

Strategic Policy and Resources Committee

Friday, 20th February, 2009

MEETING OF STRATEGIC POLICY AND RESOURCES COMMITTEE

Members present: Councillor D. Dodds (Chairman); and
Councillors Adamson, M. Browne, W. Browne, Convery,
Kirkpatrick, Lavery, Long, McCann, A. Maskey,
C. Maskey, P. Maskey, Newton and Stoker.

In attendance: Mr. P. McNaney, Chief Executive;
Mr. G. Millar, Director of Improvement;
Mr. L. Steele, Head of Committee and Members'
Services; and
Mr. J. Hanna, Senior Committee Administrator.

Apologies

Apologies for inability to attend were reported from Councillors Attwood, Crozier, Maginness, Rodway and Smyth.

Minutes

The minutes of the meeting of 6th February were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 12th February.

Cross-Cutting Issues

Belfast Health and Social Care Trust

The Committee was informed that Mr. W. McKee, Chief Executive, and Ms. D. Stockman, Director of Planning and Redevelopment, Belfast Health and Social Care Trust, were in attendance to provide an update on the Trust's New Directions document, which outlined the future delivery of health and social care services in Belfast. The deputation was admitted to the meeting and welcomed by the Chairman (Councillor D. Dodds).

Mr. McKee outlined the background to the establishment of the new Belfast Health and Social Care Trust which had been formed as a result of the recommendations arising from the Review of Public Administration. He explained that the Trust employed almost 22,000 staff, provided services for more than 340,000 people in Belfast and regional services to the whole of Northern Ireland and had an annual budget of approximately £1 billion. He commented on the capitation formula and the fact that it did not take account fully of the extent of deprivation in the City and the poor effect this had on health. He stated that in August, 2008 the Trust had published a consultation document entitled "New Directions: A Conversation on the Future Delivery of Health and Social Care Services in Belfast", the aim of which was to commence a process of examining how it would deliver its services in the future.

Ms. Stockman provided an overview of the New Directions document, the associated consultation process, a summary of the responses which had been received and the consequent Trust actions. In addition to the responses which had been received in relation to the specific questions which had been raised in the consultation document, a number of other themes had emerged. These had included, inter-alia, the current financial challenges which the Trust faced as a result of the Comprehensive Spending Review, the need to distinguish between those local services provided by the Trust for the people of Belfast and those which were provided within the Trust area on a regional basis, as well as the fact that the reconfiguration of services must not be based solely on financial pressures but must be clinically-led and evidence-based.

She then highlighted the general and specific recommendations and the next steps which would be taken by the Trust as a result of the review. The Trust had indicated that it would consult on each key proposal for change to the necessary extent in keeping with its commitment to engage with staff, service users and the general public. It would also, in the near future, consult in detail upon its plans for mental health services and for unscheduled care, including accident and emergency services. A second version of the New Directions document would be produced in due course and it was proposed that the document be reviewed bi-annually and a similar document be produced outlining the strategic directions for services in two years time.

The deputation then answered a number of questions from the Members in relation to several issues, including the capitation formula, accident and emergency services at the Mater Hospital and the subsequent effect of the closure of those services at the Whiteabbey Hospital, the future use of the land at Belvoir Hospital, the Capital Programme and timetable for the Royal Maternity Hospital for Children and Women, mental health issues and the targets which the Trust was expected to achieve.

The Chairman thanked Mr. McKee and Ms. Stockman for attending and they retired from the meeting.

Conductive Education for Children with Cerebral Palsy

The Committee was advised that correspondence had been received from the Mayor of Dungannon and South Tyrone Borough Council seeking support for conductive education for children with cerebral palsy and, in particular, the ongoing funding crisis experienced by the Buddy Bear Trust School, located in Dungannon, which was the only educational establishment in Northern Ireland currently delivering that type of education.

A commitment had been sought from Councils to a number of actions including:

- influencing their Members nominated to Education and Library Boards to raise the profile of conductive education and the need to have adequate funding in place;
- the signing of a petition to Government to provide leadership and direction in that area; and
- representation on a delegation to meet with the Ministers of the Office of First and Deputy First Minister and the Minister of Education to seek appropriate solutions to the problems.

The Head of Committee and Members Services explained that, whilst the Council would be sympathetic to the needs of children with a disability and the rights of parents to be able to access a range of educational options for their children, it was ultimately a function of Regional Government. He pointed out that the First and Deputy First Minister were considering currently recommendations which had been made by the Assembly commending conductive education, including financial assistance and support. In addition, given the vast number and range of very deserving charitable organisations and worthy causes in Belfast and Northern Ireland as a whole, the Council must exercise discretion as to the support it was able to provide to such organisations and for that reason had a policy on the provision of assistance to non-profit making groups. Accordingly, it was recommended that the Committee agree to write to the Mayor of Dungannon and South Tyrone to explain that, for the reasons outlined, the Council would be unable to commit to the actions requested by him.

The Committee adopted the recommendation but made the point that the Council was supportive of conductive education in general and would encourage all Members of the Council to raise awareness of the benefits of conductive education and would call on the Office of the First and Deputy First Minister to bring forward as a matter of urgency recommendations for the delivery of conductive education, including financial and physical resources.

Modernisation and Improvement

Review of Public Administration - Transition Committee

The Committee considered the undernoted report providing an update in relation to the Review of Public Administration in so far as it related to the Transition Committee:

“1.0 Relevant Background Information

- 1.1 Members will recall that the Committee agreed, at its meeting on 14th November 2008, that a letter be sent to the Environment Minister, Sammy Wilson, and relevant Central Government officials outlining the proposition that the Strategic Policy and Resources Committee be designated as the Council’s RPA Transition Committee, that the Committee comprises of 20 elected Members appointed on the basis of proportionality using D’Hondt and that an additional monthly meeting of the Committee has been designated for the purpose of RPA transition and associated change management issues.**
- 1.2 This decision had been ratified by Council at its meeting on 1st December 2008 and a letter had been issued to the Department of the Environment (DoE) on that basis.**

- 1.3 Subsequently, the Chief Executive has received correspondence from the DoE, dated 2nd February 2009, confirming the Environment Minister's agreement for the Strategic Policy and Resources (SP&R) Committee to act as the Council's Transition Committee and for the Transition Committee to consist of 20 members.
- 2.0 Key Issues
- 2.1 The primary role of the Transition Committee will be to provide overall political direction and to take the necessary decisions to ensure a coherent and co-ordinated approach is taken by the Council in moving forward in the RPA transition (implementation) process.
- 2.2 The Review of Public Administration (RPA) process is now entering into the critical stage of implementation whereby primary legislation is being drafted, implementation structures established and active consideration being given to the transitional arrangements to be put in place to support local government reform within Northern Ireland together with ongoing transfer of functions issues.
- 2.3 Inevitably, the level of RPA related activity will grow in intensity and scope as we move forward with implementation and the programme of work to be taken forward by the Council's Transition Committee will evolve within this process. It will be important that we make a distinction between the business to be discussed by the RPA Transition Committee and the normal business of the SP&R Committee.
- 2.4 Accordingly, with effect from March 2009 that any items of a transitional nature will be earmarked as transition items and will be minuted under a Transition Committee heading.
- 2.5 As time goes on, it might be that the amount of business which the Transition Committee will be required to conduct will be such that it will be necessary for a whole meeting to be dedicated to transitional business.
- 2.6 If the Committee were minded to accept this proposal it would provide the greatest flexibility in ordering the business of the SP&R and Transition Committee over the next 12 months. Clearly there will be a need for some flexibility to be built into this process to ensure that important issues can be addressed in a timely matter as they emerge.

- 2.7 It order to formally cement the role of the Strategic Policy and Resources Committee as the Council's Transition Committee, it would be the intention that a detailed report would be brought to the first meeting of SP&R on 6th March, as the Council's Transition Committee, setting out the role and responsibilities of the Transition Committee and its legal status; governance and management arrangements; anticipated initial programme of work and associated timeline; engagement mechanisms with the Lisburn/Castlereagh Transition Committee etc.

Legal Status

- 2.8 Whilst the Transition Committee will operate on a voluntary basis initially, its role will evolve over the coming months as it starts to lay the foundations in preparation for the new Council post May 2011. The Department of the Environment intends to make enabling provisions for statutory Transition Committees in the Local Government (Finance) Bill, with a planned operative date of no later than April 2010. This will be explored in further detail at the meeting on 6th March 2009.

Members' Remuneration

- 2.9 In recognition of the additional responsibility involved, members of the Council's Transition Committee will be paid an allowance of £2,700 per annum (pro rata for 2008/2009). This will be grant funded by the Department of the Environment (DoE) and payments will be allocated within the Council on the same basis as the payment of Special Responsibility allowances.
- 2.10 A letter of offer has been received from the DoE in regards to Departmental Funding for Transition Committees. Approval is sought for the Chief Executive to confirm acceptance of the letter of offer on behalf of the Council's Transition Committee (i.e. Strategic Policy and Resources Committee).
- 2.11 Given the fact that the SP&R Committee has meet over the last number of months to discuss RPA matters under the auspices of its role as the Council's Transition Committee, a request has been submitted to the DoE seeking agreement that the commencement date of the Council's Transition Committee was January 2009 and that the payment of Members' allowances would be effective from that date. Whilst we are still await formal approval from the DoE, initial discussions with senior Departmental officials has been positive.

**Engagement with Lisburn/Castlereagh
Transition Committee**

- 2.12 Appropriate engagement mechanisms need to be put in place with the Transition Committee for Lisburn and Castlereagh to enable constructive discussions on relevant RPA transitional issues. It is proposed that a letter be sent from the Chair of the SP&R Committee, on behalf of the Council's Transition Committee, to the Castlereagh and Lisburn Transition Committee informing them of the establishment of the Belfast Transition Committee and seeking dialogue around necessary engagement mechanisms.

**Assessment of Options for Local Government
Service Delivery**

- 2.13 Members will note that PriceWaterhouseCoopers (PwC) has been recently appointed by the Department of the Environment to undertake an assessment of options for local government service delivery and to make recommendations as to the development of effective and efficient models for the future delivery of key functions (e.g. planning, urban regeneration, community development, local economic development and public realm aspects of local roads functions) transferring from central government to the 11 new Councils.
- 2.14 This will entail carrying out an economic appraisal embracing a range of models which include delivery of services directly by the 11 councils, on a group basis or on a regional basis. Such an assessment must take account of the new community planning and power of well-being responsibilities of councils and should be underpinned by the core principles of strong Local Government; the role of Local Government in supporting place shaping; the need for single point accountability at the local level; ensuring improved customer centric services; and value for money considerations. Whilst affordability will clearly be an important consideration within this process, it must not be the key driver for the recommendations which emerge.
- 2.15 Without wanting to pre-empt the options to be put forward as part of this work, arguments may emerge in regards to shared services for specific operational areas such as, for example, HR, ICT, Legal Services and others. Clearly the Council will need to consider these on an individual basis and within the context of its own transformation agenda. Consideration will need to be given to the advantages or otherwise for the organisation.

2.16 In regards to any discussions and consideration given to future delivery models around the key transferring functions (e.g. planning, urban regeneration etc), it is important that the aforementioned principles and the place shaping role of the Council are not compromised. Accordingly, it is recommended for Members consideration that the Council take a position that those key transferring functions which contribute to the broader place shaping and community planning agenda of the Council including, for example, planning, urban regeneration, community development, local economic development and public realm aspects of local roads functions, be anchored within and delivered by the Council. It is further proposed that this should be the position on which the Council engages with the PWC work.

3.0 Resource Implications

3.1 Whilst Members of the Council's Transition Committee will be paid £2,700 annual allowance (pro-rata), this will be Grant Funded from the Department of Environment and will have no financial implications for the Council.

4.0 Recommendations

Members are asked to:

- a) agree that, as required, SP&R will meet in a formal capacity as the Council's Transition Committee with effect from the 6th March 2009;
- b) agree that a detailed report in regards to the role and remit of the Council's Transition Committee be considered at the meeting on 6th March;
- c) agree that items of a transitional nature be earmarked as transition items and minuted accordingly;
- d) agree that the Chair of SP&R write to the Transitional Committee for Lisburn and Castlereagh seeking early dialogue in regards to engagement mechanisms;
- e) agree that the Chief Executive can confirm acceptance of the letter of offer; and

- f) consider and agree that the Council take a position that those key transferring functions which contribute to the broader place shaping and community planning agenda of the Council be anchored within and delivered by the Council (refer to section 2.15).”

The Committee adopted the recommendations and strongly endorsed the position that the Council should, to the greatest extent possible, assume the full responsibilities associated with the transferring functions of planning, regeneration, local economic development and the public realm aspects of roads.

Corporate Plan and Performance Management

Strategic Policy and Resources Committee Work Plan and Key Issues

The Committee considered the undernoted report:

“Purpose of the Report

To set out the work programme of the Strategic Policy and Resources Committee over the next two months and outline some of the key issues to be addressed.

Key Issues

The Standing Orders of the Council set out the main purposes of the Strategic Policy and Resources Committee and these can be summarised as follows:

1. Co-ordination and creation of policy (Corporate Plan).
2. Creation and control of the Council’s programme of prioritised activities (Corporate Plan).
3. Referee and controller of the Council’s major resource allocation processes (Revenue Budget and capital programme).
4. Direct service responsibility for corporate functions such as Finance, Audit Governance and Risk, Human Resources, Communication, ISB, Legal Services and asset management, including land and property.
5. Performance Management
6. The rules of engagement (standing orders and financial regulations)
7. Transition Committee for RPA

Co-ordination and creation of policy

Essentially, the Committee has responsibility for setting the overall *direction of travel* for the organisation as a whole. This is an acceptance that the Council is greater than an amalgam of services and needs to have a broader strategic framework within which to operate. The essential parts of this framework are the *vision, mission and values* for the organisation. These have already been agreed by the Council as part of the corporate planning process.

As part of the corporate plan, the Council has also agreed a set of *strategic priorities which are* :

- The local economy
- The environment
- Better support for people and communities
- Better Services
- Better leadership
- Better value for money

These strategic priorities will require policy and strategy development which will be cross-cutting in nature as they will impact on more than one service or department in terms of service delivery and resources. A separate report, which is on today's agenda, will recommend a policy framework which will help support the Committee ensure that there is a more robust and consistent approach to developing policy and strategy in the Council.

Creation and control of the Council's programme of prioritised activities

The objectives and priorities of the Council as agreed in the corporate plan cover a three year period. One of the key roles of the Strategic Policy and Resources Committee is to agree the shorter term priorities for the forthcoming year. These priorities are then incorporated into the service and departments business plans.

The Strategic Policy and Resources Committee will be requested to agree the priority actions for 2009/10 at its second meeting in April.

Members should also note that for the first time the Council has created a corporate thematic priorities budget. The Strategic Policy and Resources Committee will be required to decide on the allocation of this budget for 2009/10 at its second meeting in April.

Resource Allocation

One of the key roles of the Strategic Policy and Resources Committee is to recommend to Council the level of revenue and capital resources which will be available to spend in a given year and also how these resources should be allocated across departments and committees. The Strategic Policy and Resources Committee then monitors the revenue budget and capital programme spending throughout the year. The committee may also need to recommend remedial action when required to bring spending back on track.

In terms of 2009/10 the Strategic Policy and Resources Committee has already recommended a district rate to the Council and the budget allocations for individual committees. A report on the capital programme 2009/10 will be brought to committee in March 2009.

As part of the budget setting process Members have recognised the limitations of a one year planning cycle in terms of only being able to amend budgets at the margins. The Strategic Policy and Resources Committee has agreed to establish a Budget and Transformation Panel which will examine ways of developing a three year budget cycle. This work will require significant change to the financial management arrangements in the Council and will include:

- The development of a Medium Term Financial Plan.
- The development of a revised Capital Financing Strategy.
- The development of a Transformation Programme to deliver further cash savings.
- The development of a Service Level Agreement with Land and Property Services to ensure collectable rate income is maximised.
- A comprehensive review of budgets across the Council.

A report on the creation of the Budget and Transformation Panel will be brought to committee in March 2009. Members have already agreed that the Panel will require support from an independent source in terms of validation and challenge. Approval is now being sought from Members for officers to go ahead and identify this external source so that a recommendation can be made to committee in March 2009.

Members are reminded that they had previously sought assurances on how the organisation can best employ effective control over staff numbers. A report on this matter will be brought to committee in March 2009.

Direct responsibility for corporate functions

The Strategic Policy and Resources Committee has direct responsibility for as Financial Services, Audit Governance and Risk, Human Resources, Communication, ISB, Legal Services and asset management, including land and property. The central processes associated with these functions act as glue which holds the organisation together. Members are keenly aware that the corporate core must be as efficient as possible and for this reason it was agreed to independently review the centre of the organisation. The first phase of the work is nearing completion and a report making recommendations for changes to structures, potential efficiency savings and an implementation plan will be brought to committee in March for consideration.

Strategies and frameworks have already been agreed for most of the functional areas and the outstanding ones – Communications, ICT and Customer Focus will be brought to committee in March 2009 for consideration.

Performance Management

Whilst the individual service Committees take responsibility for the performance of services reporting directly to them, the Policy and Resources Committee has overall responsibility for the performance of the Council.

In support of this scrutiny role and to enable Members to hold officers to account for delivery, the organisation has developed a suite of performance indicators which have been agreed by Members as part of the corporate planning process. The indicators link directly to the corporate plan and Council priorities. An automated performance management system is also being developed which will provide Members with better access to performance information.

Performance management is one of the less evolved roles of the Strategic Policy and Resources Committee. Given the increasing pressure on the Council to demonstrate value for money it is important that Members are properly equipped to fulfil their performance management responsibilities. For this reason training in this area will be given priority as part of the Member Development Programme. Once this training is complete, the Strategic Policy and Resources Committee will receive quarterly reports on corporate performance.

A more detailed report on performance management in the Council will be brought to the committee in April 2009.

The rules of engagement

The full Council has overall responsibility for the Standing Orders and Financial Regulations, but it falls to the Strategic Policy and Resources Committee to enforce the regulations and to act to ensure that the Council conducts its affairs within the statutory and regulatory framework, but also with in its own operating criteria.

Officers are currently developing a revised Constitution for the Council and this will be brought to the Committee in April for consideration.

Transition Committee for RPA

This is a new role for the Strategic Policy and Resources Committee and a paper is on today's agenda which outlines the work of the Committee in this area.

Recommendations

Members are requested to agree the following:

1. To note the key issues which the Strategic Policy and Resources Committee will be asked to address over the coming months.
2. Officers to start the process of securing the independent member of the Budget and Transformation Panel.
3. To note the improvement work being done to better support the Strategic Policy and Resources Committee fulfil its roles and responsibilities.
4. To consider the following reports:

March 2009

- a. Capital programme 2009/10.
- b. The creation of the Budget and Transformation Panel.
- c. Control of staff numbers.
- d. Review of the centre.
- e. Communications, ICT and Customer Focus strategies.

April

- a. Corporate Plan – 2009/10 priorities.
- b. Allocation of corporate thematic priorities budget 2009/10.
- c. Performance Management update.
- d. Constitution of the Council.”

The Chief Executive commented upon the extreme volatility of the current financial environment. He highlighted the challenges that this would present for the Council over the coming year and stressed the importance of the Committee exercising its role in prioritising expenditure on key areas, challenging the existing use of resources in the Council, driving efficiency and value for money and monitoring the overall performance of the organisation. He referred to the Budget Review and Transformation Panel and the need for its work to be aligned with the Review of the Capital Programme and the identification of key projects for the City Investment Strategy.

In this regard he stated that Members had requested that cross-party meetings of Councillors be arranged on a north, south, east and west basis to ensure that debate on those issues was fully informed.

The Committee approved the arrangements and adopted the recommendations contained in the report.

Policy Framework

The Committee considered the undernoted report in relation to a Policy Framework:

“Context and Relevant Background Information

Members have previously agreed a number of corporate frameworks that had been developed to support the implementation and management of the Council’s corporate plan 2008 – 2011. These cover key internal processes including finance, performance, human resources, information management and assurance. The purpose of this report is to present for approval the Policy Framework.

Key issues

A robust policy framework is critical to effective corporate governance, as it is through policy and strategy that the Council translates its vision and purpose into actions. Policy decisions must be appropriate to need, reflect resource constraints and organisational capacity, and be informed by a sound evidence base. The policy framework, therefore, seeks to formalise and strengthen

the governance and skills sets necessary for effective policy-making. It is a key corporate and management process and is essential to achieving a joined-up, 'one-Council' approach where decisions are aligned to corporate priorities and deliver efficient, effective outcomes which assures the best use of limited resources.

Current Situation

The Council's Standing Orders state that Strategic Policy and Resources shall be the Council's main instrument of policy and is responsible for setting the strategic direction of the Council and its corporate priorities through the development of a Corporate Plan.

Obviously much of the policy making in the Council is quite properly devolved to departments and their service committees. This is right and proper and should continue. However the current financial climate and the drive to integrate service delivery across the organisation for the benefit of the citizen require the resource and implementation consequences of major policies to be considered by Strategic Policy and Resources. This will allow the Committee to ensure that the use of resources is maximised, activities are co-ordinated, key implementation issues are addressed and performance maintained. A policy framework, which includes a central coordination function, has therefore been developed to improve strategic integration, determine resource consequences and allow joined-up planning and delivery and is attached at appendix 1.

Aims of the Policy Framework

The purpose of the policy framework is to improve coordination and to support a more robust and consistent approach to developing policy and strategy. The Framework is deigned to:

- Clarify roles, responsibilities and requirements in relation to all levels of policy and strategy
- Provide a systematic, evidence-based approach to policy making, ultimately leading to better decisions
- Provide structured support and challenge where applicable
- Improve internal coordination and alignment between strategy, policy and implementation

- Improve resource management
- Improve the monitoring and accountability of Council policy and strategy

The key stages in the policy framework are set out overleaf.

The Policy Framework

<u>Process</u>	<u>Report to</u>
<p><u>Stage 1: Policy / Strategy Initiation:</u></p> <p><u>Purpose:</u> To notify Council (corporately) of the intention to develop or review a strategy or policy to enable early consideration of possible corporate impacts, coordination and resource implications.</p>	<p>COMT Notification to SP&R and authorisation</p>
<p><u>Stage 2: Policy / Strategy Development Phase:</u></p> <p><u>Purpose:</u> To ensure policy and strategy is developed in a robust and consistent manner in accordance with legislative requirements and which adheres to good practice (evidence base, consultation, action planning and linkages to performance management etc), thereby minimising the risk of poor policy decisions and implementation failure.</p> <p>A checklist has been developed to assist Services with the stage.</p>	<p>Regular update reports as necessary to COMT and SP&R</p>
<p><u>Stage 3: Corporate Alignment and Assessment</u></p> <p><u>Purpose:</u> To enable COMT to assess the draft policy or strategy to ensure internal alignment, resource requirements and ongoing implementation issues are identified for Members' consideration.</p>	<p>COMT</p>

<u>Process</u>	<u>Report to</u>
<p><u>Stage 4: Council Evaluation and Approval</u></p> <p><u>Purpose:</u> To enable Members to assess and evaluate the draft policy or strategy and to make the decision on whether to adopt.</p>	<p>SP&R or service Committee as appropriate</p>
<p><u>Implementation</u></p> <p><u>Monitoring</u></p> <p><u>Review</u></p>	<p>Performance Management Framework</p>

Policy Framework - Summary

- The framework proposes a clear challenge and control role through Members (SP&R or departmental Committee as appropriate) formalising and structuring current practice.
- In the first instance, COMT will be responsible for identifying and assessing any corporate or resource implications arising from proposed policy and strategy for Members' consideration and to ensure strategic alignment and fit.
- All significant policy and strategy will be then brought to Members, at project initiation stage for direction and again for final ratification. Regular update reports will also be brought to Members as required or necessary.
- The framework differentiates between operational and 'cross-cutting' policy, with different governance and coordination arrangements required for each. Further work will be required in collaboration with Departments and Members to define what is meant by cross-cutting policy.
- Internal alignment would be achieved through a central coordination function, which in the interim structure, would be provided through CIT. CIT would therefore be responsible for administrating and coordinating the framework in collaboration with services and departments.

- One of the common reasons policy and strategy fail to meet all their expected outcomes is because implementation has not been properly assessed, monitored or evaluated. The policy framework requires that implementation is considered as part of the policy development process. In addition, the procedures being developed to support the policy framework introduce a rigorous approach to action planning, performance management and review, and reflect the Council's improvement agenda. This will also ensure that performance information is considered at an early stage and, where appropriate, incorporated into the Council's performance management system.

Processes and Procedures

It is important that the Council has a shared understanding of what is meant by policy and strategy and the processes involved. More work will be done to agree definitions, particularly as the terms policy and strategy tend to be interpreted differently across the Council and are often used inter-changeably. Linkages and implications for Scheme of Delegation will also be explored.

Work is continuing to agree the processes and procedures needed centrally and across Department to meet the framework. As part of the implementation of the framework, it is proposed that a monitoring pro-forma and/or an annual departmental policy schedule be introduced. Within some Departments, work is already underway to develop Departmental Policy Schedules; and it is proposed that this could form the basis of the internal notification process. Other local authorities use a pro-forma or monitoring form approach and this in another possibility that is being considered, particularly in relation to emerging issues.

A checklist based on recommended 'good policy making' and good practice, is being developed to be used by Departments and Services as a guide when developing policy and strategy. This includes key steps such as collecting the evidence base, consulting with stakeholders and evaluating internal and external impacts. Process links to customer care and the proposed consultation and engagement strategy will be developed.

The framework will be coordinating centrally (currently through CIT) and it is intended that a central repository and use of IT and will be developed to make it easier to access policy and strategy information and for Members and COMT to fulfil their monitoring and evaluation role.

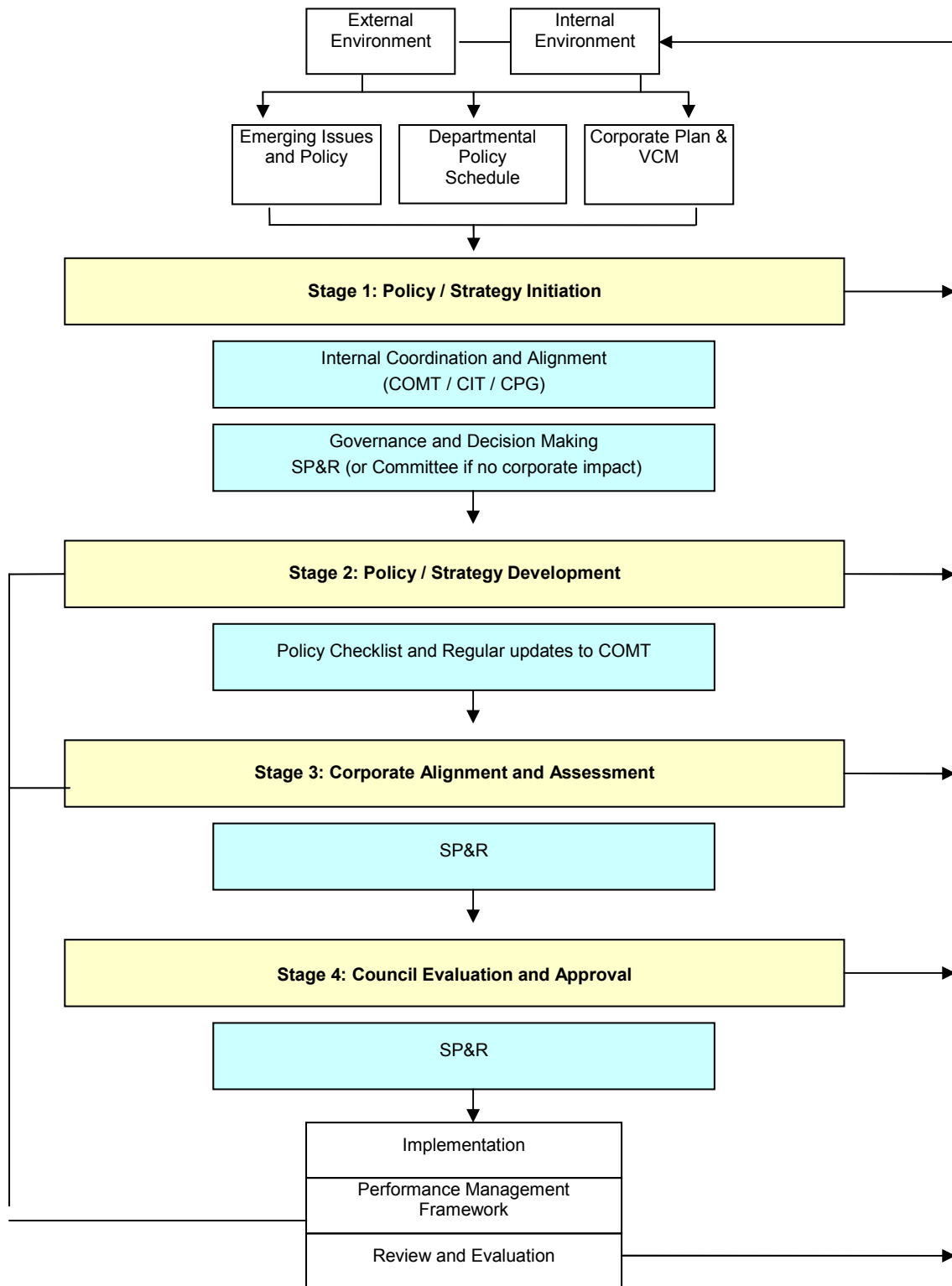
Resource Implications

The policy framework is intended to provide a robust and integrated approach to decision making and resource allocation, thereby delivering efficiencies across the organisation. However, implementing the framework may require skills development and a reconfiguration of existing resources; this will be assessed as part of the review of the centre. A small budget may be required to purchase or develop a central repository or policy database for the Council; however, this could be met from within the CIT budget.

Decision Required

Members are asked to note the contents of the report and to agree the components of the Policy Framework.”

Integrated Policy Framework:



The Committee approved the Policy Framework.

Democratic Services and Governance

Requests for the use of the City Hall and the Provision of Hospitality

The Committee was informed that the undernoted requests for the use of the City Hall and the provision of hospitality had been received:

Organisation/ Body	Event/Date – Number of Delegates/Guests	Request	Comments	Recommendation
Belfast City Council Parks and Leisure Department	City of Belfast International Rose Trials 15th July, 2009 (evening) Approximately 150 attending	The provision of Hospitality in the form of a Civic Dinner	The City of Belfast International Rose Trials will be held during Rose Week. The Trials are renowned worldwide for attracting international rose growers in addition to a significant number of visitors. This request meets the Council's Corporate Strategic Objective of Providing Civic Leadership.	The provision of a Civic Dinner Approximate cost £5,250 Approximate budget remaining £138,760
Queen's University Belfast	Inclusive Supportive Education Congress Conference 2010 3rd August, 2010 (evening) Approximately 800 attending	The use of the City Hall and the provision of hospitality in the form of a drinks reception	It is estimated that 800 delegates will be staying in accommodation in Belfast and the conference will take place within the city.	Provision of a drinks reception in the form of wines and soft drinks Approximate cost £3,200 Approximate budget remaining £135,560
Organising Body of Historical Conference 'Life on the Fringe'	Ireland and Europe between 1800 and 1922, International Conference 3rd April, 2009 (evening) Approximately 50 attending	The provision of hospitality in the form of a drinks reception	It is estimated that 35 delegates will be staying in accommodation in Belfast and the conference will take place within the city.	Provision of a drinks reception in the form of wines and soft drinks Approximate cost £200 Approximate budget remaining £135,360

The Committee adopted the recommendations.

Human Resources

Standing Order 55 - Employment of Relatives

It was reported that, in accordance with Standing Order 55 and the authority delegated to him, the Director of Corporate Services had authorised the appointment of a member of staff who was related to an existing officer of the Council.

The Committee noted the appointment.

Asset Management

Council Accommodation Update

The Committee was reminded that the refurbishment of the City Hall would be completed during the summer and detailed plans were being worked up currently for the decanting of Members and staff back into the building and the consequent knock-on effects on other Council buildings. The Council had staff in a number of City Centre offices, some of which were owned by the Council and others which were leased. The general planning approach was to reduce the number of buildings held by the Council and the reopening of the City Hall offered an opportunity to move that approach a step further. However, there remained a number of uncertainties in so far as the Council was due to consider a major review of the centre of the organisation and, whilst the Review of Public Administration was moving forward rapidly, it would probably be the end of 2009 or early 2010, before there would be clarification on the number of staff transferring and any additional assets which would be made available. In addition, property was a form of asset which took time to rent, buy or sell or to terminate leases.

In 2008, the Council had closed leases on a property in Callendar Street and on the Scottish Amicable Building. With the reopening of the City Hall, the opportunity existed to close a lease on the Linenhall Exchange and to vacate one of the Council-owned buildings, Seymour House in Gloucester Street, thus creating a potential asset for disposal. The Committee was reminded that it had agreed already to the services which would return to the City Hall. The vacant space created in Adelaide Exchange would be occupied by the Business Improvement Service, which was located currently in the Linenhall Exchange. In addition, the Human Resources Section, which the Committee had agreed to merge with the Business Improvement Service, could be moved also to Adelaide Exchange, together with the Audit, Governance and Risk Services Unit.

The Director of Improvement explained that by moving the Human Resources Section from the Cecil Ward Building there would be some reduction in the overcrowding which had been apparent in that building for a number of years and it would create an opportunity for a number of staff of the Parks and Leisure Services Department, who were based in buildings in the Council's Parks, to move to the Cecil Ward Building where the majority of staff of that Department were located. That would mean that the Cecil Ward Building would contain the Development Department, the Parks and Leisure Services Department and approximately half of the Health and Environmental Services Department (the Building Control and Cleansing Sections would remain in Lanyon Place since they had moved only recently). The main ISB building in Gloucester Street would continue to be operational, although it would be an overall aim to free up that asset also.

The Director stated that, given the numbers of staff involved in each Section and the uncertainty surrounding the future shape of the organisation, together with the outcome of the Review of Public Administration, these changes represented the most prudent approach which could be taken. He stated that the Members' Accommodation Steering Group had considered a number of possibilities and had agreed with the changes recommended. He pointed out that the decanting and refitting required would not be completed until 2010. Therefore, further work would need to be undertaken with the aforementioned Group to work out a longer term accommodation solution as more details were received in regard to the Review of Public Administration and in order to determine the most appropriate arrangements for the future.

The Committee noted the information which had been provided and approved the decanting and relocation of staff as outlined.

Capital Programme 2008/09

The Committee was reminded that, at its meeting on 13th June, 2008, it had agreed that the committed projects included in the Capital Programme would be progressed. Subsequently, at its meeting on 21st November, it had approved a number of additional schemes as committed projects. However, the Committee had been critical of the processes which surrounded the prioritisation and financing of the Programme and had requested that those be addressed.

The Director of Improvement reported that a substantial amount of work had been completed in that regard and it was intended that a report on the 2009/2010 and Future Capital Programme would be submitted to the Committee for consideration during March or April. In the meantime however there were three outstanding decisions which were required to be taken on projects in the 2008/2009 Programme and the Committee's direction was being sought thereon:

Landfill Gas Collection and Drainage Works

The Committee was advised that the Health and Environmental Services Committee, at its meeting on 7th May, 2008, had approved the invitation of tenders for gas collection and drainage works on the site conditioning area at the Dargan Road Landfill Site. The approximate cost of the tender had been estimated at £875,000. Tenders had subsequently been invited and, following evaluation in accordance with the Council's Procurement Procedure, the most economically advantageous tender had been identified as that submitted by TAL Civil Engineering Contracts, in the sum of £947,708.25, which was £72,708.23 (8.3%) above the approved budget. However, although approval to award the tender had been granted at that time, Financial Regulation D9 required that any increase in capital expenditure in excess of 10% or £50,000 required approval of the Strategic Policy and Resources Committee. Subsequent to the approval of the budget for the work, the estimates for capital expenditure during 2009/2010 had been increased for the anticipated tender price inflation and accordingly the amount which had been included in the overall Closure Plan was now £945,000.

The Committee approved the additional expenditure associated with the gas collection and drainage works at the Dargan Road Landfill Site, approved the acceptance of the most economically advantageous tender, that submitted by TAL Civil Engineering Contractors, in the sum of £947,708.25, subject the completion of form of contract, and approved the submission of an application to the Department of the Environment to the sanction of the raising of a loan associated with the expenditure.

Ballysillan Leisure Centre Replacement Synthetic Pitch

The Committee was advised that the procurement of the tender for the resurfacing of the Ballysillan football pitch had been deferred for several months during 2008 due to difficulties in obtaining from adjacent leaseholders an agreement for the necessary access, but the contract was now ready to go on site. However, during the intervening period, Council officers had been approached by developers suggesting a scheme for residential and retail development at Ballysillan, which already had some retail space, which could be maximised by using the land currently occupied by the football pitch, which was due to be resurfaced. The developers had been lobbying a number of politicians and, therefore, officers had thought it prudent to ascertain the Committee's view on whether or not to proceed with the pitch resurfacing in light of that potential development. It was pointed out that the proposed development could proceed at a lesser scale even if the pitch were to be reinstated. Any development was speculative at this point and would be subject to community consultation, planning and land disposal negotiations.

The Committee agreed to proceed with the refurbishment of the replacement synthetic pitch at the Ballysillan Leisure Centre and approved the submission of an application to the Department of the Environment for the raising of a loan sanction, if required.

Replacement Fuel Facility at Duncrue Complex

The Committee was reminded that, at its meeting on 22nd February, 2008, it had deferred consideration of the replacement of the Duncrue Complex Fuel Storage Facilities and associated infrastructure works to enable a report on the possibility of the capital costs for the scheme being met by a private sector operator under a franchise agreement for the purchase of fuel. Following public advertisement, only one expression of interest had been received for providing and operating a facility. However, the submission had been incomplete and there had been no response to requests for further information. A detailed appraisal of the various options had then been undertaken and it was recommended that the Council proceed with the provision and operation of the replacement fuel facility on an "in-house" basis.

The Committee adopted the recommendation, approved the invitation and award of the most economically advantageous tender based on pre-agreed cost and quality criteria and granted approval for an application to be submitted to the Department of the Environment for sanction to the raising of a loan for the expenditure associated with the project.

Good Relations and Equality

Good Relations Partnership

(Ms. H. Francey, Good Relations Manager, attended in connection with this item.)

In considering the minutes of the meeting of the Good Relations Partnership of 13th February, the Committee's attention was drawn to the decision under the heading "Forum for Cities in Transition". A copy of the minute in that regard is set out hereunder:

"The Partnership was advised that correspondence had been received from Professor P. O'Malley informing the Council of a new initiative which was seeking to provide cities experiencing conflict or its aftermath with learning opportunities through the sharing of practical experiences and case studies from other cities in transition in dealing with practical problems of housing, construction, economic development, tourism, transport, joint planning, local services and the generation of a positive image for the future.

The cities which had been identified for participation included Beirut (Lebanon), Belfast, Brussels (Belgium), Kirkuk (Iraq), Mitrovica (Kosovo/Serbia) and Nicosia (Cyprus). An intensive three-day workshop had been planned to be held between the 14th and 16th April in Boston, Massachusetts and Belfast had been invited to nominate four representatives to attend the event. The purpose of the sessions would be to learn the lessons from each other, to draw parallels where appropriate and to discuss the feasibility of establishing a Forum for Cities in Transition. Professor O'Malley stated that to date, five other cities had agreed to participate and the nominated delegates had been invited to draw up the agenda for the workshops. He pointed out that expenses for attendance, including transportation and accommodation would be provided from non-governmental, academic and charitable resources. However, subsequent programmes might emerge, the details and the funding for which would be agreed by the participants at the event to be held in Boston in April.

The Chairman indicated that she was of the view that the proposed Forum might be a good idea in principle, however, there would need to be greater clarity around the proposed programme and its prospective benefits to enable the Council to make a decision regarding the value of Belfast's participation.

Several Members suggested that Belfast had a range of experiences, both good and bad, which should be shared with others and acknowledged the potential value which might be derived from attendance and networking at such an event. However, some Members expressed significant reservations about the level of details available on which to base a formal decision. Members indicated that information was required on a number of issues, including the need for full details of

which cities had committed to participate and the proposed members of the delegations from each; the need for a detailed programme for the duration of the conference, including the general issues to be covered in each session and the formal contributions expected from Belfast and each of the other cities; the need for written confirmation to the Council of the proposed travel arrangements, accommodation and subsistence arrangements and the extent to which these and other necessary costs would be covered by the organisers; the need for more clarity on the organisers' intentions for the future functioning and funding of the network; and the necessity for a budget of the event, including details of any financial sponsors to comply with the Council's legal obligations regarding the source of any financial support for events such as this.

Members expressed reservations about attending an event, at no cost to the Council and outlined their concerns that to do so might then mean that the Council would be under pressure to fund a similar event in the future that would require additional funding which had not been provided for within Council budgets. Members suggested also that the Council had a requirement to defend any decision to incur significant costs in travelling to conferences, and that to travel to this event free of charge, and not participate further may harm the integrity of the Council.

After further discussion, it was

*Proposed by Mr. P. Mackel,
Seconded by Mr. S. Brennan,*

That the Strategic Policy and Resources Committee be recommended at its meeting on Friday 20th February to approve in principle, the attendance of four representatives from the Council at the three-day workshop on Cities in Transition to be held in Boston Massachusetts, subject to adequate additional information being provided in advance in relation to those cities taking part, a detailed programme and written confirmation of proposed arrangements, the level of further commitment required, clarity in regard to future events and the Council's legal obligation regarding the source of any financial support required

On a vote by show of hands twelve Members voted for the proposal and two against and it was accordingly declared carried."

The Good Relations Manager tabled for the information of the Members further details in this regard. The Committee, having considered all the information available, agreed that there would be no material benefit to be gained in representatives of the Council attending the aforementioned Conference and accordingly rejected the decision of the Good Relations Partnership.

Adoption of Minutes

Subject to the foregoing amendment, the Committee approved the minutes of the Good Relations Partnership of 13th February and adopted the recommendations in relation to the following:

Peace III Small Grants Update

The approval of the instigation of a second call for Small Grants applications under the Peace III Small Grants Fund to commence on 23rd March, with a closing date of 27th April, with the remainder of the Small Grants Fund being allocated to that call.

Good Relations Grant-Aid Fund – Current Financial Position

The approval of the reopening of the Good Relations Grant-Aid Fund, the budget for which would be £350,000 for the financial year 2009/2010, with immediate effect, the maximum grant being £10,000 and to amendments being made to the assessment process.

Consultative Documents

The Big Lottery Big Think Consultation

The Committee was advised that the Big Lottery was undertaking a consultation process which sought to frame a new lottery funding strategy for the period 2009-2015. The Council had, to date, had direct involvement with the Big Lottery Fund through its support of the three landmark application projects submitted for the City in 2007. Although the Council's own Giants Park Project bid had been unsuccessful, the City was benefiting from the very significant £25 million lottery investment in the Connswater Community Greenway Project in which the Council was fully engaged. The consultation exercise was structured around fifteen questions, ten of which were common to the United Kingdom and five of which were focused on Northern Ireland. The deadline for the submission of responses was 27th February and the Committee was requested to approve the undernoted response:

“Belfast City Council response to the Big Lottery Big Thinking Consultation

Introduction

Belfast City Council welcomes the opportunity to respond to the Big Lottery Fund Big Thinking Consultation. Belfast City Council is the largest local authority in NI with over 2,672 employees at 100 sites across the city and an annual expenditure of approximately £140M. The council is responsible for providing and delivering an extensive range of services while playing a key role in improving the quality of life of our citizens by helping to make Belfast a better place to live in, work in and visit.

Belfast City Council's response is based on its role as civic leader for the city of Belfast. The council welcomes the funding support opportunities that the Big Lottery will offer through its imminent 2009-2015 strategy particularly in a strained economic environment for all sectors of the city and region.

Belfast City Council has to date had a direct involvement in the Big Lottery Fund and was one of the short listed landmark applications in 2007 through its bid for the Giants Park development. Regretfully the bid was unsuccessful, however the city of Belfast is currently benefiting from a very significant £25M Big Lottery investment with respect to the Connswater Community Greenway project.

This project will greatly enhance the leisure, environmental and well being assets of this part of our city and it would not be possible without Big Lottery support particularly in the current economic climate. Belfast City Council endorses this and is grateful to the Big Lottery for this city development support.

Belfast City Council recognises the growing importance of the Big Lottery as an organisation that seeks to respond to local needs and really make a difference, particularly for large scale, high profile and iconic programmes. The Council endorses the mission, values and equality and additionality principles adopted by the Big Lottery.

Coordinated Belfast City Council response

UK 1.1

Do you agree that the theme of transitions provides a useful starting point for our funding?

Yes
No
No opinion

UK 1.2

Do you agree that the theme of isolation provides a useful starting point for our funding?

Yes
No
No opinion

UK 1.3

Are there any other themes you would suggest?

- Belfast City Council holds a general consensus that the transitions theme is a good and relevant theme for the Big Lottery strategy, particularly in the ever changing economic and social climate that we are living in currently. The council welcomes the fact that transition can be addressed in both a positive and negative sense
- Within its scope Big has identified areas of low employment or those coping with a legacy of conflict or lack of mutual respect. The fund aims to make a major difference to the quality of life and subsequent choices or opportunities across society, all of which clearly have linkages to the council's own actions around good relations. Both Big and Belfast City Council have an opportunity to share best practice in how aims and objectives are structured and implemented.
- With respect to the isolation theme, Belfast City Council would encourage Big to support the categories of age in terms of young and older people. Within the council's own corporate planning objectives these categories have been identified and prioritised. The council has also detailed how it will promote the position of those with disabilities in its Disability Action Plan. Each year the council consults on a series of actions undertaken to deliver upon its statutory duty under the Disability Discrimination Act. Belfast City Council welcomes the Big Fund's Disability Action Plan and Section 75 Equality Scheme. Both the Council and Big share a common set of aims to devise proactive initiatives, practices and programmes in support of their schemes. There therefore exists an opportunity for both organisations to work together in a practical way in areas such as joint consultation exercises, the sharing of qualitative data and sharing of best practice.

With respect to other themes for consideration, council through its Good Relations unit would recommend the inclusion of;

- securing shared city space
- transforming contested space
- developing shared cultural space
- building shared organisational space

Council believes that partnership working with the Big Lottery with respect to these themes could provide access to customer for as yet inaccessible and undeveloped by Belfast City Council.

- With further consideration of the isolation theme, Council encourages the Big Lottery to consider enabling activities which target pockets of isolation within economically advantaged communities as recommended by Mike Morrissey in the Council's commissioned policy research. This argument sits against the argument of consistently channelling funding into areas which have consistently been poor performers on either the social, economic or environmental front.
- Council also recommends widening the isolation theme to become 'isolation and exclusion'. Exclusion adds a wider dimension and would enable funding to help address more deep rooted societal and differentials within communities and between people. By widening the definition the theme would cover a wider range of individuals and groups who may not necessarily be isolated but who could be excluded from or unable to take advantage of opportunities that are available to others due to poor education, lack of positive role models, discrimination and vote generational issues.
- Council also recommends that given the scale of the Big budget there could be a stand alone entity for regeneration/capital projects that would address both transition and isolation but in a big, iconic and legacy leaving way.
- Council, through its Environmental Health Service, would add that health and well being is one of the greatest quality of life issues and isolation particularly amongst older people and in the current financial climate, is a recognised and growing issue. The Council currently provides a wide range of services within communities which impact or have the capacity to impact on people's health, safety and wellbeing. These include leisure services, community services, environmental health, good relations, community safety, city development, parks and open spaces, services for children and young people and older people, economic development, regeneration, culture and arts, etc.

UK 2.1

Do you agree we should have a greater focus in our funding to benefit those in need?

- Yes — it is important that funding goes to those most in need
- No — the balance is about right as it is
- No opinion

UK 2.2

Tell us if you think BIG should have a difference focus

Belfast City Council supports Big's plans to adopt a mix of funding approaches including targeted funding with which to:

- Focus on people with multiple needs
 - Target those people who have not been able to get help from the state or elsewhere
 - Improve the quality of life such as refugees
 - Target pockets of deprivation
- Belfast City Council welcomes Big's plans to explore how loans might be used as part of a package of support to encourage longer-term and more entrepreneurial approaches and thereby reduce grant dependency. Council also supports the intention to widen Big's use of endowments or annuities to provide sustained funding for communities, akin to its existing activities with the Northern Ireland Building Change Trust.
- In reviewing its approach to funding Big acknowledges that its best results have often come partnership working across sectors, where projects encourage people to achieve what was not previously possible working alone. Big intends to use its influence to encourage and broker links between grant-holders and partners in the voluntary and community sector, public and private sectors.
- In support of funding review Big has established an Intelligent Funders Forum, bringing together the major trusts, foundations, and public sector organisations. Significantly Big is also favourable to developing less formal mechanisms for sharing information and learning. Belfast City Council fully agrees with this intelligent funding approach.
- In outlining its plans Big is arguably indicating a clear willingness to work with bodies such as Belfast City Council. It recognises the period 2009 onwards, partly because of the Review of Public Administration, as one that will continue to bring major changes in the way health; education and council services will be administered.

- In this respect Big's commitment of £10 million to a 10-year expendable endowment through the Building Change Trust again indicates why Belfast City Council Departments/Services within BCC should consider developing links with Big at a strategic level driven by objectives/themes established in our own Value Creation Mapping Structure.
- While Belfast City Council agrees on Big's aim for a greater focus on funding those in need, the council believes it is important that there are meaningful and effective ways of identifying those in need and in particular pockets of need and deprivation. The council would also encourage flexibility to enable creative project ideas which address local population need which may be camouflaged by statistics. As one of the UK's regions with the fastest economic growth rate in recent years NI could lose out. It is acknowledged that as soon as statistics are generated they are out of date and in light of the present economic climate, areas in need can flux. A heavy weighting in areas of need can be disadvantageous as there is a 'persistence of poverty' trend. The Big Lottery may wish to consider themed funding according to population category: Young Women, Older People etc. This approach would permit a good project in an affluent area. It addresses a local need.

UK 3.1

How can BIG best help build trusting partnerships and networks that support communities and people most in need? (Pick top two)

- a. Insist on partnership approaches for larger bids
 - b. Support voluntary and community sector organisations to build alliances with each other
 - c. Support voluntary and community sector organisations to build alliances with other sectors
 - d. Other (please specify)
- BCC fully believes in a partnership approach to funding for greater impact. Using the evidence and experience of others to inform funding decisions and keeping up to date with emerging need is that of an intelligent funders approach.

- In its provision of background information Big positively highlights Partnership working as one of the more sustainable legacies of its funding. Big highlights the importance of using less formal mechanisms for sharing learning and information. Big clearly recognises and Belfast City Council agrees that it makes sense to call on other organisations expertise and networks in getting money to the right place. To promote this approach Big has established an Intelligent Energy Funders Forum, bringing together the major trusts, foundations and public sector organisations. Belfast City Council welcomes this.
- BCC believes that partnerships can be better facilitated where the funding strategy complements the political/strategic framework within which partner organisations exist. Accessing external funding incurs additional workload to any organisation, no matter its size or structure. Therefore partnerships will only deliver where there is an incentive to collaborate.
- From a Parks and Leisure perspective council would encourage voluntary and community sector organisations to build alliances with the statutory sector particularly where assets are involved in new project development.
- The impact of the Review of Public Administration and the new health structures will also see an enhanced role for local government in reducing health inequalities. The Council will be working in partnership with all sectors, including the new Public Health Agency and others to provide high quality, efficient services that meet the real needs of communities, and in particular the most deprived communities. Belfast Community Safety Partnership, led by Belfast City Council currently works in partnership with many private, public, community & voluntary groups and funds projects that are delivered throughout the city. Therefore efforts should be made to contribute to the existing and already developing structures and partnerships to ensure that the impact of funding and support is maximised rather than creating new additional structures and arrangements.
- Given the changing circumstances in Northern Ireland the flexibility of BIG Lottery funding will be an important element of support. However it is important that sustainability issues are considered at early stages of project development. The Environmental Health Service would support the concept of providing support for development work with projects; however, again this should be viewed as a value-added role maximising existing structures and support mechanisms.

- Belfast City Council suggests that Big does insist on partnership approaches to larger bids centred on the building of alliances. In doing so BCC should also work with Big with the aim of enabling Big to contribute to our Wider Good Relations Objectives.
- Overall council would select options a) insist on partnership approaching to larger bids and c) supporting organisations to build alliances with other sectors

UK 3.2

How can we get better at engaging with the private sector?

- Belfast City Council's experience would show that local area partnership working is a strong way to greater engage the private sector (in catchments areas). The council would propose a proportional representation approach on larger bid boards for membership to preserve private involvement. This has worked and continues to work in relation to the EU funded Peace and Interreg programme implementation in NI and the border counties.
- A further council view on private sector involvement improving is if corporate social responsibility was stronger including support to release staff to participate in community projects and in particular consortia led projects.

UK 3.3

Are there opportunities for joint funding that Big should take up?

The recent Barroso NI Taskforce on Europe has identified that NI has not engaged or benefited from EU funding programmes as much as other EU regions. An obstacle to many potential bids to secure additional resources for regeneration, business development, environmental and social inclusion projects has, and continues to be that of match funding. Should Big not consider an innovative approach in using some lottery funding to help lever in other financial opportunities that are offered through EU programmes. This would encourage inter regional cross border and trans-national project delivery involving grass roots levels.

UK 4

After 2012, when over 60-70% undertaking ends, should we continue to guarantee that a percentage of our funding goes to the voluntary and community sector?

Yes, Belfast City Council believes that Big should guarantee a percentage funding to the voluntary and community sector. This sector will continue to suffer financially throughout the economic downturn and in light of reduced European funding within NI, given for example the restrictions within the Peace III programme. While local government is well placed it works for communities in need and has a duty to respond to citizens and deliver quality and effective services, it does not have the resources to provide wide scale funding to the sector.

UK 5

Over and above giving out grants, what would make Big a better funder in the way we work?

Belfast City Council would welcome all of the above outlined proposals for improvement in the way Big gives out grants. Big clearly has a desire to remain an intelligent funder and to build upon its relationships across the voluntary and community sector. Big's desire to ensure capacity building and support across the sector will hopefully result in a positive impact upon Belfast City Council's own efforts in grant provision and engagement in areas such as Peace III, Arts and Culture and Good Relations.

Belfast City Council would encourage Big to work in partnership with other key funders in a more strategic way to collectively identify and prioritise areas for funding and really make a collective difference.

This would prevent competitive bids across the NI region competing for the same resources for similar things.

Belfast City Council also recommends that Big proactively distributes information on other funding streams to projects.

Belfast City Council would also propose linking local government with Big to promote best practice and share learning such as providing detailed case studies through the Improvement and Development Agency of Beacon Schemes to build on what works.

UK 6

Should we aim to fund fewer projects, but fund for a longer period? Or have we got the balance about right?

- Belfast City Council welcomes the fact that Big enables kickstarting or piloting new concepts and approaches but also offers those organisations who have the capacity to project plan further into the future and manage larger scale funding to do so.
- In the current economic climate it is important that Big maintains its approach to funding small projects given that so many funding streams have ceased, particularly for the voluntary and community sector. Having said this, Belfast City Council also supports the larger scale iconic project support by Big for projects that would not otherwise get off the ground.
- Big should also show leadership to encourage sustainability thereby avoiding the situation where projects with proven results fold due to lack of funding.

UK 7

Do you think Big should take more risks with our funding to promote innovative solutions?

- Belfast City Council would welcome this as it would allow projects to happen that mainstream funders would not necessarily support but that are innovative and likely to succeed with Big pump priming.
- A risk taking process would need to be carefully managed, be open and transparent and have a support system provided to ensure projects have the best opportunity for success
- The Big Lottery could also consider enabling project promoters to work beyond the UK to identify and implement successful approaches adopted in other countries handling the same issues. Perhaps Big could establish an R&D short term stage fund.

UK 8

Are there areas beyond those described in Big thinking, where you think it is important to operate at a UK level, rather than at a country level?

- Many of the issues identified under the themes Transition and Isolation are not particular to the devolved areas but are experienced commonly across the UK. The UK pot should reflect this.

- Belfast City Council remarks that Scotland's Big is being used by the Scottish Government to assist in a range of socio economic policies. Belfast City Council may explore this at a later stage with Big in order to review best practice in areas associated with Council activities particularly with relation to the Stormont Assembly.

UK 9

Which ways of increasing public involvement do you think would work best for BIG? (Select two)

- a. Public membership of decision-making committees
 - b. On-line surveys/forums
 - c. Local decision-making panels
 - d. Public voting on projects via television, radio or the internet
 - e. Citizens panels or juries
 - f. More public involvement in the development of projects
 - g. Mix of all of the above
 - h. Other (please specify on the next page)
- To increase local involvement you have to increase local engagement and communication. To this end the programme needs to be visible at the grass roots level- not just to those organisations who have funding officers/members of wider networks or are tuned into funding streams. Therefore the Lottery needs to have people to work alongside local authority community teams, walk the neighbourhoods and dropping into community facilities/ delivering roadshows to promote the opportunities the funding can bring. The daily chore of many community organisations is simply at matter of survival. There needs to be dedicated support to assist organisations to get to the point where they are capable of applying. In terms of the wider public and their involvement, there may be opportunities for those who have already accessed the programme to act as peer mentors for other groups new to it?
 - Belfast City Council has its own tried and tested ways of engagement/developing public involvement. The most effective way in which to arguably adopt a partnership approach, considering what type of response would best result in practices that could/would complement Belfast City Council's future initiatives. The question does perhaps underline that through working in partnership, Belfast City Council could exploit mechanisms employed by organisations such as Big in delivery of our own – soon to be enhanced through new duties – customer engagement objectives.

- In relation to the options outlined above, Belfast City Council feels that public voting is not yet a proven medium to equitably award funding UK wide. In NI especially, public voting could be viewed as biased and non representative. This option would have to be restricted to specific types of funding such as People's Million. Council would favour local decision making panels, citizen's juries, and more public involvement in the development of projects.

UK 10

BIG is not restricted to distributing Lottery money alone. Are there other sources of funding that BIG would be the right organisation to manage, either on our own or in partnership?

Belfast City Council is not aware of any other funds that Big could potentially manage unless there are unknown private sponsorships type funds available but not widely promoted. It would be helpful to have a central repository database in the UK of all funding available and/or a funding advice service or one stop shop which covered all aspects of funding and funding sources. The funding arena is currently a maze which puts off many inexperienced potential applicants.

This resource would lead to and facilitate a more joined up approach to funding.

NI 1

Under the themes of isolation and transition, what are the emerging issues and areas of need in Northern Ireland? What are the gaps in what BIG or others have funded?

- Belfast City Council endorses both themes and feels that the theme of transitions is particularly appropriate in the local context, specifically in relation to shared space, interface projects, community safety, reclaiming communities, travellers etc. Council believes that exclusion should also be addressed explicitly within the two themes.
- Belfast City Council would encourage Big to incorporate the four priorities of Councils Good Relations Strategy with in its target areas namely securing shared city space, transforming contested space, developing shared cultural space and building shared organisational space.
- The Council believes that due attention should be given to the impact of the current economic climate on the population with Belfast being named as one of the four UK cities likely to be more affected.

- Equally the council believes that the Big programme in NI should support the integration of new communities and add value to the current good relations, Peace III, cross community programmes being delivered across the city.
- Further areas that Belfast City Council would encourage Big to consider with respect to its NI programme is the fact that the city of Belfast has a very large proportion of young people (26%) and endeavours should be made to make them proactive citizens.
- Finally the NI programme must take cognisance of the findings of Belfast City Council's poverty study with respect to areas of great need in the city.

NI 2

In the future, we assume that demand will continue to exceed the funding we have. How can we better manage demand for our programmes?

Please rank the following options from 1 to 5, with 1 as the Highest and 5 as the lowest:

- a. Only support projects that we already fund I
- b. Only fund new projects
- c. Only fund themed programmes linked to BIG outcomes
- d. Introduce area based allocations (for example, an allocation based on the population size in a area and taking account of a relevant measure of disadvantage) H
- e. Introduce more specific priorities (based on need)

If you think there are other options, tell us what they are

Belfast City Council recognises that Big now has a shrinking fund compounded by a reduction and changes to voluntary and community sector funding from other sources. Belfast City Council also recognises that the demand for Big's open programmes has grown to unprecedented levels.

This underlines the importance of Big as a funder in NI and across the UK and the importance and relevance of Big as a potential partner for Belfast City Council in future activities.

Continued demand is evidence of success: in terms of publicising the programme and also that it has tangible impacts on the community. In terms of managing demand, there should be credit given to projects which demonstrate efficiency (facilitate holistic approaches, engage a range of organisations in its delivery, can impact on a broad population base/number or have considered sustainability or are truly iconic/innovative). Equally the small grants programme should be continued as it enables a larger no of organisations to benefit, facilitates pilot projects and can lever further funding/mainstreaming.

Belfast City Council would encourage Big to provide absolute clarity at the call and application stage of the Big fund regarding eligibility criteria and pre application advice. This is essential for applicants in order to reduce the volume of applications from a current 'apply anyway' culture impacting on demand, expectations and available resources.

NI 3

In future programmes should we focus more resources in Northern Ireland on development and support activities?

- a. No, retain the current level of support
- b. Yes, increase levels of support and development
- c. Yes, include support and development activities in all new programmes
- d. If you think there are other options, tell us what they are

Yes, Belfast City Council agrees that Big should explore ways to provide more development and support activities. This would skill and empower the community and voluntary sector. A healthy and vibrant sector can only be a good thing for Belfast City Council in its own engagement activities and endeavours. It would be a positive development to help applicants, particularly those in areas of poor community development infrastructure and expertise, to articulate projects and ideas that could be of immense support to struggling neighbourhoods.

Development support is crucial to embryonic organisations or those new to the Big Lottery programme. Belfast City Council suggests that projects having completed a Big Lottery application and delivery process could act as mentors to those new at the game. This would transpose learning and facilitate solutions to issues being exposed as well as acting as a source of reassurance. It may even permit a reduction in activity which funders could view as ineligible.

NI 4

What role should BIG play in supporting the development of skills for the voluntary and community sector?

Belfast City Council would welcome support to develop the skills and professionalism of the voluntary and community sector will be a worthwhile investment for the future of the sector to affect real change to the quality of lives of residents and communities.

Big quite rightly identifies that over the next few years there will be major structural as well as policy reviews affecting the delivery of services and support for communities across Northern Ireland. Economically Northern Ireland is changing, with a growing migrant population and demographic changes affecting the context within which both Big and Belfast City Council operate. Within this changing environment Big wishes to find ways in which to contribute to the new and emerging structures at local authority level, and to work with partners in the new community planning process.

This again demonstrates a clear willingness to work with Belfast City Council. Specific programmes such as Big's Improving Community Buildings programme and the Building Change Trust can help to improve community planning. Big wants to be able to contribute to new and emerging structures at local authority level, resulting from the Review of Public Administration, and to work with partners to ensure a fuller engagement across the voluntary and community sector in Community Planning. This again demonstrates a strong desire on the part of Big to work with Belfast City Council. This desire for partnership working could be of immense benefit towards enhancement of our good relations strategy and other corporate initiatives under Development.

Belfast City Council proposes that Big considers more use of loan funds for community organisations to permit them to move from a grant seeking entity to a self sufficient community. This may not necessarily result in the creation of a social enterprise but could enhance the service delivery/efficiency of a voluntary organisations e.g. investment in modernisation/physical enhancements to a building which would facilitate a larger/more diverse user base.

NI 5

How can BIG funding best support Community Planning?

- With the Review of Public Administration community planning is an important part of the new structures in Northern Ireland and Big wants to ensure that it supports and works with those involved in community planning. Big has invested resources in the Building Challenge Trust, to support longer-term changes in the voluntary and community sector across Northern Ireland.
- Big has a track record of allocating budgets to specific geographical areas and working with partnership to develop local delivery plans. Big wants to contribute to new and emerging structures at local authority level, and to work with partners to ensure that they can fully engage in Community Planning.
- All of this demonstrates Big's strong desire to play a significant role in shaping the post RPA landscape. Belfast City Council commends Big for its approach to date and proposes to work with Big to explore how Big can play a role with Belfast City Council in making RPA bring success for Belfast City Council, Big and the voluntary and community sector. The Neighbourhood Renewal partnerships could be used as possible pilots for agreed partnership projects, programmes and delivery.
- Community Planning is still at embryonic stages in NI. 'Big' could assist NI to draw on the experiences of other regions as a starting point perhaps enabling the community / voluntary sector to undertake exchange practices
- BCC feels the need for training and development or support regarding participants and engagement of the community with service provision and the practical role of the councils with funded activities
- BCC recognises that some funding streams are closed to local government. There is potential for innovative and developmental funding to be made available to support the community planning partnerships and to test and develop community planning outcomes (e.g. safer, healthier etc) and structuring (e.g. engagement mechanisms, partnership and governance arrangements etc). It may be worth considering

for certain ‘Big’ projects to include a requirement for a strategy/voluntary partnership particularly at local level. In support of community planning, it would also be helped to establish more specific outcome criteria similar to those detailed for Scotland and Wales within the ‘Big’ consultation document.”

After discussion, the Committee approved the foregoing response, subject to inclusion of the following comments:

- with regard to the answer at question 1.3, where a number of themes in relation to Goods Relations were stated, it was pointed out that in the English context those would be better referenced through the community cohesion/shared future agenda. Accordingly, the response should be amended to indicate that those themes would contribute to building community cohesion and a shared future for everyone;
- in reference to question 5, the point was made that on occasions projects were awarded funding and these superceded or replaced projects which were involved in providing a service or facility. Therefore, before the lottery made any decisions on grants, it might be beneficial to consider the comments of the local community which would be affected either by a physical redevelopment or by a programme of funding. Whilst it would be difficult for the Big Lottery to individually canvas on each application, it might be possible, as part of the application process, to provide a form which had to be completed either by people who lived close to a physical project or by people who would be affected by a programme. This would allow them to make comment on whether such a programme or development was necessary and could be seen to be to the advantage of the area; and
- there was a need to include in the answer to question 5 a specific reference which indicated that there was a need to pick up on pockets of deprivation and not just those Wards which were in the bottom 10%.

Legislative Framework for Mental Capacity and Mental Health Legislation in Northern Ireland

The Committee considered the undernoted report:

“Relevant Background Information

Purpose

To bring to the attention of Members, a consultation by the by the Department of Health Social Services and Public Safety (the Department) on its proposals to amend the existing mental health legislation and to introduce a new mental capacity bill in line with recommendations made in the Bamford Review of Mental Health. A draft high level response is also attached for consideration.

Background

Members have previously received consultation reports in relation to the Bamford Review – an independent review of the law, policy and service provision affecting people with a mental health problem or a learning disability. Last summer the Northern Ireland Executive issued its response to the review, *'Delivering the Bamford Vision'*, which outlined the government's long term vision and proposals for improving services for people with a mental health problem or a learning disability, and which also included a commitment to legislative reform. This consultation document now sets out the Department's proposals for the legislative reform, and in particular, proposals to amend the existing Mental Health (Northern Ireland) Order 1986 (the 1986 Order) and to introduce new mental capacity legislation.

Key Issues - Summary of the Consultation

The consultation provides an opportunity to provide comments in advance of formal draft legislation. The document sets out:

- (i) the underlying principles upon which the legislation will be based;
- (ii) the key elements of the proposed mental capacity legislation; and,
- (iii) the key elements of and proposed amendments to the existing mental health legislation.

Legislative Timeframe

In response to feedback to Delivering the Bamford Vision, which indicated that respondents were unhappy with the proposed sequential approach to developing the legislation and the target date of 2014; the Department is now proposing a new harmonised 'twin track' approach whereby a new Mental Capacity Bill and either a modernised 1986 Order or a new Bill, if more appropriate, would be enacted in the same time-frame. The Department is hoping to consult on the detailed content of the Bills, accompanied by explanatory notes and a regulatory impact assessment including an analysis of the implementation costs, in late 2009. Subject to Assembly approval (2010) and additional resources being made available from 2011 onwards, it is anticipated that both Bills will be enacted into law by April 2011, with commencement thereafter.

Guiding Principles

The Department has accepted the broad principles developed by the Bamford Review and is proposing that they be embedded in both the mental capacity and mental health legislation. The central thrust of the principles is to safeguard the dignity and human rights of mental health service users. In summary the principles are:

- *Autonomy* – the right of the individual to decide and act on his or her own decisions (primary principle)
- *Justice* – applying the law fairly and equally;
- *Benefit* – promoting the health, welfare and safety of the person, whilst having regard to the safety of others; and
- *Least harm* – acting in a way that minimises the likelihood of harm to the person.

Mental Capacity Bill

Whilst the Mental Capacity Bill will promote the concept of autonomy, in circumstances where an individual does not have the mental capacity to make decisions for themselves, this legislation will provide legal protections for them and those acting on their behalf. The Bill will contain a definition of impaired decision-making, how this is to be assessed and by whom. It will also provide detail on what ‘substitute decision-makers’ will need to take account of when acting on behalf of an individual with impaired capacity. The proposed legislation will apply to those aged 16 and over and make provision for an assessment of capacity in relation to a specific decision only. (It must not be assumed that because a person lacks capacity to make one decision that they also lack capacity to make other decisions)

The proposed Bill will also include provision for:

- *Advance decision-making* – enables people with capacity to make a valid advance decision concerning their future treatment, including refusal, with appropriate safeguards in place.
- *A lasting power of attorney* – empowers people to make a decision on who will make decisions in respect of their financial affairs and welfare (including healthcare) if in the future they should lose capacity (replacing and extending the existing enduring power of attorney which deals only with financial affairs).

- *A High Court appointed deputy* – who can be given the authority to make financial decisions on behalf of someone who lacks capacity and who has not applied a lasting power of attorney. Decisions concerning healthcare will be referred to the High Court.
- *A new Office of Public Guardian* – to ensure that both court appointed deputies and those appointed as lasting powers of attorney act in the best interest of the incapacitated person.
- *Statutory recognition of the views of carers* – to be taken into account when decisions are made.
- *Legal protection* to a person who is providing care or treatment for someone who lacks capacity, subject to reasonable safeguards and standards of care.
- Create a *new offence of ill-treatment or neglect* of those who lack capacity.
- *Enhanced advocacy services* for those who have no one to speak on their behalf.
- An ethical framework for research involving people who lack mental capacity. Where unauthorised research has been undertaken, this will be a criminal offence.

The Department also intends to take account of the European Court of Human Rights judgement (HL v United Kingdom 2004, the Bournemouth case) to ensure that additional safeguards are in place regarding the deprivation of liberty of an individual who lacks the capacity to consent to care where it is in their own best interests, and will include details of when and how deprivation of liberty may be authorised. This will be necessary to ensure compliance with Article 5 of the European Convention of Human Rights.

Mental Health Legislation

The Department proposes to modernise the Mental Health (NI) Order 1986 in order to:

- embed the Bamford principles into mental health legislation;
- ensure that the law is fit for purpose so that people with a mental disorder receive effective assessment, treatment and care in accordance with modern clinical and social care practice;

- harmonise with mental capacity legislation to form a coherent framework; and
- put additional protections in place for people who have a mental disorder requiring assessment and/or treatment.

A new definition of mental disorder will be developed to better reflect developments in mental health and to align Northern Ireland legislation with the rest of the UK (which will also facilitate the transfer of service users between jurisdictions). It will no longer exclude those suffering solely from a personality disorder.

Intervention

Whilst the legislation aims to protect the rights of individuals with mental health problems, it recognises that there may be occasions when appropriate intervention may be required, for example when there is increased risk to the individual and occasionally to society. In such circumstances, it is proposed that there will be two kinds of intervention:

- short-term stay in hospital for an *authorised assessment* for up to 28 days. This extends the previous 14 days to enable a full assessment to be made and will put Northern Ireland in line with other UK jurisdictions. Those being assessed will have a right of access to the Mental Health Review Tribunal after 14 days to have the intervention for assessment reviewed; and
- *medical treatment* in a hospital or in the community. This authority could last up to 6 months initially and be extended for a further 6 months and for 12 months at a time thereafter.

There will be set criteria authorising intervention and safeguards to protect individual service users. The proposed criteria for an authorised assessment are that there is a likelihood that:

- (i) the person has a mental disorder;
- (ii) there is significant risk to health, safety or welfare of the person or to the safety others; and
- (iii) because of the mental disorder the person has significantly impaired decision-making ability in relation to treatment.

The proposed criteria for intervention for medical treatment either in hospital or in the community are that:

- (i) the person has a mental disorder;
- (ii) medical treatment is available to the service user which could treat the condition or help prevent it deteriorating;
- (iii) if medical treatment was not provided, there would be a significant risk to the health, safety or welfare of the person or to the safety of others;
- (iv) because of the mental disorder, the person has significantly impaired decision-making ability in relation to treatment; and
- (v) intervention is necessary.

The intervention response must be proportionate to the risk posed and, where possible, interventions should be agreed with the individual. The offence of ill-treatment or neglect, already included in the current 1986 Order, will be reviewed and aligned with a similar offence which will be contained within the Mental Capacity Bill. Additional safeguards, in addition to the protections contained within the Mental Capacity Act and in present mental health legislation, will also be put in place to protect the rights of mental health service users.

Consultation Questions

The Department is seeking feedback on:

- the guiding Principles and whether they should be embedded the proposed legislation;
- whether the proposed Powers and Protections are appropriate and compressive;
- whether there is a need to undertake a full Equality Impact Assessment; and,
- general comments on the proposals.

The full consultation document can be accessed at:
<http://www.dhsspsni.gov.uk/legislative-framework-for-mental-capacity.pdf>

The closing date for responses is 31st March 2009.

Resource Implications

n/a

Recommendations

The Strategic Policy & Resources Committee is asked to note the content of the report and to approve the attached response to the consultation document and to approve its submission to the Department.

Key to Abbreviations

n/a

Proposed Council response to the Consultation

Department of Health Social Services & Public Safety Consultation:

**'Legislative Framework for Mental Capacity and Mental Health
Legislation in Northern Ireland'**

Belfast City Council Response

Belfast City Council welcomes the opportunity to comment on the above DHSSPS consultation which sets out the principles and key proposals for legislative reform in relation to mental capacity and mental health.

The Council has previously responded to consultations resulting from the Bamford Review and is committed to working in partnership to improve the quality of life and well-being of all people living in Belfast. We are therefore supportive of initiatives, and in this case legislative reform, that will contribute to improved mental health and well-being and which will help promote equality of opportunity for all people and particularly those most at risk.

As a city with high levels of deprivation, Belfast also experiences higher than average levels of mental ill health and learning disability (the Equal Lives report stated that there is a link between poverty, levels of deprivation and learning disability). Our Elected Members have expressed interest in the provision of services for people with mental health problems or a learning disability and are keen to ensure that these services are responsive and fit for purpose.

It is crucial that the guiding legislation, which in effect will become the overarching policy position, provides a solid basis on which to build a caring, equitable and appropriate approach to mental health within Northern Ireland. We are therefore supportive of the principles based approach as outlined in the consultation document, and agree that the proposed principles provide a fair, safe and balanced approach with which to underpin mental health and mental capacity legislation.

As an organisation, however, we do not have the specialist knowledge or professional expertise to comment in detail on the impact which the proposed legislation would have on service users and their carers or whether the proposed powers and protections are appropriate and adequate. We would therefore stress the importance of consulting and listening to those individuals or organisations that have first hand experience of this issue. In particular we stress the need to engage with individuals or organisations that can represent young people and articulate their needs and experiences.

The Council is keen to work in partnership with Government, communities and other sectors to improve wellbeing and quality of life. We therefore welcome future opportunities to provide our views and where appropriate to work with the DHSSPS in this area.

Thank you for your interest in Belfast City Council's position on this subject"

The Committee approved the foregoing comments as the Council's response.

**Northern Ireland Authority for Utility Regulation –
Consultation on its Social Action Plan 2009-2014**

The Committee considered the undernoted report in relation to a consultation exercise being undertaken by the Northern Ireland Authority for Utility Regulation:

“Relevant Background Information

Purpose

To bring to the attention of Members, a consultation by the Northern Ireland Authority for Utility Regulation (the Utility Regulator) on its proposed Social Action Plan 2009 - 2014 and to present for approval a draft response to this consultation.

Background

The Utility Regulator is responsible for the regulation of gas, electricity and, more recently, water. It has a statutory duty to protect utility customers and must have due regard for vulnerable customers. It had previously produced a Social Action Plan in 2003 to help it to fulfil this obligation, but when it became responsible for water in 2007 the Utility Regulator felt that this unique cross-cutting remit provided a new opportunity to bring forward a co-ordinated strategy for the protection of vulnerable utility customers. The Utility Regulator now wishes to consult on its new draft Social Action Plan. The consultation document sets out its proposed future work and explains how it has interpreted its duty to protect utility customers and how it defined 'vulnerable customers'. However, as the Assembly has not yet made a decision on the introduction of water charges, the document focuses in the first instance on gas and electricity.

Summary of the Consultation

Defining the Problem

The legislation states that the Utility Regulator must have due regard for vulnerable customers, in particular those who are disabled or chronically sick, of pensionable age, on low income, or who live in rural areas. However, the Utility Regulator is not limited to these groups and proposes to define a vulnerable utility customer as a household with one or more of the following characteristics:

- Poor Health – household includes a chronically sick individual.
- Disability – household includes an individual with a disability.
- Ethnic Background – household does not include an adult with a sufficient grasp of English.
- Financial Insecurity – household on a low income.
- In addition, the utility Regulator identified two intensifiers i.e. factors which do not in themselves make utility customers vulnerable but when combined with the above characteristics, multiply vulnerability. These are:
- Age (elderly or under 16) and Rurality

Protecting Vulnerable Customers – Special Services

Standard gas and electricity licences contain special provisions for pensioners, chronically sick or disabled customers; the utility regulator is responsible for monitoring and ensuring compliance. NI Water and NIE offer special priority reconnection and alternative

supply services in the event of disruptions for people with specific medical needs, but there is currently no emergency critical care policies offered by the gas suppliers. The Utility Regulator has requested feedback on what extent and for what type of condition emergency gas provision may be necessary. In terms of special needs, the Utility Regulator has also highlighted the need for information to be provided in other languages (NIE is the only utility supplier that currently provides this service) and plans to investigate an appropriate way forward in this regard.

Protecting Vulnerable Customers – Financial Vulnerability

Fuel and Water Poverty

Northern Ireland does not compare favourably with the rest of the UK in terms of fuel poverty rates (and water poverty rates if / when water charging takes effect). The most recent estimates of fuel poverty in Northern Ireland are from 2006, when the rate was reported as 34% compared to 12%, 23% and 21% in England, Scotland and Wales respectively. There is a commonly held view that the rate is now likely to be in excess of 40%, given the increase in energy prices experienced since 2006. Research carried out by the Independent Water Review Panel indicated that potential water poverty rates in Northern Ireland (upon the introduction of these charges) would be in the region of 14-15%, or with the implementation of the proposed affordability tariff, around 10%. This compares to a water poverty rate of 7.9% in England and Wales (in 2004/05).

In the consultation document the Utility Regulator suggests that fuel poverty has three root causes:

- (i) low income
- (ii) poor energy efficiency
- (iii) high energy prices.

As the Utility Regulator has no power to affect the people's incomes, it states that this issue will not feature in its future action plan. However, it has committed to testing the feasibility of introducing social tariffs (as recommended by the NI Fuel Poverty Taskforce) and will issue a consultation on this in early 2009.

Payment Methods, Debt and Debt Recovery

The Utility Regulator states that in order to help avoid debt, it is important that customers are offered a wide variety of payment methods. According to the document the main utility providers (NIE, Phoenix & Firmus) offer a range of payment options including: direct debit; cash payments at post offices, banks or paypoint

outlets, and/or pre-payment meters. In terms of recovering debt, each utility company operates different policies. The Utility Regulator therefore plans to investigate the potential for encouraging all of the energy companies to operate to an agreed best practice standard. Customers who get into debt are encouraged to contact their supplier to discuss options including the option of a pre-payment meter. As the help lines offered by the energy companies are perceived to be premium rate numbers, it is also suggested that local or free phone numbers might improve uptake of advice and assistance.

Pre-Payment Meters

In terms of avoiding debt, energy suppliers feel that the pre-payment (or pay as you use) option is ideal as there is currently no premium for pre-payment and it can help customers with budgeting and also encourage energy efficiency. However, according to research by the Utility Regulator and the Consumer Council, many utility customers thought that pre-payment meters were charged at a higher rate and/or were only available to customers who had got into debt. Northern Ireland pre-payment customers, unlike other parts of GB, do not currently pay a more expensive tariff. This decision was taken voluntarily by the utility providers, but in the event of further competition, new entrants would be free to offer payment structures of their choice. In GB pre-payment customers were the last group to benefit from competition because the meters tended to be installed to recover debt and/or were expensive to service. However, it is suggested that that this may not be an issue here due to the investment in newer technology and the level of take-up of key-pad meters.

Nevertheless, the greatest discounts are available to those who pay by direct debit, a practice which is considered unfair as it penalises those who might not have a bank account and those living in rented accommodation as landlords tend to install pre-payment meters. Many consumers felt that the maximum discount should be available to everyone who settles in full and on time regardless of payment method.

The Utility Regulator has discussed with the energy companies the benefits of 'smart' metering, which has the potential to help all customers by giving better information on usage and related costs, and will undertake a cost benefit analysis to determine a smart metering implementation policy.

Self-Disconnection

Self-disconnection happens when a pre-payment meter customer runs out of money (and emergency credit) and is cut-off from their electricity or gas supply. This will never become an issue in relation to water as self-disconnection will not be possible. Utility suppliers have a licence obligation not to disconnect vulnerable customers during the winter months, but this policy only applies to credit customers. As suppliers cannot identify in real-time when a household has self-disconnected, in theory, vulnerable customers using a pre-payment option could be disconnected. Research by the Consumer Council in 2006 indicated that most households that self-disconnect do so for reasons other than financial hardship such as temporary absence or forgetting to top-up. However, the research also identified a small but significant number of customers who are vulnerable to self-disconnection because of their financial circumstances. It is likely that the number affected by this problem has and will grow, given the credit crunch and increase in energy prices since the research was conducted.

The Social Action Plan and Forward Work Plan

The Social Action Plan (SAP) has two main strands - the first focuses on the provision of special services for utility customers who may need additional assistance e.g pensioners, chronically sick or disabled customers; whilst the second focuses on financial vulnerability. The SAP will be reviewed in 2012-13. This will include a review of each utility supplier's compliance with licence conditions and codes of practice and the voluntary initiatives undertaken to help vulnerable customers.

The SAP includes a forward work plan, summarised at appendix 1, under the following themes:

- Reducing Financial Vulnerability
- Providing Special Services
- Improving Energy Efficiency and Water Efficiency
- Working with others
- Raising Awareness

One of the proposed key areas of work is in relation to market redesign and 'growing the gas network'. The gas industry in NI has grown steadily from a zero base ten years ago, but around 70% of NI homes still use heating oil as the primary source of fuel. The Utility Regulator believes there would be significant benefits to households switching to gas (unlike the oil industry the gas industry is regulated; it has lower carbon emissions and less fuel delivery vehicles; and new connections generate greater economies of scale). The Utility Regulator is therefore working with DETI on options to accelerate gas roll-out.

The Utility Regulator met with a range of stakeholders when developing its SAP. Some suggestions did not make it into the work plan because they were outside the scope of the Utility Regulator's statutory remit. These included suggestions relating to regulating the home heating oil industry; promoting micro-generation heat; bulk buying/ brokering and establishing a utilities trust fund. Other issues raised by stakeholders at these meetings are being considered, either by the Utility Regulator or the NI Energy Task Force such as tackling fuel poverty in a holistic and co-ordinated manner, and identifying better mechanism for effectively identifying those most in need/ at risk, which is being examined by a subgroup of the Fuel Poverty Taskforce.

Equality

The Utility Regulator has carried out initial equality screening and has determined that, as the plan is targeted at specific groups to improve equality of opportunity, only positive impacts were found and therefore it would not be subject to an Equality Impact Assessment. However, respondents are asked to comment on this and this decision may be reassessed depending on the feedback received.

The full consultation document can be accessed at <http://ofreg.nics.gov.uk/05%20January%202009.htm>

The deadline for response is 21st March 2009.

Resource Implications

N/A

Recommendations

The Strategic Policy & Resources Committee is asked to note the content of the report and to approve the attached response to the consultation document and to approve its submission to the Utility Regulator.

Abbreviations

SAP – Social Action Plan; EEL – Energy Efficiency Levy

Draft Belfast City Council Response

**The Northern Ireland Authority for Utility Regulation - Consultation:
'Social Action Plan 2009 – 2014'**

Belfast City Council Response

Belfast City Council welcomes the opportunity to comment on the consultation issued by Northern Ireland Authority for Utility Regulation regarding its proposed Social Action Plan and forward work plan.

The Council is committed to working in partnership to improve the quality of life and well-being of all people living in Belfast. Our key strategic themes include 'Better care for people and communities' and 'Better care for the environment'. The focus in the consultation document on fuel poverty and fuel and energy efficiency clearly reflect the priorities of the Council and we commend your efforts in this area.

Consultation Questions:

Q1. Respondents are asked to comment on the impact of this paper with regard to equality of opportunity and Good Relations

Whilst Belfast City Council accepts that the Social Action Plan will have positive impacts for vulnerable customers, it is important that the proposed definition does not exclude or disadvantage particular S.75 groups. Although poverty is a universal issue; research shows that certain groups may be at more risk, such as older people and single parent families. The Utility Regulator should therefore be mindful of the potential effect and impact, particularly with regards financial vulnerability, that the proposed SAP may have on specific groups.

Q.2 Respondents are asked their views as to whether we have considered all the characteristics that may contribute to or intensify vulnerability

A major feature of the current economic decline is the level of both public and private debt. Whilst the Utility Regulator is obligated to have due regard to specific categories of vulnerable customers it is not clear that this encompasses people experiencing severe difficulties through substantial or prolonged personal debt. The consultation confirms that the Regulator is not limited in relation to the groups of vulnerable customers so it may still be appropriate for this category to be profiled for inclusion.

Although dwelling age would not normally make utility customers vulnerable it could be identified as an “intensifier”. Pre 1919 dwellings are almost exclusively of solid wall construction. They tend to have higher thermal conductivity than modern cavity wall or timber frame dwellings and are more difficult and costly to insulate.

- Q3. Respondents are asked to what extent they believe critical care provision could be improved. In particular respondents are asked to what extent similar emergency provisions in the event of a disruption to supply are required for gas (please detail specific improvements and in particular details of medical conditions or life saving medical equipment that require a constant supply of gas).

Special licence provisions prohibit the disconnection of supply to elderly, disabled or chronically ill customers in the winter months. These categories seem somewhat limiting considering the potential ill health effects on children and infants in particular. Any disconnection of supply could have serious health implications. Belfast City Council suggests that consideration should be given to ensuring that the licence provisions reflect and be consistent with Northern Ireland Water Special Provisions regarding a policy of no domestic disconnections.

The lack of clarity or information regarding critical care services reliant on gas supplies highlights a serious knowledge gap. The Utility Regulator should investigate options for researching this issue and should not be reliant on responses to this consultation.

- Q4. Respondents are asked to comment on whether they believe all customers have sufficient access to different payment methods offered by the utility suppliers. Respondents should list the barriers they perceive as preventing some vulnerable customers from accessing all payment methods

The results of the NIE ‘For your Benefit’ programme pilot clearly demonstrates the extent to which vulnerable people are failing to maximise their income. Therefore, in seeking to protect financially vulnerable customers the Regulator should encourage suppliers to work with others to maximise the uptake of benefits. For example, access to benefits (A2B), www.a2b.org.uk, is a not-for-profit organisation working to improve benefit uptake for older people. It uses a free and anonymous on-line benefit calculator to check an individual’s entitlement.

The Northern Ireland Energy Efficiency Level (EEL) should be extended to allow organisations, other than licensed electricity suppliers, to compete for levy funding. (Belfast City Council has already included this point in its response to the EEL's Strategic and Operational Review 2008).

The introduction of social tariffs should be a government priority in addressing fuel poverty. The DSD Proposed Consultation document should therefore be available as early as possible to give the minister the opportunity to take this forward and, if possible, to implement the policy before next winter. Belfast City Council would however caution against the 'rising block' element due to the acknowledged potential adverse affects on vulnerable individuals.

Many older people do not have bank accounts and are more comfortable saving up and paying cash for goods and commodities. Belfast City Council is currently piloting a Fuel Stamps savings scheme for domestic fuel oil targeted primarily at older people. Essentially oil users can purchase £5 stamps from specified outlets and then build up credit which can be used as payment or part payment for oil. These schemes have proved very popular in other district council areas and, whilst not necessarily directly transferable to the purchase of gas, electricity or water, this approach could be developed to fit with these utilities. Older people should be provided with an option that clearly resonates with their more traditional approach to paying bills.

- Q5. Respondents are asked to consider what measures, if any, need to be taken to ensure that pre-payment customers benefit equally from the introduction of retail competition in Northern Ireland

Within the current economic climate it is probable that more people will wish to utilise the prepayment option. Although it may have initially been seen primarily for debt recovery it would be inappropriate to view it exclusively in that light today. Whilst new entrants to the gas and electricity sectors are free to introduce their own payment structures the Regulator still has a role to protect the interests of the consumer and to have regard to specific categories of customer including the elderly and people on low incomes. It is not clear within the document, whether the Regulator could, if required, compel utility companies to ensure prepayment customers are not charged a premium. Assurances would also be sought that customers, particularly prepayment customers, would be able to move freely to different payment methods.

Q6. Respondents are asked to comment on the merits of a harmonized approach in relation to helping vulnerable customers to avoid debt & to manage their way out of debt

Belfast City Council would agree that the Utility Regulator should actively investigate the potential for encouraging utility companies to harmonise their approach to debt recovery. Other areas in terms of harmonisation that merit further consideration include:

- Prepaid envelopes/Freepost - NIE provide freepost envelopes for their customers to pay their bills. Phoenix Gas does not.
- Help Lines using 0845 numbers - 0845 numbers are perceived as being the same as local rate numbers. However, whilst they are not premium rate numbers they are considerably more expensive than local rate numbers. They are very expensive to phone from mobile phones (are not included in free minutes) and are also very expensive to phone from call boxes.

Q7. The Utility Regulator acknowledges the concerns of stakeholders around self-disconnections. Respondents are asked to comment on what should be done to prevent vulnerable customers self-disconnecting for reasons of financial hardship

Self disconnection due to financial circumstances could have very serious consequences, particularly for vulnerable individuals. The special provisions required for licences for gas suppliers include retention of a list of vulnerable individuals. However, Belfast City Council suggests that this list should be extended to include vulnerable customers generally so that those on low income or who are in serious debt are not omitted. This is particularly important when prices are rising dramatically or over a prolonged period, as consumers may have budgeted for a certain amount of usage from a certain level of prepayment, and then may find they do not have extra cash to pay for increased fuel costs which may lead to self disconnection.

Further detailed consideration and research into potential viable options for enabling utility companies to become aware of the self disconnection, or possibility for self disconnection, for vulnerable customers with special needs is required.

It is also essential that consumers are not vulnerable to self disconnection when they have problems trying to get complaints resolved with the utility company.

- Q8. Respondents are asked to comment on what measures should be undertaken to raise awareness, and which organisation(s) should take the lead on these measures.**

The joint research undertaken by the Consumer Council and the Utility Regulator provides a useful insight into the issues facing utility customers and of their general perceptions and awareness of the steps and services available to help with both fuel efficiency and fuel poverty. The Utility Regulator recognises that there is scope to improve awareness and the uptake of services; and this is to be commended. However, as highlighted in the Consumer Council report, it is important that whatever channels are used, that the information reaches those who are potentially vulnerable and arguably more in need of these services, such as people who live in rented accommodation or in low income households and who, according to the research are less likely to be aware of what is available.

It appears that the central issue with respect to gas and electricity relates to fuel poverty. The Department for Social Development (DSD) is responsible for facilitating efforts to address fuel poverty and in particular to raise awareness and promote the availability of services and schemes to help vulnerable people. Whilst suppliers should also have a role, it is more difficult to see how they can be encouraged to target vulnerable people without a statutory obligation or financial stimulus. Although local councils do not have a specific statutory duty or obligation to address fuel poverty; many are already seeking to assist people through, for example, the Fuel Stamps schemes. Local councils are well placed to assume a lead role with regard to promotion and awareness raising, particularly given their established engagement mechanisms with local communities and the developing responsibilities with regard to community planning and the proposed additional power of well being.

It is stated that ‘improving energy efficiency has been the primary focus of the fuel poverty strategy’ and that ‘the Utility Regulator encourages the utility providers to educate and inform their customers about energy efficiency’. In order to do this effectively, customers must receive regular information regarding their usage and cost. Quarterly meter readings and quarterly bills for all customers (whether prepayment, direct debit, etc) would help customers be better informed and encourage them to be more energy efficient. It would also show them much sooner if they are overpaying or are falling into arrears and just how much their gas/ electricity is costing.

The Council's Consumer Advice Centre provides free specialist advice to consumers and traders in Belfast on a range of consumer issues. Increasingly, the Consumer Advice Centre has received a number of enquiries regarding utility companies, particularly in relation to payment methods. One major issue that causes particular problems for Phoenix Gas consumers, who try to be financially aware and manage their budgets by paying by direct debit so their bills are spread over the year, is that Phoenix Gas does not read the meter for another 12 months or in some cases even longer. This means that they do not monitor if the Direct Debit payment is too much or too little; which can subsequently have a significant impact on consumers and particularly vulnerable customers. For example:

- (i) Pensioners - one of whom was disabled found they had arrears of £547. Their direct debit payments had been £38 - £41 per month, but Phoenix Gas wanted to increase this to £103 per month. Their actual usage was about £56 per month.
- (ii) Single parent new baby - had been paying by direct debit but because the meter had not been read for 17 months, she built up arrears of £447. She had been paying £31 per month which was subsequently increased to £39 per month. However, her actual usage was £54. Phoenix Gas now wants her to pay £80 per month to clear her arrears.
- (iii) Pensioner – Phoenix Gas kept changing the amount of direct debit she paid monthly including reducing the monthly amount. She now has arrears of £1000.
- (iv) Pensioner – paid by direct debit, Phoenix Gas did not read the meter but kept increasing the direct debit amount from £40 up to £90 and then to £124. Eventually after reading his meter his direct debit was reduced to £20 per month.
- (v) Consumer has a gas fire but doesn't use much gas. The direct debit payments increased from £5.99 per month to £11 and are now £13 per month. He has paid over £90 in payments but has only used about £30 worth of gas. However, Phoenix Gas won't reduce the amount of payments.

Phoenix Gas may offer quarterly meter reading as a special arrangement. In contrast, NIE tries to read meters on a quarterly basis and send out quarterly bills to all customers. This practice helps ensure that consumers are more aware of their energy usage and the likely costs and are thereby more able to budget accordingly. The Regulator must ensure that utility companies who offer direct debit payment methods have proper and timely systems in place to accurately measure and estimate usage and cost.

Utility companies must also ensure that they take payments as arranged. The Consumer Advice Centre has found that some utility customers have ended up in arrears or else incurred bank charges because the company had not taken the direct payment as planned or on the agreed date. The Consumer Advice Centre has also found that problems can arise when a consumer is moving house and has overpaid, either on a meter or by direct debit, and subsequently encounters difficulties when trying to get a refund.

Q.9 Respondents are asked to comment on whether there are any other key issues that should be considered

During the current recession, in particular, there is an imperative on government and regulators to consider options for reducing financial vulnerability. Assisting those on low income to maximise their benefit entitlement is important, however, improved energy efficiency will have the dual impact of addressing fuel poverty whilst reducing carbon emissions. Broadening access to the EEL should provide more opportunities for the introduction of energy efficiency measures.

Pre-payment Meter Considerations

Whilst the utility companies suggest that pre-payment meters help customers budget because as they can see how much they are spending, in practice it is often harder for consumers to see what they are actually getting for their money as the billing system is not open and transparent nor easily understood. Based on the experience of many visitors to the Consumer Advice Centre, there is a lot of confusion over what consumers actually got for the amount of money they have spent. It is also appears very easy for the company to alter what customers are getting for the money they actually pay. In one case where the price had gone down the customer thought they were still being charged at the old rate. In other cases, consumers found they were getting fewer units one week for their money than they had the week before although the price was not supposed to have changed. In such circumstances it is only the very observant consumer who might notice when something is actually wrong.

In addition, whilst prepayment may help with budgeting; this is not the same as being energy aware/energy efficient. In addition, prepayment meters do not help customers budget when it gets very cold and they need extra heat but they do not have the money to pay for their higher usage.

The Home Heating Oil Market and LPG Market

There are still many customers in Northern Ireland using these types of energy but there is no regulation of these industries. Whilst it is recognised that is not part of the Regulator's statutory remit, consideration of how this might be encouraged voluntarily or achieved in practice should still nevertheless be considered.

Q10. Respondents are asked to comment on this future work plan

The work plan addresses the principal areas for action; however, the current financial crisis has created an urgency that may not have initially informed the development of the plan. The aspiration to reduce financial vulnerability will be seriously compromised by collapsing markets, increasing unemployment and unplanned personal debt. This should place an imperative on the Regulator and partner organisations to accelerate delivery of this element of the plan in particular by, if necessary, reprioritising other elements.”

The Committee adopted the recommendation.

Chairman