

# **Losing Democracy?**

*An exploration of the relationship between  
central and local government*

*“The fact that local councillors play a relatively minor role within the day-to-day decision making process in Northern Ireland acts as a disincentive to the wider population to become involved in local politics.”*

-Cllr John Mathews, former President of the Northern Ireland Local Government Association

*“It is important that central and local government work together to ensure that the needs and interests of the local community and local people are represented and taken into account at all levels of decision making in Northern Ireland.”*

-Cllr Evelyne Robinson, President of the Northern Ireland Local Government Association

## **Introduction**

NLGA, the Northern Ireland Local Government Association, is the representative body for district councils in Northern Ireland. NILGA represents and promotes the interests of local authorities and is supported by all the main political parties in Northern Ireland.

Members of NILGA over the last number of months have voiced concern over their lack of involvement in important decisions, especially in relation to the absence or reduction of elected members who sit on public bodies in Northern Ireland, particularly as many Non Departmental Public Bodies (NDPBs) sit at an arms-length from their governing department and ultimately, at an arms-length from the Minister responsible.

Local councillors have local accountability provided by direct election every four years and generally live or work in their council area. This means that they are contactable locally and have an understanding and awareness of local issues. NILGA strongly believe that decisions about public services should be taken as close as possible to local people by locally elected representatives, not by unelected boards.

With disappointing voter turnout recorded in the last number of years (of 57.88% for the 2010 Westminster elections, 42.81% for the 2009 European Parliament elections, 62.87% for the 2007 NI Assembly Elections and 62.83% for the 2005 local government elections<sup>1</sup> respectively), it is important that collectively we look at ways to empower voters to take action and to ensure that the electorate feel that their views are being expressed within the decision-making process at national, regional and local government.

## **Aims & Objectives**

The aim of this research is to scope out the current position on democratic accountability on Public Bodies in Northern Ireland.

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<sup>1</sup> Percentage Poll Statistics: [http://www.eoni.org.uk/percentage\\_poll-4.pdf](http://www.eoni.org.uk/percentage_poll-4.pdf)

The objective of this research is to outline the benefits of local democratic oversight for local communities within the decision-making process.

## Methodology

Using the DFP publication entitled Northern Ireland Public Bodies 2009<sup>2</sup> which shows the position at 31 March 2009, NILGA contacted each of the Public Bodies, initially by email and then with a follow up telephone call for those who had not replied to the initial or follow-up email, requesting confirmation of the following information:

1. *Number of members on Board*
2. *Number of elected members on Board (particularly local councillors)*
3. *How often the Board is re-constituted*
4. *If membership of elected members has changed as a result of a review of the reconstitution of Board.*

Of those that confirmed that elected members did sit on their Board, further clarification was sought in relation to whether their constitution prescribed that a certain number of members must be elected representatives, or if appointments were made through the Public Appointments process (and therefore, it just so happened to be that elected members sat on the Board).

## Definitions

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.

Departments are responsible for funding and ensuring good governance of their public bodies. The term 'public body' is a general one, which includes: non-departmental public bodies (NDPBs); Public Corporations and Health and Personal Social Services Bodies. There are three types of NDPB in operation in Northern Ireland. They are:

- Executive NDPBs – established in statute and carrying out administrative, regulatory and commercial functions. They employ their own staff and are allocated their own budgets.
- Advisory NDPBs – provide independent and expert advice to ministers on particular topics of interest. They do not usually have staff but are supported by staff from their sponsoring department. They do not usually have their own budget, as costs incurred come within the department's expenditure.

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<sup>2</sup> Northern Ireland Public Bodies 2009, Reform Delivery Unit, DFP <http://www.dfpni.gov.uk/northern-ireland-public-bodies-2009.pdf>

- Tribunal NDPBs – have jurisdiction in a specialised field of law. They are usually supported by staff from their sponsoring department and do not have their own budgets.

## Results

As of 31 March 2009, there were 78 public bodies sponsored by the NI Executive. This figure is made up of 41 Executive NDPBs, 12 Advisory NDPBs, 6 Tribunal NDPBs (counted on the basis of tribunal systems, rather than individual panels), 1 Public Corporation, 14 Health and Personal Social Services bodies (Health Trusts are counted as one body) and 4 other bodies.

Due to the Review of Public Administration in Northern Ireland, 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.

According to information published by the Department of Finance and Personnel in 2009, of the figures available, over £8.5 billion of public money from central government was spent on Public Bodies in Northern Ireland in 2009<sup>3</sup>. The cost of running these services in 2009 are outlined below:

### Education

Belfast Education and Library Board	£247,621,369
CCEA	£22,439,989
Council for Catholic Maintained Schools	£3,686,000
North Eastern Education and Library Board	£310,926,378
South Eastern Education and Library Board	£270,190,000
Southern Education and Library Board	£333,762,000
Staff Commission for Education and Library Boards	£380,000
Western Education and Library Board	£324,425,000
TOTAL	£1,513,430,736

Cost per household<sup>4</sup>: £2000 (approx)

### Water

Northern Ireland Water	£253,800,000
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Cost per household: £350 (approx)

<sup>3</sup> Northern Ireland Public Bodies 2009, Reform Delivery Unit, DFP <http://www.dfpni.gov.uk/northern-ireland-public-bodies-2009.pdf>

<sup>4</sup> Household figure based on projection of number of households in Northern Ireland in 2011 (figure projected at 721,100 households) <http://www.northernireland.gov.uk/news/news-dfp/news-dfp-march-2008/news-dfp-130308-growth-in-number.htm>

**Health**

Eastern Health and Social Services Board	£1,158,027,000
Eastern Health and Social Services Council	£397,000
Health and Social Services Trusts	£2,746,969,000
Mental Health Commission	£625,576
NI Blood Transfusion Service	£25,300,000
NI Central Services Agency	£84,402,814
NI Clinical and Excellence Awards Committee	£6,100,000
NI Health Promotion Agency	£6,000,000
NI Medical and Dental Training Agency	£48,582,000
NI Practice and Education Council for Nursing and Midwifery	£1,370,000
NI Regional Medical Physics Agency	£5,884,487
NI Social Care Council	£3,105,868
Northern Health and Social Services Board	£678,240,000
Northern Health and Social Services Council	£245,689
Southern Health and Social Services Board	£533,356,000
Southern Health and Social Services Council	£233,000
The Regulation and Improvement Agency	£5,523,000
Tribunal under schedule 11 to Health and Personal Social Services	Board has not met in approx 25 years
Western Health and Social Services Board	£481,790,000
Western Health and Social Services Council	£132,000
TOTAL	£5,786,283,434

Cost per household: £8,000 (approx)

**Other Public Bodies**

Agriculture Wages Board	0
Agri-Food and Biosciences Institute	£43,324,000
Arts Council of Northern Ireland	£18,520,340
Care Tribunal	0
Charities Advisory Committee	0
Charity Commission for Northern Ireland	Established 27 March 2009. Budget not yet published.
Commission for Victims and Survivors for NI	£760,000
Commissioner for Children and Young People	£1,853,000
Construction Industry Training Board (CITB) NI	£54,700
Consumer Council for NI	£2,381,573
Council for Nature Conservation and the Countryside	£68,000
Disability Living Allowance Advisory Board NI	0
Drainage Council NI	0

Economic Research Institute of NI Ltd (ERINI)	£924,000
Fair Employment Tribunal/ Industrial Tribunals	£3,330,379
Fisheries Conservancy Board for NI	£404,057
Fuel Poverty Task Force	Wound Up December 2008
Health and Safety Executive for NI	£3,995,484
Historic Buildings Council	£36,000
Historic Monuments Council	£36,000
Ilex Urban Regeneration Company Ltd	£3,600,000
Invest NI	£135,144,000
Joint Government Voluntary and Community Sector Forum	0
Labour Relations Agency	£3,200,000
Livestock and Meat Commission for NI	0
Local Government Staff Commission	0
Middletown Centre for Autism	£800,350
National Museums and Galleries of NI	£17,806,720
NI Building Regulations Advisory Committee	£2,500
NI Fire and Rescue Service	£82,213,000
NI Fishery Harbour Authority	£90,096
NI Fuel Poverty Advisory Group	0
NI Guardian Ad Litem Agency	£3,357,000
NI Local Government Officer Superannuation Committee (NILGOSC)	0
NI Museums Council	£309,000
NI Tourist Board	£10,502,000
NI Transport and Holding Company	£109,200,000
NIHE	£481,584,000
Northern Ireland Industrial Court	£17,800
Older Peoples Advocate	Budget to be agreed
Planning Appeals Commission	£2,523,000
Poisons Board	Board currently unconstituted and in abeyance
Research and Education Advisory Panel	0 <sup>5</sup>
Sport NI	£6,785,981
Statute Law Committee	Not met since 1998 and now considered defunct
Statistics Advisory Committee	0
Strategic Investment Board NI	£9,035,000
Ulster Supported Employment Ltd (USEL)	£545,000
Vaughan's Charity Trustee	0

<sup>5</sup> In an announcement made to the NI Assembly on 20 September 2010 Minister Gildernew advised of her decision to resolve REAP

Water Appeals Commission	0
Youth Council for Northern Ireland	£4,349,000
<b>TOTAL</b>	<b>£946,751,980</b>

Cost per household: £1,300 (approx)

Therefore, in general terms, Non Departmental Public Bodies cost each household in Northern Ireland £11,650 per year.

For the purposes of comparison, I have used figures for 2009/2010 illustrating local and central government spend for devolved administrations in the UK.

<b>Region</b>	<b>Local Government Expenditure</b>	<b>Central Government Expenditure<sup>6</sup></b>	<b>TOTAL</b>	<b>Percentage Local</b>	<b>Percentage Central</b>
<b>Northern Ireland</b>	£648.3 million <sup>7</sup>	£10,363 million	£11,011.3 million	5.9%	94.1 %
<b>Scotland</b>	£12,865 million <sup>8</sup>	£18,653 million	£31,518 million	40.8 %	59.2%
<b>Wales</b>	£7,422 million <sup>9</sup>	£9,527 million	£16,949 million	43.8 %	56.2%

It is clear from the table above that just under half of public expenditure in other devolved administrations is under the responsibility of local government. It is therefore evident that councils in Northern Ireland fall short of the influence and decision-making powers in comparison to those in neighbouring jurisdictions. Ideally the powers of councils should increase. Until that happens it is imperative that locally elected representatives in Northern Ireland are involved in decision-making outside the remit of their local councils. Due to the large sums of money involved in running NDPBs it is important that these bodies and the public money spent are publically accountable. As elected representatives for the area, councillors

<sup>6</sup> Northern Ireland Figure collective figure for NI Office and NI Executive. All figures for central government spend accessed in chapter 6 Central Government Own Expenditure, Public Expenditure Statistical Analyses 2009. Table 6.1 Central Government Own Expenditure in budgets by departmental group, 2003-04 to 2010-11 [http://www.hm-treasury.gov.uk/d/pesa\\_2010\\_chapter6.pdf](http://www.hm-treasury.gov.uk/d/pesa_2010_chapter6.pdf)

<sup>7</sup> [http://www.doeni.gov.uk/index/local\\_government/local\\_government\\_funding.htm](http://www.doeni.gov.uk/index/local_government/local_government_funding.htm)

<sup>8</sup> Chapter 7: Local Government Financing and Expenditure, Public Expenditure Statistical Analyses 2009. Table 7.5 Local Government Current Expenditure on services in the UK by country and function, 2003-04 to 2008-09 [http://www.hm-treasury.gov.uk/d/pesa\\_2010\\_chapter7.pdf](http://www.hm-treasury.gov.uk/d/pesa_2010_chapter7.pdf)

<sup>9</sup> Ibid

should have an overview of the needs and interests of the area as a whole. It appears that a large percentage of public money spent locally is not under direct democratic control. Councillors have a legitimate interest in investigating how effectively NDPB budgets are being used and for what priorities.

### ***Representation by Elected Members on Public Bodies***

Out of all the Non-Departmental Public Bodies established in NI, only 14 bodies have elected members on their boards. These are as follows:

- 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

### **Education and Library Boards**

Education and Library Boards are responsible for securing the provision of primary and secondary education, education services for children with special needs and youth services in its area. There are 5 Education and Library Boards in Northern Ireland, namely Belfast Education and Library Board (BELB), North Eastern Education and Library Board (NEELB), Southern Education and Library Board (SELB), South Eastern Education Library Board (SEELB) and Western Education and Library Board (WELB). (To note: as of 1<sup>st</sup> April 2009, Library Services are administered through Libraries NI with an approximate budget of £30 million).

Final decisions on the future of education (in reference to the Review of Public Administration) were announced by the Secretary of State in November 2005, which can be summarised as follows<sup>10</sup>:

- A new Education and Skills Authority will be established to focus on the operational delivery of educational services. It will also be involved in the strategic planning of the schools' estate and ensuring delivery of the 14 to 19 curriculum.
- The Department of Education will continue to be responsible for education policy and strategy. Some of the operational functions currently performed by the Department of Education will transfer to the new Authority.

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<sup>10</sup> <http://www.rpani.gov.uk/summary-of-decisions.htm>



- The Authority will bring together all the direct support functions currently undertaken by the Education and Library Boards, CCEA and the Regional Training Unit. It will also have responsibility for front-line and related functions currently undertaken by CCMS, NICIE and CnaG.
- The Authority will be the sole employing authority for teachers and support staff which will result in greater coherence and consistency.
- A new Education Advisory Forum will be established which will provide a direct link between education sectors and the Department.

As the new Education and Skills Authority was not set up as planned on 1 January 2010, the intended arrangement is to set up transition boards, which will operate up until the establishment of the ESA.

In an article in the Irish News on Monday 21 June 2010, it was reported that a *“failure to appoint politicians to education boards means controversial cuts will be approved without any input from elected representatives.... it has been more than six months since elected members were involved in any major education board decision .... [and] while non-political members of these boards have been chosen, no elected members has yet been appointed.”*

In the same article, a Department of Education spokesperson confirmed that the selection and appointment processes were under way to appoint members to boards for the transitional period up until the establishment of the Education and Skills Authority (ESA).

NILGA sought an update on the status of the appointment processes and were advised of the following:

- **BELB:** there are currently 4 vacancies for local councillors on the Board. The Minister has not appointed any councillors. Until December 2009, 14 councillors sat on the Belfast Education and Library Board.
- **NEELB:** there are 9 members on the board, representing the 9 district councils in the area. There has no appointments of elected members made to the Board as yet.
- **SELB:** there will be 6 councillor members (one from each of the 6 council areas for which the Board serves). The recruitment process for these 6 members is currently underway by Department of Education. Previously there were 14 elected members of the Board.
- **SEELB:** confirmed that 4 commissioners have been appointed to oversee the running of the Board (made by Ministerial appointment). There are no elected members on any committee within the SEELB and it is intended that no appointments will be made until the ESA has been set up.
- **WELB:** did not respond to any emails or telephone calls to confirm if any councillors have been appointed.

## **Drainage Council for Northern Ireland**

The terms of reference for the Drainage Council for Northern Ireland is to decide which watercourses and sea defences should be maintained by the Rivers Agency at public expense and to consider the Department of Agriculture and Rural Development's proposal in relation to drainage schemes.

The Council is made up of ten District Councillors, a drainage specialist, representatives from conservation, fisheries, agriculture, industry, tourism and DOE Planning Service, and the Chief Executive of the Rivers Agency. Members are normally appointed for a four year term and appointments are made in accordance with the principles of the Commissioner for Public Appointments. It is set out under the Drainage (NI) Order 1973 that ten members of the Drainage Council shall be appointed to represent district councils.

## **Health and Social Care Board**

The Health and Social Care Board was established on 1 April 2009 under the Review of Public Administration to replace the existing four Health and Social Services Boards.

The Board of Directors comprises of 12 members all appointed by the Minister. None of these currently holds elected representation. However, the Board also comprises of five local commissioning groups (LCGs), under which it devolves its role at a local level. Each LCG consists of 18 members – and four members of each LCG are local councillors.

## **Patient Client Council**

The Patient and Client Council (PCC) was established on the 1st April 2009, which aims to be "a powerful, independent voice for people".

The Patient and Client Council have a Board made up of a Chair and sixteen non-executive directors, recruited from across Northern Ireland under the Public Appointments Process. The Board is responsible for setting the policy and direction for the Patient and Client Council and for monitoring progress and performance. Of the 16 members which make up the Board, 5 of these are locally elected representatives, 5 are representatives from the community and voluntary sector, 5 lay persons and 1 trade union representative.

## **Local Government Staff Commission for NI**

The Local Government Staff Commission for NI exists to exercise general oversight of matters connected with the recruitment, training and terms and conditions of employment of officers of

councils and the Northern Ireland Housing Executive (NIHE); and to make recommendations to councils and the NIHE on such matters.

The Local Government Staff Commission was established in 1974. Members are paid an allowance and expenses. Administration costs are funded by district councils and a minimal contribution is made by the DOE from time to time.

The reconstituted Commission commences on 1 December 2010 and comprises 6 members and 1 chairman. The make-up of membership is one serving Chief Executive, an independent (former local government officer), a serving HR officer and 3 local government councillors.

### **Northern Ireland Fire and Rescue Service (NIFRS) Board**

The NIFRS Board is constituted to make provision for fire-fighting services and for the protection of fire. The NIFRS Board was established on 1 July 2006 under the Fire and Rescue Service (NI) Order 2006 and replaced the outgoing fire authority for NI. A review of the NIFRS Board has not yet determined how/ if the RPA may affect its future structure and accountability.

The NIFRS board has 12 members, 4 of which are elected members from district councils. The membership from the elected representatives changed from 1 July 2006 when the Fire and Rescue Services (NI) Order 2006 came into effect. Prior to this, there were eight district council members on the Board.

Whilst the elected member posts of the Board had not been filled for over a year, the NIFRS announced the appointment of 4 elected members to the Board on the 6 October 2010.

### **Public Health Agency**

The Public Health Agency was established in 2009 under the RPA, set up to provide a renewed and enhanced focus on public health and wellbeing, by bringing together a wide range of public health functions under one organisation. It is a multi-disciplinary, multi-professional body with four key functions:

- health and social wellbeing improvement;
- health protection;
- public health support to commissioning and policy development;
- HSC research and development.

The PHA is required to have two representatives from local Government, 1 Trade Unions representative and 1 Social Care representatives among its non-executive members. Any councillor wishing to be considered, must apply and be appointed through the Public Appointment Process by the Health Minister, by undergoing a short-listing and interview

process. The appointment process for the PHA has recently been completed and two local councillors now sit on the Board.

### **Northern Ireland Housing Executive**

The NIHE Board has been constituted to examine housing conditions and housing requirements on a regular basis and draw up wide ranging programmes to meet these needs. The Board is responsible for general management, policy development and operation of the Housing Executive. There are ten Board members, six of which are appointed by the Minister responsible for housing, and the remaining three are nominated by the NI Housing Council (and at least one member of the Board must be female).

The NI Housing Council was established in 1971. The Council is consulted by the Housing Executive and the Department for Social Development on all matters that affect housing policy in NI. The Housing Council is made up of one representative from each of the 26 district councils in NI and four members of the Housing Council always sit on the Board of the Housing Executive – appointed for a one year period.

### **NI Museums Council**

The NI Museums Council was established in 1993 to support and advise local museums in NI in improving their standards of collections care, and in making their collections as accessible as possible. It is intended that under the Review of Public Administration the NI Museums Council will be abolished and its functions will be transferred to central and local government. There are 2 elected members and 1 local government officer on the NI Museums Council Board of Directors, nominated by the district councils which provide Accredited Museums.

### **Sport NI**

Sport NI was established in 1973 to further sport and recreational facilities in NI. There is one local councillor on the Board, however this appointment was made through the Public Appointments Process, therefore open to anyone with an interest in this field, rather than a designated place given specifically for an elected member.

### **Changing face of Local Government Representation**

The table below illustrates the reduction in the level of democratic accountability as a direct result of restructuring:

<b>Name of Organisation (NDPB)</b>	<b>Previous number of locally elected representatives</b>	<b>Current number of locally elected representatives</b>
<b>BELB</b>	14	4 (vacant)

<b>NEELB</b>	14	9 (vacant)
<b>SELB</b>	14	6 (vacant)
<b>SEELB</b>	14	0 (4 commissioners have been appointed in the interim)
<b>WELB</b>	14	0
<b>NIFRS</b>	8	4 (appointed)
<b>NIHE</b>	6	6 (appointed)
<b>Drainage Council</b>	10	10 (appointed)
<b>Public Health Agency (previously Health Promotion Agency)</b>	0	2
<b>NI Museums Council</b>	2	2
<b>Local Commissioning Groups (HSC Board)</b>	0	4 per area (5 areas in NI)
<b>TOTAL</b>	96	63 (with 44 appointed)

## Key Findings

Out of all the Non Departmental Public Bodies in Northern Ireland (and £8.5 billion of public money), only 14 Boards have elected members representation. Of those 14 NDPB, only 11 specify in their constitution or in statute that elected members must have a place on the Board (the other 2 organisations with elected member representation appoint through the Public Appointments process which is open for anyone to apply).

Furthermore, of those 11 organisations which do specify that elected members should sit on their Board, 6 have appointed councillors to the posts.

The other five (namely the Education and Library Boards) have not yet appointed, but at the time of writing, were in the process of doing so, apart from the South Eastern Education and Library Board, who have appointed Commissioners to oversee the running of the Board until the Education and Skills Authority has been set up.

The date for the Education and Skills Authority to be established has yet to be agreed by the NI Executive, therefore it is unclear when SEELB will have local councillors to provide any democratic accountability or scrutiny.

## **Options for developing local democratic accountability in Northern Ireland**

### ***Community Planning***

The introduction of Community Planning legislation will provide a framework to enable the delivery of better, more responsive public services. This legislation will make it easier for councils fulfil their role, giving them more responsibility to act within an appropriate framework, to work in partnership with other bodies and the communities they serve, and to embed a culture of quality, equality and improvement.

Minister Foster in her statement to the Northern Ireland Assembly on 31 March 2008 reflected a “strong desire that central and local government should work in partnership to deliver both the Programme for Government and the vision for local government”. This should be a three-way process whereby local Community Planning partnerships can influence regional direction, but also can help to co-ordinate the delivery of regional priorities, as set out in the Executive’s Programme for Government, in a way that is sensitive to local needs and circumstances.

### ***Scrutiny***

An Overview and Scrutiny function should be at the heart of the Councillor’s role as an Elected representative. Under RPA proposals, governance arrangements for the new 11 councils were developed; and included a range of options from which councils could select their decision-making structure. This included the streamlined committee model and the cabinet style model under which provision must be made for effective scrutiny arrangements in the streamlined committee and cabinet style models. These options should be made available to existing councils.

In England and Wales, the Local Government Act 2000 gives councils scrutiny powers to report “on matters which affect the authority’s area or the inhabitants of that area.” This provides a framework to investigate the role of NDPBs in the council’s area (however, this Act does not provide a specific obligation on the NDPB to take part or respond).

Furthermore, the Local Government and Public Involvement in Health Act 2007 provides powers for scrutiny of Local Area Agreements (LAA). This enables councils to scrutinise organisations named in the Act<sup>11</sup> which are signed up to specific LAA targets. Powers are to:

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<sup>11</sup> Organisations covered in this legislation are: district councils, the Environment Agency, Natural England, fire and rescue authorities, JobCentre Plus, the Health and Safety Executive, the Broads Authority, National Park

- Scrutinise local improvement targets (LAA targets);
- Require information from partner organisations signed up to LAA targets;
- Require these organisations to have regard to scrutiny recommendations which relate to a relevant LAA target.

In relation to the scrutiny of health, the Health and Social Care Act 2001 established the power of health scrutiny for all upper-tier councils in England and Wales to scrutinise health services. Health Overview and Scrutiny Committees have specific powers and roles including:

- To review and scrutinise the operation of the health service in its area and to make reports and recommendations to NHS bodies in respect of that review and scrutiny;
- The right to refer the Secretary of State any substantial variations of NHS services that are not in the interests of local people or where the consultation has been inadequate;
- The right to establish joint health scrutiny committees to consider issues of concern to two or more health scrutiny committees.

Health bodies are required to: provide information; make arrangements for officers to attend health scrutiny committee meetings and answer questions; respond in writing to health scrutiny committee reports; and consult the health scrutiny committees at an early stage on any plans for substantial variations or developments of health services.

Finally, under the Police and Justice Act 2006, members of Crime and Disorder Reduction Partnerships are required to take part in scrutiny locally. This includes the main partners: the council, the police authority and police force, the primary care trust, the fire and rescue authority, plus the co-operating bodies such as probation, NHS and further education institutions. The powers this scrutiny committee has are:

- To scrutinise how the partnership members are discharging their crime and disorder functions with a scrutiny committee designed to do this;
- To require information to be provided by partners, and require attendance at meetings;
- To require partners to respond to reports and 'have regard' to recommendations.<sup>12</sup>

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Authorities, Youth Offending Teams, police authorities, Transport for London, Chief Officer of Police, local probation boards, Probation Trusts and other providers of probation services, Primary Care Trusts, National Health Service Trusts, NHS Foundation Trusts, Joint Waste Authorities, Regional Development Agencies, Learning and Skills Council, Sport England, English Heritage, Arts Council, Museums, Libraries and Archives council, Highways Agency, Metropolitan Passenger Transport Authorities, Homes and Communities Agency.

<sup>12</sup> Powers for scrutiny of Quangos – page 8 – Who's in Charge? And Other Questions to Ask About Quangos (Local Government Association <http://www.lga.gov.uk/lga/aio/7129227>)

### **Ethical standards regime and a new Code of Conduct**

High ethical standards are a cornerstone of good governance and fundamental to the reputation of local government. There is a need to have a transparent Ethical Standards regime in place that has the confidence of elected members and officers of Councils, and the public. It is essential to promote confidence in local democracy that new arrangements should be introduced including a statutory 'Code of Conduct' for all members.

### **Transfer of local functions to local councils**

Decisions about public services should be taken as close as possible to local people by locally elected representatives, not by unelected boards.

NILGA are particularly disappointed with the uncertainty over the future of the RPA and would urge the Environment Minister and his Executive colleagues to work together as a matter of urgency to continue the momentum to drive these changes forward.

NILGA would advocate the principles contained within the European Charter for Local Self Government,<sup>13</sup> as the standard that should be aspired to be achieved in Northern Ireland.

The **European Charter for Self Government** outlines local authorities as one of the main foundations of any democratic regime and should (for example):

- (i) *Local authorities shall, within the limits of the law, have full discretion to exercise their initiative with regard to any matter which is not excluded from their competence nor assigned to any other authority.*
- (ii) *Public responsibilities shall generally be exercised, in preference, by those authorities which are closest to the citizen. Allocation of responsibility to another authority should weigh up the extent and nature of the task and requirements of efficiency and economy.*
- (iii) *Powers given to local authorities shall normally be full and exclusive. They may not be undermined or limited by another, central or regional, authority except as provided for by the law.*
- (iv) *Where powers are delegated to them by a central or regional authority, local authorities shall, insofar as possible, be allowed discretion in adapting their exercise to local conditions.*
- (v) *Local authorities shall be consulted, insofar as possible, in due time and in an appropriate way in the planning and decision - making processes for all matters which concern them directly.*

The Secretary of State for Northern Ireland in his announcement of 22 November 2005 set out the four guiding principles on which the Review of Public Administration would be based. In the

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<sup>13</sup> European Charter for Local Self Government , Council of Europe, 15.X.1985



context of the discussion about the future relationship between central and local government and the transfer of functions from central government to local government, it is important to restate these principles.

- (1) **Subsidiarity:** the need to balance the efficiency of regional service delivery against local democracy and local responsiveness;
- (2) **Equality and Good Relations:** in terms of service delivery, diversity and employment, the governance of organisations including the Councils and the embracement of principles set out in A Shared Future – The Framework for Good Relations;
- (3) **Common Boundaries:** experience elsewhere demonstrates that people can understand public services better when they are delivered in common boundaries which also makes it much easier for organisations to deliver real joined-up services; and
- (4) **Strong Local Government:** all the Review consultations saw people coming out strongly in support of local government as the centrepiece in service delivery and local democracy.

In the course of his announcement on 22 November 2005, the Secretary of State set out a vision of the future in which a small or core Civil Service lets go of the reins of service delivery and passes them on to local government and other organisations. He emphasised the need for local government to be at the centre of service delivery and civic life playing a key role in engaging with their communities. He recognised the reality that people who believe that they are not getting the public services they deserve much prefer to take their complaint to their elected representative whom they believe should be directly accountable for oversight of the quality of service delivery.

He continued that the implementation of the RPA proposals would bring back to local government the major functions such as planning, local roads, physical regeneration, local economic development. He stated that it was right that, as far as possible, services and functions which affect only the people in a local area should come under the control of representatives elected by the citizens who live there and that elected representatives must have meaningful input into the local delivery of regional services.

Finally, the Secretary of State announced the mechanism whereby the vision of joined-up public services serving the needs of the public would be created. He announced that Councils would have the central role in delivering joined-up services by the introduction of a new system of community planning which would impose a statutory duty on Councils to develop and co-ordinate the delivery of plans to address the requirements of their communities. These plans are to be built on the principles of sustainable development and a shared future and other public

service organisations will be directed in legislation to co-operate fully with Councils in this planning process.<sup>14</sup>

## Conclusions

A lack of democratic representation on Non-Departmental Public Bodies reduces the accountability of the bodies. 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. There are a number of ways that this can be achieved, which are outlined above.

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 spend on improving an area.

Greater local accountability and engagement should benefit both the elected and the electorate as people will feel empowered as their opinions are taken into account when decisions are made about the areas in which they live.

## Recommendations

- 1. 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.**
- 2. Introduce scrutiny powers for local councils which enable locally elected representatives to call Non Departmental Public Bodies to account.**
- 3. Introduce a new ethical standards regime and a new Code of Conduct in order to improve confidence in governance arrangements within council structures.**
- 4. Lobby for a full commitment by the NI Executive to the European Charter of Local Self Governance.**

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<sup>14</sup> DELIVERING ON THE REVIEW OF PUBLIC ADMINISTRATION:CREATING STRONG LOCAL GOVERNMENT (Paper outlining the Local Government Preferred Approach) NILGA, June 2008