair also wrote to his Ministerial colleagues in support of the NILGA paper the representation of councillors on public bodies. So far, no responses had been received.
- The dates of the DRD workshops on the Review of the Regional Development Strategy had been circulated to

members.

- Panel C update on the Strategic Outline Case would be provided as part of agenda item 3.3, Panel C update.
- A paper on the winding up of the old councils had been commissioned by the Joint Secretariat from Dessie Mitchell and Wavell Moore. The paper would be presented at the 5 December SLB meeting. Ian Maye commented that Dessie Mitchell and Wavell Moore were making contact with officers in Scotland who had experienced local government reorganisation. **Paper on the winding up of old councils to be presented at 5 December SLB**
- Panel C was considering the terms of a statement that the Minister might make on TUPE.
- The updated critical path analysis would be dealt with as part of agenda item 4.
- The publication of the PDPs papers on the internet, with an appropriate caveat, was underway.

2.2 The Chair noted that comments on the shadow arrangements had been sent by the parties to the Joint Secretariat, and that a decision not to have a shadow period had been taken.

The Chair responded to comments made by Cllr Alex Maskey by stating that although Sinn Féin had no objections to the final statement on shadow councils, the party had previously raised some issues, but these had now been resolved.

Cllr Begley expressed concern at the fact that the Chair had asked Panel A to take forward the governance arrangements for the Transition Committees, while asking the councils to set up the Transition Committees, without the governance arrangements in place. Cllr Begley believed that one should not proceed without the other.

The Chair replied that there would have to be governance arrangements for the Transition Committees, since they would

be responsible for a number of important tasks.

Ian Maye stated that the feedback from councils was that it would take time to organise the Transition Committees, three to four months to establish them as body corporate, which would give some time for Panel A to develop their governance arrangements.

- 2.3 The Chair addressed the issues raised by the NILGA President in her letter to his office, enquiring about the resourcing of the Transition Committees and Transition Management Teams. The Chair announced that £150,000 per year will be made available to each council grouping, subject to DFP approval, and that guidance would issue before the end of November.

Ian Maye stated that elected members on Transition Committees would receive an allowance, equivalent to SLB and PDP members of £2,700 per year, to be taken from the £150,000 provided to each cluster. NILGA members welcomed this support and the level of flexibility provided.

- 2.4 Cllr O’Kane asked what status and governance arrangements the Transition Committees would have, since they would not be included in legislation until 2010. Ian Maye explained that there would be two phases: the intention was that the recommendations from Panel A would inform the statutory proposals to underpin the Transition Committees and that these should come into effect from late 2009/early 2010, meaning that the governance and status of the Transition Committees would be in legislation when issues such as the striking of rates and the appointment of chief executives were addressed. Prior to that, Panel A would produce interim guidance, that the Transition Committees would be expected to abide by.

Cllr O’Kane pointed out that there were some significant gaps in the existing guidance, with no default mechanism for decision making, when it can be expected that there would be a lot of decisions where the merging councils would not agree.

The Chair replied that the purpose of this discussion and the discussions in Panel A was to identify where additional guidance would need to be put forward.

2.5 Cllr Mathews asked if a critical path analysis would be prepared for the Transition Committees. Ian Maye replied that one of the tasks of the Transition Committees would be to develop their own, based on the work set out in the guidance and in consultation with the RTCG. He explained that it would be important that councils work in the same direction, at a similar pace, but that each cluster must develop its own critical path analysis, as the individual circumstances would differ.

Cllr Quigley expressed concern at the fact that each Transition Committee would be devising their own work plan, when they all have common work to do. A senior DOE official explained that the outline work of the Transition Committees, key events and milestones would be set out, and the framework built on at local level.

3 Policy Development Panels update

3.1 Policy Development Panel A update

3.1.1 The Chair of Panel A, Cllr Joanne Bunting, spoke to the update report, explaining that good progress had been made, and that policy proposals for governance were being presented to the SLB for approval. Cllr Bunting thanked the Panel’s Joint Secretariat and the three Chief Executives for their hard work. She drew attention to the fact that the community planning principles were purely high level, and that

further work would be done. Cllr Bunting also explained that the key issue had been governance, that there were still some issues around call-in power and qualified majority vote, but that the key proposals had been put forward, and that the panel members felt that their recommendations were fair and balanced.

Cllr Bunting then summarised the key proposals:

- A menu of options for decision making, with scrutiny where appropriate;
- The key positions would be allocated for the full 4 year term of the council using the proportionality model adopted by the council;
- The councils would be required to be accountable, transparent, have a constitution and produce an annual report.

The members endorsed the policy proposals from Panel A.

3.2 Policy Development Panel B update

3.2.1 The Chair of Panel B, Cllr Helen Quigley, spoke to the update report, adding that a meeting to discuss the Customer Service Strategy was scheduled for 10 November, and that the Information System Strategy was progressing through NILGA e-government working group. She also stated her PDP would be prioritising work on performance management in the coming weeks.

3.3 Policy Development Panel C update

3.3.1 The Chair of Panel C, Ald Arnold Hatch, spoke to the update report and to the emerging proposals paper, summarising the key issues: transfer of staff, protection of local government assets and liabilities; code of conduct and qualification of

officers.

3.3.2 Ald Hatch pointed out that he was concerned he had not seen the final version of the assignment brief for the Strategic Outline Business Case, after comments on it had been made at a previous Panel C meeting. The Vice-Chair added that this was an important piece of work that all SLB members needed to have sight of.

Joint Secretariat to circulate the final version of the assignment brief to SLB members

The Chair stated that he would make sure that the final version would be available to SLB members.

The Chair of Panel C expressed concern at the possibility of having local government based strictly on cost, and not on the need to have strong local councils. Ian Maye reassured him that the brief had been written in this vein and that Panel C would be responsible for the first phase of the consultancy, while the SLB would be responsible for the second phase. Members agreed this was an extremely important piece of work that would shape local government for the future and therefore would require significant scrutiny in the coming months.

3.3.3 The Minister stated his commitment to the transfer of functions to local government to ensure strong local government.

3.3.4 Cllr Bunting asked if strategic documents from the Panels could be circulated to SLB members for information. This was agreed.

Joint Secretariat to circulate strategic papers from the Panels to SLB members as a matter of course

3.3.5 The Chair made some comments on paragraph 2b of the

Panel C

Emerging Proposals paper, suggesting that “including ARC21 and other joint committee structures” be added to the text.

Regarding paragraph 2d, the Chair asked if the Panel could clarify what they meant by the extent of protection from liabilities. Ian Maye added that it would be useful if the Panel was as precise as possible. Peter McNaney stated that there was a standard indemnity clause, with indemnity at the point of transfer, and that local government could not be expected to take on responsibility where it had no knowledge of the liability. Ian Maye noted that central government did not carry insurance cover, and that the fact that local government would have to carry its own insurance should be considered in identifying transfer costs.

Regarding paragraph 2e, the Chair asked why such a general definition of assets and liabilities was needed, and asked Panel C to provide some clarity. A member added that liabilities should be given consideration in the guidance, to avoid transfer of debt and asset stripping.

Regarding paragraph 5, the Chair noted that funding for redundancy may in some cases be provided by central government, but some costs may fall to councils. The Chair of Panel C asked why local government should pay for compensation when doing what it had been dictated to do by central government. The Chair replied that by reducing staff members the councils would create some long term savings, and that the councils would have to make the case for their position in the SOC.

Secretariat to take into account the Minister’s comments on paragraphs 2b, 2d and 2e of the emerging proposals paper

3.3.6 Cllr O’Kane raised the issue of staff transferring from central to local government on secondment, and expressed the view that staff transfers should be permanent, or there could be a lack of staff with skills transferring to local government. Paul Simpson stated that good HR practice took into account the

NILGA to provide a local government view on the issue of staff

wishes of staff. The Chair noted that it might be useful to have a view from local government as to what the preference of the sector was on this issue. Cllr Bunting pointed out that costs and benefits of each option would have to be considered.

**transferring to
local
government
permanently or
on secondment**

The issue of single status for local government staff was raised by Cllr Bunting.

NILGA agreed to undertake further work across the sector on the issue of secondments and bring back a view as soon as possible.

3.3.7 Cllr Bunting asked if there was a general principle to ensure that tax/rate payers would not be charged twice for the services transferring to local government. Paul Simpson added that when all costs associated with the transferring services had been identified, it would be necessary to ensure that the funds transfer, with no double counting. The Chair added that all costs should be fully detailed. Ald Hatch pointed out that it would be difficult to see this, and that it would be good to see the adoption of this principle by the other transferring Departments.

3.3.8 Cllr Mathews asked how assets would be valued when a building was shared between central and local government. Ian Maye replied that this would be fleshed out by the assignment brief. Cllr Mathews asked where the decisions about estates would lie for the transferring departments. Ian Maye indicated that the work of the PDPs and the SLB will identify the issues and the negotiation process, but that ultimately it would be a matter for the Minister responsible for the transferring functions department, taking advice from the SLB, to determine.

4. Critical path analysis

4.1 Ian Maye spoke to the paper, explaining that it presented the issues as they currently stood, and that the key elements would be fleshed out within the next three to four months, by the work of the Panels, the Regional Transition Co-ordinating Group, the Transition Committees and the Strategic Outline Case.

Ald Hatch queried why many of the activities were not in the chart. Ian Maye stated that this was because there was still a lot of information that was not yet available. The official added that the Joint Secretariat could provide a briefing for members on the issues mentioned in the GANNT chart if necessary.

**Joint Secretariat
to organise
briefing to
members if
necessary**

Cllr Wells asked at what point the Executive not meeting affected the timetable of the programme. The Chair replied that there would be no critical issues until early next year, and he hoped the Executive's failure to meet would be resolved before then.

5. Planning Reform Oversight Powers

5.1 Cllr Begley asked for time to review the paper, as it was circulated late. The Chair informed members that the paper was still under development, and asked members to treat it as restricted, as it had not yet been to the Executive.

Cynthia Smith spoke to the paper, explaining that its main purpose was to get the views of the SLB on the oversight powers that the Department should have post 2011. She noted that planning reform was underway, in parallel with the transfer of the bulk of planning functions to local government, that Planning Service was working with the NILGA Planning Working Group, and that a seminar was planned to update the Group on planning reform and transfer of functions.

Cynthia Smith added that the paper distinguished between

two types of oversight, central/local government relations, and powers of last resort if central government needed to intervene. She noted that the policy would be subject to public consultation, but that it was important to get early views from local government.

5.2 Cllr Wells expressed concern at the fact that councils may not behave responsibly when planning functions were transferred, and welcomed strong oversight powers from the Department, which could be used until councils developed more experience.

Cllr O’Kane disagreed, stating that when councils would be given the responsibility for planning they would behave appropriately.

Cynthia Smith added that one of the questions in the paper was whether there should be a general power to intervene, or should the intervention power be more specific.

5.3 Cllr Hill expressed his annoyance at the NILGA Planning Working Group not having been consulted prior to the change of telephone number to contact Planning Service, and regretted not being able to contact a planning officer directly. Cynthia Smith explained that Planning Service was part of the pilot project for NI Direct, and that, as from 31 October, the public needed to dial one number for all planning queries, and that the aim of the project was to provide a more effective service to customers.

Cllr Quigley expressed the same concern, and asked for elected members to have access to a direct line to contact planning officers.

5.4 Cllr Bunting added that it was difficult to give a reasonable

view without knowing what planning will look like.

Ian Maye noted that the only assumption that can be made was that the system would be broadly similar to the system in England, where 80% of the planning decisions were taken by chief officers in councils, and where 20% of the planning decisions go to the Planning Committee. A code of conduct would be in place, and would provide for role clarity.

Cllr Quigley noted that training would be needed for councillors, on the process and on legal matters.

Peter McNaney noted that Planning Service was the most crucial function transferring, and that a key workstream would be the identification of capacity building mechanisms, through NILGA Planning Working Group and the Transition Committees.

- 5.5 Cynthia Smith stated that Planning Service was looking for broad views on the principles of oversight soon, so as not to delay the consultation paper. It was agreed that NILGA Planning Working Group would consider the paper and that NILGA would report back to the next SLB meeting.
- NILGA to give local government views on the paper at the next SLB meeting**
- 6. Date of next meeting**
- 6.1 The next meeting will take place on Friday 5 December at 10.00 am, the venue will be confirmed.
- Joint Secretariat to identify the venue for the next meeting**
- 7. Any Other Business**
- 7.1 The Vice-Chair requested the Minister's assistance to lobby the DFP Minister to seek support for councils in relation to significant funding shortfalls resulting from changes to policy, structures and processes made by Land and Property Services. Ian Maye asked the Vice-Chair if a representation had been made to the DFP Minister. The Vice-Chair stated that it had but that she would value Minister Wilson's support
- NILGA to forward relevant**

as the situation in councils was extremely serious, with many **papers to the**
councils facing significant financial issues. The Minister **Minister**
requested that NILGA forward him the appropriate information
for his consideration, and this was agreed by NILGA
members.