

Letter sent to all Council Chief Executives and copied to Mayors / Chairs

8th September 2020

Dear Council Chief Executive,

Transformation and Driving Practical Change in Local Government

I am writing to the Council as Chair of the Reform, Devolution, and Improvement Network co-ordinated by NILGA with support from SOLACE.

As Council is aware, NILGA in conjunction with each council and SOLACE delivers a series of Policy & Learning Networks, which work across the policy, practical development, financial and constitutional framework needed to create sustainable local government in Northern Ireland.

The pandemic has resulted in each Network – mirroring substantial changes across all councils – adapting their workplans.

As part of the 2020/21 workplan for the Reform, Devolution and Improvement Policy and Learning Network, which will be aligned to the NI Ministerial Partnership Panel, I have rescheduled and revised an initial consultation (pre pandemic) which requires your high level, corporate views on reform to date as well as on developing additional & improving existing powers, resources and services of local government in N. Ireland in the context of what is needed to sustain councils and revitalise communities as part of post pandemic recovery and towards a more locally driven suite of policies and resources for Northern Ireland.

Your responses are respectfully sought by close of play (1800) on Friday 11th December 2020 by sending them to s.little@nilga.org

If you have any questions, please do not hesitate to contact Derek McCallan, Chief Executive of NILGA (d.mccallan@nilga.org) or Sarah Little.

Thank you for your co-operation and evidence.

Yours sincerely,



ClIr Mark Glasgow
Chair of the Reform, Devolution and Improvement Policy and Learning Network
NILGA

Enc. Questionnaire and Appendices A, B and C

Council Reform to Date / Driving What's to Come

Revised Questionnaire – responses by Friday 11th December 2020

1	<p>Covid 19 to date – please highlight the biggest sustainability, strategic and operational issues <i>facing Council going into 2021</i>, as triggered primarily by Covid 19. Additionally, how might some or all of these be alleviated by further legislation, policy and/or resource changes in wider government?</p> <p>Council can send additional materials to augment the synopsis presented here.</p>

2	RPA to date (new councils since 2015) – please highlight at least two major corporate successes for Council that RPA has triggered and at least two barriers to success which might be overcome by further legislation, policy and/or resource changes in wider government.
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3 Mindful of NI's recovery in a fragile economic period now emerging, should further reform ("RPA part II") - an expansion of Council's role - be accelerated or pushed back in 2021?
Would Council support at this time commissioning (across the whole sector) actual evidence of real benefits, during early & mid 2021 in preparation for future reform, working also with the Partnership Panel?

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4	At strategic policy level rather than concentrating on specific functions (see 5.), would Council prefer greater legislative powers e.g. to better enable community planning, regeneration, growth / city deals, and locally led decision taking requiring government departments to agree to Council's investment priorities? What specific legislation or actions does Council wish to see?

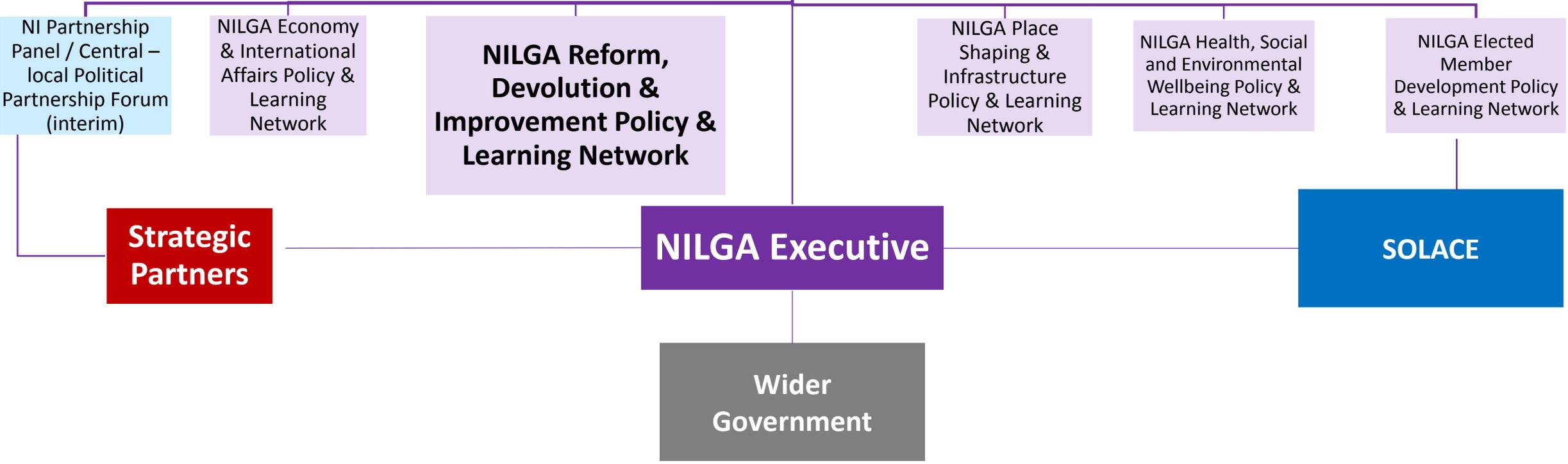
5	Please see below a list of typical neighbourhood services of councils in all other neighbouring jurisdictions <i>which are not</i> the responsibility of councils in NI. Does Council have a corporate wish to see such services as part of its portfolio / directly influenced by it (specific services can be listed as desirable, and / or not desirable)?	
	<ul style="list-style-type: none"> • On-street car parking • urban and rural regeneration • local roads and footpaths • local maintenance of roads and wider public realm such as gully emptying and gritting • public housing • preventative health services • fire services • trading standards • sewerage infrastructure • libraries and museums • street lighting 	<ul style="list-style-type: none"> • Broadband investment – devolved budgetary control • Local public transport • further art, culture, sport policy & budget • further economic development such as Foreign Direct Investment and Skills Development policy & budget • conservation of natural and built heritage • Fisheries • others (please specify)

6	<p>To protect and ensure adequate resources for councils, NILGA has produced a New Burdens Doctrine, summarised in appendix C. All councils in the rest of the UK are protected by this, in some form, to ensure legally that <i>resources are guaranteed to be adequate to meet transferred responsibilities</i>. Does Council consider this protection a "must have" in advance of any further transfer of powers, resources and / or services?</p>

7	<p>With investment priorities, budgetary constraints and new ways of working being practiced right now by Council, NILGA believes that <i>council led</i> shared services are one element of the future sustainability of local government.</p> <p>Is Council open to engaging in sector wide, strategic discussions around shared services, building on existing work, in order to define a strong vision and approach to this?</p> <p>What are Council's key requirements, if any, in terms of taking such discussions forward?</p>

8	Has Council any additional comments or attachments it wishes to provide at this time?
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A Programme for Local Government (version 2016 – 2021 & beyond)

Guiding Principles

The following Guiding Principles are put forward as the basis for developing a Programme for Local Government:

- **Collaborative working and joint accountability**
 - *The relationship between regional and local government is based on mutual respect and partnership with 11 council areas the hubs of delivery of the Programme for Government*
- **Sustainable finance and investment**
 - *Financial decisions are taken sub-regionally/ locally through a council-led community planning approach*
- **Simplified regulation, audit and bureaucracy**
 - *Greater accountability and integration, with more customer-aligned services*
- **Community Planning**
 - *Local needs/ identified priorities aligned with government targets and budget provision made statutory*
- **Public Sector Improvement**
 - *Two-tier delivery platform for public sector services and their improvement, working on Shared Services to keep taxes and rates prudent and quality of services high*
- **Protection of local democracy**
 - *Political and administrative commitment to the principles of the Charter of Local Self-Government*
- **Strengthening local democracy**
 - *Uniting and profiling local government, putting local democracy at the heart of our public spending future, adopting a co-design approach to new legislation, policies and budgeting*
- **Strong councils and councillors**
 - *Both spheres of government to be equal and empowered*
- **Hard work with clear intent**
 - *To develop an understanding and support for local, elected member led democracy, **with regeneration and related powers transferred to / co-ordinated within local councils***
- **Outward-looking and Innovative**
 - *Building on the best practice, solution-focused and responsive, utilising new technology, skills development, municipal entrepreneurship in practice*

- **Ensuring probity and good conduct**
 - *Assessing, and when necessary campaigning to improve, the NI **Code of Conduct** for Councillors, ensuring simple, effective and universal awareness of/ adherence to the Principles of Public Life underpinning the Code.*

The full document can be found here: <https://www.nilga.org/media/1108/nilga-programme-for-local-government.pdf>.

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The New Burdens Doctrine

In England a new burden is:

“any policy or initiative which increases the cost of providing local authority services. This includes duties, powers, or any other changes which may place an expectation on local authorities, including new guidance. In some cases, a new burden may arise as a result of a transfer of function.”

The key definition of a New Burden in England is a change that could lead to an increase on council tax, if it was not additionally funded by central government.

The guidance stresses that the NBD in England only applies where central government requires or exhorts authorities to do something new or additional. Action to ensure that they adequately fulfil a role for which they are already funded is not a New Burden.

Wales and Scotland also have initiatives in place to fund new burdens in different ways.

Key Principles of a New Burdens Doctrine for NI

One clear set of rules/guidance for NI.

New Burdens funding provisions should be included in any transfer of powers legislation.

There should be an identifiable department in the lead.

The department lead should be responsible for securing the resources needed to fund the net additional cost falling on local authorities, and for making any necessary resource transfer.

Discussion should take place in relation to how and when resources are transferred to local government.

A review and evaluation process should be a compulsory feature of a new burdens' regime in Northern Ireland both in relation to the adequacy of funding and the application of the NBD generally.

Potential New Burdens and any linked assessments should be flagged up by DfC or other Departments.

The review and evaluation process should capture data that can be shared across departments and with councils.

The NBD should include a clear requirement to consult throughout the new burdens' assessment process with both the council and NILGA.

The NBD should include timescales within which new burdens assessments should be completed and any grant awarded paid with the ability to extend this in only exceptional

circumstances. This will enable councils to ensure their needs are prioritised including at times when Government may have different priorities.

Key Stages – Flow Chart

