

STRATEGIC LEADERSHIP BOARD

MINUTES OF MEETING HELD ON 23 JANUARY 2009

Belfast City Council Learning and Development Centre

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 Sean McPeake	Sinn Fein
	Cllr John O'Kane	SDLP
	Cllr Tony Hill	Alliance
	Cllr Sean Begley	Sinn Fein NILGA
	Cllr Jim Wells, MLA	DUP
	Ald Sam Gardiner, MLA	UUP
	Cllr Joanne Bunting	DUP, NILGA
	Ashley Boreland	LG Adviser (Ards BC)
	Paul Simpson	DOE
	Cynthia Smith	DOE - Planning Service
	David Ferguson	DSD
Apologies:	John McGrillen	LG Adviser (SOLACE)
	Stephen Peover	DOE
	Geoff Allister	DRD
	Peter McNaney	LG Adviser (RPA Working Group)
Joint Secretariat:	Ian Maye	DOE Joint Secretary
	Heather Moorhead	NILGA Joint Secretary
In Attendance:	Graham Craig	Special Adviser to Minister
	Helen Richmond	NILGA
	Jim Thompson	DOE
	James Hutchinson	DOE
	John Price	DOE
	Speers Charters	DOE (minute taker)
	Paula O'Neill	DOE
	John Murphy	DOE
	Jackie Lambe	DOE
	Brenda Mooney	DOE
	Louise Thompson	DOE
	Pamela Baxter	DOE

Actions

1 WELCOME AND MINUTES OF LAST MEETING

- 1.1 The Chair welcomed everyone to the first meeting of 2009 and extended a special welcome to Cllr Sean McPeake who has replaced Cllr Alex Maskey on the Board. The Chair also

1.2 mentioned that Geoff Allister (Chief Executive of Roads Service) would be replacing Paul Priestly as the Department for Regional Development representative.

Apologies were tendered on behalf of John McGrillen, Stephen Peover, Geoff Allister and Peter McNaney.

1.3 The minutes of the last meeting, held on 5th December 2008, were agreed subject to a new paragraph 4.3 being added to read:-

- *“It was also agreed that it was important to take a strategic approach to communications and that other bodies - including NILGA, Transition Committees and Transition Management Teams - also have key roles to play in communicating developments”.*

Joint Secretariat to circulate amended minutes, on a tracked change basis, to members before they are published in final form on the website.

2. **MATTERS ARISING**

NILGA Meeting With Minister Dodds

2.1 The Chair thanked Cllr Quigley for her letter, dated 12 January 2009, which provided an update on the key points discussed at NILGA’s meeting with Minister Dodds, on 16th December 2008, including the concerns about the impact of reduced rate revenue levels. The Chair said that local government finance had also been debated in the Assembly and, in response to all the representations made, Minister Dodds had announced, on 19th January 2009, a package worth up to £8million in the next financial year. The Chair stressed that the Executive considered this to be a proportionate, necessary and affordable response to the difficulties faced by councils next year.

2.2 Cllr Quigley thanked the Chair for his support and said that the financial package was very welcome. However, she said that local government was concerned that the package did not fully

take account of a recommendation in the Public Accounts Committee Report, entitled Statement of Rate Levy and Collection 2006/07 published in October 2008. (The recommendation was that *“revenue foregone and additional costs of collection as a result of the problems with the new system will not be passed on to councils”*).

2.3 Cllr Quigley also:-

- expressed NILGA’s concern about other financial issues including the general grant;
- stressed the need for a more strategic and stable funding regime for local government and suggested that this issue be considered further by Policy Development Panel C; and
- emphasised the need for affording local government with a greater level of input into the decision making process and governance of Land and Property Services.

2.4 The Chair encouraged NILGA to continue to pursue these issues with Minister Dodds and to advise him of the outcome.

NILGA to co-ordinate

Planning Oversight Powers

2.5 The Chair thanked Heather Moorehead for her letter, dated 20th January 2009, which indicated that local government considered that Option C of the Planning Service paper, presented to the Strategic Leadership Board meeting on 7th November 2008, is the preferred option for the exercise of planning oversight powers by the Department subject to appropriate governance arrangements being put in place.

2.6 Cynthia Smith reminded members that:-

- Option C was that the Department should adopt a hybrid approach, retaining section 129 of the

Local Government Act where it is considered appropriate (i.e. where a council fails to discharge its functions) while using specific intervention reserve powers if required to counteract a council's individual decision of planning judgement; and

- these intervention powers would be similar to those currently available to central government in the rest of the United Kingdom.

2.7 Cynthia Smith also said that the other points made in Heather Moorhead's letter – including the need for capacity building and for further work to provide greater clarification on a number of points such as definitions, the procedures for triggering intervention, etc – had been noted. She indicated that these points were wide ranging and cut across the full span of activities from the current pre policy consultation stage to the production of operational guidance just prior to transfer. In these circumstances, Planning Service would carefully consider each of the points as they relate to each of the various stages.

2.8 Ald Hatch confirmed that NILGA would continue to work closely with Planning Service in addressing these points.

Secondment of Staff to Local Government

2.9 Ald Hatch indicated that local government was not yet in a position to provide a definitive view on the issue of the secondment of staff from central to local government. He said that he was aware of the Executive's decision that secondment arrangements be applied in the health and education sectors but that it was important to take time to fully evaluate if this was the most suitable approach in local government. Ald Hatch said that he had asked the Human Resources Working Group to take forward further work on the issue and to report to Policy Development Panel C. In these circumstances, Ald Hatch

Policy

- 2.10 indicated that the Panel would present a paper to the Strategic Leadership Board, for consideration at the 10th April meeting, outlining local government's view.
- Ian Maye confirmed that the time frame for the preparation of legislation on this issue was sufficiently flexible to enable the views in the paper to be fully taken into account.

Policy Development Panel C's Policy Proposals

- 2.11 Ald Hatch said that Panel C had recently agreed revisions to the package of policy proposals. He emphasised, however, that these revisions were minor and do not fundamentally change the proposals in the paper (SLB 57/2008) presented at the SLB meeting on 5th December 2008. Ald Hatch said that he was aware that the Democratic Unionist Party members of SLB had identified a number of specific points on the paper and invited Cllr Bunting to comment.
- 2.12 The points made by Cllr Bunting, at the meeting, are set out in the Annex 1 to this note using the reference numbers in the policy paper. Cllr Bunting requested that these comments be formally recorded as the DUP's views and dealt with as part of the public consultation process on the Finance Bill.
- 2.13 Ald Hatch then proposed that the paper SLB 57/2009 be accepted by the Board. This was agreed by members.

Role Of Winding Down Managers

- 2.14 The Chair reminded colleagues that, at the last meeting, it had been agreed that further details were required on the role of the Winding Down Managers (mentioned in paper SLB 60/2008), particularly in relation to the proposed financial responsibilities. He confirmed that a paper on this issue had been commissioned and would be presented to for consideration at the Board meeting on 10th April.

Area Plans and Transition Committees

- 2.15 The Chair confirmed that the paper on Area Plans and Transition Committees, requested at the last meeting, had been prepared and would be taken under item 6 of the agenda

3. POLICY DEVELOPMENT PANEL UPDATES

Policy Development Panel A Update

- 3.1 The Chair of Panel A (Cllr Bunting) introduced the paper (SLB 1a i/2009) which outlined the Panel's further policy proposals in relation to governance arrangements for the new councils post 2011. She highlighted the "call in" and "qualified majority voting" proposals and drew particular attention to:-

- the Alliance party's concerns about the definition used in respect of the call in criteria relating to the protection of minorities (i.e. "adverse impact on either the Nationalist or Unionist community"). Cllr Bunting explained that the Alliance party representatives on the Panel considered that this wording did not take account of the much more diverse population in Northern Ireland and that this view had been acknowledged in paragraph 2 of the paper; and
- further work would be taken forward by the Panel on the detail of how the call in investigations, mentioned in paragraph 5 of the paper, would be carried out and by whom.

**Policy
Development
Panel A**

- 3.2 Cllr Bunting also spoke to the update report (SLB 1a/2009) and confirmed that the Panel was on course for presenting its recommendations, on other key policy areas, in accordance with the project schedule. This included the guidance proposals on

the governance arrangements for statutory Transition Committees and the key issues relating to their membership.

- 3.3 The Chair asked Cllr Bunting if any consideration had been given to whether or not inclusivity, to cover situations of limited representation by parties across constituent councils, could be achieved on Transition Committees. He acknowledged, however, this may not be achievable. Cllr Bunting indicated that this issue would now form part of the Panel's consideration.

**Policy
Development
Panel A**

- 3.4 Cllr O'Kane stressed the importance of this issue and outlined examples of where parties could potentially have very limited, or indeed no, representation on Transition Committees.

Policy Development Panel B Update

- 3.5 The Chair of Panel B (Cllr Quigley) spoke to the update report (SLB 1b/2009) and indicated that, at a recent meeting, Panel members had expressed concern about the activities and timescales included in the Implementation Framework for the Reform Programme. She advised that members had agreed that the following outputs fell to Panel B:-

- a Customer Service Strategy;
- an Information Systems Strategy;
- a Shared Service Strategy;
- a Procurement Strategy; and
- a Service Delivery and Performance Improvement Framework.

- 3.6 Cllr Quigley stressed that the development of a Shared Service Strategy would be influenced by the outcome of the work on the Assessment of Options for Local Government Service Delivery consultancy project recently commissioned through Panel C.

- 3.7 In light of these developments, Cllr Quigley confirmed that the Panel would be revisiting its Project Initiation Document.

**Policy
Development**

Policy Development Panel C Update

- 3.8 The Chair of Panel C (Ald Hatch) spoke to the update report (SLB 1c/2009) and confirmed that PricewaterhouseCoopers (PwC) had been appointed to take forward the Assessment of Options for Local Government Service Delivery assignment. He said arrangements had been made for the Steering Group, for Phase 1 of the project, to meet the consultants on 28th January.
- 3.9 The update provided by Ald Hatch on other key work items of the Panel, which are linked to the report of the Regional Transition Co-ordinating Group, are set out in paragraphs 4.3 to 4.5 below.

Panel Risk Registers

- 3.10 The Chairs of the three Panels expressed concern that their membership had not been consulted about the inclusion of material on risk assessment in the update reports. The Board agreed that it would be important for these risks to be carefully reviewed prior to the next meeting on 6th March.

**Joint Secretariat
to co-ordinate**

4. REGIONAL TRANSITION CO-ORDINATING GROUP UPDATE

- 4.1 The Chair of RTCG (Paul Simpson) presented the update report (SLB 2/2009) and highlighted the following points:-
- the Group's second meeting, held on 15th December, had been devoted to the consideration of a series of transfer of function position papers commissioned from each of the relevant Departments;
 - members of the Group considered that these

papers were helpful in fleshing out the functions but, in a number of areas, there was a need for early engagement between central and local government to further develop the detail;

- this was particularly the case with the local roads public realm responsibilities which are to transfer from DRD Roads Service; and
- in these circumstances he had written to the Ald Hatch, on 19th December, proposing that a Transfer Of Functions (TOF) Working Group be established to consider the detail of the functions along with a “task and finish sub group” to facilitate detailed discussions with Roads Service on the public realm functions.

4.2

Paul Simpson also mentioned that:-

- his letter to Ald Hatch also proposed that Panel C considers presenting a paper to SLB setting out the HR implementation issues which must be addressed from an operational perspective and that these be remitted to an HR Co-ordination Group, to be established under RTCG, to be taken forward; and
- arrangements were being made for the RTCG, which is to be the Steering Group for Phase 2 of the Service Delivery assignment, to meet representatives of PwC.

4.3

Ald Hatch said that he had discussed Paul Simpson’s letter with Panel C members and that it had been agreed that the TOF Working Group be established as a matter of urgency. He explained that:-

- Peter McNaney had agreed to chair the TOF Working Group with Ian Maye as Vice Chair and that they had met recently to discuss the terms of reference, membership, etc; and

- the “task and finish sub group” had been established and detailed discussions between local government and Roads Service officers, on the public realm functions to transfer, were continuing; and
 - in the interests of place shaping and to facilitate the development of efficient and effective options, it would be important to ensure that Departmental officials on these groups have the flexibility to determine, with local government officials, the best delivery mechanisms.
- 4.4

4.5 Against this background, Ald Hatch said that he would be writing to the Minister seeking his support in encouraging Ministerial colleagues to permit their respective officials to discuss marginal changes to the functions that have already been identified for transfer to local government.

Ald Hatch also confirmed that the HR Working Group of Panel C had started work on the identification of the HR implementation issues and that a paper would be prepared for the Board. Paul Simpson said that, if possible, it would be helpful to have the paper available for the next meeting of the RTCG on 12 February. This would enable RTCG members to consider the issues involved including the composition of the implementation group.

**Policy
Development
Panel C**

5. **LOCAL GOVERNMENT REFORM IMPLEMENTATION FRAMEWORK**

5.1 John Price gave a presentation (copies of the slides are attached at Annex 2) highlighting the key activities and milestones in the Local Government Implementation Framework (papers SLB 3a and 3b). He stressed that the Framework:-

- took account of, inter-alia, the work taken forward by key stakeholders at the Local Government Reform Planning Day, held on 5th November 2008, at the Lough Neagh Discovery Centre; and
- was very much living document which would be subject to ongoing revision to take account of the views of stakeholders, including the Policy Development Panels, and changes in the programme itself.

5.2 The Board noted the developmental nature of the Framework and agreed that:-

- each of the Policy Development Panels should consider it further and identify any proposed amendments; and
- programme reporting formats should be carefully tailored to meet the needs of the various stakeholder groups.

**Joint Secretariat
to co-ordinate**

5.3 The Board also agreed with Cllr Bunting's suggestion that it would be helpful for members to be provided with a legislative aide memoire setting out the content of each of the local government Bills and their timescales.

**DOE to co-
ordinate**

6. **AREA PLANS AND TRANSITION COMMITTEES**

6.1 Cynthia Smith introduced the Planning Service paper (SLB 4/2009) and explained that it provided details of:-

- the current position on the development plan programme along with an estimate of the anticipated position when responsibility for preparing development plans for the new council areas transfers in 2011;

- the new development plan system is designed to speed up the plan preparation process, ensure that there is more effective and early participation by key stakeholders and provides a more flexible approach that is responsive to change and capable of further review; and
- Planning Service's initial views on engagement with the Transition Committees and/or Transition Management Committees, of the new council areas, on preparatory plan work based on the new system.

6.2 In the course of wide ranging discussion on the paper, Cllr Wells asked for clarification on who would have responsibility for meeting the cost of any judicial reviews in respect of area plans prepared by the Department and inherited by local government. Ald Hatch explained the whole issue of liability had been addressed in the Panel C policy paper and the principle advocated, in relation to functions to transfer, was that local government would be indemnified from meeting costs arising from decisions taken by Departments. This proposal had been accepted by the Board.

6.3 Cllr Begley asked when work would start on the plans which are currently suspended due to legal proceedings. Cynthia Smith explained that work on these plans was not being progressed pending a ruling by the European Court of Justice on the transposition of an EU Directive on Strategic Environmental Assessment and that, given all the circumstances involved, it was unlikely that work would be advanced before 2011.

6.4 Local government members stressed that it would be important for Planning Service to engage with both the Transition Committees and the Transition Management Committees in piloting the new area plan arrangements and sought clarification on the new council areas that would be involved in these pilots.

Cynthia Smith indicated that, in view of Planning Service's workload and current resources, it was likely that the pilots could only be taken forward in two areas. Local government members expressed concern about the limited extent of the pilots and Ald Hatch said that this was likely to raise equality issues in respect of the nine new council areas not selected.

6.5 Members also stressed the importance of capacity building, in relation to the planning portfolio of functions, for elected members and local government officers.

6.6 The Board agreed that it would be important for the issue of the pilots, and the other key points in the paper, to be considered further. It was, therefore, agreed that the paper should be placed on the agenda of the next meeting of the Joint NILGA/Planning Group.

**NILGA/Planning
Service**

7. UPDATE ON NILGA/PLANNING SERVICE SEMINAR

7.1 Cynthia Smith introduced the paper (SLB 5/2009) which provided an update on the on NILGA/Planning Service seminar held on 18th September 2008. She said that, from a Planning Service perspective, the seminar had been very timely in helping to address overall planning reform issues and also the specific transfer of function issue.

7.2 Cllr Hill confirmed that that the seminar had been very useful. He mentioned that local government still has some concerns about the current planning process, and other related issues, that need to be dealt with. He confirmed, however, that the Working Group provided a very effective forum for addressing these issues and developing the working relationship between local government and Planning Service.

8. ANY OTHER BUSINESS

8.1 Cllr McPeake asked for clarification about the current position on the proposed severance scheme for elected members.

8.2 The Chair reported that:-

- he had recently met Minister Paul Goggins to discuss the need for the NIO to amend the law on co-option to pave the way for the delivery of an early severance package;
- they had a useful and frank exchange of views, and he had outlined the views that had been expressed by the parties represented on the Board;
- Minister Goggins is not yet persuaded of the need to amend the law on co-option, but he has not ruled out the possibility and has undertaken to think further;
- it had been agreed that the Department would consult on the terms of a severance scheme, and canvass views in that consultation on a variety of timing options, and advise Minister Goggins on the views expressed in response to that consultation, particularly in relation to timing; and
- at that point, he will press Minister Goggins again for a decision this, one way or the other.

8.3 Cll Quigley proposed that NILGA lobby Minister Goggins on this issue. The Chair agreed that this would be helpful.

NILGA to co-ordinate

9. DATE OF NEXT MEETING

9.1 The Chair confirmed that the next meeting of the Board would be held on Friday 6th March 2009 at 10:00 am in the Learning and Development Centre.