

Mr Anthony Tohill
Chief Executive
Mid Ulster District Council
Council Offices
Circular Road
DUNGANNON
BT71 6DT

30th January 2020

Dear Anthony,

Council Reform to Date / Driving What's to Come

As Council is aware, NILGA has formed a series of Policy & Learning Networks, driving the policy & practical development and the financial and constitutional stability needed to create sustainable local government here in Northern Ireland. These council led Networks are illustrated in appendix A.

As part of the 2020/21 workplan for the Reform, Devolution and Improvement Policy and Learning Network (RDIN), which includes membership of both members and officers from across the councils, we are seeking 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.

The enclosed questionnaire should be read and responded to corporately, also in the context of the sector's current Programme for Local Government 2016-2021, a summary of which is attached (appendix B).

Your responses are respectfully sought by close of play (1800) on Thursday 2nd April 2020 by sending them to s.little@nilga.org

If you have any questions, please do not hesitate to contact myself or Karen Smyth in NILGA. Thank you for your co-operation and evidence.

Yours sincerely,



Mr Derek McCallan
Chief Executive

CC. Cllr Martin Kearney, Chair, Mid Ulster District Council

Enc. Questionnaire and Appendices A, B and C

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*

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.

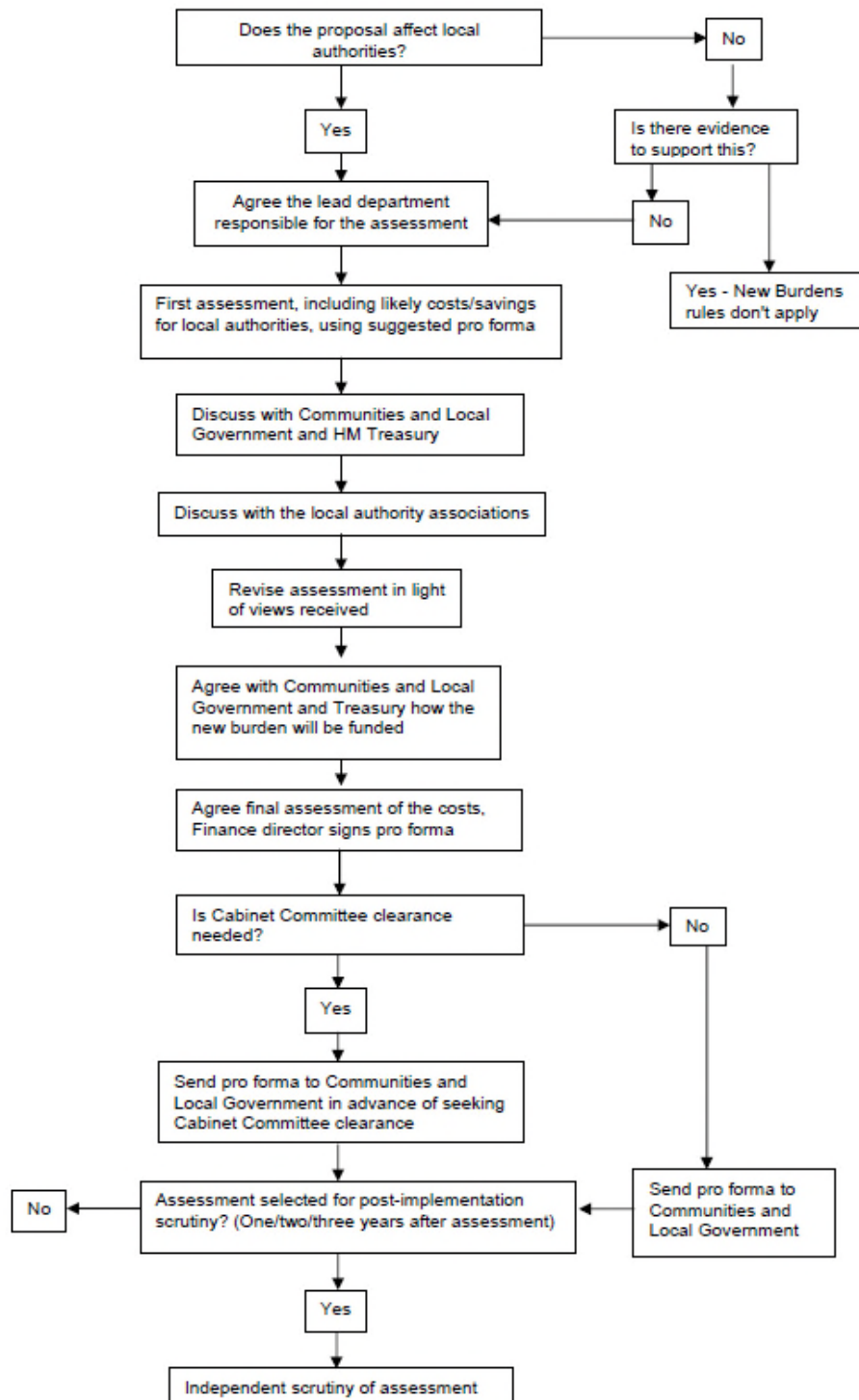
The review and evaluation process should capture data that can be shared across departments and with councils.

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



Council Reform to Date / Driving What's to Come

Questionnaire – responses by 1800 Thursday 2nd April 2020

1	RPA to date – please highlight at least two major corporate successes for your Council that RPA has triggered and a similar number of barriers to success which might be overcome by further legislation, policy and/or resource changes in wider government.
	<p>Council is of the view that local government reform was brought forward by the Northern Ireland Executive as an initiative to transform the delivery of local government services, which continues to be a journey and a work in progress for all Councils. Mid Ulster Council's focus during its first term was on the coming together of its predecessor councils but has now turned its attention, in its second term, to challenging and reviewing service delivery across the district for the benefit of all our customers.</p> <p>Council considers the following to be two corporate successes of note during its first term:</p> <ol style="list-style-type: none"> 1. The delivery of a substantial capital and investment programme across the district, the extent of which would not have been achieved by either of its predecessor councils working on their own and the resources available to them 2. Directly emanating from local government reform (the Local Government Act (NI) 2014) the Council used the new power of the General Power of Competence. The Council invoked the power to finish and resurface a roadway, together with footpaths adjacent to homes at Curran Terrace on the outskirts of Dungannon. This allowed the Council to resolve the matter to the satisfaction of residents, which had been ongoing for some 40 years. The Department for Infrastructure, or its former roads authorities, had never adopted the roadway meaning works to upgrade and maintain it had never been undertaken. <p>Council considers the following to be two potential barriers to success:</p> <ol style="list-style-type: none"> 1. Uncertainty on the continued availability of the Rates Support Grant to Mid Ulster Council. Further discussion at a Ministerial level is required on the funding model for local government to allow it sustain, improve and deliver services 2. Scheduling and delivery of key infrastructure projects within the Mid Ulster region, to include the A5 and A28 Road Network specific to Dungannon, Cookstown and Moy to further open up accessibility to our district for investment and the

	accessibility of our citizens to vital regional services such as health care provision within Antrim and Craigavon Hospitals
2	Would further reform improvements ("RPA part II") - an expansion of Council's role - be initially best served via commissioning actual evidence of real benefits, during early & mid 2020 across all councils in preparation for a future electoral term, or should an alternative method / timescale be sought?
	<p>Council would welcome a discussion within the local government sector on the potential for expansion of its role within its districts. Council believes that research and an analysis should be undertaken, but carried out for the local government sector and not be presented in a way that it is an indication or a fait accompli to central government that an expansion of Council's role will take place and be inevitable. Council believes that many factors will inform any expansion including finance, people, time and expectations of citizens and expectations of all parties involved.</p> <p>Council believes that an emphasis should equally be placed on re-opening discussions on the transfer of functions which did not ultimately transfer in April 2015, namely local regeneration and development.</p>
3	At strategic policy level rather than concentrating on specific functions (see 4.), 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?
	<p>Council is conscious of the time taken to bring forward, initiate, consider and pass legislation to enable it to undertake and progress issues that it has been unable to step in and do to date. In the interests of resource and time, consideration should be given to focusing on the existing legislative provisions afforded to the Council and using them to the best potential to ensure we maximise the benefits of existing legislation. For example a review and an analysis of all the legislative provisions relevant to local government in which it can exercise its powers should be made and extent to which powers have been exercised.</p> <p>Furthermore, such a review and analysis would identify where legislative provisions may help enable Councils to exercise a particular action or power but its use has been inhibited by for example Regulations not being brought forward by a Department, such as the Department for Communities or other relevant government department.</p>

4	Please see below a list of typical neighbourhood services of councils in other jurisdictions which are not the responsibility of councils in Northern Ireland. 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, or not)?	
	<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)
	<p>Linking to our response to Q2 (above) the Council would be willing to actively engage in a discussion as to where local government should be positioned, like to be or should be in the next 15 to 20 years. Council is of the view that the identification of core services best delivered at the local level and complement our existing services should then be reviewed in the context of a wider 15 to 20 year vision for local government in terms of where it wants to be and the services it should be providing.</p> <p>The Council would welcome some work of identifying services where it can have the greatest impact at a local level, but should be equally accompanied with discussion on service delivery models to include funding, expenditure, sustainability and scope being given to councils on how they can be delivered in response to local needs.</p>	

5	<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 resources are guaranteed to be adequate to meet transferred responsibilities. Does Council consider this protection a "must have" in advance of any further transfer of powers, resources and / or services?</p>
	<p>Yes, the Council believes that a 'new burdens doctrine' or a version thereof should be progressed and be the cornerstone of any discussions on new services considered for local government delivery.</p>
6	<p>NILGA believes that <i>council led</i> shared services are essential to the sustainability of local government here. Is Council open to engaging in sector wide strategic discussions around shared services and collaboration, building on some existing cluster work, in order to define a strategic, sector wide vision and approach to this? What are Council's key requirements, if any, in terms of taking such discussions forward?</p>
	<p>The Council acknowledges that Shared Services were explored in the lead up to the local government reform process culminating in April 2015, though events and the need to focus on transition and day one priorities took precedence to ensure the seamless delivery of services from predecessor Councils to the new Council.</p> <p>The Council would be willing, in principle, to engage in discussion around this though with core back office service areas such as HR, ICT and finance having become embedded within councils the concept of shared service and what it means needs to be broadened. An integral requirement in taking discussions forward would be arriving at a definition of what shared services now means to local government in Northern Ireland, and how far it could extend just so as all those engaging in the process are at the same starting point and understanding of what it could deliver.</p>