



Local Government Reform and Community Planning Policy Proposals

There has been a great deal of uncertainty and delay surrounding local government reform and the implementation of the Review of Public Administration which was first launched in 2002. Although there has been no progress towards an 11 council model and the transfer of functions to them the recent policy proposals are welcomed and maintain some momentum towards reform.

The latest policy proposals for the reform of local government were launched for public consultation by the Minister of the Environment, Edwin Poots, on 30 November 2010. The proposals set out governance arrangements for new councils and cover a range of issues including: the introduction of Community Planning responsibilities and power of well being; ethical standards, oversight, and checks and balances to ensure fair and transparent decision-making. The current consultation is a first step in the legislation making process which will deliver the reform of local government.

Community Planning

The central aim of the reform of local government is to provide high quality, efficient services which respond to the needs of local communities. A council-led Community Planning process is seen as key to the delivery of this aim enabling councils to work with the community, voluntary, public and private sectors in facilitating a more joined up approach to meeting local needs.

The proposed Community Planning approach will not be overly prescriptive enabling local councils to act flexibly to meet local needs.

The proposals state that councils will be:

- "expected to consult and co-operate with all bodies responsible for providing public services;
- expected to engage with the community, other bodies and individuals in planning the provision of public services;
- required to publish, review and amend community plans to reflect changes in their area;
- required to publish reports on Community Planning including public service improvements. The content, frequency and form of these reports will be specified by the Department."

It is proposed that government departments should be required to "promote" Community Planning and "have regard to" community plans. Other public bodies will be required to "participate in and assist" Community Planning. The Department intends to produce detailed guidance to support Councils to deliver effective Community Planning.

Key Points in Responding to the Consultation Paper

- The introduction of a council-led and facilitated Community Planning process is to be supported.
- Councils should be legally required to engage with community bodies¹, individuals and all public and community service providers.
- The Department should issue guidance for Community Planning which sets out: quality standards for community engagement; provision for local and thematic community plans; and steps to ensure that Community Planning structures are fully representative of all community bodies.
- We support and emphasise the need for the specific wording of "promote and have regard to" and "participate in and assist" in relation to the role of government departments and other public bodies respectively in Community Planning. This should be extended to include their role in "delivering" Community Planning.
- A clear statutory link should be established between Community Planning and landuse (or spatial) planning. The integration of both processes can help achieve more sustainable and cohesive communities.

Power of Well-Being

The Department proposes that Councils should have a new power of well-being to respond to issues that may be identified through Community Planning. The proposed power of well-being will allow Councils to take forward actions which are not already the responsibility of another agency (unless given permission) to promote or improve the well-being of their area. A council would not be able to use the power of well-being for anything it is unable to do as a result of other legal restrictions. The Department intends to issue detailed guidance which councils would be required to have regard to in carrying out their power of well-being.

Key Points in Responding to the Consultation Paper

- We welcome the introduction of a power of well-being to enable councils to take forward issues identified through the community plan.
- The Department should issue guidance to support the use of the power of well-being. In this guidance it would be useful to outline examples of how the power of well-being could be utilised.

¹ Under Scottish Legislation 'community bodies' refers to "bodies or other groupings, whether or not formally constituted, established for purposes which consist of or include that of promoting or improving the interests of any communities resident or otherwise present in the area of the local authority." (Local Government Act 2003)

Ethical Standards and Code of Conduct

The Department proposes to introduce a new ethical standards regime for local government which would include a compulsory code of conduct for councillors and supporting mechanisms for investigation, adjudication and appeals.

Under the new reform proposals a statutory Code of Conduct for councillors will be introduced. This will specify general principles which will provide a guide for councillors' behaviour in carrying out their duties. The principles would include:

- the seven principles of public life (Nolan Principles) i.e. selflessness, integrity, objectivity, accountability, openness, honesty and leadership; and
- four additional principles which were adopted by the Northern Ireland Assembly in October 2009: respect, equality, good working relationships and promoting good relations.

The proposals highlight that the Department will be required to consult with local councils, council representative bodies, councillors and council officers before issuing the Code of Conduct. Additionally, before a councillor takes up office he/she must commit to observing the Code.

The Code would include:

- key principles and general obligations;
- interests - personal, financial, prejudicial;
- registration of interests, gifts, hospitality
- declaration of relevant interests and dispensations;
- lobbying and access to councillors;
- a protocol for relations between councillors and officers of councils; and
- dealing with planning applications.

Complaints Regarding Ethical Standards

It is proposed that all complaints regarding ethical standards in district councils would initially be referred to the Northern Ireland Commissioner for Complaints to decide if a breach has occurred and to determine how it should be investigated. A minor breach would be referred to the local council for resolution while a serious breach would be retained for investigation by the Commissioner's Office.

The introduction of a statutory Code of Conduct for councillors is welcomed.

Some of the key consultation questions from the Department related to this issue are:

*Do you agree that the Commissioner for Complaints should only deal with those cases that are deemed to be serious or high profile?
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?*

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?

Points of Information

Oversight

Current legislation enables the Department of the Environment to supervise how councils exercise their functions. As a number of other departments have responsibility for policy and legislation in relation to a range of local government functions it is proposed that this oversight function is extended to **all departments**.

Service Delivery

The Department proposes that a new framework for service delivery and performance improvement should be introduced for local government.

The full consultation document can be downloaded from the DoE website:
<http://applications.doeni.gov.uk/publications/document.asp?docid=17267>.

The consultation period ends on **Friday 11 March 2011**.

Community Places
2 Downshire Place
BELFAST BT2 7JQ
Telephone 9023 9444
www.communityplaces.info

February 2011