

Local Government Bill 2013

As a Councillor for more than 30 years, a former lecturer in public administration and having served as member of the Assembly Committee on Environment I would like to have the opportunity to comment on the proposed Local Government Bill.

Introduction I should point out as I highlighted in a number of Assembly speeches that this Bill will not achieve any of the objectives set out in the RPA. I believe in fact it will reduce local accountability and local democracy and increase the political control of councils.

It will not achieve the primary aim of co-terminosity which was discarded years ago. The Executive has refused to transfer any significant additional powers (I even doubt if planning will be transferred in 2015), there will no influx of new more professional councillors and the PWC report has totally undermined the claim of significant savings. Indeed the £100 million plus start up costs identified by PWC should have persuaded the Executive to drop the legislation. To continue with it as I pointed out in my Assembly speech is merely a face saving exercise.

It is a misnomer to refer to the proposed new councils as “super councils” when in fact they will still have fewer powers than second tier district councils in England. No one would refer to Arun district Council or Ashford District Council as “super councils” but they have more powers at present than our new councils will have after reorganisation (roads, housing etc).

However as the Executive propose to continue with this waste of money I would like to comment on the proposed Bill mainly from my experience as an independent or small party Councillor which I have been for almost 20years.

I therefore strongly support efforts to protect minorities and small parties and welcome provisions on power sharing and the call-in and qualified majority procedures. It is clear that full protection is impossible given the diverse demographic and political composition of the councils but we should try to be as inclusive as possible without creating gridlock in decision making.

Positions of responsibility

One way of protecting minorities is to ensure that STV rather than D'Hondt is used to elect positions of responsibility. D'Hondt discriminates against smaller parties and independents and is inflexible e.g. Take the case of electing the mayors over a four year term (40 seat councils). Under D'Hondt it would probably require 8 votes to become mayor and any party not achieving this would be permanently excluded from the highest post on the council.

In my own new council North Down and Ards there is no way a nationalist could ever be elected mayor (1 or Max 2 seats) but there is a possibility that with independent and Alliance support a nationalist or small party councillor could be elected mayor under STV.

While North Down may be an extreme example there are other councils both unionist and nationalist who could see the minority totally excluded from the top posts This is particularly likely if the minority councillors are split between a number of parties or include independents.

In councils like Lisburn/Castlereagh, Mid Antrim and Antrim/Newtownabbey it is unlikely that nationalists could obtain the mayoral post under D'Hondt unless they are all members of one political party. While in Derry /Strabane for example unionists could gain 12/13 seats and not obtain the top post in a four year term if these seats were split between UUP and DUP.

In some councils Independent councillors have traditionally played an important role. Even if a council had 3 or 4 Independents elected as is often the case in North Down under D'Hondt none of these councillors regardless of their talents could ever be appointed to any post of responsibility.

D'Hondt effectively excludes Independent and councillors representing small parties from any role of responsibility.

Therefore the proposal to elect posts of responsibility (including Chair/Mayor) by D'Hondt should be withdrawn and such posts should be filled by STV thereby increasing flexibility and inclusiveness and giving a more accurate reflection of the overall composition of the council.

Call-in and Qualified Majority Procedure

Unfortunately I believe that these procedures are necessary given the potential abuse of power by the majority. They are a necessary evil and can of course lead to bureaucracy and delay. It should only be used on extremely rare occasions and there should be sanctions if it is abused.

It is difficult to set a figure for call-in as every council will be different. Again in the North Down / Ards case it would probably have to be 2% in the case of any abuse against the nationalist community .Which is obviously absurd.

On balance I believe these procedures should be included in the Bill and that 15% is about right although the Department should retain the option to amend it.

Executive Cabinet or Committee

I do not believe the Executive option should be included in this Bill. While in the longer term an Executive could possibly lead to more efficient and effective decision making the Councils will have enough problems adapting to the new structure without having to take on a totally new system of government.

I would also be concerned as to how collective responsibility could be exercised on Executive members and fear that each Cabinet member could make decisions which conflict with fellow Cabinet members.

I also believe a Cabinet system would greatly reduce accountability and significantly diminish the role of the non Executive councillor and this option should be withdrawn from the Bill.

Access of Press and Public to Council Meeting

I support maximum access to council meetings (including sub-committees). I believe this would lead to greater accountability and transparency and increased public confidence in local government. The provision to exclude press where confidential financial matters e.g. tenders and under discussion is of course necessary but this exemption should be clearly defined and not used to exclude the press when embarrassing issues are being discussed as in often the case in North Down.

For example the press/public were recently excluded from the debate on the council's decision to spend almost half a million pounds on providing a gun club in the basement of a new community centre. The issue was not specifically on the agenda and no press statement was issued after the decision with the result that the vast majority of North Down ratepayers are still not aware that their rates will be spent in this way. Such lack of transparency undermines the public's faith in local government.

Community Planning

I do not believe community planning will achieve very much unless councils are given statutory powers over the other partners. While all partners may discuss and agree objectives each partner will in the end allocate resources in the manner most appropriate to meet its objectives rather than the council.

Code of Conduct

I believe a strong Code of Conduct is essential and must be enforced. I am very concerned that there will be the potential for abuse especially in planning.

I would be grateful if you would consider the comments outlined above

Councillor Brian Wilson,