

NILGA views on the Rural Needs Bill

This written piece supplements the work and evidence already submitted by NILGA in February and March this year on the former Rural Proofing, now Rural Needs Bill.

NILGA, the Northern Ireland Local Government Association, is the representative body for district councils in Northern Ireland. The membership is comprised of the 11 local authorities and the organisation is supported by all the main political parties. NILGA notes that the NI Executive acknowledged that no single Department has exclusive responsibility for rural areas, as does our own Association's, which has cross-party representation from all of the new Councils.

It's worth mentioning briefly at the outset that we sought the adoption of the principle of joining-up separate departments, strategies and pieces of legislation when we put our March 2015 evidence to the Department of Agriculture and Rural Development, when it comes to underpinning legislation of this type, similar to equality. Therefore, we sought assurances simultaneously from the DoE's Minister, the Department and Committee that the development of Statutory Guidance on the role and conduct of Community Planning Partners – further debated on the 12th November 2015 by the DoE Committee – has within its final piece an addendum to the Statutory Guidance for Community Planning in relation to the underpinning requirements of Rural Needs and the Rural Needs Act.

NILGA also wishes to acknowledge the cross referencing by the ARD Committee and the DARD to NILGA's work in the establishment of a Stakeholder Forum – when things of importance to the rural population have partners who debate in advance and joined up outcomes together, they stand a better chance of working, even despite the tight timescales underlining this consultation exercise.

NILGA seeks a proactive role in regard to the implementation of this Bill when it becomes an Act, mindful of the role of local authorities in rural society. NILGA provided a definitive paper to the Department as far back as 2009, detailing key priorities for local government in the development of a Rural White Paper, underpinned by rural community need, preserving the rural way of life, improved local connectivity and fairness in service delivery. Clearly faces of officials and politicians change, a bit, Rural Need never changes, so the Bill is welcomed.

This short written piece is aligned to the clauses in the Bill, as advised, but will also draw upon additional evidence worthy the Committee's scrutiny.

Regarding the first clause, Duty of Public Authorities to consider rural needs, we welcome the comprehensive inclusion of all Departments. This is similar in principle to Sustainable Development, Biodiversity and Children's Services Co-operation, but in practice it needs to be fully implemented and monitored by the Department and its successor Department. You cannot in practice fulfil these laudable shared duties without guidance and resources so the new Programme for Government and the Departmental budget would need to adequately resource this high expectation.

Additionally, and covering also Clause 2, which is Guidance, Advice and Information, Councils in performing their community planning duties look forward to the consistent, clear guidance and

enforcement of the Rural Needs requirements underpinning this Bill, since, without same, a key foundation piece to embed Rural Needs policy and legislation will founder. It is imperative that this Guidance is co designed between councils, DARD and DoE, of course drawing on other rural networks and bodies both in terms of preparation and seeing it through, for example in a Community Planning Partnership.

Thirdly, in terms of the Clause related to Monitoring and Reporting, it will be the expectation of councils that monitoring and reporting is placed within an overall template of Performance Indicators, agreed with and between Departments and Councils, led of course by the new Department of Agriculture, Environment and Rural Affairs, with perhaps significant input from the Department of the Communities as the “gatekeeper” department for the local authorities.

What is important to councils is that they are not spending time responding to 9 sets of KPI processes, as well as the Auditor, Ombudsman and others, but are working accountably and innovatively to ensure amongst other things that Rural Need is a statutory requirement, not discretionary, which can only be fulfilled if we all stick to it and don't spend disproportionately large amounts of time ticking everyone's different boxes. That would be a matter, we believe, for the Partnership Panel – to ensure that we are not wading in KPIs but delivering services fairly and in a manner which is directed at those in need within rural communities and the rest of the North of Ireland. Therefore, utilisation of NILGA in association with SOLACE, in the collation of the material required for the Annual Report referred to in Clause 3, is perhaps a means to get clear, time bound, outputs from at least one of the sectors required to apply Rural Needs, namely the local government sector, which will professionally and enthusiastically do its bit.

Clause 4, in relation to co-operation with other public bodies: while the performance of Departments and Councils is vital to the successful implementation of the Bill, NILGA would be keen to establish whether the compliance of councils and other public bodies would also feature in terms of reporting on co-operation or a lack of it, reported by the Department, or whether a separate report would be published for them on co-operation. As councils are to be included, would the (currently, Environment) Minister be held accountable for their performance, or would this responsibility fall to the Agriculture and Rural Development Minister? Additionally, it is apparent that no government Departments are specified as statutory Partners in the draft Local Government (Community Planning Partners) Order (Northern Ireland) 2015, referred to earlier, but some agencies and arm's length bodies of departments are. Councils obviously cannot be the sole arbiters of the Rural Needs performance and/ or co-operation – good or otherwise – of these organisations, so it is once again going to be more than a protocol, more than co-operation, and more like enforcement, hopefully with resources, not sanctions. Although that being said, we note that there is no mention of a sanction for non-compliance, Chair, and would be interested in the Committee's views of how something like this is to be measured and how non-compliant organisations are to be punished.

Finally, by way of additional thinking which should be applied in the implementation of this Bill, it's noted well by NILGA that in June 2015 in Scotland the Assembly there passed the Community Empowerment Bill. It gives communities in both urban and rural areas more rights to take over land and have a say on how their services will be delivered. Decentralising decision-making to improve

community engagement is a vital step towards sustaining rural communities here in Northern Ireland, so we are moving in the right direction with Community Planning and with the Bill, but we should be more of an enabling state, not a policing one. Central and local government can take steps beyond Acts of legislation to ensure vibrant rural communities, including getting out of the way, giving people permission to take control, give people more rights and invest in disadvantaged communities. In short, you meet the needs of rural communities by empowering them, and it's interesting that the Scottish Rural Parliament will determine what success looks like a few years down the line, in tandem with the Department for Rural Affairs in the Scottish Assembly, COSLA (NILGA's equivalent) and the Councils.

In conclusion, NILGA would affirm that the Bill is a good first chapter. For the Bill to work,

1. Guidance in relation to the expectations of the Department;
2. How the Department intends to monitor and report on compliance;
3. What the sanction will be if there is inadequate compliance, will be key to success, as will ensuring that Councils are part of the design, implementation and delivery, and are properly resourced in regard to the fulfilment of these legislative requirements on behalf of the rural community we are all proud to serve.

Submitted by NILGA with Oral evidence to follow on 25th November 2015.

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