



Belfast City Council

Report to:	Strategic Policy and Resources (Transition) Committee
Subject:	Review of Public Administration Update
Date:	20 th November, 2009
Reporting Officer:	Peter McNaney
Contact Officer:	Kevin Heaney, RPA Project Coordinator (ext. 6202)

1.0	<u>Relevant Background Information</u>
1.1	The Review of Public Administration (RPA) is now entering into a critical stage in the process whereby key decisions need to be taken over the next month so as to ensure that the reform programme remains on track and meets the already tight legislative timetable which is in place.
2.0	<u>Key Issues</u>
2.1	<u>Critical Path</u>
2.1.1	Members will be aware that there still remains some concerns with regard to how the RPA programme will progress given the uncertainties which exist around the Local Government Boundaries Order (which will determine the boundaries for the 11 new councils) and the progress of the Local Government Reorganisation Bill (which will bring into effect to the reorganisation of local government), both of which need to be cleared by the NI Assembly before the Christmas recess on 9 th December 2009.
2.1.2	If there is no political agreement around these critical issues secured, then the already tight legislative timetable would be unachievable and the local reform programme (e.g. rationalisation from 26 to 11 councils) would be deferred. This would result in elections to the existing 26 Councils in May 2010 as the Secretary of State would not be minded to further extend the current term of councils. This position was echoed by the Environment Minister during his recent visit to the Council on 6 th November.
2.1.3	Within this context there is an associated risk that the NI Executive may implement a plan B which could involve taking forward some elements of modernisation. It is important to note that the majority of legislation brought forward to date (including the Miscellaneous Provisions Bill and Finance Bill) are not RPA dependant (i.e. linked to the reorganisation of councils) but rather, are pertaining to the modernisation of local government. The transfer of functions proposals, however, may be reorganisation dependant and could be deferred as a result.
2.1.4	Notwithstanding political agreement on the local government boundaries and Reorganisation Bill, the timetable, as we currently understand it, is as follows: <ul style="list-style-type: none"> ▪ A final decision will be made by Christmas on the Local Government Boundary Order which will set out the boundaries for the new Councils. ▪ Decision on funding for RPA reform programme needs to be made in early 2010 and negotiations with DFP are ongoing ▪ Statutory Transition Committees come into effect by February 2010 ▪ Members severance scheme agreed - February/March 2010 ▪ Staff severance scheme agreed - February/March 2010 ▪ Appointment of Senior posts (designate) for new Councils by March-May 2010 ▪ Agreed staff transfer scheme by June 2010 ▪ Initial indicators of the level of funding to be made available through the Comprehensive Spending Review for those functions to transfer to local government – October 2010 ▪ Elections to new Councils – May 2011

2.2	<u>Engagement with Lisburn and Castlereagh</u>
2.2.1	Discussions are ongoing between representatives from the Lisburn/Castlereagh Transition Committee and the Belfast Transition Committee with two constructive meetings held to date including a meeting on the 27 th October, 2009 (a copy of the minute of the meeting is attached at Appendix 1).
2.2.2	The purpose of these meetings is to identify and discuss those transition related issues which need to be addressed and to explore how such issues could be taken forward through formal engagement between both Transition Committees with a shared view to ensuring service continuity for the citizen.
2.2.3	At the meeting on 27 th October, 2009 an initial programme of scoping work was agreed (copy attached at Appendix 2) which would inform future discussions between both Transition Committees. Relevant reports will be submitted to the Committee for consideration as the discussions with Lisburn and Castlereagh Transition Committee move forward.
2.2.4	In considering the Local Government Miscellaneous Provisions Bill (which will bring into effect the Statutory Transition Committees), the Committee for the Environment agreed that there must be direct political representation from Castlereagh and Lisburn councils on the incoming Belfast 'Statutory' Transition Committee which is to come into effect in early 2010.
2.2.5	Officials from the Department of the Environment have been tasked with working up the mechanism and model through which this representation would be secured and the Minister will be issuing instructions in this regard. A separate report on this issue is to be considered later in the Agenda.
2.3	<u>Engagement with Transferring Function Departments</u>
2.3.1	Members will note that each of the key Transferring Function Departments has nominated senior officials (refer to Appendix 3) to engage with the Council in taking forward detailed consideration and discussions in regard to the transfer and assimilation of functions. Council officers are currently engaging with these officials to map out the key issues which need to be addressed in moving forward and it would be the intention that a detailed report will be submitted for the consideration of the Committee in early 2010.
2.3.2	At a regional level the Chief Executive chairs a Transfer of Functions Working Group which has been established under the auspices of the Regional Transition Co-ordination Group, to examine and provide clarity on the detail of the agreed suite of functions transferring to local government (refer to Appendix 4). As this detail emerges, further reports will be submitted for the consideration of the Committee.
2.4	<u>Community Planning</u>
2.4.1	Members will be aware that one of the key proposals of the RPA is the introduction of community planning. Community planning is the process whereby councils, statutory bodies, agency bodies and sectors work together to develop and implement a shared vision of promoting the well-being of their area and pave the way for the most efficient use of scarce resources.
2.4.2	In 2011, the Executive will introduce legislation making community planning a statutory responsibility. The legislation will place a duty on local councils to lead the process and on other public bodies to participate and promote community planning. Through the priorities which Members have already set for the Council, the organisation has been putting in place many of the foundations upon which an effective community planning process can be built. In particular partnerships have been developed around key issues that will impact upon well-being such as community safety, good relations and health improvement.
2.4.3	Moreover the Council is working to improve the ways in which it engages with local people to inform the way plans are developed and to create robust local information systems that have the potential to provide the kind of evidence that will help prioritise local issues and address local needs. Discussions that Members have had about the potential to support regeneration and development across the city on a North, South, East and West basis must also be built upon to progress meaningful areas-based planning in a way that is connected to the resources that are available and the most deliverable opportunities that exist. However, community planning will present a number of challenges for this and other Council's including:

	<ul style="list-style-type: none"> ▪ the development of effective partnership and governance arrangements at all levels; ▪ ensuring effective representation across the various stakeholders and sectors; ▪ creating effective plans that are linked to available resources and for which there is clear accountability; ▪ ensuring the maximum appropriate and effective level of involvement of communities; ▪ ensuring that implementation makes a real impact on the ground and that the process does not become an end in itself.
2.4.4	Emerging guidance from the Strategic Leadership Board that is overseeing the progress of the RPA at a regional level is that a foundation programme to address the range of issues associated with community planning will be rolled out to support its introduction in 2011. This programme will aim to support transition committees to prepare for the introduction of the community planning duty and identify the key issues that should be addressed in guidance which will be developed to support its implementation. It is anticipated that the Council in developing its own thinking around community planning will have the opportunity to avail of this programme.
2.4.5	In order to explore these issues with Members in more depth we propose that we will engage with party groups to seek their views on the issues involved with a view to taking a more detailed report back to the Committee to agree a project plan for taking forward the issue of community planning and agreeing key principles which will allow us to communicate in a more effective fashion with the numerous stakeholders who are already seeking the Council's view.
2.5	<u>Local Government Reform Joint Forum (HR)</u>
2.5.1	Clearly there a number of very important HR related matters which need to be progressed as a matter of urgency (e.g. agreed process for filling posts in new organisations; staff transfers schemes; staff severance) with greater clarity required in regard to how and when such critical issues are to be addressed.
2.5.2	Members will be aware that a new HR Local Government Reform Joint Forum (LGRJF) has been established (comprising of representatives from the Employers and Trade Union Sides) to take forward detailed consideration and negotiation on HR matters and to develop detailed guidance on how councils and Transition Committees should address such issues in the lead up to the RPA. Both Cllr Tom Hartley and the Head of Human Resources are represented on this Forum nominated by the Joint National Council (JNC) and Northern Ireland Joint Council (NIJC) respectively. A copy of the latest communications bulletin released by the Joint Forum is attached at Appendix 5). Members will be kept fully informed of the discussions and emerging guidance prepared by the Joint Forum.

3.0 Resource Implications

There are no financial or Human Resources implications contained within this report.

4.0 Recommendations

Members are asked to:

- (a) note the contents of this report
- (b) consider and agree the proposal to hold a series of party group briefings to seek members views on Community Planning (refer to 2.4.5)

5.0 Appendices

Appendix 1: Minutes of joint meeting between Lisburn/Castlereagh Transition Committee and Belfast Transition Committee

Appendix 2: Initial programme of work for Joint Transition Committees

Appendix 3: Transferring Functions Departmental nominations

Appendix 4: Agreed Transfer of Functions recommendations

Appendix 5: Local Government Reform Joint Forum Communications Bulletin 4 (October 09)

Appendix 1

Joint meeting between representatives of the Belfast Transition Committee and the Lisburn/Castlereagh Transition Committee

Tuesday, 27th October, 2009
Held in the Lavery Room, City Hall, Belfast

Elected Members present: Belfast City Council
Councillor Hartley (Chairman); and
Councillors Attwood, Hendron, Newton and
Rodgers.
Lisburn City/Castlereagh Borough Council
Aldermen Porter and Rice; and Councillors
Craig, Hanvey, Henderson and Walker.

Apology: Councillor Crozier.

In attendance: Belfast City Council Representatives
Mr. P. McNaney, Chief Executive;
Mr. G. Millar, Director of Improvement;
Mr. A. Hassard, Director of Parks and Leisure;
Mr. K. Heaney, RPA Change Manager; and
Mr. J. Hanna, Senior Committee Administrator (minutes).
Lisburn and Castlereagh Representatives
Castlereagh Borough Council
Mr. E. Patterson, Acting Chief Executive,
Lisburn City Council
Mr. J. Rose, Director of Leisure Services;
Mr. C. McClintock, Director of Environmental Services;
Miss E. Shields, Assistant Director of Corporate Services; and
Mr R. Jackson, Change Manager.

1.0	Context
1.1	<p>The chairman set out the context of the meeting which was to:</p> <ul style="list-style-type: none">▪ <i>“discuss and identify those Review of Public Administration (RPA) transitional related issues which need to be jointly progressed and examine the associated governance arrangements and process necessary to ensure that such issues are taken forward in an effective and timely manner;</i>▪ <i>joint aim is to ensure service continuity throughout the RPA process and, where possible, support service improvement for the citizen; and</i>▪ <i>recognise that these discussions are taking place within the context of any final decision being taken by the Environment Minister and NI Executive with regard to the proposed revised Local Government Boundaries”</i>
1.2	The Group approved the context of the meeting.
2.0	Proposed Governance Arrangements
2.1	<p>Mr. Millar submitted for the Group’s consideration a diagram showing the proposed Governance arrangements for the joint Transition Committee Forum, which was similar to the operation of Councils and Committees whereby officials would be tasked with compiling necessary reports for the consideration and direction of elected Members.</p>

	It was proposed that a Joint Management Team be given responsibility for taking forward a politically agreed programme of joint work with any emerging reports being submitted to the joint meetings of the Transition Committees for consideration.																		
2.2	Councillor Craig pointed out that, during a recent visit by the Environment Minister to the Lisburn/Castlereagh Transition Committee, the Minister had indicated that he would be submitting proposals for a reformed Statutory Transition Committee for Belfast which would have direct political representation from both Lisburn City and Castlereagh Borough Councils.																		
2.3	Whilst it was accepted that the proposed Governance arrangements might have to be changed when Transition Committees are given a statutory basis, it was agreed that there was no reason at this stage why some issues could not be brought forward through the proposed joint management team on the understanding that there were a number of matters on which no decisions could be taken since there was no statutory authority to do so. It was agreed that such preparatory work would enable a more informed discussion on key issues to be undertaken at a later stage.																		
2.5	<p>The Group agreed:</p> <ul style="list-style-type: none"> • to approve the draft Governance Arrangements; • agree that officers from the three councils work collaboratively to examine relevant transitional related issues; and • that meetings of the Joint Management Team be attended by both Change Managers and, given the time commitment involved and dependent upon the types of issues to be discussed at each of the meetings, that it be a matter for each of the 3 Chief Executives to decide on a meeting by meeting basis which other officers should attend. 																		
3.0	Short/Medium-Term Actions and Indicative Programme of Work																		
3.1	Mr. Millar indicated that there was a number of short to medium-term actions which the Joint Committee could begin to address and he submitted for the Group's approval the following indicative programme of work:																		
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	Mr Millar stated that if the Group was minded to agree the Work Programme then the Joint Management Team, which had been approved as part of the Governance Arrangements,																		

	would undertake a scoping and baseline assessment exercise in relation to items 4-6 and would report back to the Group in December, with a further report on items 7-8 being submitted to its February, 2010 meeting.
3.2	A Member suggested that consideration also be given to ongoing and future regeneration schemes and other capital related commitments.
3.3	Several Members referred to the difficulties that Lisburn City and Castlereagh Borough Council faced in relation to the boundaries and other issues since both had to agree their own positions as well as agreeing a joint position through their Transition Committee. Therefore, any views of the representatives on the Joint Group would only be indicative.
3.4	The view was expressed for the need to communicate, at an early stage, to the staff of all 3 Councils the fact that both voluntary Transition Committees are proactively engaging on transitional related issues and have agreed an indicative programme of work.
3.5	The Group approved the indicative programme of work and agreed that correspondence, signed by the Chairmen of both Transition Committees, be forwarded to all members of staff of the 3 Councils setting out the fact that both voluntary Transition Committees are proactively engaging on transitional related issues through the Joint Committee Forum and that an indicative programme of work has been agreed..
4.0	Engagement with the Department of the Environment
4.1	Mr McNaney emphasised the need for the Group to engage with the Department of the Environment and suggested that officials from the Department be invited to a future meeting so that the Members could seek clarification on a number of issues such as the transfer of assets, liabilities and staffing as well as exploring options around potential rates support..
4.2	The Group agreed that officials of the Department of the Environment be invited to the February 2010 meeting of the Group.

Lisburn/Castlereagh and Belfast Transition Committee Indicative Programme of Work (Version 1)

RAG KEY:	Delivery on schedule	Delivery likely, however, some minor issues need to be addressed.	Delivery unlikely with immediate correction action required
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	DELIVERABLES	OCT 2009	NOV 2009	DEC 2009	Jan 2010	Feb 2010	STATUS -RAG-
Governance	1. Consider and agree proposed governance arrangements for taking forward consideration of Transition related issues.	27 th					
	2. Agree schedule of joint meetings between Transition Committees	27 th					
	3. Agree indicative programme of work	27 th					
Scoping and Baseline	4. Agree a process for taking forward joint communications activities; identifying the key milestones in the process, the key messages which need to be conveyed and the proposed methods of delivery. Submit report to Joint Transition Committee for consideration.						
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	8. Examine the potential financial implications (including the impact on the rate) resulting from the proposed boundary changes and identify possible options for how these issues could be addressed. Submit a report to Joint Transition Committee for consideration.						

**Nominated Departmental Officials from
Transferring Function Departments**

Department	Representative(s)
Department for Social Development	Jackie Johnson, Diorector BRO Elaine Wilkinson, Director BRO
Department for Regional Development Roads Service	Mr Tom McCourt, Divisional Roads Manager for Eastern Division
Department of the Environment Planning Service	Neil Dunlop, Divisional Planning Manager: Belfast Division.

**From the office of the
Minister of the Environment**



Department of the
Environment

www.doeni.gov.uk

Councillor John Mathews
NILGA President
Unit 5B Castlereagh Business Park
478 Castlereagh Road
Belfast
BT5 6 BQ

DoE Private Office
Room 717
Clarence Court
10-18 Adelaide Street
BELFAST
BT2 8GB

Telephone: 028 9054 1166

Email: private.office@doeni.gov.uk

Your reference:

Our reference: COR/275/09

Dear John

29 September 2009

You will be aware that the Local Government Reform Executive Sub Committee, which I chair, met on Tuesday 15 September 2009. I will update you on our discussions at the Strategic Leadership Board (SLB) meeting on 16 October. In the interim, I thought it would be helpful to write to you and provide a brief résumé of the key points the Sub Committee agreed.

We discussed the recommendations, outlined in Arnold Hatch's letter and enclosures dated 30 April 2009, about the marginal changes to the package of functions announced for transfer, from central to local government, in the Assembly on 31 March 2008. You will recall that the key areas involved were the public realm aspects of local roads functions (Department for Regional Development), "Living Over the Shop" grant scheme (Department for Social Development), and Travellers' Transit Sites (also Department for Social Development). I can confirm that:-

- Minister Murphy has accepted local government's proposal that the following public realm functions should transfer (pedestrian permits, alley gating, permitting local events on roads, off street car parking and on street parking enforcement). This is subject to his Department retaining policy ownership of the on street parking enforcement function;
 - Minister Murphy has also confirmed that he is content for his Department to retain the following functions which local government advocated should not transfer (maintenance of amenity areas, salting of footways, grass cutting/weed spraying, gully emptying and street lighting);
 - Minister Ritchie has accepted the local government proposal that the "Living Over the Shop" grant scheme should transfer; and
 - Minister Ritchie has not accepted the sector's recommendation that Travellers' Transit Sites function should remain with the NIHE.
-

I know that Minister Ritchie has carefully considered the views of local government on the Travellers' Transit Sites issue but is not convinced by the argument that the transfer of responsibility for this function would adversely impact on the traveller community. Indeed, the new councils will have a responsibility equal to that of the NIHE to protect the rights of minority groups. The Executive Sub Committee supports Minister Ritchie's position.

The Sub Committee also received an update on current thinking on community planning and the programme of activities involved in supporting its introduction in 2011. I emphasised the strong views, expressed by SLB members, about the need for Departments to commit to engaging with local government as the programme progresses. I can confirm that Executive Sub Committee members do appreciate the importance of community planning and expressed their full support to the required engagement between central and local government as implementation of the programme is taken forward. I will also write to all other Ministerial colleagues seeking their commitment to this engagement process.

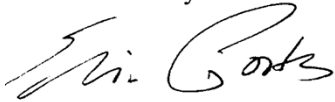
I updated the Sub Committee on the work that is being taken forward, through the assessment of options for local government service delivery project, to support a bid to the Department of Finance and Personnel (DFP) for funding of our implementation programme. I explained that it was likely to be mid October of this year before PricewaterhouseCoopers (PwC) had completed the economic appraisal of delivery options and SLB had the opportunity to consider the key findings. The Sub Committee members are all well aware of the budgets constraints that the Executive is working within and the many competing priorities for resources. It is clear that DFP will require a very clear assessment of the costs and benefits of implementation along with details of how these pressures might be funded. We agreed, therefore, that it would be helpful to let Ministers have sight of the PwC report as soon as possible.

The Sub Committee also discussed the issue of transfer arrangements for civil servants whose functions will transfer to local government in 2011. We reviewed the arguments for and against the two main options i.e. permanent transfer and temporary transfer arrangements based on those applied in the case of the Department of Health Social Service and Public Safety (DHSSPS) staff whose functions transferred to the new Health and Social Care bodies on 1 April 2009. We noted that the intention is for similar arrangements as those applied in the Health sector to be adopted by the new Education and Skills Authority – due to be established in January 2010.

Our view is that temporary transfer arrangements would have a number of advantages, particularly in terms of flexibility in managing the workforce and thus is consistent with the Executive's commitment to make every effort to avoid redundancy costs and it also facilitates business continuity. It was decided that the temporary transfer model that applied to DHSSPS staff will, therefore, be the starting position for the central government representatives in discussions and negotiations at the Local Government Reform Joint Forum.

I do hope you find this update helpful. I am copying this letter to SLB members for information.

Yours sincerely

A handwritten signature in black ink, appearing to read "Edwin Poots". The signature is fluid and cursive, with the first name "Edwin" written in a larger, more prominent script than the last name "Poots".

EDWIN POOTS MLA
Minister of the Environment

ORIGINAL FUNCTIONS PROPOSED TO TRANSFER as AT 31st MARCH 08

- **Planning:** local development plan functions, development control and enforcement.
- **Public Realm aspects of Local Roads**
 - streetscaping;
 - town and city centre environmental improvements;
 - grass cutting and weed spraying;
 - gully emptying;
 - street lighting;
 - off-street parking;
 - pedestrian permits;
 - maintenance of amenity areas;
 - alley-gating (traffic regulation orders facilitating alley-gating to avoid antisocial behaviour);
 - permitting local events to be held on roads; and
 - salting of footways.
- **Urban Regeneration and Community Development:**
 - functions associated with physical development (such as environmental improvement schemes, comprehensive development and urban development grant)
 - area based regeneration (such as neighbourhood renewal)
 - some community development programmes for the voluntary and community sectors.
- **Housing:**
 - registration of houses in multiple occupation
 - housing unfitness responsibilities, including repair and demolition notices
 - energy conservation at local level
 - responsibility for travellers' transit sites.
- **Local Economic Development** (transfer from Invest NI):
 - Start a Business Programme and Enterprise Shows
 - Youth Entrepreneurship (such as Prince's Trust and Shell Livewire)
 - Social Entrepreneurship
 - Investing for Women
 - Neighbourhood Renewal funding relating to enterprises initiatives.
- **Local Tourism:**
 - small scale tourism accommodation development
 - local tourism marketing
 - local tourism product development
 - Visitor Servicing
 - Providing business support including business start up advice along with training and delivery of customer care schemes; and
 - providing advice to developers on tourism policies and related issues.
- Delivery of the EU Rural Development Programme;
- Authority to Spot List to enable Councils to add a building to the statutory list on a temporary basis, subject to ratification by the DOE;
- Authority to draw up local lists of buildings that are of architectural and/or historic interest;
- Armagh County Museum;
- local water recreational facilities;
- local sports;
- functions of the NI Museum Council;
- local arts;
- local festivals; and
- Donaghadee Harbour

MARGINAL CHANGES TO TRANSFER OF FUNCTIONS

The following changes were agreed by the Executive Sub-Committee in **September 2009**

Department for Regional Development

Minister Murphy has now approved the transfer of the following public realm functions –

- Pedestrian permits
- Alley Gating
- Permitting events on local roads
- Off street parking and;
- On street car parking enforcement.

Minister Murphy has indicated that the decision to transfer on street parking enforcement is subject to his Department retaining policy ownership for this function.

Department for Social Development

- Living over the Shop (LOTS) is a Northern Ireland Housing Executive (NIHE) initiative which is intended to encourage people to live in properties over shops in certain areas of town centre regeneration within certain towns and cities. Minister Ritchie has approved the transfer of the Living over the Shop Scheme from Central to Local Government.
- Responsibility for provision of travellers Transit sites should transfer to the new councils. There is a degree of commonality between Transit Sites and the Councils' existing responsibilities for caravan and amenity areas and it would be more closely related to the Councils' Environmental Health responsibilities.
- The Housing Executive will retain responsibility for permanent housing, group housing and serviced sites.

The Transfer of Functions Working Group will now reconstitute in order to provide clarity on the detail of the revised suite of functions transferring from Central to Local Government.