



Belfast City Council

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| Report to: | Strategic Policy and Resources Committee |
| Subject: | Council representation on Non-Departmental Public Bodies |
| Date: | 18 th February, 2011 |
| Reporting Officer: | Stephen McCrory, Democratic Services Manager (Ext. 6314) |
| Contact Officer: | Gareth Quinn, Senior Democratic Services Officer (Ext. 6316) |

| 1 | Relevant Background Information |
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| 1.1 | The Northern Ireland Local Government Association (NILGA) has written to the Council seeking its views on Council representation on Non-Departmental Public Bodies. NILGA has explained that this follows concerns voiced by some of its members over the last number of months in regard to their lack of involvement in important decisions, particularly as a result of the absence or reduction in the numbers of elected Members who sit on public bodies. |
| 1.2 | Public bodies carry out a wide range of functions on behalf of government. A public body is not part of a government department, but carries out its function to a greater or lesser extent at arm's length from central government. |
| 1.3 | <p>NILGA reports that as of 31 March, 2009, there were 78 public bodies sponsored by the Northern Ireland Executive. Due to changes as a result of the Review of Public Administration, this figure has now changed slightly. For example, the Health and Social Care Board replaced the existing four Health and Social Services Boards and the Patient Client Council replaced the Health and Social Service Councils. As at 31 March, 2009, 14 of these bodies had Council representation, namely:</p> <ul style="list-style-type: none">• Education and Library Boards (x5)• Drainage Council• Patient Client Council• Local Commissioning Groups under the Health and Social Care Council• Local Government Staff Commission• Northern Ireland Fire and Rescue Service• Public Health Agency• Northern Ireland Housing Executive (and NI Housing Council)• NI Museums Council• Sport NI |

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| 1.4 | NILGA argues that a lack of democratic representation on Non-Departmental Public Bodies reduces the accountability of the bodies and that it is important that decisions about public services and public money are taken as close as possible to local people and local communities by those who have been elected to represent them. |
| 1.5 | It is important that central government and local government work together in order to ensure that local communities are strengthened and have the ability to make decisions about their local areas, including what services are offered and what money is spent on improving an area. |
| 1.6 | NILGA is seeking the views of all Councils in order to inform its research which aims to gauge the current position on democratic accountability on Public Bodies in Northern Ireland. |
| 1.7 | Furthermore, based on the research carried out to date (Appendix 1), NILGA is making the following recommendations: |
| 1.7.1 | <ul style="list-style-type: none"> • <i>“Introduce community planning as a matter of priority in order to provide a framework to enable delivery of better, more responsive public services where local people have a say in what services are delivered locally.”</i> |
| 1.7.2 | <ul style="list-style-type: none"> • <i>“Introduce scrutiny powers for local councils which enable locally elected representatives to call Non Departmental Public Bodies to account.”</i> |
| 1.7.3 | <ul style="list-style-type: none"> • <i>“Introduce a new ethical standards regime and a new Code of Conduct in order to improve confidence in governance arrangements within council structures.”</i> |
| 1.7.4 | <ul style="list-style-type: none"> • <i>“Lobby for a full commitment by the NI Executive to the European Charter of Local Self Governance.”</i> |

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| 2 | Key Issues |
| 2.1 | <p>Do you think that local Councillors should be represented on every Non-Departmental Public Body in NI?</p> <p><i>Most, if not all, of the 78 Public Bodies sponsored by the Northern Ireland Executive have a regional focus (perhaps with the exception of the new Education and Library Boards) and representation from Local Government would therefore be sought on the basis that representatives would be speaking on behalf of Local Government generally rather than locally. There can be no doubt that elected Councillors would bring important local knowledge to these public bodies. However, it would be important to identify the exact role which Councillors were being asked to play and also to identify the mechanism to be used to appoint Councillors to these bodies. Would individual Councils be asked to submit names for consideration or is it envisaged that NILGA would play a central role?</i></p> <p><i>Local Councillors are busy people and are elected primarily to represent their local area. There would have to be a question as to the time commitment required of Councillors if all public bodies were to have Local Government representation. An important balance would be required to ensure that Councillors' time is being utilised effectively whilst ensuring that all Public Bodies are informed of the issues relevant to local government.</i></p> |

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| | <p><i>In essence, the Council believes that Councillors should be members of NDPB's which operate in their local areas eg Education Boards, Health Trusts etc, and through community planning should be given powers to scrutinise regional bodies decisions that have an impact on local areas served by the Council eg Libraries and Roads.</i></p> |
| 2.2 | <p>If no, how would you propose local government chooses which Boards they should lobby to have representation on?</p> <p><i>Again, it would be important to determine both who would be responsible for nominating Councillors to these bodies and who such appointees would be representing should they secure a place (their own local Council or Local Government generally). It should be a matter for individual Councils or clusters of Councils to make nominations to public bodies which have a local focus, such as the several Education & Library Boards. Appointments to public bodies which operate on a regional basis should be sought from local government generally and, perhaps, NILGA would have a role to play in this process. If such a role were to be given to NILGA it would be important that due recognition is given to the position of Belfast both as the largest Council in Northern Ireland and as the regional driver for inward investment and economic regeneration.</i></p> |
| 2.3 | <p>As an interim measure, do you think that Non-Departmental Public Bodies should issue personal specification briefings to councils in order to ensure that Councillors nominated to sit on Boards have the required knowledge and expertise to carry out duties relevant to the post?</p> <p><i>No – This could be dealt with by the issue of a personal specification with the letter to Councils asking them to nominate candidates.</i></p> |
| 2.4 | <p>Do you believe that it is important that Councillors are provided with capacity building training in order to ensure an effective engagement with a particular Board?</p> <p><i>Yes – It is essential that sufficient finance and adequate arrangements are put in place to enhance Member capacity both on a local and regional basis. This will ensure that Elected Members make informed decisions based on sound knowledge of the relevant issues.</i></p> |
| 2.5 | <p>It is thought that Community Planning, if implemented, could be an effective mechanism to scrutinise Non-Departmental Public Bodies. Do you agree?</p> <p><i>The Council fully supports the proposal that local authorities lead and facilitate community planning and would view this as a key enabler for the integration of services to address local needs. The Council believes that the effectiveness of the community planning process and the delivery of improved outcomes will be dependant upon the strength of relationships between councils, departments and other public bodies.</i></p> <p><i>Whilst the Council would advocate for the need for a statutory duty to be placed upon relevant public bodies and statutory agencies to participate and contribute to the community planning process, it would not necessarily agree that Community Planning could be or should be “an effective mechanism to scrutinise Non-Departmental Public Bodies”.</i></p> |

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| | <p><i>Community Planning should not be driven by a process of scrutiny but rather by a real and meaningful partnership and a shared commitment to delivering. There should be a willingness to seek to align priorities, policies and resources to deliver more integrated solutions to local problems.</i></p> |
| 2.6 | <p>Do you agree that the European Charter for Local Self Government should form the basis of NILGA's policy work in the future?</p> <p><i>The Council fully recognises the importance of the European Charter for Local Self Government in supporting strong, effective and responsive local government.</i></p> |
| 2.7 | <p>Do you think that NILGA should lobby for similar scrutiny powers to those contained within the Local Government Act 2000 in England and Wales, which provides councils scrutiny powers to report 'on matters which affect the authority's area or the inhabitants of that area'.</p> <p><i>The Council would seek further clarification in respect of what is being proposed under this section. Notwithstanding, the Council would suggest that the future relationship between the Council and other stakeholders within the city should be considered within the context of any emerging Community Planning process.</i></p> |
| 2.8 | <p>Is there anything else you think NILGA should be doing to take this work forward?</p> <p>No</p> |

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| 3 | Resource Implications |
| 3.1 | <p>Financial – None</p> <p>Human – An increase in the number of Councillors required to sit on Public Bodies will have a direct bearing on the amount of time available to Councillors in carrying out other roles and responsibilities relevant to their position as a locally elected representative.</p> |

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| 4 | Equality Implications |
| 4.1 | N/A |

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| 5 | Recommendations |
| 5.1 | The Committee is asked to consider the draft response outlined above and agree that it can be submitted, subject to any amendments proposed by Members, to NILGA. |

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| 6 | Decision Tracking |
| <p>Officers responsible:</p> <p>Gareth Quinn, Senior Democratic Services Officer</p> <p>March 2011</p> | |

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| 7 | Key to Abbreviations |
| NILGA –Northern Ireland Local Government Association | |

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| 8 | Documents Attached |
| Appendix 1 – Copy of NILGA Research Document | |