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Assembly

Research and Information Service Bill Paper

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The Rural Needs Bill

NIAR 177-15

This Bill paper provides an overview of the Rural Needs Bill as introduced to the Assembly on the 9th November 2015. The paper also identifies those areas within the Bill which may benefit from further scrutiny.

Executive Summary

- The issue of securing the future sustainability of rural communities within Northern Ireland has been a key concern advocated by many rural stakeholder organisations over recent years;
- Since the adoption of rural proofing in 2002 and the associated requirement for all government departments to undertake the process, DARD has played a key role in supporting rural proofing activity across the Executive;
- DARD conducted a public consultation on proposals for the introduction of rural proofing legislation between February and March 2015. A total of 9 public consultation meetings were held in a range of venues across Northern Ireland which were attended by 47 people, and there were an additional 32 written responses submitted to the Department;
- The Rural Needs Bill was introduced to the Assembly on the 9th November 2015;
- The policy objectives of the Rural Needs Bill are identified by DARD as follows:
 - to require the effective implementation of rural proofing across central and local government and such other public authorities as may be specified;
 - establish the role of the Department (DARD) in providing advice and guidance on rural proofing;
 - require information and data on rural proofing to be made available in a transparent way in a report to be laid before the Assembly; and
 - put in place effective arrangements for co-operation and sharing best practice between all public authorities covered by the Bill.
- The Bill itself is composed of 7 clauses that deal with the duty to consider rural needs, the provision of guidance, advice and information, monitoring and reporting and co-operation with other bodies;
- The implementation of the proposed Rural Needs Bill will require the development and Assembly approval, of an additional order/orders in relation to extending the duty to consider rural needs to another person/persons exercising functions of a public nature.
- There are a number of potential issues with the Bill:
 - General issues – definitions of the duty to consider and the definition of rural, the absence of a commitment to review the Bill, and the lack of sanctions within the Bill;
 - Clause 1 issues – the definition of revising policies, omissions in relation to the removal/downgrading/alteration or contracting of services, and the definition of functions of a public nature;
 - Clause 2 issues – to whom and how will guidance, advice and information be available and what will it cost, what criteria will DARD use to decide and does the provision of guidance and advice expose the department to risk of legal action?

- Clause 3 issues – lack of sanctions for non-compliance in relation to sharing information, the need for data standardisation and comparability and clarification on the role of the Interdepartmental Committee on Rural Policy;
 - Clause 4 issues – clarification of the purpose of co-operation with other bodies and the need to strengthen the language of making arrangements to secure co-operation and the exchange of information;
 - Clause 5 issues – the definition of rural needs and challenges presented by lack of prescription, and the need to clarify what is meant by people ‘in’ rural areas.
- The assessment of the potential costs of the Bill is dealt with in an associated briefing paper from RaISE’s Public Finance Scrutiny Unit (NIAR 645-15).

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1 Introduction

The introduction of the Rural Needs Bill on the 9th November 2015, marks the first legislative mechanism dealing with what could be broadly defined as ‘rural proofing’ activity within Northern Ireland, and the policy objectives of the Rural Needs Bill are identified by DARD as follows:

- to require the effective implementation of rural proofing across central and local government and such other public authorities as may be specified;
- establish the role of the Department (DARD) in providing advice and guidance on rural proofing;
- require information and data on rural proofing to be made available in a transparent way in a report to be laid before the Assembly; and
- put in place effective arrangements for co-operation and sharing best practice between all public authorities covered by the Bill.

The issue of securing the future sustainability of rural communities within Northern Ireland has been a key concern advocated by many rural stakeholder organisations over recent years. The continuing pressures on public finances has brought this issue centre stage with a growing sense amongst some stakeholders that potential cuts or reductions in particular services could have a disproportionate impact on rural communities, and that as a result there is a need for a mechanism to either reduce or limit any such potential impacts.

Within this context, the concept of ‘Rural Proofing’ has been utilised by public policy makers within Northern Ireland since the introduction of the Northern Ireland Executive’s second programme for government in 2002, which included a commitment to ‘...ensure that the rural dimension is routinely considered as part of the making and implementation of policy, by the new process of “rural proofing”¹.

Since the adoption of rural proofing and the associated requirement for all government departments to undertake the process in 2002, DARD has played a key role in supporting rural proofing activity across the Executive. As part of this activity DARD commissioned a Study of Rural Policy² in 2005 and the final report included the observation that there was a,

‘...level of disappointment with the application of rural proofing and the extent to which it has been able to effectively influence decision-making. In particular there are concerns regarding the lack of resources/ funds to address issues identified as a result of undertaking the rural proofing process coupled with perceived difficulties about the ‘mechanics’ of undertaking rural proofing.’

¹ Making a Difference, 2002-2005 Programme for Government, Northern Ireland Executive, Priority 5 – Securing a Competitive Economy, Sub priority 8 page 53

² [Final Report, Study on Rural Policy, PriceWaterHouse Coopers, DARD, January 2005](#)

The response to this finding was an effort to reinvigorate rural proofing across government and this aspiration was detailed in PSA 17 of the Executive's 2008-11 Programme for Government³ which included a commitment to 'enhance the Rural Proofing process by end 2008'. In support of this action DARD issued new guidance on how to rural proof, established a training programme for policy makers and also offered advice and support on rural proofing through their website.

2 Overview of Bill

The following is a brief outline of the Bill which consists of 7 clauses and no schedules.

Clause 1 – Duty of public authorities to consider rural needs

Clause 1 places a statutory duty on Northern Ireland departments, district councils and any other public authority (which can be specified by order) to consider the rural needs when developing, adopting, implementing or revising policies, strategies and plans and this requirement also extends to designing and delivering public services.

Clause 2 – Guidance, advice and information etc.

Clause 2 enables the department to take steps, which it deems appropriate, to provide any person with guidance, advice and information about issues connected with rural needs or ways of meeting those needs. The Department would also have the ability, if it decided to do so, to undertake commission or support (by financial means or otherwise) research into any matter relating to rural needs.

Clause 3 – Monitoring and reporting

Clause 3 requires public authorities (departments, district councils and other bodies specified by order) to compile information on how they have considered rural needs and to send this information to DARD. The clause also places a duty on DARD to prepare an annual report containing both the information sent to it by public authorities and the work that DARD itself has undertaken to consider rural needs, and to then place a copy of the report before the Assembly.

Clause 4 – Co-operation with other bodies

Clause 4 requires DARD to make arrangements with public authorities with a view to securing co-operation and the exchange of information between public authorities.

Clauses 5-7

Clauses 5 to 7 deal with the issues of commencement, interpretation within the potential Act and the actual title that the Act will have upon achieving royal assent.

³ [Programme for Government 2008-11, Northern Ireland Executive, page 47](#)

3 Public Consultation

DARD conducted a public consultation on proposals for the introduction of rural proofing legislation between February and March 2015.

A total of 9 public consultation meetings were held in a range of venues across Northern Ireland which were attended by a total of 47 people, and there were an additional 32 written responses submitted to the Department.

Issues raised by consultees included the following:

- The need for change in relation to rural proofing with an emphasis on enhancement;
- A welcome for proposals which would put rural proofing on a statutory basis;
- Concerns around whether it would actually be possible to implement a rural proofing statutory duty in a way that meets DARD's aspiration;
- Current rural proofing process was not delivering consistently for rural communities;
- Concerns around definitions such as 'rural', 'rural needs', and 'equitable needs' as well as their application across government;
- Need to ensure that rural proofing duty applies to operational matters as well as to high level policy decisions;
- A duty to consider does not compel duty holders to mitigate adverse impacts of their policies on rural dwellers;
- The need for sanctions in cases of non-compliance;
- The statutory duty to consider the needs of rural dwellers should extend to non-departmental bodies with a number suggested as follows:
 - Education and Library Boards/Education Authority;
 - Health and Social Care Trusts, including NI Ambulance Service and HSCT;
 - Public Health Agency;
 - Health and Social Care Board;
 - Police Service of Northern Ireland;
 - Northern Ireland Housing Executive;
 - Northern Ireland Fire and Rescue Service;
 - Invest Northern Ireland;
 - Arts Council of Northern Ireland;
- Statutory duty should extend to UK government departments with responsibilities in Northern Ireland, government owned companies, cross border bodies and the Crown Estate;
- The need for clarity on what rural proofing means and a requirement on DARD to ensure the availability of training and guidance for policy makers;
- Differing views on the functions, roles and responsibilities of DARD in relation to rural proofing – promotion, guidance and advice, producing a performance report,

highlighting good practice, building the capacity of rural communities to assess if effective rural proofing has been undertaken;

- The need for resources to deliver rural proofing;
- The importance of monitoring and reporting and suggestions as to how to achieve this effectively – use of targets, outcome focused, include input from rural communities, annual or regular, conducted independently or by DARD;
- Co-operation and collaboration were seen as key to making the rural proofing process effective – councils and their community planning function identified as a critical area;
- An endorsement for the strengthening of DARD's role in providing support for rural proofing with different views on what this should incorporate – being a rural champion, providing training and education, developing an external facilitated stakeholder forum, establishing a rural evidence hub, piloting and testing rural solutions and training in equality legislation;
- The definition of rural that would be employed and the value of prescription or flexibility, as well as highlighting the differences between remote rural communities and those closer to urban centres;
- Lack of application to the private sector and community/voluntary sector overlooks the role they play in rural life and service provision.

3 Areas of additional scrutiny

The implementation of the proposed Rural Needs Bill will require the development and Assembly approval, of an additional order/orders in relation to extending the duty to consider rural needs to another person/persons exercising functions of a public nature.

4 Potential issues within the Bill

4.1 General Issues

4.1.1 The duty to 'consider' - definition

The Bill proposes placing a duty on public authorities to consider rural needs. A key question here is whether the bar is effectively set too low, as it could be argued that consideration may not necessarily lead to action or a change in activity. Within this context it may be legitimate to ask if the duty should be set at a higher level than merely considering rural needs.

It is worth noting that DARD's own guidance on rural proofing makes reference to a reconsideration of the rural proofing process post 2005 and the development of a new rural proofing process with a stated objective of ensuring '*...a more robust application*

*of rural proofing hence better consideration and integration of rural issues at the outset of the policy making process.*⁴

Section 5.2 of the DARD guidance document also provides a 3 part definition of what rural proofing actually is as follows:

A: identifying the potential direct or indirect impacts a new or revised policy might have on a rural area (This may require data analysis on a rural-urban basis).

B: making a proper assessment of those impacts if they are likely to be significant;

and

C: adjusting that policy (where appropriate) to ensure that it meets the needs of rural areas.

Given DARD's own definition, and in particular 5.2C, is it fair to assume that the duty to consider rural needs will include a requirement to adjust policy where appropriate?

The UK Department for Environment, Food and Rural Affairs (DEFRA) approach to defining rural proofing also merits consideration within this context with the 2012 Rural Statement stating the following

*'Rural Proofing requires policy-makers to consider the rural impacts of their policies and programmes and, where necessary, to make adjustments to achieve equally effective and successful outcomes for individuals, communities and businesses in rural areas.'*⁵

The references to making adjustments where necessary in order to achieve equally effective and successful outcomes for individuals, communities and businesses in rural areas, or a similar form of words, may be a useful addition to the Bill.

Failing this, it could be suggested that there is a real need for DARD to identify what would actually constitute effective consideration, and furthermore, what steps would a public authority have to undertake, and what evidence would it have to collect, in order to meet, and prove, that it met this requirement.

4.1.2 The definition of 'rural'

The Northern Ireland Statistics and Research Agency whilst not prescribing a definition of rural and urban, currently endorses a settlement classification system which recognises rural communities within Northern Ireland as having a population of less than 5,000 people⁶. This definition, which was recommended in the review of the statistical classification and delineation of settlements published in March 2015, increases the threshold for what constitutes a rural settlement from the previously used

⁴ [Thinking Rural: The Essential Guide to Rural Proofing, DARD](#)

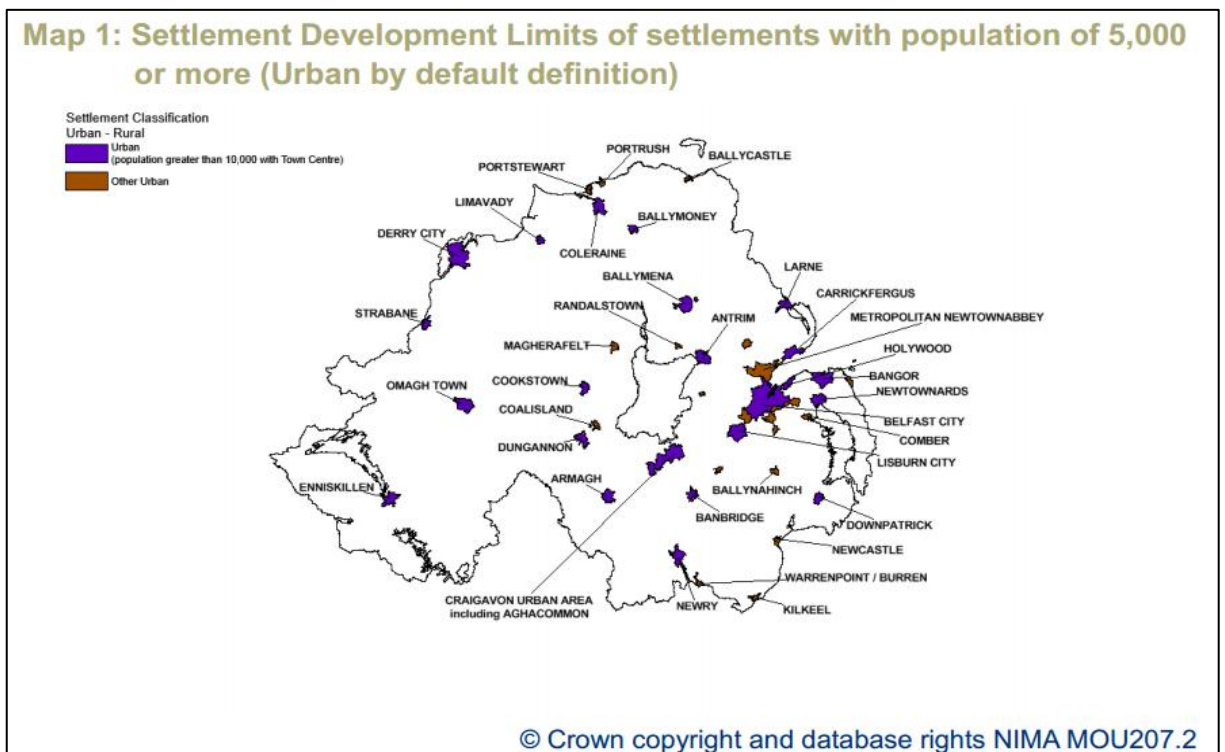
⁵ [Rural Statement 2012, DEFRA, September 2012](#)

⁶ [Review of the Statistical Classification and Delineation of Settlements, NISRA, March 2015](#)

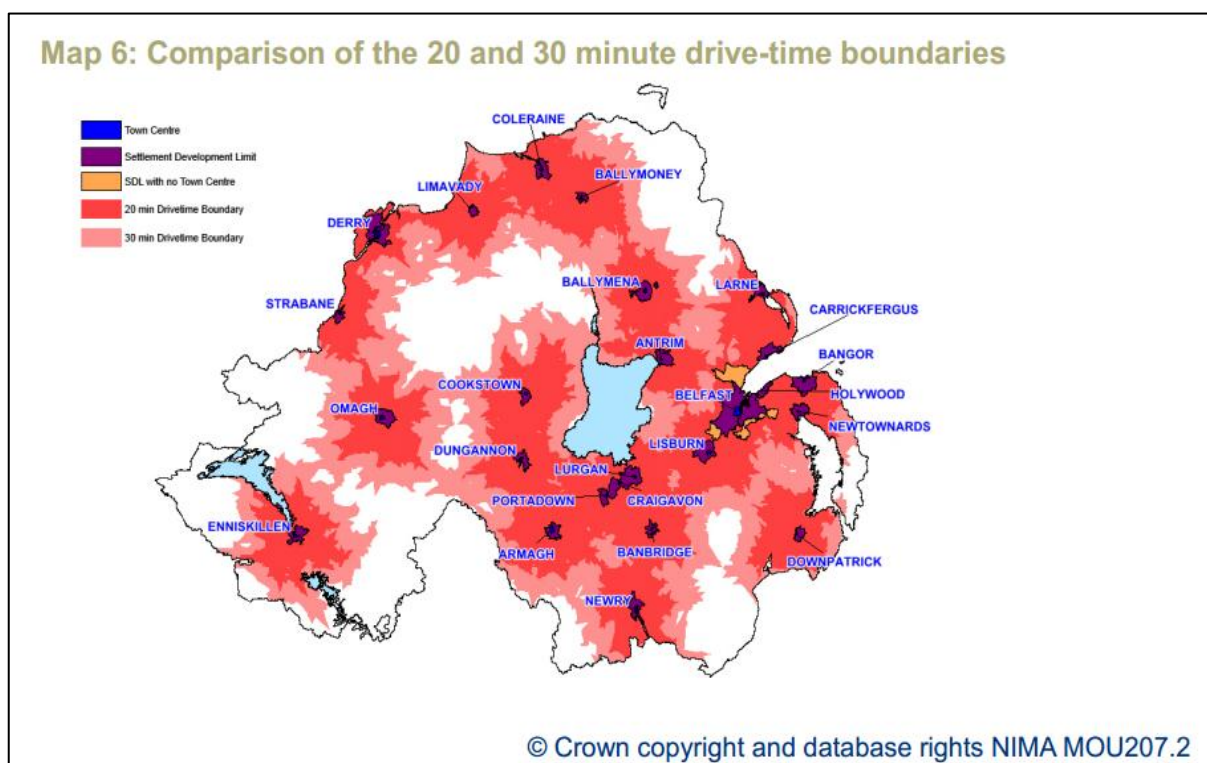
figure of 4,500. The March report also recommended the inclusion of a service provision element when considering rural urban definitions based upon drive-time (either 20 or 30 minutes) to the town centre of a settlement containing a population of at least 10,000.

Figure 1 below, which identifies those settlements which register as urban, highlights the fact that the majority of Northern Ireland settlements are classified as rural. Figure 2 adds to this picture by highlighting those rural areas which are more than 20-30 minutes from a town centre of more than 10,000, and it is notable that areas such as West Tyrone, Mid Tyrone, South West Fermanagh, the Antrim Glens and Ards peninsula stand out as what are effectively more remote rural areas in relation to access to services.

Figure 1: Settlement Development Limits of settlements with population of 5,000 or more (urban by default definition)⁷



⁷ ibid

Figure 2: Comparison of the 20 and 30 minute drive time boundaries⁸

The Bill makes no attempt to prescribe what actually constitutes rural within Northern Ireland. Whilst there could be merit in this approach and the flexibility it could bring, the lack of prescription might also provide a means for public bodies to avoid the duty to consider rural needs by claiming that they do not have policies or deliver public services that impact on or relate to rural people. By way of example, using the NISRA data highlighted here, a District Council which contains no settlements outside a 20-30 minute drive to a town of 10,000 people could theoretically argue that there are no rural communities within their jurisdiction, and that as a result they had no rural needs to consider. Whilst this example is an extreme and potentially unlikely scenario, within this context there may be value in either directly defining what does or does not constitute 'rural' within the Bill. Failing this there will be a real need to ensure that guidance accompanies the Bill and includes clear direction on this issue.

It is also worth noting that Lord Cameron's recent review of rural proofing in England included the recommendation that all '*...government departments should adopt the use of Office of National Statistics and government wide urban/rural classifications in their analyses of data and evidence.*⁹'

In terms of the demographic make-up of people within rural areas that could be affected by the provisions within the Bill, the RaISe statistician has collated statistics from the 2011 census based on settlements of less than 5,000 people which are presented in Appendix 1, with notable features highlighted in table 1 below.

⁸ *ibid*

⁹ [Implementation Review, Independent Rural Proofing, Lord Cameron of Dillington, DEFRA, recommendation 4, January 2015](#)

Table 1: Key demographic features for rural and urban Northern Ireland

Category	Rural NI vs Urban NI
Religion or religion brought up in	<ul style="list-style-type: none"> Rural areas are slightly more Catholic (47.5% vs 43.7%) and have less people with no religion (3.6% vs 6.8%) as compared to urban areas.
National Identity	<ul style="list-style-type: none"> Rural areas have slightly fewer people who identify as British only (39.3% vs 40.2%) or other (11.6% vs 15.3%) as compared to urban areas. Rural areas have slightly more people who identify as Irish only (26.8% vs 24.4%) and Northern Irish only (22.3% vs 20.1%) when compared to urban areas.
Gender	<ul style="list-style-type: none"> Rural areas have slightly more men (50.3% vs 48.2%) and slightly fewer women (49.7% vs 51.8%) as compared to urban areas.
Ethnic group	<ul style="list-style-type: none"> Rural areas have slightly more ethnically white people (99.3% vs 97.6%) and slightly fewer people from other ethnicities (0.7% vs 2.4%) as compared to urban areas.
Marital status (of those aged 16+)	<ul style="list-style-type: none"> Rural areas have more married people (54.6% vs 43.5%), and slightly fewer separated (2.9% vs 4.6%), divorced (3.9% vs 6.4%) and widowed (6.1% vs 7.2%) people as compared to urban areas.
Age	<ul style="list-style-type: none"> Rural areas have slightly fewer people aged 16-25 (11.8% vs 12.9%), 25-59 (46.4% vs 46.9%) and 60+ (19.6% vs 19.9%) as compared to urban areas. Rural areas have slightly more people aged under 16 (22.3% vs 20.3%) as compared to urban areas.
Long term health problem or disability	<ul style="list-style-type: none"> Rural areas have slightly more people without a long term health problem or disability (71.3% vs 67%) as compared to urban areas. Rural areas have slightly fewer people with a long term health problem or disability that either limits their day to day activities a little (8.4% vs 9.1%) or a lot (10.3% vs 12.8%) as compared to urban areas.
Dependents – carers (may include dependent children)	<ul style="list-style-type: none"> Rural areas have slightly fewer people providing unpaid care (11.7% vs 11.9%) as compared to urban areas.
Dependents – households with dependent children	<ul style="list-style-type: none"> Rural areas have more married or civil partnership couples (26% vs 16.4%) with dependent children and slightly more all household types with dependent children (36.9% vs 32.2%) as compared to urban areas. Rural areas have fewer lone parent households with dependent children (6.1% vs 10.7%) and slightly fewer cohabiting couple households with dependent children (2% vs 2.5%) as compared to urban areas.

4.1.3 The absence of a commitment to review the Bill

The Bill contains no formal commitment to review within its actual text, but given some of the concerns raised during the public consultation on the need for effective rural proofing this would seem to be a logical and valuable addition. Reference was however made to ‘...*review and evaluate the implementation of these policy proposals and this*

*proposed legislation, in line with best practice, to assess whether the policy is meeting the stated objectives*¹⁰, within the public consultation documentation in February 2015.

The inclusion of a commitment to review the legislation would also be in line with recommendations included in the Practical Guide to Policy Making in Northern Ireland published by OFMDFM in 2003¹¹.

4.1.4 The lack of sanctions within the Bill

An issue raised during the public consultation process for the Bill was the need to include sanctions as a way of making the duty to rural proof/consider rural needs effective.

As currently presented, the Bill would effectively mirror the approach taken by DEFRA in England in not providing DARD with powers to sanction public authorities for non-compliance with the need to consider rural needs. The situation in England, as enabled by the Rural White Paper from 2000¹² and subsequent documents such as the Guide to Rural Proofing National guidelines from 2013¹³, requires all government departments to respectively report on departmental rural proofing activity within their annual reports and accounts, and undertake rural proofing when preparing policy Impact Assessments. As set out in table 2 below however, based on a search of reports for the last year covering 17 Departments, 6 (35%) made reference to actual rural proofing activity that they had been engaged in, with a further 2 (12%) commenting on their commitment to rural proof without any actual detail, and 9 (53%) making no reference to either specific rural proofing activity or the process in general.

Whilst this approach is more anecdotal than scientific, it does seem to suggest that many departments are failing to meet the requirement to report on rural proofing activity, although this assessment should be treated with caution as some departments may not have undertaken any rural policy initiatives over the last year or may have chosen to report rural proofing activity within another mechanism such as the use of a sustainability report by the Home Office.

Table 2: Selected UK Government Departments – references to rural proofing activity in annual reports and accounts

Department	Rural Proofing activity referenced in annual report and accounts
Department for Transport	Annual Report and accounts 2014-15 ¹⁴ – Yes – overview of work including rural transport working group for young people
Cabinet Office	Annual report and accounts 2014-15 ¹⁵ - Rural proofing mentioned but no actual activity referenced – more a general statement of commitment
Business Innovation and Skills	Annual report and accounts 2014-15 ¹⁶ – No – only rural reference to post office

¹⁰ [Public Consultation on Policy Proposals for a Rural Proofing Bill, DARD, February 2015](#)

¹¹ [A Practical Guide to Policy Making in Northern Ireland, OFMDFM, 2003](#)

¹² [Our Countryside: the future, A fair deal for rural England, 2000](#)

¹³ [Guide to Rural Proofing, National guidelines, DEFRA, July 2013](#)

¹⁴ [Annual Report and Accounts 2014-15, Department for Transport](#)

¹⁵ [Annual Report and Accounts 2014-15, Cabinet Office](#)

	under broad heading of Mainstreaming Sustainability, Diversity and Equality
Communities and Local Government	Annual report and accounts 2014-15 ¹⁷ - Rural proofing mentioned but no actual activity referenced – more a general statement of commitment
Culture Media and Sport	Annual report and accounts 2014-15 ¹⁸ – Yes - overview of process and outline of departmental commitments within to rural proofing within departmental business plan
Education	Annual report and accounts 2013-14 ¹⁹ – Yes - outline of activity in relation to school funding system
Environment Food and Rural Affairs	Annual report and accounts 2014-15 ²⁰ - Yes overview of activities in range of policy areas
Work and Pensions	Annual report and accounts 2014-15 ²¹ - Yes – reference to a short case study highlighting rural proofing in action within department
Energy and Climate Change	Annual report and accounts 2014-15 ²² – No
Health	Annual report and accounts 2014-15 ²³ – Yes – overview of activity including GP's minimum practice income guarantee
HM Treasury	Annual report and accounts 2014-15 ²⁴ - No – reference to requirement for green book rules (including rural proofing) adherence by all departments
Home Office	Annual report and accounts 2014-15 ²⁵ - No – reference to sustainability report to be published later in year which would include rural proofing information
Defence	Annual report and accounts 2014-15 ²⁶ - No
Justice	Annual report and accounts 2014-15 ²⁷ - No
Northern Ireland Office	Annual report and accounts 2014-15 ²⁸ - No
Scotland Office	Annual report and accounts 2014-15 ²⁹ - No – only rural reference to broadband provision
Wales Office	Annual report and accounts 2014-15 ³⁰ - No – only rural reference to National Loans Fund

Whilst the data in table 2 was compiled by the researcher, the data and percentage breakdown identified within it is similar to the data cited by Lord Cameron of Dillington within his recent Independent Rural Proofing Implementation Review Report³¹, in relation to the presence of rural impact considerations within Impact Assessments.

By way of information, Impact Assessments are effectively the mechanism through which government departments and the policy makers within them initially consider which options or choices are most appropriate to deliver a particular policy objective.

¹⁶ [Annual Report and Accounts 2014-15, Department for Business Innovation and Skills](#)

¹⁷ [Annual Report and Accounts 2014-15, Department for Communities and Local Government](#)

¹⁸ [Annual Report and Accounts 2014-15, Department for Culture, Media and Sport](#)

¹⁹ [Consolidated Annual Report and Accounts 2013-14, Department for Education](#)

²⁰ [Annual Report and Accounts 2014-15, Department for Environment, Food and Rural Affairs](#)

²¹ [Annual Report and Accounts 2014-15, Department for Work and Pensions](#)

²² [Annual Report and Accounts, Department of Energy and Climate Change](#)

²³ [Annual Report and Accounts 2014-15, Department of Health](#)

²⁴ [Annual Report and Accounts 2014-15, HM Treasury](#)

²⁵ [Annual Report and Accounts 2014-15, Home Office](#)

²⁶ [Annual Report and Accounts 2014-15, Ministry of Defence](#)

²⁷ [Annual Report and Annual Accounts 2014-15, Ministry of Justice](#)

²⁸ [Annual Report and Accounts 2014-15, Northern Ireland Office](#)

²⁹ [Annual Report and Accounts 2014-15, Scotland Office and Office of the Advocate General for Scotland](#)

³⁰ [Annual Report and Accounts 2014-15, Wales Office](#)

³¹ [Implementation Review, Independent Rural Proofing, Lord Cameron of Dillington, DEFRA, January 2015](#)

As part of his review Lord Cameron assessed the consideration of rural proofing with a sample of 93 Impact Assessments prepared between 2010 and 2014 from 12 departments, and which appeared to have a relevance to rural people or places, with the following result:

- 48 (51%) showed no consideration of rural proofing or rural issues, even though the policy would impact rural areas;
- 35 (38%) described rural issues but did not analyse the policy impact; and
- 10 (11%) provided robust evidence on rural proofing and indicated how the evidence had been used to inform policy design.

Taken in unison, the data presented here could suggest that despite there being a duty for UK government departments to consider and report rural proofing actions in both their policy development and annual reporting there does not appear to be universal adherence.

This does raise the question as to whether Government departments within Northern Ireland, never mind other public bodies, would be any more inclined to consider rural needs or report on their rural proofing activities if the Bill was enacted.

Whilst this question is impossible to answer at present, the evidence from England could be interpreted as making the case for powers of sanction in order to ensure compliance, as without genuine buy-in and compliance, it could be argued that rural proofing will have minimal worth or positive impact for rural citizens.

4.2 Clause specific issues

4.2.1 Duty of public authorities to consider rural needs (Clause 1)

Paragraph 1 within clause 1 sets out the requirement for public authorities to consider rural needs when developing, adopting, implementing or revising policies, strategies and plans and also requires them to do the same when designing and delivering public services.

Defining 'revising' (1,(1)(a))

The requirement on revising policies needs clarification in relation to what actually constitutes a revision as there could be an incentive for public authorities to avoid considering rural needs by claiming that changes to an existing policy were so minor that this did not equate to a revision. This highlights the need for guidance in relation to setting limits for either what does or does not constitute a revision to a policy, strategy or plan.

Omissions in relation to services (1,(1)(b))

Whilst there is reference to designing and delivering services there may also be value in considering the addition of elements such as the removal/downgrading or alteration of services. There is also no reference to the contracting of services which may enable some public authorities to potentially escape the duty to consider rural needs.

Paragraphs 2, 3 and 4 within clause 1 define what constitutes a public authority, as these will all have a responsibility to consider rural needs. There is also provision by order to specify other persons, beyond government departments and district councils as public authorities

Who can be defined as a public authority under the order provision? – definition of functions of a public nature

The power by order to make any other person who is exercising functions of a public nature, a public authority, for all or any of the purposes of this Act, raises questions around how 'exercising functions of a public nature' will be defined. Looking at the public consultation document it seems clear that DARD envisages conferring the public authority status and duty on public bodies and it is notable that consultees did identify a range of public bodies on which they would like to see the rural proofing duty placed.

Whilst this approach seems logical, it should be recognised that there could be other bodies/organisations that may be exercising functions of a public nature within Northern Ireland such as UK government departments delivering policy in reserved areas such as postal services, and the community/voluntary sector, who over recent decades have become increasingly involved in service delivery. In the absence of a definition for functions of a public nature, could there even be a potential risk that certain private sector organisations or businesses, such as banks and shops, whilst predominantly focused on profit, might qualify? Whilst the inclusion of UK departments, the community and voluntary sector and private businesses could be attractive in terms of the potential effectiveness of the Bill, there must be questions around whether this is DARD's intent for the Bill. Given these potential issues, there may well be value in defining what is and what is not a function of a public nature within the Bill, rather than in any associated guidance.

4.2.2 Guidance, advice and information etc (Clause 2)

Clause 2 within the Bill outlines steps that DARD might take in relation to providing guidance, advice and information to persons seeking to deal with issues of rural need.

In general terms there may need to be more detail provided within this clause in order to understand exactly what support DARD might offer and as well as to whom this would be available. This comment is made within the context that DARD may provide such support, as the Bill does not obligate it to do so.

Given this, Members may wish to explore what criteria, if any, DARD will employ in determining whether it provides support. Will cost or available budget be a key determinant here? Will certain types of support be excluded? Will certain individuals/organisations be ineligible? Alternatively, if DARD envisages no limitations or restrictions will the department have the resources to meet any potential demand, or would there be an expectation that DARD would be able to draw upon resources support from other sources such as other government departments?

It would also be useful to know if any of the proposed support is above and beyond anything that DARD currently provides in conjunction with its rural proofing role and whether other Departments contribute resources to the provision of this support.

The specific references to DARD providing 'guidance' and 'advice' may also merit further investigation in light of the fact that the UK government is currently considering a recommendation by Lord Cameron, in his recent review of rural proofing, that DEFRA should make a shift from '*...providing advice to other departments to supporting them to mainstream rural evidence into their policy making processes.*³²'

This clause also highlights the fact that DARD may undertake, commission or support (by financial means or otherwise) research into any matter relating to rural needs. The cost implications here could potentially be considerable, so perhaps it would be useful, once again, for DARD to define the limits, if there are any, for this support. In terms of wording the use of the term 'any matter' in relation to rural needs may potentially be too broad, and whilst the term does provide flexibility, it could effectively mean that anything could qualify for support. This comment is made whilst recognising that DARD is not obligated to undertake this work, but there may be an issue with the fact that the clause potentially raises the expectation that it will.

4.2.3 Monitoring and reporting (Clause 3)

Clause 3 sets out the requirements for public authorities to both compile information on their consideration of rural needs and then send the same to DARD, whilst also requiring DARD to publish this information and what actions it has taken itself.

There may be issues in relation to ensuring that public authorities share this information with DARD, as whilst the Bill stipulates that they 'must' do so there appear to be no sanctions for non-compliance. Building on section 4.1.4 within this paper, clause 3 may therefore provide an opportunity for the potential inclusion of a sanction or creation of an offence. It should however be noted that the enforcement of such a sanction could be resource heavy, particularly if what eventually constitutes a public authority is extensive.

It may also be useful for DARD to clarify the guidance which will be given to public authorities in terms of the type and format of the information that they will provide, as

³² [Annual Report and Accounts 2014-15, DEFRA, page 17](#)

the annual report that DARD will prepare will have a potentially greater value if the data within it is directly comparable.

Clarification on the role of the Interdepartmental Committee on Rural Policy within this process would be helpful, as this body may well be crucial to the delivery of the actions proposed within clause 3. Within this context there may be value in specifically referencing the group within clause 3.

4.2.4 Co-operation with other bodies (Clause 4)

Clause 4 commits DARD to making arrangements with public authorities with a view to securing co-operation and the exchange of information between public authorities.

Whilst this commitment may relate to the rural proofing/rural needs consideration process, this is not stated within the clause, and as such the clause seems to promote co-operation and the exchange of information without identifying to what end or benefit this activity will be undertaken i.e. is the aim to meet rural needs?.

It could also be argued that making arrangements to secure co-operation and the exchange of information does not actually mean that either of these will happen, perhaps instead DARD could state that it will co-operate with public authorities in order to exchange information – the current wording could benefit from some clarification.

4.2.5 Interpretation (Clause 5) – definition of ‘rural needs’

Clause 5 of the Bill defines what is constituted by both ‘the Department’ and ‘rural needs’, but it is the definition of what is meant by ‘rural needs’ that may present issues. Clause 5 defines rural needs as being ‘...*the social and economic needs of persons in rural areas*’. The apparent breadth of this definition could present issues as many issues could theoretically be defined as a social or economic need and as such the duty for public authorities to actually consider rural needs could potentially be extensive and possibly expensive.

Whilst there may be value in not being more prescriptive, in that this could provide flexibility for public authorities to decide for themselves as to what does or does not represent rural social or economic need, such an approach may adversely lead to an inconsistent approach across public authorities.

As an example, and theoretically speaking, two people with apparently identical social or economic needs, but either from different geographical areas, different genders different ages etc., may have a different experience of whether and how these needs were considered by either differing or the same public authority, by nature of the fact that there is not prescription on what does or does not constitute a rural social or economic need.

Within this context there may be value in DARD providing more detail both within the Bill and in any associated guidance to public authorities. Any such guidance should

also address the difference between ‘needs’ and ‘wants’, as there could be a risk that the Bill could raise unrealistic expectations that the wants of rural people will be actively considered and addressed.

The reference to the social and economic needs of people ‘in’ rural areas as constituting rural needs, brings a further complication with regard to what actually qualifies as being a ‘person in a rural area’. Does this term cover all those who work in, originally come from, or reside within a rural community on a permanent or temporary basis? Once again there may be value in DARD providing clarification on the extent of the Bill, as the use of a broad definition here could once again place an extensive, complex and potentially expensive duty on public authorities.

5 Assessing the Costs of the Bill

Whilst this paper makes some reference to potential costs arising from this Bill, an associated briefing paper from RaISe’s Public Finance Scrutiny Unit (NIAR 645-15) considers these issues in greater detail.

APPENDIX 1 - Characteristics of urban and rural populations (based on rural definition of settlements of a population less than 5,000 persons), 2011 Census

Religion or religion brought up in

	Urban		Rural settlement		Open countryside		All rural		All persons	
	No.	%	No.	%	No.	%	No.	%	No.	%
Catholic	495,204	43.7	106,221	45.2	215,960	48.6	322,181	47.5	817,385	45.1
Protestant	547,466	48.4	116,647	49.7	211,604	47.7	328,251	48.4	875,717	48.4
Other	12,761	1.1	1,519	0.6	2,312	0.5	3,831	0.6	16,592	0.9
None	76,551	6.8	10,513	4.5	14,105	3.2	24,618	3.6	101,169	5.6

Source: NISRA, 2011 Census

National identity

	Urban		Rural settlement		Open countryside		All rural		All persons	
	No.	%	No.	%	No.	%	No.	%	No.	%
British only	455,425	40.2	95,700	40.7	171,254	38.6	266,954	39.3	722,379	39.9
Irish only	275,783	24.4	56,924	24.2	124,775	28.1	181,699	26.8	457,482	25.3
Northern Irish only	227,816	20.1	51,697	22	99,754	22.5	151,451	22.3	379,267	20.9
Other	172,958	15.3	30,579	13	48,198	10.9	78,777	11.6	251,735	13.9

Source: NISRA, 2011 Census

Note: Other includes those who reported more than one national identity e.g. British and Irish

Men and Women

	Urban		Rural settlement		Open countryside		All rural		All persons	
	No.	%	No.	%	No.	%	No.	%	No.	%
Men	545,613	48.2	114,791	48.9	226,919	51.1	341,710	50.3	887,323	49.0
Women	586,369	51.8	120,109	51.1	217,062	48.9	337,171	49.7	923,540	51.0

Source: NISRA, 2011 Census

Ethnic Group

	Urban		Rural settlement		Open countryside		All rural		All persons	
	No.	%	No.	%	No.	%	No.	%	No.	%
White	1,104,530	97.6	232,775	99.1	441,144	99.4	673,919	99.3	1,778,449	98.2
Other	27,452	2.4	2,125	0.9	2,837	0.6	4,962	0.7	32,414	1.8

Source: NISRA, 2011 Census

Marital Status (of those aged 16+)

	Urban		Rural settlement		Open countryside		All rural		All persons aged 16+	
	No.	%	No.	%	No.	%	No.	%	No.	%
Single (never married or in civil partnership)	345,730	38.3	60,327	33.2	111,336	32.2	171,663	32.5	517,393	36.1
Married	392,561	43.5	92,325	50.7	195,945	56.6	288,270	54.6	680,831	47.6
In a registered same-sex civil partnership	939	0.1	108	0.1	196	0.1	304	0.1	1,243	0.1
Separated	41,691	4.6	7,306	4.0	7,914	2.3	15,220	2.9	56,911	4.0
Divorced	57,499	6.4	9,899	5.4	10,676	3.1	20,575	3.9	78,074	5.5
Widowed	64,940	7.2	11,968	6.6	20,180	5.8	32,148	6.1	97,088	6.8

Source: NISRA, 2011 Census

Age

	Urban		Rural settlement		Open countryside		All rural		All persons	
	No.	%	No.	%	No.	%	No.	%	No.	%
Age 0-4 years	76,833	6.8	18,383	7.8	29,166	6.6	47,549	7.0	124,382	6.9
Age 5-7 years	40,381	3.6	9,623	4.1	17,658	4.0	27,281	4.0	67,662	3.7
Age 8-9 years	25,551	2.3	6,096	2.6	11,978	2.7	18,074	2.7	43,625	2.4
Age 10-14 years	71,141	6.3	15,653	6.7	32,240	7.3	47,893	7.1	119,034	6.6
Age 15 years	14,716	1.3	3,212	1.4	6,692	1.5	9,904	1.5	24,620	1.4
Age 16-17 years	31,069	2.7	6,400	2.7	13,971	3.1	20,371	3.0	51,440	2.8
Age 18-19 years	33,012	2.9	5,662	2.4	11,507	2.6	17,169	2.5	50,181	2.8
Age 20-24 years	83,142	7.3	14,259	6.1	28,612	6.4	42,871	6.3	126,013	7.0
Age 25-29 years	82,637	7.3	15,967	6.8	25,495	5.7	41,462	6.1	124,099	6.9
Age 30-44 years	234,038	20.7	52,266	22.3	87,643	19.7	139,909	20.6	373,947	20.7
Age 45-59 years	214,351	18.9	43,278	18.4	90,221	20.3	133,499	19.7	347,850	19.2
Age 60-64 years	57,169	5.1	11,934	5.1	25,187	5.7	37,121	5.5	94,290	5.2
Age 65-74 years	90,721	8.0	18,253	7.8	36,626	8.2	54,879	8.1	145,600	8.0
Age 75-84 years	56,307	5.0	10,377	4.4	20,040	4.5	30,417	4.5	86,724	4.8
Age 85-89 years	14,053	1.2	2,392	1.0	4,720	1.1	7,112	1.0	21,165	1.2
Age 90+ years	6,861	0.6	1,145	0.5	2,225	0.5	3,370	0.5	10,231	0.6

Source: NISRA, 2011 Census

Long-term health problem or disability

	Urban		Rural settlement		Open countryside		All rural		All persons	
	No.	%	No.	%	No.	%	No.	%	No.	%
With a long-term health problem or disability	374,031	33.0	71,618	30.5	123,429	27.8	195,047	28.7	569,078	31.4
Long-term health problem or disability: Day-to-day activities limited a lot	145,056	12.8	26,427	11.3	43,749	9.9	70,176	10.3	215,232	11.9
Long-term health problem or disability: Day-to-day activities limited a little	102,515	9.1	20,203	8.6	36,696	8.3	56,899	8.4	159,414	8.8
Without a long-term health problem or disability	757,951	67.0	163,282	69.5	320,552	72.2	483,834	71.3	1,241,785	68.6

Source: NISRA, 2011 Census

Dependents – Carers (may include dependent children)

	Urban		Rural settlement		Open countryside		All rural		All persons	
	No.	%	No.	%	No.	%	No.	%	No.	%
People providing unpaid care	134,217	11.9	26,145	11.1	53,618	12.1	79,763	11.7	213,980	11.8

Source: NISRA, 2011 Census

Dependents – households with dependent children

	Urban		Rural settlement		Open countryside		All rural		All households	
	No.	%	No.	%	No.	%	No.	%	No.	%
Married or civil partnership couple	76,104	16.4	20,167	22.1	42,406	28.4	62,573	26.0	138,677	19.7
Cohabiting couple	11,398	2.5	2,452	2.7	2,336	1.6	4,788	2.0	16,186	2.3
Lone parent	49,512	10.7	8,275	9.1	6,441	4.3	14,716	6.1	64,228	9.1
Other household types	12,241	2.6	2,071	2.3	4,668	3.1	6,739	2.8	18,980	2.7
All households with dependent children	149,255	32.2	32,965	36.2	55,851	37.4	88,816	36.9	238,071	33.9

Source: NISRA, 2011 Census