

APPENDIX 1



Mr Peter McNaney
Belfast City Council
Belfast City Hall
Belfast
BT1 5GS

15 February 2012

Dear Mr McNaney

At its meeting on 14th February, the Assembly and Executive Review Committee agreed the Terms of Reference (TOR) for its immediate Review of Parts III and IV of the Northern Ireland Act in the context of reviewing the size of the Assembly and the number of NI departments.

I now invite you to submit your views, using the attached Call for Evidence pro forma (which includes the TOR for the Review), for the Committee's consideration.

The deadline for the return of the Call for Evidence is **Wednesday, 28th March**. May I apologise for the tight timescale in relation to this request – you will note that Phase 1 and 2 of the Review must be completed by early June 2012.

Should you have any queries in relation to making a submission, please contact the Committee Clerk, whose contact details can be found at the end of the Call for Evidence pro forma.

On behalf of the Committee, I look forward to receiving your views.

Yours sincerely,

Stephen Moutray MLA
Chairperson
Assembly and Executive Review Committee

Chief Executive's Office		
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P&L	P&P	Other
Ref	McN 57/02	

Assembly and Executive Review Committee
Room 375, Parliament Buildings, Ballymiscaw, Stormont, Belfast BT4 3XX

Telephone: 028 9052 1735 E-mail: committee.assemblyandexecutivereview@niassembly.gov.uk

**Northern Ireland
Assembly**

Assembly and Executive Review Committee

Stakeholder ‘Call for Evidence’ paper

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Section 1

Stakeholder Details

Stakeholder Name	Telephone Number			
Stakeholder Address	Stakeholder Type (Include one or more X)			
	Registered Political Party	<input type="checkbox"/>	Local Government	<input type="checkbox"/>
	Academic	<input type="checkbox"/>	Government	<input type="checkbox"/>
	Legislature	<input type="checkbox"/>	Non-Government	<input type="checkbox"/>
	Other (Please Specify)/ Member of the Public			<input type="checkbox"/>

Please provide some background information on your role as a stakeholder

(This box will expand as you type)

Guidelines for Completion of Submissions

The Committee would ask that stakeholders submit electronic responses using this pro forma.

Stakeholders should be aware that their written evidence will be discussed by the Committee in public session and made public by the Committee by publication of its Report or other means.

Stakeholders should also be aware that if they decide to publish their submissions, the publication would not be covered by Assembly privilege in relation to the law of defamation.

Section 2

Introduction

Powers

- 2.1.** The Assembly and Executive Review Committee is a Standing Committee established in accordance with Section 29A and 29B of the Northern Ireland Act 1998 and Standing Order 59 which, amongst other powers, provide for the Committee to:
- II. make a report to the Secretary of State, the Assembly and the Executive Committee, by no later than 1 May 2015, on the operation of Parts III and IV of the Northern Ireland Act 1998; and
 - III. consider such other matters relating to the functioning of the Assembly or the Executive as may be referred to it by the Assembly.

The Secretary of State's Proposed Bill

- 2.2.** The Secretary of State for Northern Ireland intends to bring forward a Northern Ireland Bill in the Third Session of Parliament. The primary purpose of the Bill is to effect changes relating to political donations in Northern Ireland. However, it also provides an opportunity to make changes to the Northern Ireland institutions where there is broad support among the parties and where Westminster primary legislation would be required, such as future amendments to the NI Act 1998. This relates directly to point II of the Committee's remit above.
- 2.3.** With the Secretary of State seeking to introduce this Bill in the Third Session of Parliament, the Assembly and Executive Review Committee agreed that it would take forward an immediate review of a key area in relation to the operation of Parts III and IV of the Northern Ireland Act 1998 much earlier than planned. The proposed Bill may be the only opportunity to make institutional changes, where Westminster primary legislation would be required, prior to the next Assembly election. The Secretary of State is seeking Assembly agreed proposals for change prior to the summer recess of 2012.

Assembly and Executive Review Committee's Priorities for Review

The Committee agreed its immediate priority area for review in relation to Parts III and IV of the Northern Ireland Act 1998 at its meetings on 17th and 31st January 2012 and the **Terms of Reference** of its Review as follows:

2.4. The Assembly and Executive Review Committee will review the potential benefit of streamlining governing institutions, focusing on the number of MLAs elected to the Northern Ireland Assembly as a result of the Parliamentary Voting System and Constituencies Act 2011 and any further reductions for the next Assembly election; and on the reduction in the number of Northern Ireland departments and associated re-allocation of functions.

- **Phase 1 – Review Evidence Gathering**

The Review will take evidence on:

- (1) Whether the statutory link between Westminster and Northern Ireland constituencies should be removed and the implications of removing or retaining this link.
- (2) The implications of the forthcoming reduction (on the implementation of the Parliamentary Voting System and Constituencies Act 2011) and any further reduction in the number of MLAs;
- (3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity;
- (4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including in particular, proposals to ensure a robust and effective committee system; and
- (5) The reduction in the number of NI departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions are maintained.

- **Phase 2 – Consideration and Report on Number of MLAs**

The Committee will consider all evidence received in relation to reducing the number of MLAs and report and make recommendations to the Assembly on these matters by early June 2012.

- **Phase 3 – Consideration and Report on Number of NI Departments**

The Committee will consider all evidence received in relation to reducing the number of Northern Ireland departments and report and make recommendations to the Assembly in late October 2012.

Matters Outside the Scope of the Review

2.5. The Committee has agreed that the following issues are outside of the scope of the Review:

- Alternative electoral systems/ models; for example, additional member system or alternative vote and;
- The statutory basis for the current committee system

Section 3

Background

This section provides brief background information on the issues being considered by the Committee as part of this review.

Current arrangements: Constituencies and Members per Constituency

- 3.1. The Belfast Agreement states that ‘A 108 member Assembly shall be elected using PR-STV from existing Westminster constituencies.’
- 3.2. Consequently Section 33 of the Northern Ireland Act 1998 states that:

‘ (1) The members of the Assembly shall be returned for the parliamentary constituencies [Westminster] in Northern Ireland

(2) Each constituency shall return six members’
- 3.3. There are currently 18 Westminster Parliamentary constituencies in Northern Ireland, therefore, as a direct consequence, there are 108 Members of the Legislative Assembly (MLA).
- 3.4. Legislation by the Westminster Parliament is required for s33 of the Northern Ireland Act to be changed.

The Parliamentary Voting System and Constituencies Act 2011

- 3.5. The Parliamentary Voting System and Constituencies Act 2011 reduced the number of Westminster Parliamentary constituencies from 650 to 600. As a result, the number of Parliamentary constituencies in Northern Ireland will be reduced from 18 to 16 for the purposes of the next UK Parliamentary election. Therefore, as a direct consequence mandated by s33 of the Northern Ireland Act 1998, the number of MLAs will be reduced from 108 to 96.
- 3.6. It is possible that the number of constituencies in Northern Ireland could increase following future reviews of Westminster parliamentary boundaries. However, this would require a significant drop in the number of people registered to vote in Great Britain.

Comparative Arrangements in Relation to Constituencies and ‘Decoupling’

- 3.7. Unlike the Northern Ireland Assembly, the Scottish Parliamentary and National Assembly for Wales constituency boundaries are now not coterminous with Westminster boundaries. In other words, those legislatures have ‘decoupled’

from Westminster constituency boundaries.

- 3.8.** Section 2 of the Government of Wales Act 2006 specifies that the National Assembly for Wales constituencies are the parliamentary constituencies in Wales.
- 3.9.** Section 13 of the Parliamentary Voting System and Constituencies Act 2011(PVSC Act) amended that section to provide that the Assembly constituencies are the constituencies specified in the Parliamentary Constituencies and Assembly Electoral Regions (Wales) Order 2006, as amended. The effect is that any future changes to Parliamentary constituencies made under the new rules introduced by the PVSC Act 2011 will not change Assembly constituencies.
- 3.10.** The Scottish Parliament (Constituencies) Act 2004 removed the statutory link between the Scottish Parliamentary constituencies and those for the House of Commons. As a result the number of MSPs remained at 129, even when the number of MPs was reduced.
- 3.11.** If the Assembly were to ‘decouple’ from Westminster boundaries, legislation by the Westminster Parliament is needed (reference paragraphs 3.1-3.4).

Reducing the Number of MLAs and Maintaining Effectiveness

- 3.12.** Issues (3) and (4) of the Terms of Reference relate to the number of MLAs required for the Assembly to function effectively and for those elected individuals to discharge their full range of constituency and parliamentary functions. The key functions of the Assembly include:
- Representing the key interests of the people;
 - Holding the Executive to account;
 - Advising and assisting the Executive
 - Scrutinising and approving the budget; and
 - Making and passing legislation
- 3.13.** In addition to statutory functions, increasing importance has also been attached by the Assembly to ensuring that it effectively engages local people in its operations.
- 3.14.** MLAs cover a variety of business areas and communities, including constituency business, plenary business in the Chamber, participation in Assembly Committees and other commitments such as all-party groups.
- 3.15.** Reducing the number of MLAs will have implications for both parliamentary and representative functions. These need to be considered and proposals are required to assist in sustaining effectiveness.

The Committee System

- 3.16.** The Committee system is recognised as being a crucial component of modern parliamentary systems and is particularly important in unicameral legislatures such as the Assembly. The current committee system is a product of the Northern Ireland Act 1998 (as amended) and the Assembly's Standing Orders. As might be expected the Northern Ireland Act requires the Assembly's Standing Orders to make provision for establishing '*statutory committees.*'
- 3.17.** The Belfast (Good Friday) Agreement states in paragraph 9 of Strand One that there is to be a '*Committee for each of the main executive functions of the Northern Ireland Administration... Membership of the Committees will be in broad proportion to party strengths in the Assembly to ensure that the opportunity of Committee places is available to all Members.*'
- 3.18.** Section 29 of the Northern Ireland Act 1998 states that the Committees will '*advise and assist each Northern Ireland Minister in the formulation of policy with respect to matters within his responsibilities as a Minister.*' It also confers on these committees the powers described in paragraph 9 of the Belfast Agreement.
- 3.19.** The Northern Ireland Act 1998 also makes provision for Standing Committees such as the Assembly and Executive Review Committee and the Audit Committee, with Standing Orders providing for a number of further committees to assist the Assembly in discharging its functions.

The Number of Northern Ireland Departments

- 3.20.** Section 17(4) of the Northern Ireland Act 1998 allows for up to 10 Ministers with departmental responsibilities, although this can be amended [for example, the Northern Ireland Act 1998 (Amendment of Schedule 3) Order 2010 allowed for the transfer of policing and justice functions]. Under section 21(3) of the 1998 Act, a department under the First and deputy First Minister is not included in the '*up to 10*' Ministers figure. The current number of government departments was arrived at following inter-party negotiations, primarily between the UUP and SDLP, which were concluded on 18 December 1998. The subsequent report from the First Minister (Designate) and Deputy First Minister (Designate) stated:

'We have agreed that there should be an Office of the First Minister and Deputy First Minister and ten Departments, which taken together will be responsible for the work of the current six Northern Ireland Departments. The new Departments and corresponding Ministerial offices will be:

- *Agriculture and Rural Development*
- *Environment*
- *Regional Development*
- *Social Development*

- *Education*
- *Higher and Further Education, Training and Employment*
- *Enterprise, Trade and Investment*
- *Culture, Arts and Leisure*
- *Health, Social Services and Public Safety*
- *Finance and Personnel*

3.21. The Departments (Northern Ireland) Order 1999 established new Northern Ireland Departments and renamed some departments. The six departments at the time of the Belfast Agreement were agriculture, economic development, environment, education, health and social services, finance and personnel.

3.22. Since 1999, a number of Transfer of Functions Orders have reassigned certain functions to other Departments, but the number of Departments did not change until the establishment of the Department for Justice under the Department of Justice (Northern Ireland) Act 2010.

3.23. It is within the remit of the Assembly and Executive Review Committee to report on Executive structures. The Executive is also considering streamlining departments through its Efficiency Review Panel. The Committee expects to receive an update on this work in due course, but wishes to receive evidence in relation to the number of departments and reallocation of functions.

3.24. In January 2012, it was announced that the Office of the First Minister and deputy First Minister will ask officials to make arrangements to prepare the necessary Assembly legislation to abolish the Department of Employment and Learning (DEL) and transfer its functions. Furthermore, the Office announced that it is seeking views from key stakeholders and interested parties on how functions implemented by DEL should be transferred to other departments in the most appropriate manner.

Further Information

3.25. Stakeholders will wish to refer to the Research and Information Service (RaISe) research papers (listed below), produced for the Committee in respect of its review of Parts III and IV of the Northern Ireland Act 1998. Research papers can be accessed on the Assembly and Executive Committee's webpage: <http://www.niassembly.gov.uk/Assembly-Business/Committees/Assembly-and-Executive-Review/Research-Papers/>.

3.26. Research papers:

- *Update Paper on Size of Assembly;*
- *Size of the Northern Ireland Assembly;*
- *Further Information Relating to the Structure of the Northern Ireland*

Assembly;

- *Electoral Systems for the Scottish Parliament and National Assembly for Wales;*
- *The Size of the Assembly and Number of Government Departments (including Efficiency Review Panel);*
- *Parliamentary Voting System and Constituencies Bill;*
- *The Parliamentary Voting System and Constituencies Act 2011.*

Section 4

Issues (as set out in (1)-(5) of the Committee's Terms of Reference) and Questions to consider

(1) Whether the statutory link between Westminster and Northern Ireland constituencies should be removed and the implications of removing or retaining this link

What would be the advantages and disadvantages of Northern Ireland 'decoupling' from the Westminster constituency model for Assembly elections?

Please offer supporting evidence for your view on whether the link should be removed, or retained.

If your view is that the link should be removed, how many constituencies and MLAs per constituency do you envisage in the 'decoupled' system, and why?

(This box will expand as you type)

(2) The implications of the forthcoming reduction via the Parliamentary Voting System and Constituencies Act 2011, and any further reduction in the number of MLAs

What, in your view, will be the implications of the reduced number of MLAs arising from the Parliamentary Voting System and Constituencies Act 2011 (ie 16 rather than 18 constituencies)?

A further reduction in the 16 constituency scenario could arise from a decrease in the number of MLAs per constituency. What, in your view, are the implications of such a further reduction?

Do you consider that the number of MLAs per constituency should remain at 6 or decrease, and if so, for what reasons?

(This box will expand as you type)

(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity.

What size of an Assembly is required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained?

Are there comparable arrangements elsewhere which the Assembly and Executive Review Committee could usefully consider?

What factors should the Committee take into account when deciding on the size of the Assembly?

(This box will expand as you type)

(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including in particular, proposals to ensure a robust and effective committee system

Please indicate what you would propose to change in the current arrangements to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly.

In particular, what changes would you propose to ensure a robust and effective committee system?

(This box will expand as you type)

(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained

How many departments are required to effectively discharge the current range of devolved functions?

In broad terms, what functions should be grouped in the reduced number of departments and what factors informed your decisions on grouping functions together in a department?

(This box will expand as you type)

Section 5

Additional Information

Please provide any additional information which you believe will be of assistance to the Committee during the course of the Review.

(This box will expand as you type)

Section 6

Contact Details

All responses should be sent by email please to:

The Committee Clerk
Assembly and Executive Review Committee
Room 375
Parliament Buildings
Ballymiscaw
Belfast
BT4 3XX

Tel: 028 90521787 or
028 90521928

To arrive no later than 28th March 2012

Email: committee.assembly&executivereview@niassembly.gov.uk

Thank you for your submission