



Briefing 10/74 December 2010

Local Government Reform in Northern Ireland – Policy Proposals

To: All Northern Ireland Contacts

For information: All contacts in England, Scotland and Wales

Key issues

Proposals Paper from the Department of the Environment

Consideration of governance arrangements; ethical standards; service delivery and performance improvement; community planning; power of well being; arrangements for partnership working; supervision of councils; and future re-organisation

1. Introduction

The Department of the Environment is seeking views from the sector on its proposals for reform of local government. The Department issued a Policy Proposals Consultation Document on 30th November 2010 which highlights the background to local government review, developments to date as well as a range of policy proposals.

It can be found at

http://www.planningni.gov.uk/index/news/news_consultation/local_government_reform_-_consultation_document.pdf

APSE is issuing this paper to ask for comments from members which it will incorporate into its response to the paper.

2. Context

The main topics covered by the paper are as follows:

- a new governance framework to provide for efficient, fair and transparent decision-making across local government,
- a new ethical standards regime and mandatory Code of Conduct to ensure the highest standards of behaviour are maintained;
- a new community planning process together with a power of well-being;
- a new regime to support improvement in how councils deliver services to their ratepayers; and
- a Partnership Panel to formalise the relationships between the Executive and district councils and provide a forum for the collective consideration of strategic issues.

3. APSE Comment

APSE welcomes the publication of this report as a step towards local government reform in Northern Ireland.

Reform of local government in Northern Ireland has been ongoing for a number of years and although this had led to some frustration, at least the sector is in a position to learn the lessons that have emerged from local government in other parts of the UK. Such lessons must be understood, the pitfalls avoided and the benefits harnessed in the context of Northern Ireland local government reform.

With a focus on frontline services, APSE is especially interested in the sections of the paper looking at Service Delivery and Performance Improvement. The delivery of front line services for the benefit of local citizens and businesses and ensuring that attention is paid to improving those services is at the heart of APSE work. We believe that there is benefit in tracking performance over time and comparing levels of performance to see where councils can learn from each other. However it is not just about comparing figures – real improvement comes from speaking with other service providers and looking at the processes that are in place which then lead to those levels of performance being achieved. APSE facilitates this type of process benchmarking as part of Performance Networks, the APSE performance management and benchmarking model.

In order for councils to learn from each other they need certain types of information about each other. This means information about the scale, priorities or functions within a council to understand the context. Any performance data must be standardised across those involved in the comparison to ensure the same things are being considered. For example in Performance Networks, there are standard performance indicators, with definitions and guidance to ensure true comparison. Once this data is collected and available it is a source of information to councillors, citizens and businesses as well as officers and should be publicised as appropriate.

All performance improvement frameworks require a validation process but this should go beyond auditing an improvement plan. The role is a role often undertaken by other councils in a peer review role as they have the operational experience of providing services and are in a position to provide practical support, knowledge of the sector and have many contacts in similar roles. It is often difficult for bodies such as the local government auditor to undertake a significant role because councils are looking for answers to many operational questions which can only be answered by like organisations. The role is not one of simply pointing out where improvements can be made without also providing help and advice about how that can be achieved.

Intervention in a service by an external body is a serious step and should be an action of last resort. This is a further reason for any reviewing or validating body to provide support, ideas and information as the council attempts to improve the service in question. Intervention should only be considered if there is a guarantee that it will bring improvements.

4. APSE Response

APSE will make a detailed response to the report when we have heard from our members and I encourage all to respond to this briefing.

APSE will be compiling its response in February 2011 and is requesting replies to this consultation document by Friday 18th March 2011. Responses should be sent to pbrennan@apse.org.uk

The closing date for the consultation is 11 March 2011 and comments should be sent to LGPDConsultations@doeni.gov.uk

5. Consultation Questions

The paper includes 47 questions to prompt responses as well as the opportunity to comment generically about the paper.

	Governance arrangements
1	Do you agree that a list of alternative decision-making structures should be available to councils?
2	Where decision-making is devolved to a committee of the council, do you agree that effective internal scrutiny arrangements should be required?
3	If a list of decision-making structures, as set out, is provided, do you support the proposal that a default option should be available?
4	Should a list of core issues, for which decisions must be taken by the full council, be specified? If so, what are your views on the issues that should be included in this list?
5	Do you support the proposal that a limited number of methods for ensuring the sharing of positions on a council, its committees, and external appointments should be made available? Are the methods identified appropriate?
6	Should the D'Hondt system be specified as the default model, for use in the absence of agreement?
7	Do you support the proposal that the Department specifies the method for applying each of the available systems?
8	Do you agree that the Department should specify the list of positions that would be allocated using these methods?
9	What are your views on the proposal for ensuring proportionality in the membership of council committees? Are the methods to be used appropriate?
10	Should a call-in procedure be introduced to provide a check and balance for council-decision making?
11	Do you support the proposal for such a call-in to be available in the two circumstances outlined, and for how it would operate?
12	Do you agree that 15% of council membership should be the trigger for a call-in?
13	Should the use of qualified majority voting be introduced to provide safeguards in the council's decision-making processes?
14	Do you agree that 80% of council membership should be the threshold for qualified majority voting?
15	What are your views on the proposed steps to enhance transparency and openness in the operation of a council and its decision-making?

	Ethical Standards
16	Do you agree that a statutory ethical standards framework should be introduced for members of district councils in Northern Ireland?
17	Do you agree that the principles mentioned above should apply to councillors and co-opted members?
18	Do you agree that a mandatory Code of Conduct should be introduced and that all council members should give a written undertaking to comply with it before accepting office?
19	Do you agree that all written complaints concerning alleged breaches of the Code should be sent in the first instance to the Commissioner for Complaints to determine how they should be investigated?
20	If you do not agree, what other suitable alternative would you suggest?
21	Do you agree that the Commissioner for Complaints should only deal with those cases that are deemed to be serious or high profile?
22	Alternatively, would you prefer the Commissioner for Complaints to be responsible for all types

	of cases? What would you consider to be the advantages of this?
23	Do you agree that each council should be required to establish a standards committee? If so, do you agree that each Standards Committee should include independent members and that an independent member should chair the committee?
24	Do you agree that complaints concerning less serious breaches of the Code should be dealt with by the relevant council's standards committee; Do you agree that the council's independent monitoring officer should undertake any necessary investigation; Do you agree that the standards committee will consider all cases on the basis of the monitoring officer's reports and on the evidence presented; and Do you agree that the council's standards committee should decide what sanctions, if any, should be taken against the members concerned?
25	Do you agree that monitoring officers should be independent of councils or do you think that they should be council officers who, in addition to investigating less serious complaints, might be better placed to support the development of an ethical culture within councils? Do you agree that an independent monitoring officer should be appointed to each council? If not, what alternative would you propose?
26	Do you agree that sanctions should be available to standards committees and the Commissioner for Complaints where breaches of the Code have occurred?
27	Do you agree that members should have a right of appeal to the Commissioner for Complaints concerning decisions taken by standards committees and to the Court system concerning decisions taken by the Commissioner for Complaints?

	Service Delivery and Performance Improvement
28	Do you agree that a newly defined best value (continuous improvement) duty should be placed on councils?
29	Should the Department be able to issue guidance in relation to best value?
30	Should councils be required to have regard to any guidance issued?
31	Do you agree that the Department should be able to specify performance indicators for the delivery of council functions?
32	Do you agree with the proposals for the public reporting of a council's performance improvement?
33	Should the local government auditor have a role in providing external assurance in relation to a council's improvement plan?
34	Is the proposed role for the local government auditor as comprehensive as might be required?
35	Do you agree that Ministers should be able to intervene if a council is failing to deliver services?

	Community Planning
36	Do you agree that councils should lead and facilitate community planning and that a requirement should be placed on them to do so?
37	What are your views on departments and statutory bodies being required to participate in and support community planning?
38	Should councils be required to publish community plans for their districts, and to review these as necessary?
39	Do you agree that the Department should be able to issue guidance to support community planning, and in relation to the format and content of a council's community plan?

	Power of Well-Being
40	Do you agree that a power of well-being should be introduced for councils, and that the Department should be able to issue guidance to support its operation?

	Partnership Panel
41	Should a Partnership Panel be established to formalise relations between central and local government?

42	What are your views on the proposed remit of the Panel?
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	Supervision of Councils
43	Do you agree that the supervision powers currently available to the Department of the Environment should be made available to all departments?

	Reorganisation of District Councils
44	Do you agree that model transfer schemes should be developed?
45	Who should be responsible for preparing any model transfer schemes?
46	Do you agree that transfer schemes in relation to property and assets of government departments transferring to the new councils should provide for a continuing interest for the department concerned?
47	Do you support the proposal that existing district councils should be able to incur expenditure on behalf of the new council to be established for that area?

Phil Brennan
Principal Advisor