



Northern Ireland  
Assembly

## Committee for Agriculture and Rural Development

Mr Gearóid Cassidy  
Department for Finance and Personnel  
Rathgael House  
43 Balloo Road  
Bangor  
BT19 7PR

9 November 2015

Dear Mr Cassidy,

### **Rural Needs Bill**

I write, on behalf of the Committee, to invite you to make a written submission on behalf of your organisation regarding the Rural Needs Bill. The Bill has been developed by the Department for Agriculture and Rural Development after public consultation.

The Bill was formally introduced to the Northern Ireland Assembly on 09 November 2015 and is likely to be debated in the Assembly at Second Stage on 17 November 2015. The Bill is expected to be referred to the Committee for Agriculture and Rural Development after its Second Stage. The Committee will be responsible for taking the Bill through its Committee Stage.

Information regarding the Bill, including a copy of the Bill and its Explanatory and Financial Memorandum can be obtained from the Assembly's website –

<http://www.niassembly.gov.uk/assembly-business/committees/agriculture-and-rural-development/legislation---committee-stage-of-bills/rural-needs-bill/>

Information on the formal procedures for the passage of Bills through the Assembly can be found here –

<http://www.niassembly.gov.uk/assembly-business/legislation/bills-explained/>

The Committee Stage is based on detailed examination of the clauses of a Bill and is an opportunity for your organisation to suggest any possible amendments to the wording of the Bill. It would be **most helpful** if you could structure your response to the specific clauses of the Bill, and, if appropriate, could you suggest alternative or additional wording to clauses, which may assist the Committee's consideration of the need for any amendments to the Bill.

It would be greatly appreciated if this call for evidence could be circulated to each of the NDPBs sponsored by your Department. Their response should make particular reference to Clause 1, Subsection (2)(c) and Clause 1, Subsection (3) and the potential

implications of the statutory duty to consider rural needs being extended to their own organisation in due course.

I would be grateful if you and your NDPBs could please complete the attached form and forward any written evidence to the Committee by e-mail (in the format MS Word) to [Committee.agriculture@niassembly.co.uk](mailto:Committee.agriculture@niassembly.co.uk) by 12.00p.m. on 23 November 2015.

I apologise sincerely for the short timeframe provided for the Committee's call for evidence on this occasion. Unfortunately, due to the significant time pressures created by the need to ensure that the Rural Needs Bill passes through all stages of the legislative process before the end of the current Mandate, such restrictions are unavoidable.

Please be aware that your written evidence will be considered in an open, public Committee meeting and is likely to form part of any Report that the Committee may make to the NI Assembly.

You can find minutes of evidence that the Committee has taken on the Rural Needs Bill (formerly the 'Rural Proofing Bill') at the website links below:

<http://aims.niassembly.gov.uk/officialreport/minutesofevidencereport.aspx?AgendaId=13607&evidID=7657>

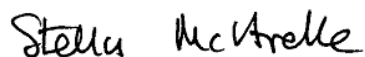
<http://aims.niassembly.gov.uk/officialreport/minutesofevidencereport.aspx?AgendaId=11400&evidID=6789>

You can find information on the Committee, its role, remit and Membership at the following link:

<http://www.niassembly.gov.uk/Assembly-Business/Committees/Agriculture-and-Rural-Development/>

Should you have any queries on the information above or require any clarification please feel free to contact myself on **028 9052 1475**.

Yours sincerely,



Stella McArdle

Clerk, Committee for Agriculture and Rural Development

## Assembly Section

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Ms Stella McArdle  
Clerk  
Committee for Agriculture and Rural Development  
Parliament Buildings  
Stormont

08 January 2016

Dear Stella,

### Rural Needs Bill

The Committee for Agriculture and Rural Development invited the Department of Finance and Personnel to make a submission regarding the Rural Needs Bill.

Rural proofing is already an Executive commitment and departments already conduct rural proofing as part of the integrated impact assessment process. DFP officials have raised concerns that the Bill could have a distorting effect on policy-making within departments and decision-making at the Executive level. In addition DFP officials have raised concerns regarding the administrative burden this Bill could place on Departments.

Officials have also raised specific concerns re: the demands this Bill could place on DFP specifically, in particular Northern Ireland Statistics and Research Agency (NISRA) and Rating Policy Division (RPD). Full detail of the DFP commentary on the Bill is included at Annex A.

Yours sincerely,

*Gearoid Cassidy*

**GEARÓID CASSIDY**  
**Departmental Assembly Liaison Officer**

## **Annex A – DFP Comments on Rural Needs Bill**

- Rural proofing is already an Executive commitment and departments already conduct rural proofing as part of the integrated impact assessment process. There is a risk that this Bill could have a distorting effect on policy-making within departments and decision-making at the Executive level
  
- A statutory duty to consider Rural Needs when developing and implementing policies in tandem with the need to consider other statutory duties could lead to Rural Needs being prioritised over other need based services. This has the potential to distort the Executive decision making process on budget setting and impede the discretion of Executive Ministers in allocating funding. Failure to consider rural needs could also lead to successful legal challenges thereby delaying the implementation of Executive decisions.
  
- A statutory duty in respect of the Rural Needs would place for a significant administrative burden on Departments, including DFP, at a time when departmental budgets are already under considerable pressure. Departments would then need to ensure that sufficient resources are built into budget positions for this issue.
  
- Also the imposition of a statutory duty on public authorities (including DFP) to compile information on the exercise of this statutory duty to consider Rural Needs and to provide that information to DARD. There is then a statutory duty on DARD to prepare an annual report on both the information sent to it by the other public authorities and information on the exercise of its own functions under the Bill, and for that report to be laid before the Assembly. Is it appropriate for one Department, other than OFMDFM, to report on another? It is also not clear if DARD has the ability to require information or issue directions?

## **NISRA Comments**

- It is far from clear what obligations the Bill will place upon the various Business Areas within the Department. For example, clause 1 states

that a public authority must '**consider**' rural needs. However, there is no detail around what '**consider**' actually means in practice. As such we cannot be clear about the requirements that the Bill will place on the Department and, as such, it is hard to advise the Committee on the potential implications (e.g. from a financial perspective, from a resourcing perspective, from a delivery perspective etc). In order for the aims of the Bill to be realised it would seem prudent that this area is teased out and made explicit and, when completed, the Department should then be given the opportunity to give an accurate assessment of the implications. In the absence of that it is open to interpretation. This is particularly important given that the Bill will result in the current rural proofing guidance being extended to cover both strategies and plans, in addition to policies (as is currently the case).

- It is also worth noting that, strictly speaking, there is no rigid official definition of a rural area. While an interdepartmental group, which NISRA was represented on, has provided guidance in terms of settlement size (settlements with 5,000 population was the default urban-rural classification point), the group continued to advise that users should define urban and rural areas in ways which are appropriate for different projects and programmes. As such, the implications of any definition that DARD may seek to derive in taking the Bill forward simply couldn't be assessed at this time. Similar arguments could be articulated in terms of how DARD might elect to define 'need'.
- There is also the risk that bodies such as District Councils or indeed others (who come within the very broad scope of the provisions at 2(c) of the Bill) may in due course come to the Department for assistance in meeting the obligations that the Bill will place upon them. For example, NISRA might be asked to provide assistance in terms of meeting information/ analytical/ research demands. At this stage we would have no feel for the demands that could arise and, as such, our ability to meet them.

## **Rating Policy Division (RPD) comments**

- DFP is aware of the current Rural Statistic section of DARD's website as a facility to assist policymakers with Rural Proofing work. Policy officials with DFP's Rating Policy Division (RPD) have also asked me to draw to the DARD Committee's attention the fact that if the requirements laid out in the Bill are to form a statutory requirement then there needs to be readily available datasets from DARD. This is a joint matter for both DARD and NISRA within DFP to consider and there will be resource implications.
- RPD is concerned that following the reorganisation of local government on 1 April 2015 there are no updated datasets at an electoral ward level denoting urban, rural and mixed status. This information is not only essential to RPD in undertaking its work, it is important to policy makers and planners in all public authorities, if they are to undertake the required analysis. Development of a range of look-up tables is required if the aims of the Rural Needs Bill are not to be frustrated in practice.