

Assembly and Executive Review Committee

**Review of the Number of Members of the Northern Ireland
Legislative Assembly and of the Reduction in the
Number of Northern Ireland Departments**

Part 2 – Reduction in the Number of Northern Ireland Departments

**Together with the Minutes of Proceedings of the Committee relating to the Report,
the Minutes of Evidence, Written Submissions, Northern Ireland Assembly
Research and Information Service Papers and Other Papers**

**Ordered by The Assembly and Executive Review Committee to be printed on 20 November 2012
Report: NIA 34/11-15 Assembly and Executive Review Committee**

**REPORT EMBARGOED
UNTIL COMMENCEMENT OF THE
DEBATE IN PLENARY**

Committee Powers and Membership

Powers

The Assembly and Executive Review Committee is a Standing Committee established in accordance with Section 29A and 29B of the Northern Ireland Act 1998 and Standing Order 59 which states:

- “(1) There shall be a standing committee of the Assembly to be known as the Assembly and Executive Review Committee.
- (2) The committee may -
- (a) exercise the power in section 44(1) of the Northern Ireland Act 1998;
 - (b) report from time to time to the Assembly and the Executive Committee.
- (3) The committee shall consider -
- (a) such matters relating to the operation of the provisions of Parts 3 and 4 of the Northern Ireland Act 1998 as enable it to make the report referred to in section 29A(3) of that Act; and
 - (b) such other matters relating to the functioning of the Assembly or the Executive Committee as may be referred to it by the Assembly.”

Membership

The Committee has eleven members including a Chairperson and Deputy Chairperson with a quorum of five. The membership of the Committee is as follows:

Stephen Moutray (Chairperson)
 Pat Sheehan (Deputy Chairperson)
 Roy Beggs
 Gregory Campbell
 Stewart Dickson
 Paul Givan
 Simon Hamilton
 John McCallister^{1 2}
 Raymond McCartney
 Conall McDevitt
 Caitríona Ruane^{3 4 5}

1 With effect from 26 September 2011 Mrs Sandra Overend replaced Mr Mike Nesbitt
 2 With effect from 23 April 2011 Mr John McCallister replaced Mrs Sandra Overend
 3 With effect from 12 September 2011 Mr Pat Doherty replaced Mr Paul Maskey
 4 With effect from 2 July 2012 Mr Pat Doherty is no longer a Member
 5 With effect from 10 September 2012 Ms Caitríona Ruane was appointed as a Member

Table of Contents

Report on Part 2 – Reduction in the Number of Northern Ireland Departments

Executive Summary	1
Introduction	3
The Committee’s Approach to the Review	6
Committee Consideration	
Key Issue 5	9
Committee Analysis and Conclusions	16
Appendices:	
Appendix 1	
Minutes of Proceedings	25
Appendix 2	
Minutes of Evidence	55
Appendix 3	
Stakeholder List, Stakeholder ‘Call for Evidence’ Paper	115
Appendix 4	
Stakeholder Submissions:	
Summary Analysis Table of Stakeholder Submissions	129
Political Parties of the Assembly	
Alliance Party	152
Democratic Unionist Party (DUP)	155
The Green Party in Northern Ireland (GPNI)	167
Social Democratic and Labour Party (SDLP) ¹	
Sinn Féin (SF)	172
Traditional Unionist Voice (TUV)	174
Ulster Unionist Party (UUP)	177
David McNarry MLA (then Independent Member)	181
Other Key Stakeholders	184

1 SDLP only made a verbal submission to the Review, through its Party representative on the Committee at the Committee meeting of 24th April 2012.

Appendix 5

Correspondence and other Papers relating to the Review 259

Table: Current Functions of Departments against
Proposals from Political Parties represented on the AERC 318

Reference Paper Highlighting Some Areas of Commonality 322

Appendix 6

Assembly Research and Information Service Papers 327

Executive Summary

1. The Assembly and Executive Review Committee is a Standing Committee of the Northern Ireland Assembly that was established to:
 - make a report to the Secretary of State, the Assembly and the Executive Committee, by no later than 1 May 2015, on the operation of Parts III and IV of the Northern Ireland Act 1998; and
 - consider such other matters relating to the functioning of the Assembly or the Executive as may be referred to it by the Assembly.
2. The Secretary of State for Northern Ireland intends to bring forward a Northern Ireland Bill in the Third Session of Parliament. The Bill will provide an opportunity to make changes to the Northern Ireland institutions where there is broad support among the Assembly Parties and where Westminster primary legislation would be required, such as future amendments to the Northern Ireland Act 1998.
3. The Committee requested from the Political Parties and the Independent Members of the Assembly their priorities for the Committee's immediate review of the provisions of Parts III and IV of the Northern Ireland Act 1998, within the available timescale set out by the Secretary of State for his proposed Northern Ireland Bill; i.e. proposals with the Secretary of State in June 2012. Following consideration of the responses, the Committee agreed that its immediate review would be the area of the size of the Assembly and the number of Northern Ireland Departments.
4. The Committee agreed the Terms of Reference for the Review, a Stakeholder 'Call for Evidence' Paper and a stakeholder list that included all Political Parties registered in NI. The Part 1 Report on the Review of the number of Members of the Northern Ireland Legislative Assembly was published on 12 June 2012 and debated in Assembly Plenary on 26 June 2012. It was agreed that Part 2 of the Review would consider and report on the number of NI Departments by late October 2012.
5. The Committee received and considered 21 Stakeholder responses to the Part 2 Review, which focused on views on the fifth Key Issue set out in the Committee's 'Call for Evidence' Paper; that is, "*The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained.*" The Committee also received oral evidence from Professor Rick Wilford, Queen's University Belfast, on this Key Issue.
6. The Committee commissioned and considered Assembly Research and Information Service Papers in order to inform Members' discussions and views on the issues arising from this Review.
7. In this Part 2 Review on the reduction in the number of NI Departments, the Committee adopted a strategic approach. As such, it focused its consideration on three areas:
 - The objectives of the Review and, therefore, the underlying objectives of any reorganisation of NI Departments;
 - The areas of commonality in terms of future broad structures of reorganisation of NI Departments between the different Parties represented on the Committee; and
 - What principles should underpin the arrangements for any reorganisation of Departments.
8. As part of the consideration of these three areas, the Committee also focused its attention on the initial costs, anticipated savings and effect on employment that would result from any suggested restructuring of NI Departments.

The Committee concluded that:

- a) In its Part 1 Report, Members concluded that the five Key Issues are very much interlinked and that a holistic approach should be taken. The Committee concluded that this holistic approach equally applies to Key Issue 5 on the reduction of the number of NI Departments, which is the subject of this Part 2 Review by the Committee.
- b) Its objective for this Part 2 Review and, therefore, its underlying objectives for any reorganisation of NI Departments, is as follows:

“To bring forward recommendations on how a reduction in the number of NI Departments could secure more effective and efficient governance arrangements, including better co-ordination and collaboration within and between Departments and their Agencies, providing a better service and value for money for the public, consistent with the safeguards on inclusivity.”

- c) The following Areas of Commonality broadly reflect the Committee’s views on how NI Departments could be reorganised:

- 1) Retain, in its substantive form, the current Department of Health; the current Department of Justice; and the current Department of Education;
- 2) Create a new Department of the Economy;
- 3) Create a new combined Department of Agriculture, Environment and Rural Development;
- 4) Create a new Department for Urban and Social Development or a new Department of Communities/Communities and Social Welfare/Community, Housing and Local Government Department;
- 5) Revise/Reform OFMDFM.

However, these do not represent an exhaustive list of broad reorganisations and cannot, therefore, be taken as a set of recommendations.

- d) The following principles should underpin any reorganisation of NI Departments:
- *Non-overlap* – no two Departments or their Agencies should have the same authority to act in the same circumstance.
 - *Span of control* – involves grouping functions in manageable organisational sizes and tailoring the workload to the capacity of the Minister and their chief officials.
 - *Administrative efficiency* – should be subject to a full cost-benefit analysis to assess cash-releasing savings in administrative functions.
 - *Planned and timely decisions* to establish new departmental structures.
 - Final decisions and arrangements for new departmental structures to be consistent with final RPA changes.
 - *Customer-facing* – services should be grouped and organised with the intention of providing a *better service to the public*.
- e) Following discussion on the issues of costs, savings and the impact on employment, the Committee concluded that it is important that proposed reorganisations are fully costed in advance, on the basis of a plan detailing proposed changes, with a clear statement of intended benefits and estimates of both predicted savings and costs, so that decisions can be made based on such evidence.
- f) Any proposed reorganisation should be preceded by considerations on any impact on equality, again to inform decisions.
- g) It is important that the costs of any reorganisation are minimised and that savings are achieved without impacting on front line services and are restricted to reductions in administration.

Introduction

Background to the Review

9. The Secretary of State for Northern Ireland intends to bring forward a Northern Ireland Bill in the Third Session of Parliament. The primary purpose of the Bill is to effect changes relating to political donations in Northern Ireland. However, it also provides an opportunity to make changes to the Northern Ireland institutions where there is broad support among the Political Parties and where Westminster primary legislation would be required, such as future amendments to the Northern Ireland Act 1998 (“the 1998 Act”). This relates directly to the Assembly and Executive Review Committee’s power to:

“Make a report to the Secretary of State, the Assembly and the Executive Committee, by no later than 1 May 2015, on the operation of Parts III and IV of the Northern Ireland Act 1998”

10. With the Secretary of State seeking to introduce this Bill in the Third Session of Parliament, the Assembly and Executive Review Committee agreed that it would take forward an immediate review of a key area in relation to the operation of Parts III and IV of the Northern Ireland Act 1998 much earlier than planned.
11. The proposed Bill may be the only opportunity prior to the next Assembly election to make institutional changes where Westminster primary legislation would be required.
12. In August 2012, the then Secretary of State for Northern Ireland launched a consultation entitled, ‘*Consultation on measures to improve the operation of the Northern Ireland Assembly*’ (see Appendix 5). This consultation focused on four key areas: the number of seats in the Northern Ireland Assembly; Assembly terms; multiple mandates; and Government and Opposition. The deadline for responses was 23 October 2012.
13. On 14 August 2012, the then Secretary of State for Northern Ireland, Owen Paterson, wrote to the Speaker of the Northern Ireland Assembly, Mr William Hay, inviting views on the consultation paper and stating that he was also writing to the leaders of the Parties in the Assembly. The Speaker forwarded the correspondence to the Chairperson of the Assembly and Executive Review Committee, requesting that the matter be brought to the Committee’s attention and requesting a decision on how to respond to the consultation exercise. The Committee responded in September 2012 stating that the correspondence had been considered at its meeting of 11 September 2012 and that the Committee had given significant consideration to one of the key four areas raised in the Northern Ireland Office (NIO) consultation document in its Part 1 Report, on the number of Members of the Northern Ireland Assembly. The Committee advised that it was currently undertaking Part 2 of its Review but that, to date, the Committee has not addressed any of the other key areas in the NIO consultation and, therefore, does not intend to respond to the consultation. At the meeting of 20 November 2012, the Committee received and noted a copy of the Speaker of the Northern Ireland Assembly’s letter of 23 October 2012 to the Secretary of State (see Appendix 5 for copies of all letters).

Northern Ireland Departments

14. The Northern Ireland Act 1998 makes provision for the maximum number of “*Northern Ireland Ministers*”. Section 17(4) of the 1998 Act allows for 10 Northern Ireland Ministers “*or such greater number as the Secretary of State may by order provide*” (see extract of the 1998 Act in Appendix 5). At present, following the Northern Ireland Act 1998 (Ministerial Offices) Order 2009, the maximum number of Northern Ireland Ministers is 11.
15. Under section 17(3) of the 1998 Act, the number of Northern Ireland ministerial offices and the functions of Northern Ireland Ministers are fixed by a determination made by the First

Minister and deputy First Minister acting jointly and approved by a resolution of the Assembly passed with cross-community support (see extract of the 1998 Act in Appendix 5). Any such determination must provide that the functions exercisable by those in charge of the different Northern Ireland Departments are exercisable by the holders of different ministerial offices. The maximum number of Northern Ireland Ministers (11) thus limits the maximum number of ministerial Departments (11).

16. It must be emphasised that in this context, the First Minister and deputy First Minister are not “*Northern Ireland Ministers*”. A department controlled by the First Minister and deputy First Minister (such as the Office of the First Minister and deputy First Minister) is, therefore, not a Department controlled by a Northern Ireland Minister: it is thus possible to have one or more Departments under the control of the First Minister and deputy First Minister in addition to the 11 ministerial Departments permitted under section 17.
17. The original arrangement of 10 ministerial Departments and the Office of the First Minister and deputy First Minister was arrived at following inter-party negotiations, primarily between the UUP and SDLP, which were concluded on 18 December 1998. The subsequent report from the First Minister (Designate) and Deputy First Minister (Designate) stated:

“We have agreed that there should be an Office of the First Minister and Deputy First Minister and ten Departments, which taken together will be responsible for the work of the current six Northern Ireland Departments. The new Departments and corresponding Ministerial offices will be:

 - Agriculture and Rural Development
 - Environment
 - Regional Development
 - Social Development
 - Education
 - Higher and Further Education, Training and Employment
 - Enterprise, Trade and Investment
 - Culture, Arts and Leisure
 - Health, Social Services and Public Safety
 - Finance and Personnel”
18. The Departments (Northern Ireland) Order 1999, made by the Secretary of State following the agreement between the First Minister (Designate) and Deputy First Minister (Designate), established five new Northern Ireland Departments and renamed four of the six pre-existing Departments. The six Departments at the time of the Belfast Agreement were Agriculture, Economic Development, Environment, Education, Health and Social Services, and Finance and Personnel.
19. Section 21(2) of the 1998 Act states that provision may be made by an Act of the Assembly to establish new Northern Ireland Departments or dissolve existing ones (see extract of the 1998 Act in Appendix 5). The Department of Justice Act (Northern Ireland) 2010 was an exercise of this power that created a new Department of Justice following the transfer of policing and justice functions.
20. As is reflected in paragraph 9 above, it is within the remit of the Assembly and Executive Review Committee to report on Executive structures. The Executive is also considering streamlining Departments, although its Efficiency Review Panel has yet to be established. The current Programme for Government lists one of the key commitments as “*Agree any changes to post-2012 structures of Government in 2012 (OFMDFM)*”, with one of the milestones for 2012/13 under this category being to “*Consider relevant reports from the Efficiency Review*

Panel and Assembly and Executive Review Committee” (see extract in Appendix 5). The Committee received an update on this work during the course of its Review (see paragraphs 29 and 62).

21. In January 2012, it was announced (see Appendix 5, press releases 11 and 18 January 2012) that the Office of the First Minister and deputy First Minister (OFMDFM) will “*Ask officials to make arrangements to prepare the necessary Assembly legislation to abolish the Department of Employment and Learning and transfer its functions.*” Furthermore, the Office announced that it is seeking “*views from key stakeholders and interested parties on how the functions exercised by the Department of Employment and Learning should be transferred to other departments in the most appropriate manner.*”
22. In July 2012, OFMDFM released a statement that referred to “*Structures of Government*” and stated, “*Ministers have again indicated their desire and willingness to complete the 2012 review of Government structures in a timely manner.*” It went on to state, “*Constructive engagement has taken place with party leaders relating to the number of government departments, including proposals to reduce their number*” and that OFMDFM would await the outcome of that process before taking decisions on the future of the Department for Employment and Learning (DEL) (see copy of statement at Appendix 5). This statement was noted at the Committee’s meeting of 11 September 2012.

The Committee's Approach to the Review

23. The Terms of Reference for the overall Review are as follows:

The Assembly and Executive Review Committee will review the potential benefit of streamlining governing institutions, focusing on the number of MLAs elected to the Northern Ireland Assembly as a result of the Parliamentary Voting System and Constituencies Act 2011 and any further reductions for the next Assembly election; and on the reduction in the number of Northern Ireland departments and associated re-allocation of functions.

24. The Committee agreed to conduct the overall Review in three key phases:

Phase 1 – Review Evidence Gathering

The Review will take evidence on **five Key Issues**:

1. Whether the statutory link between Westminster and Northern Ireland constituencies should be removed and the implications of removing or retaining this link;
2. The implications of the forthcoming reduction (on the implementation of the Parliamentary Voting System and Constituencies Act 2011) and any further reduction in the number of MLAs;
3. The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity;
4. Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including in particular, proposals to ensure a robust and effective committee system; and
5. The reduction in the number of NI Departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions are maintained.

Phase 2 – Consideration and Report on Number of MLAs (Part 1 of this Review)

The Committee will consider all evidence received in relation to reducing the number of MLAs and report and make recommendations to the Assembly on these matters by early June 2012.

Phase 3 – Consideration and Report on Number of NI Departments (Part 2 of this Review)

The Committee will consider all evidence received in relation to reducing the number of Northern Ireland Departments and report and make recommendations to the Assembly in late October 2012.

25. The Committee completed Phases 1 and 2 of the Review by June 2012. The Part 1 Report on the Review entitled, 'Review of the Number of Members of the Northern Ireland Legislative Assembly and on the Reduction in the Number of Northern Ireland Departments: Part 1 – Number of Members of the Northern Ireland Legislative Assembly' was published on 12 June 2012 and debated in Assembly Plenary on 26 June 2012 (Report: <http://www.niassembly.gov.uk/assembly-business/committees/2016-2017/assembly-and-executive-review/Session-2011-2016/number-of-members-of-the-northern-ireland-legislative-assembly/> Hansard of Debate: <http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-11-12/26-June-2012/>). The Assembly noted the Part 1 Report, which focused on the four Key Issues listed above in Phase 1 of its Review.
26. In relation to the Part 1 Report, Members concluded that all five Key Issues are very much interlinked and that a holistic approach to reaching a view on the size of the Assembly in terms of the number of MLAs should be taken. That being said, the Committee could not reach consensus on the size of the Assembly. The Report, therefore, set out in some detail

the particular position of the Political Parties represented on the Committee on the four Key Issues under the Part 1 of the Review.

27. Much of the Committee's previous considerations are applicable to this Part 2 Report. Such as:
- At its meeting on 27 September 2011, the Committee considered a letter of 5 September 2011 from the Secretary of State regarding a Bill that he intends to put forward in the Third Session of Parliament (see Appendix 5). The primary purpose of the Bill is to provide an opportunity to make changes to the Northern Ireland institutions where there is broad support among the Political Parties and where Westminster primary legislation would be required, such as future amendments to the Northern Ireland Act 1998.
 - The Committee agreed that the Chairperson issue a letter to Political Parties and the independent Members of the Assembly to request their immediate priorities for the Committee's review of the provisions of Parts III and IV of the Northern Ireland Act, within the available timescale set out in a further letter of 24 October 2011 from the Secretary of State (see Appendix 5).
 - At its meeting on 17 January 2012, the Committee considered responses from the Political Parties. It concluded that the Committee reviews the size of the Assembly and the number of Northern Ireland Departments.
 - At subsequent Committee meetings of 31 January 2012 and 7 and 14 February 2012, the Committee agreed the Terms of Reference for the Review, a timeline for the Review, a Stakeholder 'Call for Evidence' paper and a list of key stakeholders to which the Committee would write to request written evidence (see Appendix 3).
 - In addition to requesting written evidence from key stakeholders, the Committee agreed to use a signposting advertisement in the three daily papers (15 February 2012) in order to attract a wider public sector and public response to its 'Call for Evidence'. This directed interested parties to a dedicated webpage on the Committee's website with the 'Call for Evidence' paper for the Review. Any organisation/individual was therefore able to refer to these documents and respond to the Review.
 - The Committee received and considered 21 Stakeholder responses (see Appendix 4) to this Part 2 Review, which focused on views on the fifth Key Issue set out in the Committee's 'Call for Evidence' Paper, that is:
 - (5) *The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained.*

How many departments are required to effectively discharge the current range of devolved functions?

In broad terms, what functions should be grouped in the reduced number of departments and what factors informed your decisions on grouping functions together in a department?
 - The Committee considered oral evidence on Key Issue 5 from Professor Rick Wilford (Queen's University Belfast), at its meetings of 28 February 2012. The Minutes of Evidence (Hansards) for this oral evidence session and all Committee sessions pertaining to the consideration of this Part 2 Report of the Committee's Review are at Appendix 2.
28. In addition to the above oral and written evidence sessions, the Committee considered a written submission from Professor Derek Birrell of the University of Ulster at its meeting on 23 October 2012 (see Appendix 4).
29. The Committee Chairperson and Deputy Chairperson met the First Minister and deputy First Minister on 4 April 2012 regarding the overall Review. Correspondence in relation to this and a note of the meeting are included at Appendix 5.
30. The Committee considered all evidence received on this Part 2 Review in relation to Key Issue 5 at its meetings of 11 and 25 September, 9 and 23 October and 13 and 20 November 2012.

All Minutes of Proceedings relevant to this Part 2 of the Committee's Review are included at Appendix 1.

31. As part of the Committee consideration, at the Committee meetings of 28 September 2010, 11 September 2012 and 23 October 2012, the Assembly Research and Information Service (RaISe) presented specific research papers to inform the Review. The Research Briefing Papers (listed below) are set out in full in Appendix 6 (they can also be found at: <http://www.niassembly.gov.uk/assembly-business/research-and-information-service-raise/research-publications/publications-2012/>).
- *The Size of the Assembly and Number of Government Departments (includes Efficiency Review Panel) (see Sections 3 and 4);*
 - *Machinery of Government: Departmental Arrangements.*
 - *Estimating the Cost of Machinery of Government Changes.*

Committee Consideration

Summary of Stakeholder Submissions and Committee Deliberations

32. A summary analysis of stakeholder submissions and full copies of stakeholder submissions can be found at Appendix 4 of this Part 2 Report. The summary analysis is structured to reflect stakeholders' responses primarily to the fifth Key Issue of the Committee's Review, as detailed below. This Key Issue and associated questions were set out in section 4 of the Committee's Stakeholder 'Call for Evidence' Paper (see Appendix 3); that is:

KEY ISSUE 5: The reduction in the number of NI Government Departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained.

33. The specific questions asked of stakeholders by the Committee under this Key Issue were:
- How many Departments are required to effectively discharge the current range of devolved functions?
 - In broad terms, what functions should be grouped in the reduced number of Departments and what factors informed your decisions on grouping functions together in a Department?
34. **The following section of this Report highlights key points in stakeholder submissions on the fifth Key Issue and, in particular, the Committee's deliberations on this Key Issue – including the position of the Political Parties represented on the Committee in alphabetical order.**
35. The **Alliance Party**, in its written submission, proposed:

“that eight Departments, and therefore Committees, could be established as follows: OFMDFM; Economy; Finance and Personnel; Justice; Health and Social Services; Education; Environment and Rural Development; and Urban and Social Development.”

During Committee discussions, the Alliance representative emphasised the “commonality” in the proposals that some parties had put forward. The Alliance Party representative also indicated that his party is open to discussion about the precise split and is flexible about that.

The Alliance Party cited “effective and efficient government” as its objective for the Review.

36. The **DUP's** written submission proposes that:

“OFMDFM would be reconstituted as the Executive Office with its concentration on dealing with Executive business and including responsibility for many of the central or cross-Governmental functions. In addition there would be seven ordinary Departments: Department of the Economy and Business; Department for Education; Department of Health and Social Services; Department for Regional Development; Department of Justice; Department of Communities and Social Welfare and a Department of Agriculture, Environment and Rural Development.”

During Committee discussions, the DUP stated that “there are too many Departments” and that “between six and eight Departments would be better”.

In the 11 September Committee meeting, the DUP highlighted its view that reducing the number of Departments would mean more than cost savings in the longer term, as it would lead to more joined-up working on “big issues”. The DUP also highlighted efficiency and effectiveness as objectives of the Review, stating:

“we see a lack of departmental joined-upness over the big issues ... Fewer Departments is as much about the effectiveness of government as it is about the efficiency.”

The DUP representatives on the Committee felt that there was “*broad agreement*” among some parties on how NI Departments could be restructured, both in terms of the number of Departments and, even more, in relation to the amalgamation of functions.

While the Committee was discussing reorganisation costs during the 23 October Committee meeting, the DUP spokesperson stated that, although “*everybody would accept that there are always upfront costs*”, the effect of reorganisation would, on the whole, be restricted to those at the top of the Civil Service and that savings would arise from the rationalisation of “*administrative functions*”.

37. The **SDLP** did not provide a written submission on the Key Issues of the Review; however, during Committee discussions, the SDLP representative stated:

“the number of Departments should be consistent with the mandate that the people gave at the time of the Good Friday Agreement. That would allow us up to a maximum of 11 Departments ...”

“Our position remains that we would probably like 10 Departments plus the Office of the First Minister and deputy First Minister.”

The SDLP highlighted its view that “*the debate should be about function*” and that “*the form should follow the function*.” The SDLP “*broadly agree*” that there are “*many areas in which there is both inefficiency and a lack of joined-upness in government*”, but “*do not necessarily think that a small number of Departments is the solution*.”

As regards preferences for how Departments should be restructured, the SDLP representative stated:

“We have long believed that a review such as this should deal with the issue of nomenclature in the Office of the First Minister and deputy First Minister. We believe that this is an opportunity to agree to call that office what it is, which is the office of the joint First Ministers.”

The SDLP recognised that, although there was not agreement among all Parties on what number of NI Departments there should be, consensus was emerging regarding some of the redesign issues.

In relation to reorganisation costs and the impact on employment, the SDLP indicated that it is not an argument about cost; rather, the Review is “*about effectiveness*”. The SDLP representative stated that, however Departments are reorganised, “*chances are you’ll still have the same number of public servants and you’re unlikely to materially change the cost of running this region*”.

38. **Sinn Féin’s** written submission states:

“We are not opposed to a reduction in the number of departments.”

During Committee discussions, Sinn Féin stated that efficiency and the effectiveness of Government should be considerations in the Review, including efficiency in terms of public money.

Sinn Féin also stated that the Party is involved in a consultation around the issue of departmental structures and said:

“we will defend the integrity of the Good Friday Agreement, particularly in terms of representation.”

Sinn Féin requested that the Committee:

“bring forward costings on the various options and proposals to reduce the number of Departments with reference to the impact that changes will have on employment within existing proposed Departments.”

During Committee discussions on 23 October 2012 on broad reorganisation areas of commonality between some of the Parties represented on the Committee, the Sinn Féin spokesperson stated that:

“the difficulty with this discussion is that it has been predicated on the assumption that if we reduce numbers of MLAs and Departments, it is going to lead to greater efficiencies and savings, and, as yet, we have had no hard evidence on the table to support that.”

The Sinn Féin representatives on the Committee stated that “we need some of those costings ... because you have to make decisions based on evidence”. The representatives also stated that “the equality implications” should be considered before any reorganisation is undertaken.

39. The **UUP’s** written submission states:

“The Ulster Unionist Party has called for a review of government Departments for some considerable time and we would like to see a reduction to a maximum of 8 (plus OFMdFM).”

During Committee discussions, a UUP representative stated:

“Regarding reductions in the number of Departments and associated functions, we have indicated that there should be a maximum of eight and are open to consideration of a lower number.”

The UUP emphasised that its key concern is to establish a Department of the Economy, as proposed by the Independent Review of Economic Policy (IREP). The UUP proposes that that “should proceed as soon as possible and that we should not wait on other departmental decisions.”

As well as the creation of a Department of the Economy, the UUP indicated during Committee discussions that the restructuring of NI Departments could include “the Department of the Environment merged with the Department of Agriculture and Rural Development.” It also suggested that the Department of Culture, Arts and Leisure could be merged with another Department, given that “80% of its funding goes through arm’s-length bodies.”

The UUP is concerned with efficiency and effectiveness and believes that the Review should consider “how to provide a better service and better value for money for the public.” It suggests that the Review should look at coordination and collaboration “within and between Departments” and “how you get better value for money and better coordination and information flow”, in order to “provide a better service to our constituents”.

In relation to costings, the UUP indicated that it views “any of the costings that come out from the re-jigging of Departments ... as having a smaller implication as opposed to the longer-term implication of delivering the services and efficiencies that can come from that, and the quality of service.” During the discussion on reorganisation costs and the impact on employment at the 23 October 2012 meeting, the UUP spokesperson emphasised that “you should not just count the number of civil servants” because “the money is still there to be used for public services”.

40. The **Green Party’s (GPNI)** submission regarding Issue 5 suggests two scenarios:

“GPNI provides two models of Government departments/ministers addressing two different scenarios.

The first scenario is an incremental approach, assuming the constraint of mandatory coalition enshrined in the Good Friday Agreement. This scenario proposes 10 government departments.

The second scenario is our view of the thematic portfolios that should be allocated within the context of an Executive formed as an ‘agreed’ coalition. This scenario would have 7 government ministers in addition to a First Minister acting as head of government.”

The full submission details the suggested structure of government and Departments (see Appendix 4).

41. The **Traditional Unionist Voice (TUV)** written submission states:

“Six, plus First Minister’s Office”.

The full submission includes suggestions for the structure of Departments (see Appendix 4).

42. **Mr David McNarry, MLA (then Independent Member)** in his written submission stated:

“There should in my view be seven or eight departments – a department of the economy, a department of finance, a department of education and skills, a department of agriculture, a department of tourism and culture, a transport ministry and a housing ministry. The First Minister’s department could be combined with the department of finance, which would reflect where the power lies in government.”

43. The **Clerk/Director General of the NI Assembly** in his submission stated:

“This is not a matter which would seem to fall within my area of expertise or responsibility. The only comment that I would make is that a reduction in the number of departments will impact on statutory committees, though as indicated previously, the legislative and policy output for consideration by the Assembly is unlikely to be affected.”

44. **Professor Derek Birrell, University of Ulster**, stated in his submission:

“The issue of the number of government departments can be seen as not the central issue. The functions of devolved central administration are likely to remain the same, unless more functions from the quango sector are absorbed.”

“In relation to the direct practical approach to simply producing a rationale for a reduction in the number of departments and a reorganisation of functions, there are a number of different criteria that could be applied:

- *by proportion of public expenditure by departments. This might suggest a separate social care department or public health department;*
- *by number of civil servants employed by department;*
- *by modernising themes, copying from England, Scotland, Wales, for example, a Children’s services department;*
- *by tradition – reverting to number of departments under Direct Rule or making minor adjustments to existing system;*
- *by political requirements – need to protect structures and practices from the 1998 Agreement or find political consensus on any proposed changes.”*

45. **Dr Yvonne Galligan, Centre for Advancement of Women in Politics** in her submission stated:

“As with the number of MLAs, the decision on how many Departments is enough to conduct Executive business is more of an art than a science. However, Departments should take the gender perspective on the policies under their aegis into account as an integral function of their work.”

“OFMDFM have an important co-ordinating role to play, and awareness-raising of making policy relevant to male and female interests.”

46. **Professor Rick Wilford, QUB**, in his submission stated:

“There is again no “magic number” that can be conjured-up out of the ether, though it is noticeable that ‘eight’ seems to be the number of Depts favoured by some parties.”

“Identifying the reasons for Executive reform/reconfiguration can be encapsulated under three broad headings: economy and efficiency; policy effectiveness; and political advantage.”

“Very broadly speaking there are then two ways of approaching the task of Executive re-design. The incremental, which in large measure would be governed by an initial agreement on the number of Depts and then shuffling functions around in a way that seeks to secure a ‘better fit’ than currently exists. An alternative approach would require a more root-and-branch exercise. This would entail thinking about Departmental design in perhaps more thematic terms, as in both Wales and Scotland where design/re-design has been more considered. The key here, to my mind, is to start at ‘the top’ i.e. OFMDFM and revisit its raison d’etre: what is it actually for?”

“Key is how overlapping briefs are managed and by whom – OFMDFM, in my view. It should steer rather than row boats: it means stripping out a number of functions.”

47. The **Conservative and Unionist Party NI** stated in its submission:

“We therefore recommend a 9 department model (10 with OFMDFM), rather than 11 (12 with OFMDFM) as at the present time. This model is entirely consistent with those UK Government departments which are, to at least some degree, devolved.”

“In terms of total number of ministers, NI would have 11 ministers plus two junior ministers...”

The full submission goes into substantial detail regarding the party’s views on a new structure of Departments and reshuffling of responsibilities. It also makes comparisons with Scotland, Wales and Westminster (see Appendix 4).

48. The **Procapitalism** written submission stated:

“Departments should not exceed the number already in play. Some could be easily enough eliminated, and others integrated.”

49. The **NI Local Government Association (NILGA)** stated in its submission:

“It is recommended that a set of principles (or similar) be used to inform a departmental and Assembly assessment – the principles are listed in the detailed response, Section 4, question 5.”

“If the focus of the Assembly is to ensure the departments are delivering the Programme for Government, then one option would be for our departments to be designed around that Programme.”

“Another option is to look at “families of services”, and to explore whether the families of services that are grouped together currently in our departments are a suitable grouping for effective working. An additional issue to consider is the potential to make more use of the ‘junior minister’ system as evidenced in Scotland.”

50. The **Platform for Change** written submission stated:

“Platform for Change believes that seven departments would be a reasonable number but the structure should be aligned with overarching policy goals as in Scotland, rather than simply being conceived as silos for particular public services, like schools, police or hospitals.”

“It is critical that the executive operates, like its predecessor in 1974, on the basis of collective responsibility, so that joined-up government can be made a reality.”

51. **Mr James Edgar** stated in his submission:

“The author recommends that the next Northern Ireland Executive could be based on nine Government Departments, inclusive of the Office of the First Minister and deputy First Minister.”

“The author would recommend that Government Departments be constructed on a thematic basis.”

His full submission includes suggestions for the reshuffling of the current themes under NI Departments (see Appendix 4).

52. The **Independent Financial Review Panel** did not directly address Issue 5 in its submission; however, it did state:

“The Panel has stated that for its next Determination, it will address any different levels of ministerial posts based on size, type, accountability and complexity. In doing so it will be guided by any changes agreed by the Executive in relation to Ministerial responsibilities.”

53. The written submission from the **Institute of Directors Northern Ireland (IoD) and NI Independent Retail Traders Association (NIIRTA)** states:

“As a business organisation representing and lobbying on behalf of our members, we believe that the current system needs a radical overhaul and that Northern Ireland requires no more than seven government departments.”

“For a region our size, seven departments are sufficient to provide effective streamlined government with clear strategic objectives.”

The full submission includes suggestions for a new structure of NI Departments. It suggests that many services currently delivered by the public sector could be delivered in partnership with the private sector. It also gives a suggestion for a change in the Ministerial portfolio – it advocates junior Ministerial roles to Departments where the workload might be too heavy for a single Minister (see Appendix 4).

54. The **Northern Ireland Public Service Alliance (NIPSA)** in its written submission states:

“NIPSA would welcome the fact that if the current departments are reduced a sensible approach is taken in creating new departments, for example in the case of DEL, NIPSA supports the case that DEL should be amalgamated with ETI yet consideration of splitting DEL between two departments is not a value for money option. It is an ideal opportunity to realign old departments and also remove a number of ad hoc areas such as Economic Policy and Regeneration into an Economy Department.”

55. The **Royal Town Planning Institute Northern Ireland (RTPI)** states in its written submission:

“(RTPI) Members would welcome the reduction in the number of government departments.”

Its full submission states that the area of planning is a major concern and gives suggestions for improvement (see Appendix 4).

“It is vital to the delivery of a fit for purpose planning system that these functions are not split in order to ensure a smooth and joined up approach that will avoid unnecessary delays and enhance accountability.”

56. The written submission from **Women’s Tec** states:

“Women’s Tec does not have a view on how many departments there should be or how they are organised. However, it should be clear from the outset where specific functions lie and their administration simplified for easier decision-making, for example, regarding social development and vocational training support.”

57. Arising from Committee discussion on Key Issue 5, the Committee agreed to commission the Assembly Research and Information Service to provide further information on:

- a. The principles upon which machinery of government arrangements are made and what arrangements exist in the UK, Ireland and elsewhere.

- b. The costs of machinery of government changes and the potential resulting impact on employment.
58. The Assembly Research and Information Service Papers on the above are available in Appendix 6 of this Report.

Committee Analysis and Conclusions

59. The Part 1 Report on the Review of the number of Members of the Northern Ireland Legislative Assembly was published on 12 June 2012 and debated in Assembly Plenary session on 26 June 2012.
60. **In its Part 1 Report**, it was clear that, although the Committee considered all five Key Issues as set out in the Stakeholder ‘Call for Evidence’ Paper separately, **Members concluded that the five Key Issues are very much interlinked and that a holistic approach** to reaching a view on the size of the Assembly in terms of the number of MLAs **should be taken. The Committee concluded that this holistic approach equally applies to Key Issue 5 on the reduction of the number of NI Departments, which is the subject of this Part 2 Review by the Committee.**
61. As reflected in the summary analysis of stakeholder views (found at the beginning of Appendix 4), some stakeholders responses to other Key Issues, primarily Issue 4 (proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly), were also relevant to this Part 2 Review. For example, the point was made by various stakeholders that reducing the number of NI Departments would directly result in the reduction of the number of Assembly Statutory Committees, which would consequently help to mitigate the impact of any reduction in the number of MLAs on the effectiveness of the Assembly.
62. On 11 September 2012, the Committee Chairperson wrote to OFMDFM inviting a senior official from OFMDFM to give evidence to the Committee to advise what factors and/or principles should be taken into account when considering changes to Northern Ireland Government structures. OFMDFM responded on 24 September 2012 stating that *“in line with the Programme for Government commitment to agree any changes to post-2012 Structures of Government this year, discussion have been initiated with Party Leaders on future structures, including the principles which should underpin any future organisation. We do not consider, however, that these discussions have yet reached a stage where it would be appropriate or meaningful for officials to give evidence to the Committee on the matters you propose.”* (See Appendix 5 for copies of both letters).
63. The Assembly Information and Research Service provided a Briefing Paper ‘*Estimating the Cost of Machinery of Government Changes*’ for the Committee’s consideration at its meeting of 23 October 2012. The Research Paper states that estimating the cost of machinery of government changes is a most challenging task. It looks at research by the National Audit Office and the Institute for Government, which has largely focused on Whitehall Departments. It states that attempts to accurately estimate the costs or savings deriving from future machinery of government changes may be difficult and would require, at the very least, a plan detailing proposed changes; a statement of intended benefits; and an estimate of predicted savings and costs.
64. **In this Part 2 Review, on the reduction in the number of NI Departments, the Committee adopted a strategic approach. As such, it focused its consideration on three key areas:**
- **The objectives of the Review and, therefore, the underlying objectives of any reorganisation of NI Departments;**
 - **The areas of commonality in terms of future broad structures of reorganisation of NI Departments between the different Parties represented on the Committee; and**
 - **What principles should underpin the arrangements for any reorganisation of Departments.**
65. As part of the consideration of these three areas, the Committee also focused its attention on the **initial costs, anticipated savings and effect on employment** that would result from any suggested restructuring of NI Departments.

Objective of Reorganisation of Departments

66. At its meetings of 9 and 23 October 2012 and 13 November 2012, the Committee discussed objectives of the review, drafted on the basis of the written submissions of the Parties represented on the Committee and specific comments of Committee Members around this area.

67. The Committee considered that it would be helpful to identify a clear and detailed objective that could steer any future reorganisation of NI Departments. This point was reinforced in the Research briefing paper, *'Estimating the Cost of Machinery of Government Changes'* (see Appendix 6), which highlights that:

"The value for money of central government reorganisations cannot be demonstrated given the vague objectives of most such reorganisations".

68. Following Committee discussions on 9 October 2012, a revised objective was drafted for discussion at the Committee meeting on 23 October 2012. The revised objective was as follows:

"To bring forward recommendations on how a reduction in the number of NI Departments could secure more effective and efficient governance arrangements, including better co-ordination and collaboration within and between Departments, providing a better service and value for money for the public, consistent with the safeguards on inclusivity."

69. Party Representatives were asked to indicate whether they agreed with the revised objective. The Alliance representative accepted the objective, as did the DUP spokesperson, the SDLP representative and the UUP spokesperson. The Sinn Féin spokesperson stated that, while they *"accept the need for the Review"*, *"as yet there has been no hard evidence presented that there would be any savings from reducing the number of Departments."*

70. **The Committee concluded that its objective for this Part 2 Review and, therefore, its underlying objectives for any reorganisation of NI Departments, is as follows:**

"To bring forward recommendations on how a reduction in the number of NI Departments could secure more effective and efficient governance arrangements, including better co-ordination and collaboration within and between Departments and their Agencies, providing a better service and value for money for the public, consistent with the safeguards on inclusivity."

Areas of Commonality

71. As part of the written submissions to this Review, the Committee received specific reorganisation proposals from some of the Parties of the Assembly, and the Committee has had various discussions regarding future structures of NI Departments. On the basis of those, areas of commonality between the different Parties represented on the Committee were identified and outlined for Committee discussion on 9 and 23 October 2012 and 13 November 2012 (see Table titled *'Current functions of Departments against proposals from Political Parties represented on the AERC'* at the end of Appendix 5).

72. The suggested Areas of Commonality were as follows:

- 1) Retain, in its substantive form, the current Department of Health; the current Department of Justice; and the current Department of Education;
- 2) Create a new Department of the Economy;
- 3) Create a new combined Department of Agriculture, Environment and Rural Development;
- 4) Create a new Department for Urban and Social Development or a new Department of Communities/Communities and Social Welfare/Community, Housing and Local Government Department;

5) **Revise/Reconstitute OFMDFM.**

A further Table referencing the origin of the suggested areas of commonality was also provided to the Committee (see 'Reference Paper Highlighting some Areas of Commonality' at the end of Appendix 5).

73. Party Representatives were asked to indicate whether they agreed with the suggested areas of commonality or to suggest amendments. The Chairperson highlighted to Members that it was not a list of alternatives; rather, the intention was to build on what appears to be areas of commonality between some of the Parties represented on the Committee. The Alliance representative stated that the suggested areas of commonality were "*effectively what we are proposing.*" The DUP spokesperson agreed that they are "*areas of broad agreement, although they are not concrete.*" The SDLP representative stated that "*they reflect where there is some common ground, but they cannot be seen as a set of recommendations.*" The Sinn Féin spokesperson stated that his party's internal consultation was still ongoing, but that he had "*no doubt that there will be a lot of common ground between all the parties when we finally arrive at a conclusion to these discussions.*" The UUP spokesperson stated that, while "*intuitively, the direction of travel would be correct, we would want some firm evidence before definitively tying in to recommendations.*" The UUP spokesperson also emphasised that it is important to look not just at the overall Departments, but at whether the various Agencies can also be reorganised in order to improve efficiency and effectiveness.

74. **The Committee concluded that the following Areas of Commonality broadly reflect the Committee's views on how NI Departments could be reorganised:**

- 1) Retain, in its substantive form, the current Department of Health; the current Department of Justice; and the current Department of Education;**
- 2) Create a new Department of the Economy;**
- 3) Create a new combined Department of Agriculture, Environment and Rural Development;**
- 4) Create a new Department for Urban and Social Development or a new Department of Communities/Communities and Social Welfare/Community, Housing and Local Government Department;**
- 5) Revise/Reform OFMDFM.**

However, these do not represent an exhaustive list of broad reorganisations and cannot, therefore, be taken as a set of recommendations.

Principles Underpinning any Reorganisation of Departments

75. Although the Review is primarily considering the grouping of distinct sets of functions leading to new structures of Government, the Committee agreed that its intention was not to undertake a detailed examination of the reallocation of specific functions. However, the Committee felt it would be useful to examine and agree on what principles would underpin the arrangements for any reorganisation of NI Departments. Therefore, a list of suggested principles was discussed by the Committee at its meeting of 23 October 2012.

76. The suggested principles to underpin the arrangements for any reorganisation of Departments in Northern Ireland were as follows:

- 1) Non-overlap** – no two Departments should have the same authority to act in the same circumstance.
- 2) Span of control** – involves grouping functions in manageable organisational sizes and tailoring the workload to the capacity of the Minister and his chief officials.

- 3) **Administrative efficiency** – should be subject to a full cost-benefit analysis to assess cash-releasing savings in administrative functions.
- 4) **Planned and timely decisions** to establish new departmental structures.
- 5) Final decisions and arrangements for new departmental structures to be consistent with final **RPA** changes.

These suggested principles were drawn from some of the Committee discussions and some of the points highlighted as good practice for Government reorganisations set out in the Assembly Research paper, '*Machinery of Government: Departmental Arrangements*'.

77. At the meeting of 23 October 2012, Party Representatives were asked to indicate whether they agreed with these suggested principles. The Alliance representative stated that he had “*no difficulty*” with the principles. The DUP spokesperson stated that he had “*no issue*” with the principles. The SDLP representative stated that he was “*content*” with the principles. The Sinn Féin spokesperson stated that “*Most of them appear to be worthy principles, although I would not like to see them set in stone just at the minute*”. The UUP spokesperson stated that the principles “*seem fine*”, but indicated that another should be added to the effect that the Departments should be organised “*to suit the public*” and be “*customer-facing*”. The Committee had further discussions on the suggested principles at its meeting of 13 November 2012.
78. **The Committee concluded that the following principles should underpin any reorganisation of NI Departments:**
- ***Non-overlap*** – no two Departments or their Agencies should have the same authority to act in the same circumstance.
 - ***Span of control*** – involves grouping functions in manageable organisational sizes and tailoring the workload to the capacity of the Minister and their chief officials.
 - ***Administrative efficiency*** – should be subject to a full cost-benefit analysis to assess cash-releasing savings in administrative functions.
 - ***Planned and timely decisions*** to establish new departmental structures.
 - ***Final decisions and arrangements for new departmental structures to be consistent with final RPA changes.***
 - ***Customer-facing*** – services should be grouped and organised with the intention of providing a ***better service to the public.***

Costs, Savings and Impact on Employment

79. At the meeting of 9 October 2012, the Committee requested information on the costs, savings and impact on employment for draft scenarios based on “*areas of commonality*” for any reorganisation of NI Departments being considered by the Committee. In response to this request, the Assembly Research and Information Service prepared a briefing paper, '*Estimating the Cost of Machinery of Government Changes*' (see Appendix 6), which a Research Officer presented to the Committee on 23 October 2012.
80. The briefing paper highlights two examples of costing machinery of government changes, including reorganisation of central Departments and arms-lengths bodies. It outlines the methodology used by the National Audit Office and Institute for Government in their reports on this issue. For example, the briefing paper states:

“Based on its methodology, the Institute for Government estimated the cost ‘for a new policy department and a mid-sized merger to be representative of the costs incurred in most department changes – roughly in the neighbourhood of £15m’ and the NAO report reported a similar average cost for reorganisations.”

The briefing paper also highlighted:

“Whilst retrospective examination of the costs of machinery of government change is challenging, attempts to accurately estimate the costs or savings deriving from future machinery of government changes may be even more difficult. Such estimation would require, at the very least, a plan detailing proposed changes; a statement of intended benefits; and an estimate of predicted savings and costs.”

81. At its meeting of 23 October 2012, the Committee agreed to write to OFMDFM requesting information on *“any work undertaken to date or planned to estimate the initial costs, anticipated savings and effect on employment that would result from a restructuring of NI Government Departments.”* The letter was sent to OFMDFM on 23 October 2012, and it also requested information *“on specific figures from previous instances of NI departmental restructuring and/or other examples of restructuring, such as RPA.”* At the time of the Report being agreed, on 20 November 2012, the Committee had not received a response from OFMDFM.

82. The Alliance Party cited *“effective and efficient government”* as its objective for the Review.

83. During the 23 October Committee meeting, the DUP spokesperson stated that, although *“everybody would accept that there are always upfront costs”*, the effect of reorganisation would, on the whole, be restricted to those at the top of the Civil Service and that savings would arise from the rationalisation of *“administrative functions”*.

84. During Committee discussions on 23 October 2012 on broad reorganisation areas of commonality between some of the Parties represented on the Committee, the Sinn Féin spokesperson stated that:

“the difficulty with this discussion is that it has been predicated on the assumption that if we reduce numbers of MLAs and Departments, it is going to lead to greater efficiencies and savings, and, as yet, we have had no hard evidence on the table to support that.”

The Sinn Féin representatives on the Committee stated that *“we need some of those costings ... because you have to make decisions based on evidence”*. The representatives also stated that the *“equality implications”* should be considered before any reorganisation is undertaken.

85. In relation to reorganisation costs and the impact on employment, the SDLP indicated that it is not an argument about cost; rather, the Review is *“about effectiveness”*. The SDLP representative stated that, however Departments are reorganised, *“chances are you’ll still have the same number of public servants and you’re unlikely to materially change the cost of running this region”*.

86. A UUP representative stated that the UUP is not only concerned with efficiency and effectiveness but believes that the Review should consider *“how to provide a better service and better value for money for the public.”* Its concern is *“how you get better value for money and better coordination and information flow”*, in order to *“provide a better service to our constituents”*. The UUP spokesperson emphasised that *“you should not just count the number of civil servants”* because *“the money is still there to be used for public services”*.

87. The Assembly Research and Information Service briefing paper, *‘Estimating the Cost of Machinery of Government Changes’* (see Appendix 6), highlighted the National Audit Office recommendations that any reorganisation should be preceded by a statement *“quantifying expected costs, demonstrating how benefits justify these costs and showing how both will be measured and controlled.”*

88. The Research paper also concluded that *“more accurate assessment of the costs of machinery of government change would, as the NAO highlights, require that: the intended benefits of reorganisation are stated in specific measurable terms so that their later achievement (or otherwise) can be demonstrated; and that the planned and actual costs of reorganisations are*

separately identified within financial accounting systems so that costs could be managed and subsequently reported."

89. **Following discussion on the issues of costs, savings and the impact on employment, the Committee concluded that it is important that proposed reorganisations are fully costed in advance, on the basis of a plan detailing proposed changes, with a clear statement of intended benefits and estimates of both predicted savings and costs, so that decisions can be made based on such evidence.**
90. **The Committee also concluded that any proposed reorganisation should be preceded by considerations on any impact on equality, again to inform decisions.**
91. **The Committee concluded that it is important that the costs of any reorganisation are minimised and that savings are achieved without impacting on front line services and are restricted to reductions in administration.**



Northern Ireland
Assembly

Appendix 1

Minutes of Proceedings

Tuesday 27 September 2011, Room 21, Parliament Buildings, Ballymiscaw, Stormont

Present: Mr Stephen Moutray MLA (Chairperson)
Mr Pat Sheehan MLA (Deputy Chairperson)
Mr Roy Beggs MLA
Mr Stewart Dickson MLA
Mr Pat Doherty MP MLA
Mr Paul Givan MLA
Mr Simon Hamilton MLA
Mr Raymond McCartney MLA
Mr Conall McDevitt MLA
Mrs Sandra Overend MLA

Apologies: Mr Gregory Campbell MLA

In Attendance: Mr Paul Gill (Clerk)
Mrs Ashleigh Mitford (Assistant Assembly Clerk)
Ms Andrienne Magee (Clerical Officer)
Mr Christopher McNickle (Clerical Officer)

3.02pm The meeting opened in public session.

4. Forward Work Programme

The Committee noted correspondence from the Speaker in relation a Bill that the Secretary of State hopes to introduce in the Third Session of Parliament.

The Clerk briefed the Committee on issues relating to the draft Bill.

The Committee noted correspondence from the DUP in relation to its Forward Work Programme.

Agreed: The Committee agreed a response to the Speaker.

Agreed: The Committee agreed to write to the Secretary of State in order to clarify a number of issues in relation to the proposed bill.

3.14pm The Chairperson adjourned the meeting.

**Mr Stephen Moutray
Chairperson, Assembly and Executive Review Committee**

[EXTRACT]

Tuesday 11 October 2011, Room 21, Parliament Buildings, Ballymiscaw, Stormont

Present: Mr Stephen Moutray (Chairperson)
Mr Pat Sheehan (Deputy Chairperson)
Mr Roy Beggs
Mr Gregory Campbell
Mr Pat Doherty
Mr Paul Givan
Mr Simon Hamilton
Mr Raymond McCartney
Mrs Sandra Overend

Apologies: none

In Attendance: Mr John Simmons (Assembly Clerk)
Mrs Ashleigh Mitford (Assistant Assembly Clerk)
Ms Hilary Bogle (Assistant Assembly Clerk)
Ms Andrienne Magee (Clerical Officer)
Mr Christopher McNickle (Clerical Officer)
Mr Tim Moore (Senior Researcher)
Mr Ray McCaffrey (Research Officer)
Mr Hugh Widdis (Director of Legal Services)
Ms Tara Caul (Head of Legal Services)
Ms Angela Kelly (Legal Adviser)

11.04 am The meeting opened in public session

4. Review of Parts III and IV of the Northern Ireland Act

The Committee noted the Clerk's memo and the Clerk briefed the Committee in relation to this issue.

Agreed: The Committee agreed that, on receipt of an expected letter from the Secretary of State, the Chairperson will issue a letter to Political Parties, to request their priorities for the Committee's review of the provisions of Parts 3 and 4 of the NI Act, within the available timescale set out in the Secretary of State's letter for a proposed Northern Ireland Bill.

12.10pm The Chairperson adjourned the meeting.

[EXTRACT]

Tuesday 25 October 2011, Room 21, Parliament Buildings, Ballymiscaw, Stormont

Present: Mr Stephen Moutray (Chairperson)
Mr Pat Sheehan (Deputy Chairperson)
Mr Roy Beggs
Mr Pat Doherty
Mr Simon Hamilton
Mr Raymond McCartney
Mrs Sandra Overend

Apologies: Mr Gregory Campbell
Mr Stewart Dickson

In Attendance: Mr John Simmons (Assembly Clerk)
Mrs Ashleigh Mitford (Assistant Assembly Clerk)
Mr Michael Greer (Clerical Supervisor)
Ms Andrienne Magee (Clerical Officer)
Mr Ray McCaffrey (Research Officer)

11.04am The meeting opened in public session.

4. Review of Parts III and IV of the Northern Ireland Act

11.07 am Mr Sheehan joined the meeting

The Committee noted correspondence from the Secretary of State of 24 October 2011 and a subsequent Committee request letter to Political Parties in relation to their priorities for the Committee's immediate work programme reviewing Parts III and IV of the NI Act.

The Chairperson highlighted that Parties have been asked to provide a response by 8 November 2011.

11.34am The Chairperson adjourned the meeting.

[EXTRACT]

Tuesday 17 January 2012, Room 29, Parliament Buildings, Ballymiscaw, Stormont

Present: Mr Stephen Moutray (Chairperson)
Mr Pat Sheehan (Deputy Chairperson)
Mr Roy Beggs
Mr Gregory Campbell
Mr Stewart Dickson
Mr Pat Doherty
Mr Paul Givan
Mr Simon Hamilton
Mr Raymond McCartney
Mr Conall McDevitt
Mrs Sandra Overend

Apologies: None

In Attendance: Mr John Simmons (Assembly Clerk)
Mr Phil Pateman (Assistant Assembly Clerk)
Ms Andrienne Magee (Clerical Officer)
Mr Christopher McNickle (Clerical Officer)
Mr Raymond McCaffrey (Research Officer)

11.03am The meeting opened in public session

5. **Review of Parts III and IV of the Northern Ireland Act**

The Chairperson reminded the Committee that the purpose of this agenda item was for the Committee to consider and agree its priorities in relation to its immediate Review of Parts III and IV of the Northern Ireland Act and to receive a further briefing from Assembly Research and Information Service on the subject of the structure of the Northern Ireland Assembly and the electoral systems for the Scottish Parliament and the National Assembly for Wales.

11.07 am Mr Dickson joined the meeting.

11.09 am Mr Campbell joined the meeting.

11.15 am Mr Hamilton joined the meeting.

11.19 am Mr Hamilton left the meeting.

The Clerk briefed the Committee on the papers before the Committee, highlighting the responses received from Political Parties represented on the Committee and correspondence from the Green Party and the Traditional Unionsit Voice.

The Chairperson invited the Deputy Chairperson to give an oral presentation on his Party's viewpoint of the priorities for immediate review. The deputy Chairperson set out his Party's viewpoint and undertook to follow this up with a paper to Committee.

The Chairperson advised Members that there would appear to be some level of agreement that the Committee reviews the area of the size of the Assembly and the number of Northern Ireland departments.

A Member raised that the issue of coterminous Assembly and Westminster constituencies should also be included within the scope of the review

Agreed: The Committee agreed that the Committee Secretariat should draft a proposed work plan of a review in this area for Committee consideration at a future meeting.

Agreed: The Committee agreed to seek legal advice relating to this area – such as matters relating to a reduction in the number of MLAs.

Agreed: The Committee agree to write to the First Minister and deputy First Minister to clarify what work is being done or planned for 2012 in relation to a reduction in the number of Government departments post-2015 by OFMDFM and/or the Efficiency Review Panel.

Agreed: The Committee agreed to respond to the Green Party and the Traditional Unionist Voice thanking them for their views.

11.49am The Chairperson adjourned the meeting

[EXTRACT]

Tuesday 31 January 2012, Room 21, Parliament Buildings, Ballymiscaw, Stormont

Present: Mr Stephen Moutray (Chairperson)
Mr Pat Sheehan (Deputy Chairperson)
Mr Roy Beggs
Mr Gregory Campbell
Mr Stewart Dickson
Mr Pat Doherty
Mr Paul Givan
Mr Simon Hamilton
Mr Raymond McCartney
Mr Conall McDevitt
Mrs Sandra Overend

Apologies:

In Attendance: Mr John Simmons (Assembly Clerk)
Mr Phil Pateman (Assistant Assembly Clerk)
Ms Andrienne Magee (Clerical Officer)
Mr Christopher McNickle (Clerical Officer)
Mr Jonathan McMillen (Assembly Legal Adviser)

11.01am The meeting opened in public session

5. Review of Parts III and IV of the Northern Ireland Act in the Context of Reviewing the Size of the NI Assembly and the number of NI Departments

The Chairperson reminded the Committee that the purpose of this agenda item was for the Committee to consider and agree its priorities in relation to its immediate Review of Parts III and IV of the Northern Ireland Act and to consider legal advice previously sought by the Committee.

11.07 am Ms Overend joined the meeting.

The Clerk briefed the Committee on the papers before Members today.

11.08 am The meeting went into CLOSED SESSION

11.08 am Mr McCartney joined the meeting.

An Assembly Legal Adviser joined the meeting and briefed the Committee on the legal advice.

This was followed by a question and answer session and the Assembly Legal Adviser left the meeting

11.29 am Mr Givan joined the meeting.

12.04 pm Mr Campbell left the meeting.

The Committee discussed its forthcoming Review including the draft terms of reference, the scope of the stakeholder list and the approach to gathering evidence.

12.11 pm The meeting went back into PUBLIC SESSION

Agreed: The Committee agreed, subject to finalisation of wording, the principles of the terms of reference as amended.

Agreed: The Committee agreed the proposed stakeholder list as amended.

Agreed: The Committee agreed the proposed timetable as amended.

Agreed: The Committee agreed that the following items were outside the scope of the review:

- Alternative electoral systems/ models; and
- The statutory basis for the current committee system

Agreed: The Committee agreed that the Committee staff draft up a proposed stakeholder 'Call for Evidence' paper in line with the amended terms of the Review for consideration at its next meeting

12.15 pm Mr Hamilton left the meeting.

12.16pm The Chairperson adjourned the meeting

[EXTRACT]

Tuesday 7 February 2012, Room 21, Parliament Buildings, Ballymiscaw, Stormont

Present: Mr Pat Sheehan (Deputy Chairperson)
Mr Roy Beggs
Mr Gregory Campbell
Mr Pat Doherty
Mr Paul Givan
Mr Simon Hamilton
Mr Raymond McCartney
Mr Conall McDevitt
Mrs Sandra Overend

Apologies: Mr Stephen Moutray (Chairperson)
Mr Stewart Dickson

In Attendance: Mr John Simmons (Assembly Clerk)
Ms Sohui Yim (Assistant Assembly Clerk)
Ms Andrienne Magee (Clerical Officer)
Mr Christopher McNickle (Clerical Officer)

11.03am The meeting opened in public session

5. Review of Parts III and IV of the Northern Ireland Act in the Context of Reviewing the Size of the NI Assembly and the number of NI Departments

The Chairperson reminded the Committee that the purpose of this agenda item was for the Committee to consider and agree the wording of the revised Terms of Reference of its Review of Parts III and IV of the Northern Ireland Act, the detailed stakeholder list, the revised timetable of the Review and a draft of a stakeholder 'Call for Evidence' paper.

The Clerk briefed the Committee on the papers before Members today.

The Committee discussed its forthcoming Review including the revised Terms of Reference, the detailed stakeholder list, the revised timetable and a draft stakeholder 'Call for Evidence' paper.

Agreed: To add the phrase "consistent with the safeguards on inclusivity," in the draft terms of reference under bullet point 3.

Agreed: To add to the detailed stakeholder list, the Clerk/Director General of the Northern Ireland Assembly.

11.16am Mr Roy Beggs joined the meeting

11.16am Mr. Simon Hamilton joined the meeting.

Agreed: The Committee agreed the detailed stakeholder list.

11.17am Mr Paul Givan joined the meeting.

Agreed: Content with the revised, phased timetable.

Agreed: The Committee agreed that the Committee staff complete the drafting of the stakeholder 'Call for Evidence' paper in line with the Committee's comments and views regarding:

- background information on any further reduction in the number of MLAs that may transpire, beyond the implications of the Parliamentary Voting System and Constituencies Act 2011;
- further background information in relation to the number of MLAs and the number of constituencies; and
- clarity in the questions on the number of MLAs if Northern Ireland's link with Westminster constituencies is either retained or removed.

Agreed: To consider the amended draft stakeholder 'Call for Evidence' paper at the next meeting.

11.30pm The Deputy Chairperson adjourned the meeting

[EXTRACT]

Tuesday 14 February 2012, Room 21, Parliament Buildings, Ballymiscaw, Stormont

Present: Mr Stephen Moutray (Chairperson)
Mr Pat Sheehan Deputy Chairperson)
Mr Roy Beggs
Mr Pat Doherty
Mr Paul Givan
Mr Raymond McCartney
Mrs Sandra Overend

Apologies: Mr Gregory Campbell
Mr Simon Hamilton

In Attendance: Mr John Simmons (Assembly Clerk)
Ms Sohui Yim (Assistant Assembly Clerk)
Ms Andrienne Magee (Clerical Officer)
Mr Christopher McNickle (Clerical Officer)

11.06am The meeting opened in public session

4. Review of Parts III and IV of the Northern Ireland Act in the Context of Reviewing the Size of the NI Assembly and the number of NI Departments

The Chairperson reminded the Committee that the purpose of this agenda item was for the Committee to consider and agree the wording of the revised Terms of Reference of its Review of Parts III and IV of the Northern Ireland Act, the revised stakeholder 'Call for Evidence' paper and the signposting advertisement for the Review.

The Clerk briefed the Committee on the papers before Members today.

11.07am Mr Paul Givan left the meeting

11.12am The meeting was suspended due to absence of quorum.

11.15am The meeting resumed.

The Chairperson reminded the Committee of the purpose of this agenda item and the Clerk briefed the Committee on the papers before Members.

The Committee discussed its forthcoming Review including the revised Terms of Reference, the revised stakeholder 'Call for Evidence' paper and the signposting advertisement for the Review.

Agreed: The Committee agreed the revised Terms of Reference.

Agreed: The Committee agreed the revised stakeholder 'Call for Evidence' paper.

11.20am Mrs Sandra Overend joined the meeting.

Agreed: The Committee agreed the signposting advertisement for the Review.

Agreed: That the Committee staff make the appropriate arrangements to publish the advertisement in the three daily papers.

Agreed: That the Committee staff publish the Terms of Reference on the Committee's webpage and to issue the stakeholder 'Call for Evidence' paper to the key stakeholders that were agreed at the meeting of 31 January.

The Chairperson reminded Members that the deadline for submissions on the 'Call for Evidence' paper is 28 March 2012, and that it is hoped that some key stakeholders may make their submissions before the deadline.

Agreed: That the Committee staff, in consultation with the Chairperson and Deputy Chairperson, write to Members to advise of submissions and stakeholders, which might be invited to provide oral evidence at the next Committee meeting or the following meeting.

11.22am The Chairperson adjourned the meeting

[EXTRACT]

Tuesday 28 February 2012, Room 21, Parliament Buildings, Ballymiscaw, Stormont

Present: Mr Stephen Moutray (Chairperson)
Mr Roy Beggs
Mr Conall McDevitt
Mrs Sandra Overend

Apologies: Mr Gregory Campbell
Mr Pat Doherty
Mr Simon Hamilton

In Attendance: Mr John Simmons (Assembly Clerk)
Ms Sohui Yim (Assistant Assembly Clerk)
Mrs Danielle Saunders (Clerical Supervisor)
Ms Andrienne Magee (Clerical Officer)
Mr Raymond McCaffrey (Research Officer)

3.11pm The meeting opened in public session, starting with the consideration of Agenda item 4.

1. Review of Parts III and IV of the Northern Ireland Act in the Context of Reviewing the Size of the NI Assembly and the number of NI Departments

The Chairperson reminded the Committee that the purpose of this agenda item was for the Committee to consider oral evidence on its Review and also to consider a short Assembly Research briefing on 'Electoral Boundaries in Scotland and Wales'.

The Clerk briefed the Committee on the papers before Members.

The Chairperson invited Professor Rick Wilford, Director of Legislative Studies and Practice, Queen's University Belfast to join the meeting.

3.14pm Professor Rick Wilford joined the meeting.

Professor Rick Wilford briefed the Committee on his written submission on the Committee's Review.

This was followed by a question and answer session.

The Chairperson thanked Professor Wilford for his oral evidence and attending the meeting.

3.42pm Professor Rick Wilford left the meeting.

The Chairperson invited Mr Ray McCaffrey, Research Officer, NI Assembly Research Services to join the meeting.

3.42pm The Research Officer joined the meeting.

The Research Officer briefed the Committee on his Research Paper entitled 'Electoral Boundaries in Scotland and Wales'.

There were no questions or points of clarification from Members.

The Chairperson thanked Mr McCaffrey for his briefing and attending the meeting.

3.48pm The Research Officer left the meeting.

3.48pm The Chairperson adjourned the meeting

[EXTRACT]

Tuesday 13 March 2012, Room 21, Parliament Buildings, Ballymiscaw, Stormont

Present: Mr Stephen Moutray (Chairperson)
Mr Pat Sheehan (Deputy Chairperson)
Mr Roy Beggs
Mr Gregory Campbell
Mr Stewart Dickson
Mr Pat Doherty
Mr Simon Hamilton
Mr Raymond McCartney
Mr Conall McDevitt

Apologies: Mr Paul Givan
Mrs Sandra Overend

In Attendance: Mr John Simmons (Assembly Clerk)
Ms Sohui Yim (Assistant Assembly Clerk)
Ms Andrienne Magee (Clerical Officer)
Mr Christopher McNickle (Clerical Officer)

11.02 am The meeting opened in public session

5. Review of Parts III and IV of the Northern Ireland Act in the Context of Reviewing the Size of the NI Assembly and the number of NI Departments.

The Chairperson advised the Committee that the purpose of this agenda item was for the Committee to consider further oral evidence for its Review.

11.08am Mr Stewart Dickson joined the Committee

The Clerk briefed the Committee on the papers before Members.

The Chairperson invited Councillor Evelyne Robinson, President of Northern Ireland Local Government Association (NILGA) and Mr Derek McCallan, Chief Executive of NILGA, to join the meeting.

11.08am Councillor Robinson and Mr McCallan joined the meeting.

Mr Moutray and Mr Dickson declared an interest as local district councillors.

Councillor Robinson and Mr McCallan briefed the Committee on NILGA's written submission on the Committee's Review.

11.12am Mr Pat Doherty joined the meeting.

This was followed by a question and answer session.

The Chairperson thanked Councillor Robinson and Mr McCallan for their oral evidence and their attendance at the Committee meeting.

11.35am Councillor Robinson and Mr McCallan left the meeting

11.35am The Chairperson adjourned the meeting

[EXTRACT]

Tuesday 20 March 2012, Room 29, Parliament Buildings, Ballymiscaw, Stormont

Present: Mr Stephen Moutray (Chairperson)
Mr Pat Sheehan (Deputy Chairperson)
Mr Roy Beggs
Mr Gregory Campbell
Mr Pat Doherty
Mr Simon Hamilton
Mr Raymond McCartney
Mr Conall McDevitt
Mrs Sandra Overend

Apologies: Mr Stewart Dickson

In Attendance: Mr John Simmons (Assembly Clerk)
Ms Sohui Yim (Assistant Assembly Clerk)
Ms Andrienne Magee (Clerical Officer)
Mr Christopher McNickle (Clerical Officer)

11.02 am The meeting opened in public session

5. Review of Parts III and IV of the Northern Ireland Act in the Context of Reviewing the Size of the NI Assembly and the number of NI Departments.

The Chairperson advised the Committee that the purpose of this agenda item was for the Committee to consider oral evidence from Mr Trevor Reaney, Clerk/ Director General of the Northern Ireland Assembly and Mr John Stewart, Director of Clerking and Reporting in relation to its Review.

The Clerk briefed the Committee on the papers before Members.

The Chairperson invited Mr Trevor Reaney and Mr John Stewart to join the meeting.

11.04am Mr Reaney and Mr Stewart joined the meeting.

Mr Reaney briefed the Committee on his written submission to the Committee's Review.

11.08am Mr Sheehan left the meeting.

This was followed by a question and answer session.

11.28am Mr McDevitt left the meeting.

Agreed: To receive additional information from the witnesses in relation to the practice of committees in other legislatures having powers to make amendments to bills during a committee stage and how this could perhaps be applied in the NI Assembly.

Agreed: To commission Assembly Research in relation to the manner in which other parliaments (e.g. Westminster, Welsh, Scottish and Dáil) schedule parliamentary business for plenary sessions, committee meetings and constituency work.

The Chairperson thanked Mr Reaney and Mr Stewart for their oral evidence and their attendance at the Committee meeting.

11.35am Mr Reaney and Mr Stewart left the meeting.

11.35am The Chairperson adjourned the meeting.

[EXTRACT]

Tuesday 24 April 2012, Room 21, Parliament Buildings, Ballymiscaw, Stormont

Present: Mr Stephen Moutray (Chairperson)
Mr Roy Beggs
Mr Gregory Campbell
Mr Stewart Dickson
Mr Paul Givan
Mr Simon Hamilton
Mr John McCallister
Mr Raymond McCartney
Mr Conall McDevitt

Apologies: Mr Pat Sheehan (Deputy Chairperson)
Mr Pat Doherty

In Attendance: Mr John Simmons (Assembly Clerk)
Ms Sohui Yim (Assistant Assembly Clerk)
Ms Andrienne Magee (Clerical Officer)
Mr Christopher McNickle (Clerical Officer)

11.05 am The meeting opened in public session.

4. Review of Parts III and IV of the Northern Ireland Act in the Context of Reviewing the Size of the NI Assembly and the Number of NI Departments.

The Chairperson advised Members that the purpose of this agenda item was for the Committee to consider the written submissions received to date on the Committee's Review and, in particular the submissions received from the Political Parties of the Assembly.

11.08am Mr Simon Hamilton joined the meeting.

The Clerk briefed the Committee on the papers before Members.

11.11am Mr Gregory Campbell joined the meeting.

11.13am Mr Stewart Dickson joined the meeting.

The Chair called upon Members to summarise their Party's views on the key issues on the Committee's Review – in alphabetical order Alliance, DUP, SDLP, Sinn Féin and UUP

The Clerk summarised the Alliance Party's written submission, as the representative was not present.

Mr Simon Hamilton summarised the DUP's views.

Mr Conall McDevitt summarised the SDLP's views.

Mr Raymond McCartney summarised Sinn Féin's views.

Mr Roy Beggs summarised the UUP's views.

The Chair proposed that the Committee move into closed session to allow the Members to consider and discuss in more detail the written evidence received on the Review and in particular the five key issues set out in the 'Call for Evidence' paper.

Mr Roy Beggs and Mr John McCallister opposed the proposal for the Committee to move into closed session, as they believed this item of business should be considered in public session.

Mr Paul Givan, Mr Simon Hamilton and Mr Gregory Campbell spoke in favour of the proposal for the Committee to move into closed session, as they believed it would be a useful and constructive discussion for Members to deliberate and seek an agreed Committee position.

Agreed: To move into closed session.

11.35am The Committee moved into closed session.

Members commenced a discussion on their views on the key issues of the Review, as set out in the Committee's 'Call for Evidence' Paper.

12.08am Mr Stewart Dickson left the meeting.

12.16pm Mr Simon Hamilton left the meeting.

12.18pm Mr Roy Beggs left the meeting

Agreed: To commission further Assembly Research on issues arising from the Committee's discussion on the statutory link between Westminster and NI Assembly constituencies.

Agreed: To continue the closed session discussion on the Review at the next Committee meeting.

12.20pm The Committee moved into public session.

12.21pm The Chairperson adjourned the meeting .

[EXTRACT]

Tuesday 26 June 2012, Room 21, Parliament Buildings, Ballymiscaw, Stormont

Present: Mr Stephen Moutray (Chairperson)
Mr Roy Beggs
Mr Pat Doherty
Mr Paul Givan
Mr Simon Hamilton
Mr John McCallister
Mr Conall McDevitt

Apologies: Mr Pat Sheehan (Deputy Chairperson)
Mr Raymond McCartney

In Attendance: Mr John Simmons (Assembly Clerk)
Ms Sohui Yim (Assistant Assembly Clerk)
Mr Andrienne Magee (Clerical Officer)
Mr Christopher McNickle (Clerical Officer)

11.02 am The meeting opened in public session.

4. **Review of Parts III and IV of the Northern Ireland Act in the Context of Reviewing the Size of the NI Assembly and the Number of NI Departments**

The Chairperson advised the Members that the purpose of this agenda item was to initially consider items under Part 1 of Committee's Review and then move to discuss Part 2 – the Size of the Assembly and the Number of Government Departments respectively.

The Clerk briefed the Committee on the papers before Members

11.06am Mr Paul Givan joined the meeting.

11.07am Mr John McCallister joined the meeting.

Agreed: To issue a media operational notice to notify the press of the time of the motion for the debate of the Report in Assembly Plenary and to advise where the Report can be accessed on the Assembly AERC webpage.

Agreed: To commission Assembly Research in relation to current government department structures in the United Kingdom and the Republic of Ireland.

Agreed: That the Committee secretariat compile and analyse the evidence received to date on the number of government departments for consideration at the first Committee meeting following summer recess.

The Committee discussed the possibility of receiving further written/oral evidence for Part 2 of the Review.

Agreed: That Members consider this at the first Committee meeting following summer recess.

11.12am The Chairperson adjourned the meeting.

[EXTRACT]

Tuesday 11 September 2012, Room 21, Parliament Buildings, Ballymiscaw, Stormont

Present: Mr Stephen Moutray (Chairperson)
Mr Pat Sheehan (Deputy Chairperson)
Mr Roy Beggs
Mr Gregory Campbell
Mr Stewart Dickson
Mr Paul Givan
Mr Simon Hamilton
Mr John McCallister
Mr Raymond McCartney
Mr Conall McDevitt
Ms Caitríona Ruane

In Attendance: Mr John Simmons (Assembly Clerk)
Ms Sohui Yim (Assistant Assembly Clerk)
Mr Andrienne Magee (Clerical Officer)
Mr Christopher McNickle (Clerical Officer)
Mr Tim Moore (Senior Research Officer)
Mr Ray McCaffrey (Research Officer)

11.00 am The meeting opened in public session.

5. **Review of Parts III and IV of the Northern Ireland Act in the Context of Reviewing the Size of the NI Assembly and the Number of NI Departments**

The Chairperson advised the Members that the purpose of this agenda item was to consider items under Part 2 of Committee's Review, that is, the number of NI Departments.

The Clerk briefed the Committee on the papers before Members

The Chairperson referred Members to an Assembly Research Briefing Paper entitled 'Machinery of Government: Departmental Arrangements' and invited two representatives from Assembly Research and Information Service to join the meeting.

11.08am Assembly Research representatives joined the meeting.

The Assembly Research representatives briefed the Committee on the Research Paper entitled 'Machinery of Government: Departmental Arrangements'.

11.10am Mr Paul Givan joined the meeting.

This was followed by a question and answer session.

The Chairperson thanked the Assembly Research representatives for their briefing and attending the meeting.

11.20am The Assembly Research Representatives left the meeting.

The Committee noted that the Assembly Research Paper references that the Cabinet Secretary is responsible for advising the Prime Minister on [Westminster] machinery of government changes.

Agreed: To issue a letter to OFMDFM inviting a senior official (or officials) to provide a presentation to the Committee regarding its Review on the number of Government Departments.

Members discussed several documents relating to the Review including: 'Summary analysis of the Political Parties of the Assembly proposals on reduction in the number of NI Government Departments'; 'Summary analysis of written submissions to the Stakeholder Call for Evidence paper; and a statement from OFMDFM from 18th July 2012.

11.19am Mr Gregory Campbell left the meeting

The Chairperson invited a Party Representative from each of the Political Parties represented on the Committee to speak on their Party's position regarding number of Government Departments.

11.20am Mr Roy Beggs left the meeting.

A Party Representative from the Alliance, DUP, SDLP, Sinn Féin and UUP spoke on their respective Party's position in relation to the number of Government Departments.

Agreed: To continue the discussion at the next Committee meeting which will be held in both open and closed session in order to provide the Members with time to consult further with their Party colleagues further on this matter

11.37am The Chairperson adjourned the meeting

[EXTRACT]

Tuesday 25 September 2012, Room 21, Parliament Buildings, Ballymiscaw, Stormont

Present: Mr Stephen Moutray (Chairperson)
Mr Pat Sheehan (Deputy Chairperson)
Mr Gregory Campbell
Mr Stewart Dickson
Mr Paul Givan
Mr Simon Hamilton
Mr John McCallister
Ms Caitríona Ruane

Apologies: Mr Roy Beggs
Mr Conall McDevitt

In Attendance: Mr John Simmons (Assembly Clerk)
Ms Sohui Yim (Assistant Assembly Clerk)
Ms Ursula McCanny (Assistant Assembly Clerk)
Mr Andrienne Magee (Clerical Officer)
Mr Christopher McNickle (Clerical Officer)

11.02am The meeting opened in public session.

5. Review of Parts III and IV of the Northern Ireland Act in the Context of Reviewing the Size of the NI Assembly and the Number of NI Departments

The Chairperson advised the Members that the purpose of this agenda item was to consider items under Part 2 of the Committee's Review, that is, the number of NI Departments.

The Clerk briefed the Committee on the papers before Members.

11.05am Mr Stewart Dickson joined the meeting.

The Committee noted the response letter from OFMDFM to the Committee's request for a presentation from senior OFMDFM officials regarding the Review on the number of Government Departments.

The Chairperson reminded Members that the Committee had the option of moving into closed session to discuss aspects of the Committee's Review on the number of Departments.

Agreed: To move into closed session.

11.08am The Committee moved into closed session.

The Committee discussed a number of matters relating to Committee's Review on the number of Government Departments.

Agreed: To continue the discussion at the next Committee meeting.

11.30am The Chairperson adjourned the meeting.

[EXTRACT]

Tuesday 09 October 2012, Room 21, Parliament Buildings, Ballymiscaw, Stormont

Present: Mr Simon Hamilton (Acting Chairperson)
Mr Roy Beggs
Mr Gregory Campbell
Mr Paul Givan
Mr John McCallister
Mr Raymond McCartney
Mr Conall McDevitt
Ms Caitríona Ruane

Apologies: Mr Stephen Moutray
Mr Pat Sheehan

In Attendance: Mr John Simmons (Assembly Clerk)
Ms Ursula McCanny (Assistant Assembly Clerk)
Mr Andrienne Magee (Clerical Officer)
Mr Christopher McNickle (Clerical Officer)

11.03am The meeting opened in public session with the Clerk of the Committee in the Chair.

4. Review of Parts III and IV of the Northern Ireland Act in the Context of Reviewing the Size of the NI Assembly and the Number of NI Departments

The Chairperson advised the Members that the purpose of this agenda item was to consider items under Part 2 of the Committee's Review, that is, the number of NI Departments.

The Chairperson reminded the Members that the aim of the session was to continue the Committee's discussions on some of the key issues of the Review in order that they might move to an agreed position in preparation for an initial first draft of the Report.

The Chairperson reminded Members that the Committee had the option of moving into closed session to discuss aspects of the Committee's Review on the number of Departments.

Agreed: To move into closed session.

11.05am The Committee moved into closed session.

11.06am Mr McCartney left the meeting.

The Clerk briefed the Committee on the papers before Members.

11.08am Mr Paul Givan joined the meeting.

The Committee discussed a number of matters relating to the Committee's Review on the number of Government Departments.

Agreed: To continue the discussion at the next Committee meeting.

11.30am The Chairperson adjourned the meeting.

[EXTRACT]

Tuesday 23 October 2012, Room 21, Parliament Buildings, Ballymiscaw, Stormont

Present: Mr Stephen Moutray (Chairperson)
Mr Pat Sheehan (Deputy Chairperson)
Mr Roy Beggs
Mr Gregory Campbell
Mr Stewart Dickson
Mr Paul Givan
Mr Simon Hamilton
Mr Raymond McCartney
Mr Conall McDevitt
Ms Caitríona Ruane

Apologies: None

In Attendance: Mr John Simmons (Assembly Clerk)
Ms Ursula McCanny (Assistant Assembly Clerk)
Mr Andrienne Magee (Clerical Officer)
Mr Christopher McNickle (Clerical Officer)
Mr Raymond McCaffrey (Research Officer)

11.04 am The meeting opened in public session.

4. **Review of Parts III and IV of the Northern Ireland Act in the Context of Reviewing the Size of the NI Assembly and the Number of NI Departments**

The Chairperson advised the Members that the purpose of this agenda item was to consider items under Part 2 of the Committee's Review, that is, the number of NI Departments.

Members noted the fact that, as requested by the Committee, Professor Birrell from the University of Ulster had provided the Committee with a written submission on his work relating to the governance structures in Northern Ireland.

Agreed: To note the submission

The Chairperson referred Members to an Assembly Research Briefing Paper entitled 'Estimating the Cost of Machinery of Government Changes'. Members noted the fact that the paper had been commissioned by the Committee as a result of discussions on costings and the impact on employment from scenario draft reorganisations of NI Departments.

The Chairperson welcomed a representative from Assembly Research and Information Service and invited him to join the meeting.

11.06 am Assembly Research representative joined the meeting.

The Assembly Research representative briefed the Committee on the Research Paper entitled 'Estimating the Cost of Machinery of Government Changes'.

11.08 am Mr Stewart Dickson joined the meeting.

This was followed by a short discussion on the paper.

The Chairperson thanked the member of Assembly Research Staff.

The Chairperson proposed that the Committee write to the Office of the First and Deputy First Minister to request information on any work undertaken to date or planned for the future in relation to initial cost estimates, anticipated savings and the effect on employment that would result from a restructuring of NI Government Departments. He further proposed that the

letter should be issued following the day's meeting, with a request for a response for the next Committee meeting.

Agreed: To issue a letter to OFMDFM requesting information on anticipated costs and the impact on staffing in relation to a restructuring of government departments, including specific figures from previous instances of NI departmental restructuring and/or other examples of restructuring, such as RPA.

The Chairperson reminded the Members that the aim of the session was to continue the Committee's discussions on some of the key issues of the Review in order that they might move to an agreed position in preparation for an initial first draft of the Report.

The Chairperson reminded Members that the Committee had the option of moving into closed session to discuss aspects of the Committee's Review on the number of Departments.

Agreed: To move into closed session.

11.10 am The Committee moved into closed session

The Clerk briefed the Committee on the papers before Members.

11.12 am Mr McCartney left the meeting.

The Committee discussed a number of matters relating to the Committee's Review on the number of Government Departments.

11.28 am Mr Paul Givan joined the meeting.

11.36 am Mr Stewart Dickson left the meeting.

11.36 am Mr Paul Givan left the meeting.

11.46 am Mr Paul Givan rejoined the meeting

Agreed: To continue the discussion at the next Committee meeting.

The next meeting of the Assembly and Executive Review Committee will be held on Tuesday 13th November, at 11.00am in Room 21, Parliament Buildings.

11.55 am The Chairperson adjourned the meeting.

Mr Stephen Moutray

Chairperson
Assembly and Executive Review Committee

[EXTRACT]

Tuesday 13 November 2012, Room 21, Parliament Buildings, Ballymiscaw, Stormont

Present: Mr Stephen Moutray (Chairperson)
Mr Roy Beggs
Mr Gregory Campbell
Mr Stewart Dickson
Mr Simon Hamilton
Mr John McCallister
Mr Raymond McCartney
Mr Conall McDevitt
Ms Caitríona Ruane

Apologies: Mr Pat Sheehan (Deputy Chairperson)

In Attendance: Mr John Simmons (Assembly Clerk)
Ms Ursula McCanny (Assistant Assembly Clerk)
Mr Andrienne Magee (Clerical Officer)
Mr Christopher McNickle (Clerical Officer)

11.02 am The meeting opened in public session.

4. Review of Parts III and IV of the Northern Ireland Act in the Context of Reviewing the Size of the NI Assembly and the Number of NI Departments

The Chairperson advised the Members that the purpose of this agenda item was to consider items under Part 2 of the Committee's Review, that is, the number of NI Departments.

The Chairperson reminded the Members that, at the 23rd October meeting, the Committee had agreed to write to OFMDFM requesting information on costs, savings and the impact on employment from any restructuring of NI Departments. Members noted a copy of this letter and were advised by the Chairperson that, to date, no response had been received from OFMDFM other than an acknowledgement.

The Chairperson reminded Members that the Committee had the option of moving into closed session to discuss aspects of the Committee's Review on the number of Departments.

Agreed: To move into closed session.

11.04am The Committee moved into closed session.

The Clerk briefed the Committee on the papers before Members.

The Chairperson drew Members' attention to the initial draft Report and stated that the aim of the session was to continue the Committee's discussions on the key issues of the Review, in order to agree the Committee's position and, consequently, the conclusions to be included in the Report.

The Committee discussed a number of matters relating to the Committee's Review on the number of Government Departments.

11.10am Mr McCartney left meeting.

11.15am Mr McCallister joined the meeting.

11.18am Mr Campbell joined the meeting.

11.36am Mr McDevitt left the meeting.

11.38am Mr McDevitt and Mr McCartney rejoined the meeting.

Agreed: To finalise discussions and agree the Part 2 Report at the next Committee meeting.

12.03pm The Chairperson adjourned the meeting.

[EXTRACT]

Tuesday 20 November, Room 29, Parliament Buildings, Ballymiscaw, Stormont

Present: Mr Pat Sheehan (Deputy Chairperson)
Mr Roy Beggs
Mr Gregory Campbell
Mr Stewart Dickson
Mr Simon Hamilton
Mr Raymond McCartney
Ms Caitríona Ruane

Apologies: Mr Stephen Moutray
Mr Conall McDevitt

In Attendance: Mr John Simmons (Assembly Clerk)
Ms Ursula McCanny (Assistant Assembly Clerk)
Mr John Clerkin (Clerical Officer)
Mr Christopher McNickle (Clerical Officer)

11.04am The meeting opened in closed session.

1. Review of Parts III and IV of the Northern Ireland Act in the Context of Reviewing the Size of the NI Assembly and the Number of NI Departments.

11.06am Caitríona Ruane joined the meeting.

11.06am Raymond McCartney joined the meeting.

11.10am Caitríona Ruane left the meeting.

The Committee considered a final draft of the Part 2 Report on its Review on the Size of the Assembly and the Number of NI Departments.

11.23am The Committee moved into open session.

5. Review of Parts III and IV of the Northern Ireland Act in the Context of Reviewing the Size of the NI Assembly and the Number of NI Departments.

The Chairperson advised the Committee that the purpose of this session was to allow the Committee to agree the final draft of the Part 2 Report on the Number of NI Departments and the draft motion for Assembly Plenary debate on the Report.

Agreed: That the covering pages and paragraphs 9-22, the 'Introduction' section, stands part of the Report.

Agreed: That paragraphs 23-31, the 'Committee's Approach to the Review' section, stands part of the Report.

Agreed: That paragraphs 32-58, the 'Committee Consideration' section, stands part of the Report.

Agreed: That paragraphs 59-91, the 'Committee Analysis and Conclusions' section, stands part of the Report.

Agreed: That paragraphs 1-8, the 'Executive Summary' section, stands part of the Report.

Agreed: That Appendix 1 of the Report, the Extracts of the Minutes of Proceedings relating to the Review, stands part of the Report.

- Agreed:* That Appendix 2 of the Report, the Minutes of Evidence (Hansards) relating to the Review, stands part of the Report.
- Agreed:* That Appendix 3 of the Report, the Stakeholder list and Stakeholder 'Call for Evidence' paper, stands part of the Report.
- Agreed:* That Appendix 4 of the Report, Stakeholder Analysis table and the full copies of stakeholders' submissions, stands part of the Report.
- Agreed:* That Appendix 5 of the Report, Correspondence and Other Papers relating to the Review, stands part of the Report.
- Agreed:* That Appendix 6 of the Report, Research and Information Service Papers relating to the Review, stands part of the Report.
- Agreed:* That the Committee secretariat make any changes to typos and the format of the Report as and when necessary, as these have no effect on the substance of the Report and are purely for formatting and accuracy of text purposes.
- Agreed:* That the Deputy Chairperson of the Committee approve the extract of the minutes of proceedings from today's meeting for inclusion into the Report.
- Agreed:* That that the first edition of today's Hansard record of the Review be included in the Report.
- Agreed:* That the Committee secretariat forwards an embargoed, electronic version of the Report as soon as it becomes available – with an appropriate covering letter from the Chairperson – to the Secretary of State, First Minister and deputy First Minister.
- Agreed:* The wording of the draft motion for debate in Assembly Plenary to be scheduled in Assembly Plenary on 10th or 11th December 2012 (subject to agreement by the Business Committee).
- Agreed:* To order the Report to be printed and that the Report be embargoed until the debate scheduled in Assembly Plenary (10th or 11th December 2012).
- Agreed:* That the number of printed copies of the Report be kept to a minimum in the interest of efficiency.
- Agreed:* That a manuscript copy of the Report be laid with the Business Office by close Wednesday, 21st November 2012.

11.28am The Chairperson adjourned the meeting.

[EXTRACT]



Northern Ireland
Assembly

Appendix 2

Minutes of Evidence

31 January 2012

Members present for all or part of the proceedings:

Mr Stephen Moutray (Chairperson)
 Mr Pat Sheehan (Deputy Chairperson)
 Mr Roy Beggs
 Mr Gregory Campbell
 Mr Stewart Dickson
 Mr Pat Doherty
 Mr Paul Givan
 Mr Simon Hamilton
 Mr Raymond McCartney
 Mr Conall McDevitt
 Mrs Sandra Overend

1. **The Chairperson:** We move on to the review of Parts III and IV of the Northern Ireland Act 1998 in the context of reviewing the size of the Assembly and the number of Departments. The purpose of this agenda item is for the Committee to consider and agree the approach to its review and the terms of reference for the immediate review work up to the end of June 2012.
2. Members will recall that the Committee agreed that I would write to the First Minister and deputy First Minister to clarify what work is being done and/or planned for 2012 in relation to a reduction in the number of Departments post-2015 by the Office of the First Minister and deputy First Minister (OFMDFM) and/or the efficiency review panel. That letter is at tab 4 of today's papers. To date, I have had no substantive response to it.
3. As regards how we proceed with this agenda item, I propose that the Committee hears the legal advice on possible changes in the membership and structures of the Assembly. I propose that, before the Committee moves into closed session to take legal advice, the Committee Clerk outlines the paperwork to set a context to the decisions before the Committee today.
4. Are members content?

Members indicated assent.
5. **The Chairperson:** In that case, we ask the Committee Clerk to outline the papers before the Committee.
6. **The Committee Clerk:** Thank you. Members, I will be referring to the memo at tab 3 when giving my summary and I will highlight a few of the papers before the Committee.
7. We have draft terms of reference, which can be found at tab 6 of today's folder. That has been developed on the basis of the Committee's consideration of the subject area to date, taking into account the key points raised by members following briefings from the Assembly's Research and Information Service on the size of the Assembly and Assembly structures. In short, it is proposed that the purpose of the review is to consider the discrete subject of the size of the Assembly in terms of the number of MLAs. As proposed and agreed at the Committee's meeting on 17 January, the issue of coterminosity or decoupling from Westminster constituencies has been included in the draft terms of reference for consideration today.
8. Other paperwork on the Committee's forthcoming review relates to evidence gathering. A draft stakeholder list is at tab 7 in the pack. That has to be mindful, of course, of the agreed terms of reference following today's deliberations and the timescales that we have to follow for the review.
9. On the subject of timescales, a detailed — or not so detailed — proposed timescale has been tabled today. That takes into account the fact that, as members will recall, the Secretary of State wrote to the Committee on 24 October 2011, stating that there was the potential for legislative changes to be delivered by a Bill in the third session of the Westminster Parliament. That, in itself, presents a challenge in that the Secretary of State has asked this Committee to conclude its review and to

- report to the Assembly de facto in early June 2012. The proposed timetable has been tabled for members' consideration later in the meeting.
10. **Mr Beggs:** The Committee Clerk indicated that we discussed the issue of coterminosity at the previous meeting and that it was agreed that it would be included. The minute states that a member raised the issue. I actually raised a contrary view. I do not necessarily have to have my name mentioned in every minute, so I did not raise it as an issue when the minutes were agreed earlier. However, the minute does not state that the Committee agreed with the point that the issue should be included, and I certainly did not agree with it. The Committee may have voted on it, but we did not do that to take a decision. It is incorrect to say that the Committee agreed collectively, at that stage anyway, that the issue of coterminosity would be included.
11. **The Chairperson:** We will take that into consideration at the point when we consider the draft terms of reference.
12. Are members content that we move into closed session?
Members indicated assent.
13. **The Chairperson:** I ask any members of the public in the Public Gallery to leave the room, please.
The meeting continued in closed session.
On resuming —
14. **The Chairperson:** The Committee Clerk will now take us through the draft terms of reference.
15. **The Committee Clerk:** I will read out the draft terms of reference for the record.
"The Assembly and Executive Review Committee will review the potential benefit of streamlining government institutions, and the number of MLAs elected to the Northern Ireland Assembly should be reduced at the next Assembly election."
16. Linked to that will be a phase of looking at the number of Northern Ireland Departments and the structure of government therein. Specifically, in undertaking that review, the Committee will take evidence on:
"The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained; The implications of the reduction of the current number of MLAs, as in Westminster legislation, and, indeed, the number of MLAs."
17. Thirdly, the Committee will consider:
"Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including in particular, proposals to ensure a robust and effective committee system".
18. The final part of the review is:
"Whether the statutory link between Westminster and Northern Ireland constituencies should be removed and the implications of removing or retaining this link ... The Committee will report and make recommendations to the Assembly on these matters by early June 2012."
19. **The Chairperson:** Are members agreed?
20. **Mr Beggs:** Will you read the opening paragraph again? It did not read smoothly to me, so I would like to hear it again, please.
21. **The Committee Clerk:** It is:
"The Assembly and Executive Review Committee will review the potential benefit of streamlining government institutions, and the number of MLAs elected to the Northern Ireland Assembly should be reduced at the next Assembly election."
22. **Mr Beggs:** We are saying that it should be reviewed, but the second part does not follow on from that. The grammar is not quite right.
23. **The Committee Clerk:** Perhaps we could add "and as a result"?
24. **Mr Beggs:** Or even:
"and reviewing the number elected to the Northern Ireland Assembly at the next election."
25. **The Committee Clerk:** OK. Will you repeat that wording?

26. **Mr Beggs:** After “streamlining government institutions”, add:
“and reviewing the number of MLAs elected to the Northern Ireland Assembly at the next election.”
27. We know that the number will be reduced. Perhaps someone could come up with some other form of words. The language used just did not read well.
28. **The Chairperson:** There needs to be a bit of work on the wording.
29. **The Committee Clerk:** I can bring that back to the Committee, but that is it in essence.
30. **The Chairperson:** Are members agreed?
Members indicated assent.
31. **The Chairperson:** In agreeing the terms of reference, members agreed that the following are outside the scope of the review: alternative electoral systems and models; and the statutory basis for the current committee system.
32. Are members agreed?
Members indicated assent.
33. **The Chairperson:** The Committee Clerk will now read the proposed stakeholder list.
34. **The Committee Clerk:** The list will include all political parties of the Assembly. All registered political parties will be written to and invited to submit. The other subset is the First Minister and deputy First Minister; the Office of the First Minister and deputy First Minister; and the Committee for the Office of First Minister and deputy First Minister.
35. The Committee has also agreed to write to the following: constitutional experts, of whom there is a list of six at present; the Clerks of the Scottish Parliament, the National Assembly for Wales and the Oireachtas; the 26 local authorities, which will involve writing to the Northern Ireland Local Government Association (NILGA); Platform for Change; and the Clerks of other Parliaments, including those of the Channel Islands and the Isle of Man.
36. **Mr McDevitt:** And a public notice?
37. **The Committee Clerk:** Yes, there will be a public notice encouraging wider stakeholder contributions.
38. **The Chairperson:** Are members agreed?
Members indicated assent.
39. **The Chairperson:** We move on to the proposed timetable.
40. **The Committee Clerk:** Chair, that has now been brought forward by one week.
41. **The Chairperson:** Are members agreed on the proposed timetable?
Members indicated assent.
42. **The Chairperson:** In taking forward the review, I seek the Committee’s agreement that Committee staff draft the proposed consultation options paper in line with the terms of the review agreed today. That will be considered by the Committee at its next meeting. Are members agreed?
Members indicated assent.
43. **The Chairperson:** There is no other business. Our next meeting is on Tuesday at the same time, same place.

7 February 2012

Members present for all or part of the proceedings:

Mr Pat Sheehan (Deputy Chairperson)

Mr Roy Beggs

Mr Gregory Campbell

Mr Pat Doherty

Mr Paul Givan

Mr Simon Hamilton

Mr Raymond McCartney

Mr Conall McDevitt

Mrs Sandra Overend

44. **The Deputy Chairperson:** We move on to the review of Parts III and IV of the Northern Ireland Act 1998 in the context of reviewing the size of the Assembly and the number of Departments. The purpose of this agenda item is for the Committee to consider and agree the wording of the revised terms of reference for its review, a detailed stakeholder list and a revised timetable for the review. Finally, the Committee will consider the first draft of a framework for a stakeholder call for evidence paper, which is tabled today. If any member does not have a copy of that to hand, there are some spare copies.
45. I propose to take each of those areas in turn and will ask the Committee Clerk to speak to the memo at tab 2 of today's papers, starting with the revised terms of reference at tab 3.
46. **The Committee Clerk:** Thank you. A revised draft terms of reference can be found at tab 3. It has been developed based on the Committee's discussions and decisions at its meeting on 31 January 2012.
47. Members will note that the draft reflects the agreed approach to the review, following the decision to include in the review:
- "the number of Northern Ireland departments and associated re-allocation of functions".*
48. The phased approach to the review is also reflected in the revised wording
- of the draft terms of reference. It will also be reflected when the Committee looks at the redraft of the timetable for the review in a few moments' time. The wording of the revised draft terms of reference is at tab 3 for members' consideration.
49. **The Deputy Chairperson:** Are members content with the revised terms of reference?
50. **Mr McCartney:** In relation to the final three bullet points, our party is looking to insert a section about being consistent with the safeguards around inclusivity, as under the Good Friday Agreement and St Andrews Agreement.
51. **The Deputy Chairperson:** Are members content with that?
52. **Mr Beggs:** I do not think that there is any question about that. Does that need to be explicitly mentioned? It is a given, considering that there is an understanding among everybody that that is how it operates. Do you need to say that which is in legislation?
53. **Mr McCartney:** In one sense, you are right, because we know that. However, it is about giving our terms of reference to other people beyond the Committee. The bullet point states:
- "the effectiveness of the Assembly in delivering its key functions is maintained".*
54. I think that we should have a clause about that being consistent with the safeguards around inclusivity.
55. **Mr Beggs:** Where exactly is that in the paper?
56. **Mr McCartney:** The final three bullet points under phase 1. It is on the page at tab 3.
57. **Mr McDevitt:** I wonder whether Raymond's concern could be dealt with, because it is a fair point, from the point of view that someone who is coming at it

- cold could read too much into it. It could mean that we get all sorts of responses back saying that we should move to voluntary coalition models, for instance, which is clearly not included. I cannot put my hand on it now, but I remember reading somewhere that we had taken an active decision to exclude certain things from the review. Given that those are decisions that we have already taken at Committee, to include in the first paragraph an explicit statement to say that this does not include a review of the current mandatory coalition model, and so on, might be a way of dealing with it.
58. **The Committee Clerk:** I remind members that, as stated in the minutes that were agreed a few moments ago, the Committee agreed that alternative electoral systems/models and the statutory basis for the current Committee system were the two items outside the scope of the review.
59. **Mr McDevitt:** At an earlier stage in our conversations, we did discount throwing this wide open, because there was not enough consensus. I know that Roy would probably like us to be able to do that, as would Gregory, I am sure. However, we discounted the idea of going back to the drawing board around the way we make up our government. We agreed, did we not, to focus on the questions of the number of Departments and the size of Assembly.
60. **Mr Campbell:** I was a bit confused when Raymond McCartney talked about the three bullet points, and, rather than clarifying it, Conall has exacerbated it. From what Raymond McCartney said, I thought that there was an attempt to give an overarching inclusivity; from what Conall said, I took it as being almost exclusivity, in that certain things are going to be ruled out.
61. **Mr McCartney:** Perhaps I could make it easier by suggesting that the first of the three bullet points might say:
- “The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity”.*
62. **Mr Campbell:** And where would you put that?
63. **Mr McCartney:** In the third bullet point — the first of my three — where the semicolon would become a coma.
64. **Mr Beggs:** I hope that we would all want inclusivity included, consistent with the —
65. **Mr McCartney:** One of the reasons why there were 12 Departments and so many MLAs was to ensure inclusivity, so you do not want people saying that we are ignoring the inclusivity part of it while making the place more effective. I think that you can combine the two.
66. **Mr Beggs:** I do not want to rule virtually anything in or anything out. The one thing that is factually correct and which no one can dispute is the fact that any change will require cross-community support, and, therein, there is protection for everybody. If we were simply to state that, it stops somebody coming up with a model that has no chance of getting cross-community support and, therefore, to a degree, wasting our time in discussing it in detail. I think that we should simply state upfront that any change will require cross-community support. To a certain extent, that deals with that issue as well, and it is factually correct.
67. **Mr Campbell:** I do not think that much turns on including the phrase. I think that it is almost self-evident that that is the case anyway. Regardless of whether stating it adds to it or draws attention to it in a way that somebody might ask why we were considering not doing it, I do not think that much turns on it.
68. **The Deputy Chairperson:** If that was a proposal —
69. **Mr McDevitt:** I am happy with Gregory’s proposal.
70. **The Deputy Chairperson:** Agreed?
71. **Mr Beggs:** What have we agreed?
72. **Mr McDevitt:** To add a couple of words at the end of bullet point three.

73. **Mr McCartney:** “Consistent with the safeguards on inclusivity”.
74. **Mr Beggs:** The one issue that I have is that your interpretation of that and somebody else’s could be different. But let that be. There will have to be inclusivity.
75. **Mr Campbell:** That could be the case with it not being in as well.
76. **Mr Beggs:** Yes.
77. **The Deputy Chairperson:** “Consistent with the safeguards on inclusivity”.
78. Are there any other questions?
79. **Mr Doherty:** I am just throwing this out, and we can talk about whether it needs to be included or not. We have the review of public administration (RPA). It may be that some functions that we currently hold here will be delegated to councils in their new format. Does that have an impact on what we are undertaking here?
80. **Mr Beggs:** Undoubtedly, it does. If the Department of the Environment was to lose the Planning Service, which I understand is destined to happen under RPA, that would have a major impact. Is that something that we need to specifically mention and to be aware of?
81. **The Deputy Chairperson:** Do we have a proposal?
82. **Mr Doherty:** It is not a proposal as such, but we certainly need to be aware of it as we proceed. However, do we need to put it into the terms of reference?
83. **Mr McDevitt:** Pat makes a very good point. However, there is a risk with putting it into the terms of reference, because we have not done the legislation on RPA. Therefore, we are asking people to be mindful of something that we, as a House, do not have a mind on yet. I think that we should encourage people privately to factor it in but that putting it in the terms of reference could be a bit of a hostage.
84. **The Committee Clerk:** The Committee agreed that there would be a wide range of stakeholders and all 26 councils are now stakeholders through NILGA. They could come back with RPA issues, but that ties in with the wider issue of the number of Departments in terms of devolving functions, etc. You will get what you will get as regards the views of local government and, no doubt, that could take in RPA.
85. **Mr Doherty:** As long as we are aware that it could have a knock-on effect.
86. **The Deputy Chairperson:** Are members content with that as it is? We will move on. Are you happy enough to move on?
87. **The Committee Clerk:** Yes, on the basis that that is the revised terms of reference agreed now with that wording included.
88. **The Deputy Chairperson:** Do members agree?
- Members indicated assent.*
89. **The Deputy Chairperson:** We move to the detailed stakeholder list at tab 4. Members will note that the stakeholder list includes some of the Clerks to the relevant Parliaments and Assemblies. If members are content, I propose that Trevor Reaney, the Clerk and Director General of the Assembly, also be included in the list.
- Members indicated assent.*
90. **The Committee Clerk:** Members will recall from last week that the stakeholder list was widened to include all political parties in Northern Ireland; the First Minister and deputy First Minister, their Department and its Committee; selected constitutional experts; and the Clerks to a number of Parliaments and Assemblies. The others included NILGA; the chief administrative officers of the 26 local councils; and Platform for Change, an organisation that contacted the Committee and wished to be included. Furthermore, the Committee agreed that there would be some form of public notice to encourage wider responses to the review.

91. Members will see a summary of the list at tab 4. A total of about 87 stakeholders will be written to directly by the Committee and asked for their views. There is a list of some 40 registered parties at tab 4a; the list of constitutional experts considered by the Committee last week; the list of the Clerks to the Parliaments and Assemblies; and, finally, the list of the 26 councils and NILGA. That is a total of 87 stakeholders, if I have my count right.
92. **The Deputy Chairperson:** Are members content with the detail of the stakeholder list?
- Members indicated assent.*
93. **The Deputy Chairperson:** We move to the revised phased timetable for the review, which is at tab 5. I ask the Clerk to speak on that.
94. **The Committee Clerk:** The proposed timetable for the review has been revised to take into account the wider scope of the review's terms of reference that were agreed at last week's meeting, and the phased approach. It is set out at tab 5 in three phases. In mid-February, the plan is that the Committee will begin evidence gathering for the review. That would continue right up to Easter. After Easter, we would move into phase 2 of the review, the consideration of and preparation of a report on the number of MLAs in the Assembly. The plan is that the report would be ready to be signed off by the Committee and be presented to the Assembly towards the end of May or early June. There may be a plenary debate in June, before summer recess.
95. The evidence gathering for phase 3 of the report would commence mid-February, but the consideration of that evidence as a discrete area — the number of Departments — would start immediately after summer recess in September and go through to report stage at the end of October. That is the revised timetable.
96. **The Deputy Chairperson:** Are members content with that?
- Members indicated assent.*
97. **The Deputy Chairperson:** Finally, members, we move to the draft framework for the stakeholder call-for-evidence paper. I ask the Clerk to speak on that.
98. **The Committee Clerk:** I apologise because the aim was to get this paper to members yesterday evening, but we did not manage that. We were still doing some thinking on it late yesterday evening. This is, first of all, a call-for-evidence paper. The Committee is not making proposals in relation to the size of the Assembly, or, indeed, the number of Departments, but asking for stakeholder views. We have retitled it as a stakeholder call-for-evidence paper, rather than a consultation paper.
99. I will talk members through the paper. The introduction includes the niceties that the Committee is well familiar with in terms of the powers, the proposal from the Secretary of State on the opportunity for a Bill that could change the Northern Ireland Act 1998 through Westminster, and the terms of reference for the review, subject to the amendment agreed earlier. It also highlights matters outside the scope of the review, as was mentioned earlier. Pages 4, 5, and 6 are background notes. Those are primarily to inform stakeholders of the factual position and the legislative position on the issues that are subject to the review. Many of them are drawn from research papers that have been presented to the Committee. That has been drafted as a factual document to inform stakeholders.
100. The five areas of the review have been mentioned. Those are repeated from the terms of reference on pages 7 to 11. The interesting point for members in terms of new material is the inclusion of the questions to be put to stakeholders in the call-for-evidence paper. There are two or three questions on each area. In preparing the draft, every effort was made to ensure that they were not leading questions but that they reflect discussions by the Committee to date on the two subjects and that they are

- open-ended questions to seek the views of stakeholders. At the end of the day, the job of the Committee is to analyse, consider and make recommendations from this exercise, so there is a need for some kind of structure to tease out the issues in discrete units, as such. The questions have been drafted as best we can, but it is a work in progress. The intention is, subject to members' agreement, to bring it back to the Committee in completed form next week to finalise the call-for-evidence paper. Members may want to focus on the questions.
101. **The Deputy Chairperson:** Are members content with the draft paper? Are there any points or questions?
102. **Mr McDevitt:** I am just getting first sight of it, obviously. I think that question 2 probably needs a little more reflection. From the way in which we are asking it at the moment, applying the man-from-Mars rule, you would think that we were asking people what they think will be the impact of the consequential change in Westminster. Then, in the second bit of the question, I know what we are trying to ask, but I do not think it is sufficiently clear yet. We are going to have to think about the wording. I presume that what we are trying to ask is: do you think we should go even further beyond that, and, if so, how far? I think that is what we are trying to find out, otherwise you will get a lot of responses about whether people like or do not like an Assembly of 96 Members. That suits me, because that is my negotiating position, but I do not think it is the objective of the exercise.
103. My other question is about the background paper. I am sorry, John, for not having the chance to read it in detail, but do we give people the total background about the consequence of remaining coupled? In other words, do we make it clear that Assemblies could go up or down in the future?
104. **The Committee Clerk:** There is an attempt at page 4 to reflect the Act that, if implemented, would bring the total membership of the Assembly to 96.
105. **Mr McDevitt:** Yes.
106. **The Committee Clerk:** There is the comparison with how the Welsh and Scottish dealt with that.
107. **Mr McDevitt:** Given what is in the research papers, under the heading of the Parliamentary Voting System and Constituencies Act 2011, I see that you point out that that is what will happen. I think that we need to issue a disclaimer, which research validated for us, that if there were a change in the number of registered people in England, for example, the number of constituencies in the North of Ireland could go back up. Therefore, the size of Assembly size could increase if we were to stick with the coupled model. I think that the assumption out there is that it is one-way traffic — that it can only ever go down — which is not true, as we have established.
108. **The Committee Clerk:** Yes.
109. **Mr Campbell:** I suspect that there will be a range of responses from political parties and movements, but I suspect that they will, presumably, know the implications of what we are talking about. In all probability, the wider stakeholders will know as well. However, if stakeholders are like the rest of us, this will probably be skimmed through and they will go straight to the nub of it. The question is whether there is merit in spelling out more elaborately the current 18 constituency/six Member system; the change at Westminster, which would lead to 16 by six; or whether there is a wish to go further. To go beyond that — for example, 16 by five, equalling 80 Members — creates the difficulty of leading questions, rather than leaving it open for a response. However, you might have to be a bit more specific because I think that the tendency will be, as most of us do, to scan through something that we know vaguely about and go to the nub of it, rather than go through the intro. I think that we might have to spell that out a bit more.
110. **Mrs Overend:** I get what Gregory is saying, but I wonder whether it would be

easier to number this a bit better and state, “please refer to”, to reach the full detail, rather than saying things twice.

111. **Mr Campbell:** Yes. Although, even in the intro, it does not spell it out in those terms. The parliamentary voting system tells us how many constituencies there are — so that is reduced by 50 down to 600 throughout the UK, and in Northern Ireland that is a move from 18 to 16. However, the obvious consequential is not there, namely that, at the moment, it is 18 by six — do we go to 16 by six or are there any implications for further reductions? They need to know the exact position if they go straight to the questions.
112. **Mr McDevitt:** It is important that we debate this. Linking that point with the question around decoupling, if a respondent is saying that they want to decouple, they could argue that they do not want a reduction at all because they would like to keep membership at 108. I do not think that we have quite framed the question in a way that means that answer is possible, if you know what I mean. It is really about making sure that everyone feels that they can give us their genuine opinion.
113. **The Committee Clerk:** Yes. The only point that I was making — and I did not do this in my summary or draw members’ attention to it — is that the Committee has, of course, commissioned and received a number of research papers. Those will be linked to this, so the stakeholders can dig down into detailed research, which reflects the points that members have just been making. We can take those points and redraft this for consideration and final sign-off next week, if members are content.
114. **The Deputy Chairperson:** I seek the Committee’s agreement that the Committee staff complete the drafting of the stakeholder call-for-evidence paper on the basis of today’s Committee discussion and agreements, for consideration at the Committee’s next meeting. Are members agreed?

Members indicated assent.

14 February 2012

Members present for all or part of the proceedings:

Mr Stephen Moutray (Chairperson)
 Mr Pat Sheehan (Deputy Chairperson)
 Mr Roy Beggs
 Mr Pat Doherty
 Mr Paul Givan
 Mr Raymond McCartney
 Mrs Sandra Overend

115. **The Chairperson:** We move now to the review of Parts III and IV of the Northern Ireland Act 1998. The purpose of this agenda item is for the Committee to consider and agree the final wording of the revised terms of reference for its review, the revised stakeholder call for evidence paper and a signposting advertisement for the review. I propose to take each of those areas in turn. I will ask the Committee Clerk to speak to the memo at tab 2 of today's pack, starting with the revised terms of reference at tab 3. Are members agreed? If so, I ask the Committee Clerk to speak to the revised terms of reference.
116. **The Committee Clerk:** At tab 3, we have the revised terms of reference based on the discussion and decisions taken at last week's Committee meeting on 7 February. The amendment made to the revised terms of reference reflects the Committee's decision to include the phrase "consistent with the safeguards on inclusivity" at bullet point (3). That was the only change.
117. **Mr Beggs:** We have lost our quorum, so we cannot take any decisions.
118. **The Chairperson:** Are members content that we talk through the next item and come back to the decisions? OK. Thank you.
119. We move to the revised stakeholder call for evidence paper at tab 4.
120. **The Committee Clerk:** There were a number of comments from members on that last week, and I will summarise the changes.
121. There are a number of changes in the background notes, which start on page 5. There was a request to be more specific about the current number of MLAs, the current number of constituencies and the implications arising from the Parliamentary Voting System and Constituencies Act 2011. Those are reflected in paragraph 3.3, where the existing situation is set out — that is, of course, 18 Westminster constituencies and 108 Members. There is an additional line at the end of paragraph 3.5, which brings out the direct consequence of the Parliamentary Voting System and Constituencies Act 2011 as regards reducing the number of MLAs from 108 to 96.
122. The other addition — a point raised by a number of members last week — is at paragraph 3.6. It reflects the possibility of a reduction in the number of Westminster constituencies here if there were changes in the number of people registered to vote. Indeed, paragraph 3.6 could probably usefully include the words "to vote" after "registered", if members were content.
123. The other changes to the background notes at paragraph 3.7 — [Interruption.]
124. **Mr Beggs:** Chairman, will we not have to go through this again when we have a quorum? We cannot take a decision until there is a quorum; that is my understanding of what a quorum is.
125. **The Chairperson:** We can discuss the paper. We run the risk that we may have to go back over it for somebody.
126. **Mr Sheehan:** I am sure that Stephen will be able to persuade his colleagues to agree to it if they come in.
127. **The Chairperson:** If they come in — that is the problem.

128. **Mr Beggs:** We will, at the very least, need to go through it again quickly.
129. **The Chairperson:** We will suspend the meeting for a few moments.
Committee suspended.
On resuming —
130. **The Chairperson:** Members, we are now quorate again. We will go back to the revised terms of reference. Members have them in their papers.
131. **The Committee Clerk:** The only change relates to a point that was raised at last week's meeting. The third bullet point in phase 1 contains the phrase "consistent with the safeguards on inclusivity". There are no other changes to the terms of reference.
132. **The Chairperson:** Are members content?
Members indicated assent.
133. **The Chairperson:** We move now to the revised stakeholder call for evidence paper.
134. **The Committee Clerk:** There have been a number of changes to that paper, and they reflect the points raised by Committee members at last week's meeting. As summarised in the note at tab 2, there is more specific reference to the current number of MLAs, the number of constituencies and the implications of the Parliamentary Voting System and Constituencies Act 2011. I am referring to the background notes. On page 5 of the call for evidence paper, there is more background information on decoupling. Paragraph 3.24 on page 8 contains more information on the position with the Department for Employment and Learning. That is a factual account of the statement that came from the First Minister and deputy First Minister about that Department. At the end of the paper, there is a list of research papers that the Committee has received on the subject of its review.
135. Other points were raised about the questions that will be put to stakeholders in the call for evidence paper. In section 4 on page 10, there is an additional question — the last question in that section — which relates to decoupling. It asks:
"how many constituencies and MLAs per constituency do you envisage in the 'decoupled' system, and why?"
136. As members requested, there is some clarification and rewording of the questions on page 11, particularly the middle question about a further reduction in the 16-constituency scenario, which could arise from a decrease in the number of MLAs in each constituency. There is an additional question there, and there is a slight rewording of the third question on page 11.
137. The only other rewording from last week's draft is on page 14. The second question asks stakeholders:
"In broad terms, what functions should be grouped in the reduced number of departments and what factors informed your decisions on grouping functions together in a department?"
138. Those are the only changes.
139. **The Chairperson:** Are members content with the revised stakeholder call for evidence paper?
Members indicated assent.
140. **The Chairperson:** We move now to the signposting advertisement.
141. **The Committee Clerk:** This is for the Committee's information and approval. It is part of the process, and it is how things are done now, with regard to economies and budget. A small ad will go in the three main local papers, perhaps later this week. It will contain a link to the Committee's website. Stakeholders who are interested in the subject and wish to give their views to the Committee can go on to the Committee's web page, pick up the call for evidence paper and respond in due course.
142. **Mr Doherty:** It may be contained in the link, but is there a requirement to put the date for completion of submissions in the advertisement?

143. **The Committee Clerk:** Yes. The completion of the review?
144. **Mr Doherty:** No, the completion of the submissions. It may be in the link, but does it need to be in the ad?
145. **The Committee Clerk:** It says “deadline” at the bottom, and I will be putting in 28 March 2012. That was only a pro forma as such. That is the process.
146. **The Chairperson:** Are members content with the signposting advertisement?
- Members indicated assent.*
147. **The Chairperson:** Are members content for Committee staff to make the appropriate arrangements to publish the advertisement in the three daily papers?
- Members indicated assent.*
148. **The Chairperson:** In taking the review forward, I seek Committee agreement that Committee staff publish the terms of reference on the Committee’s web page and issue the stakeholder call for evidence paper to the key stakeholders who were agreed at the meeting on 31 January. Although the deadline for written submissions on the call for evidence paper is 28 March, we hope that some key stakeholders may make their submissions before that date. I seek Committee agreement that, if any written submissions are received from key stakeholders before the Committee’s next meeting, Committee staff, in consultation with myself and the Deputy Chairman, write to members to advise them of the submissions and the stakeholders who might be invited to provide oral evidence at the next meeting or the following meeting.
149. Are members agreed?
- Members indicated assent.*
150. **The Chairperson:** There is no other business. The next meeting will take place on 28 February at 11.00 am in this room. Thank you for your co-operation.

28 February 2012

Members present for all or part of the proceedings:

Mr Stephen Moutray (Chairperson)

Mr Roy Beggs

Mr Conall McDevitt

Mrs Sandra Overend

Witness:

Professor Rick Wilford *Queen's University Belfast*

151. **The Chairperson:** I welcome Professor Rick Wilford and thank him for his attendance. I appreciate his patience today. I know that the meeting was originally scheduled to take place this morning, but we had to change the time. I ask that you go ahead and brief the Committee on your papers.

152. **Professor Rick Wilford (Queen's University Belfast):** Thank you, Mr Chairman. Good afternoon, everyone. As the Committee Clerk said, you have in front of you a summary paper and a longer stakeholder paper. I will be very brief, because I know that you are pushed for time. The summary paper addresses what I believe are the key points in relation to sections 4 and 5 of the stakeholder paper. I will cut to the chase on decoupling — the abandonment of coterminosity between the Westminster and Assembly constituencies — and say that I am very relaxed about it. On balance, I am disposed to decoupling. The major reason being that, now that Westminster has decided to review Westminster boundaries after every general election, there is the possibility that we could be revisiting the issue time and time again. My view is that, if we decide to decouple early during the course of this mandate, the Assembly would be able to plan for the future on a stable basis of 16 constituencies, which, as you know, is the current proposal. It was not part of the original institutional design for devolution to Northern Ireland, though that was the case in

Scotland and Wales. Had there not been decoupling in Scotland, the number of Members would have been reduced by 20 once Westminster decided to review the boundaries and reduce them significantly. The view in Edinburgh was that that was insupportable because it was not an effective use of the Scottish Parliament, particularly its Committees. Had it not happened in Wales, the size of the Assembly would have been reduced from the current membership of 60 to 45. The current proposal is a reduction to 30 constituencies. I think that life would have been made impossible for AMs in Cardiff and MSPs in Edinburgh had decoupling not taken place. I am pressing the stability argument mainly. On balance, I am disposed to decoupling.

153. The only real problems are what decoupling would mean for political parties in Northern Ireland, because I think that they would have to set about the business of rethinking their organisations at constituency levels. I think that is an issue. There is also the potential problem that electors might get a bit confused if there is a third set of boundaries: the district council boundaries under the new 11-council model; the Westminster constituencies, which could alter in the future; and the settled number of Assembly constituencies. The electorate already copes with different boundaries for district council, Westminster and Assembly elections, so I do not think that it would end up being confused or, if it is already confused, being even more confused should there be decoupling.

154. On the number of Members, I am disposed to 80, because I think that would be workable. Even if we reduced the number to 80, we would still have an Assembly that is a third larger than the National Assembly for Wales, which has 60 Members. Wales, which, of course, is my home country, has double our

- population. As an aside, let me just say how delighted I was that Wales that won the Triple Crown at the weekend. Eighty seems to be a workable number if the number of Departments is also reduced. As far as the Assembly is concerned, I think that eight Departments — eight seems to be the flavour of the month or even year — and eight Statutory Committees, with nine members each, is workable.
155. My last point in relation to section 4 of the stakeholder paper is that there is no perfect model for a Committee system. That is a particularly important point. I cannot point to an ideal type and say, “This is the optimal type of Committee system that you should emulate”. There are a number of factors that influence Committee effectiveness and, indeed, efficiency, one of which is workload management and the way in which that is mustered in each of the Statutory Committees. There is a kind of symbiotic relationship between what goes on in this place and the decisions that are made in the devolved Departments, particularly in respect of the legislative agenda, and one of the concerns is about the need for better planning of Executive legislation and better sequencing and scheduling of legislative business. That is essential. The situation that emerged in the Assembly towards the latter part of the last mandate in 2011 was that those in the Bill Office were running around like headless chickens; they are not headless, because they are terribly efficient people, but you take my point. There was an immense amount of legislative work that had to be done towards the latter stages of the last mandate. I think that that made life very difficult not just for the Bill Office but for the Committees. I, therefore, think that better phasing of the Executive’s legislative programme is important.
156. Committees can help themselves by engaging in many shorter inquiries and dropping the fashion for longer inquiries, which do have their place. However, I think that shorter, time-limited inquiries can have a more immediate effect on the Executive and the public. One of the things that we have to be very mindful of here is the outcome of the Assembly’s engagement survey, which reported a very high level of public disengagement with this place. One of the agencies that the general public and the electorate in Northern Ireland do not seem to know very much about is the Committees. I think that the Committees can make more of an impact by being smarter in respect of how they manage their agendas. I would be disposed to their having to engage in rather shorter, snappier inquiries.
157. Chairs of Statutory Committees should not sit on other Committees. Their energies should have a single focus. I would like the liaison group to be put on a statutory footing, as is the case for the Conveners Group in the Scottish Parliament and the Liaison Committee in the House of Commons. It would have a role to play if it were so established. It would also be useful to set aside Committee days for debates on the Floor. The Committees are now anchored in the plenary sessions. They could be more firmly anchored by setting aside a number of earmarked Committee days in an Assembly year.
158. I will now briefly go through section 5 of the stakeholder paper. There is no magic number of Departments or perfect model of Executive design. The favoured number seems to be eight; that is the number in the ether, as I understand it. There are three basic reasons for deciding how you organise an Executive: the economy and efficiency of Departments; policy effectiveness; and political advantage. Trying to balance those criteria in setting about the design of an Executive is tricky because those three reasons can, and often will in the real world, conflict.
159. Another problem in designing any Executive is how you avoid overlap between or among Departments. I actually do not think that can be done. Policies do not fall neatly into single departmental boxes; they invariably spill over into the remits of other Departments. Therefore, a certain

- degree of administrative messiness is probably unavoidable. However, the perfect should not be the enemy of the good here. Thematic Departments could be taken into consideration in the redesigning. That has been done in Wales and Scotland, among other jurisdictions. It is a way of promoting, amongst other things, joined-upness between and among Departments.
160. However messy or not messy it might turn out to be, the issue of overlapping briefs, and how and by whom they are managed, is very important. For me, that means the Office of the First Minister and deputy First Minister (OFMDFM). It should have a strategic role, and it should be hollowed out to assist in that role. The business of recruiting functions to OFMDFM back in the late autumn and winter of 1998-99 was just a mess basically. Things happened that were largely official driven. A lot of functions ended up in OFMDFM that could find a better home elsewhere across the Executive. It is an untidy office that should not be laden with as many functions as it has. It needs to step back and operate on a more strategic basis and to think clearly across government. That is where the administrative reorganisation needs to start.
161. There are two ways of going about the business of Executive reform. You can do it incrementally, bit by bit, step by step and piecemeal. I have an anxiety about it being done in an ex cathedra way. The decision or pronouncement on the Department for Employment and Learning suggests that it could be quite a bitty process rather than a holistic one. That concerns me a bit, particularly if it is a signal of things to come once the efficiency review panel is established and so on. The other way is to go for a whole government and much more integrated approach. The choice is really a matter for the Assembly and the Executive to work out how the process of rethinking how the organisation of the Assembly, its Committees and the Executive needs to be conducted.
- However, it should be a process and it should be a joined-up process.
162. With all respect to members of this Committee and any Committee, you all need to think as Committee members and parliamentarians rather than as representatives of parties while sitting in this Committee. I would like to see a joined-up approach to the redesigning and for the Committee to look upon itself as a kind of critical friend of the efficiency review panel and the wider Executive in setting about the process. It is an incredibly important set of issues you are addressing about how this place works more effectively and more efficiently in conjunction with the Executive. Nothing could be more important than that axis between the Assembly and the Executive. It is crucially important, but it means behavioural change as much, perhaps, as it does structural reform of both. I would like the Committee to be a critical friend or partner in the exercise rather than dutifully clicking its heels and allowing its members to do what their Executive party members effectively tell them to do.
163. I should say, Mr Chairman, that I did both pieces at short notice and in some haste, but I was reminded when I was looking back over my summary of a remark made by the former Clerk of the House of Commons, Sir Barnett Cocks, when he spoke about the role of Committees. It was rather a jaundiced view. He was Clerk back in the 1970s and 1980s, I think, and he said:
- “A committee is a cul-de-sac down which ideas are lured and then quietly strangled.”*
164. I hope that is not the case of whatever the outcome of this Committee's deliberations are. I will stop there.
165. **The Chairperson:** Thank you. Your submission states that, in a decoupled scenario:
- “Any variations in the electorate over time could perhaps be reflected by adjusting the number of seats in each constituency rather than redrawing the boundaries.”*

166. How would that work? Do you mean adjusting the number of seats for all or just some constituencies? Is there a precedent for that in any other Parliament?
167. **Professor Wilford:** The answer to the last question is no.
168. It would work if you had stability in the number of constituencies; let us say there will be 16 for the foreseeable future. If there were to be population changes, for example, in those constituencies over time, the Assembly might want to take a view on whether it wanted to vary the number of Members across the constituency. You do not have the authority to change the electoral system or that sort of issue at the moment because that is a power reserved to Westminster, but if you felt that there was a case for reducing or increasing the number of Members in particular constituencies where, for example, there had been significant population growth, electoral growth or a reduction, you could take that view. I do not see that becoming an issue, probably until the next generation, but it is something that might be thought about some time in the future. It is not an issue that you need to think about at all in the short term.
169. **Mr Beggs:** Thank you for your presentation. Scotland and Wales decoupled in order to maintain the number of Members, while we want to reduce our number. To a certain extent, we are not under the same pressure of having to do it, but you seem to be saying that the advantage is stability. What difference would it make as to whether we lose one constituency? The Boundary Commission very nearly took us to having 15 constituencies rather than 16. What difference would it make to the Committee structure if there were four, five or six fewer Assembly Members? I do not think it makes a big difference.
170. **Professor Wilford:** I beg your pardon, but you have to think about it in the round. You should not think about this only in terms of its effects on the Assembly;
- I think you should think about its effect on the Assembly's effectiveness in scrutinising the Executive. If your number is reduced by four or five, but you still have the same number of Committees and so on, I think you might find it more difficult to manage. That depends on the extent to which, for example, you would be prepared to reduce the size of the Committees.
171. I am kind of conflicted about this issue, but the broad point is that, on balance, if you had 16 constituencies, you fixed on having 16 and were able to plan on the basis of having 16 with five Members in each constituency, you could think ahead. What you would not have to worry or be concerned about is whether there is going to be a further boundary redistribution in Northern Ireland in the wake of the next general election in 2015, because that might force us to think yet again. We might then have to seek to influence the Executive in becoming sensitive to the kind of concerns that this place would have about the effectiveness with which it then scrutinised the Executive. So, I think it would give you surety and continuity.
172. **Mr Beggs:** You spoke about stripping out and hollowing out the role of OFMDFM. What specific functions would you want to remove, and how does the role of the First Minister of Scotland or Wales differ?
173. **Professor Wilford:** Let me go back to what we had, which I mentioned in passing. It ended up with about two dozen functions. The decision for some of those was expressly political. For example, as you know, there was a suggestion in the Good Friday Agreement for an equality Department. That was something that, at that stage, neither the UUP nor the SDLP were prepared to countenance because they could not anticipate a Minister from the other tradition, as it were, holding that brief, so the equality unit ended up in OFMDFM as a political compromise. There were other issues. I interviewed Séamus Mallon and David Trimble a couple of years ago about how the

- process actually worked. It was largely left to the officials to think how they might organise functions around what was now going to be 10 Departments. They had to think about how you divide, spread or redivide six amongst 10, effectively 11. It was a very clunky affair, and I do not think that there was any considered administrative reasoning about what went where. David Trimble told me, for example, that the Office of Law Reform ended up in the Department of Finance and Personnel because, by political nature, he did not believe in law reform anyway as a “small c” conservative, as was the case then. He just did not want it in OFMDFM, and they found a home for it in the Department of Finance and Personnel. There was quite a lot of that hotchpotch going around.
174. In my judgement, OFMDFM should start from the basis that it should be a strategic unit or office and it should think about policy in strategic and joined-up terms. It should start from that basis, rather than from the argument about which function it should retain and which it is prepared to see shuffled off to another Department. The latter is starting from the wrong end. It is asking an existential question: what is this office for and what should we be doing now? I suspect that one of the incumbents in OFMDFM is much more disposed to winnowing out the office than the other. In the latter case, I suspect that is because there is a political and electoral concern that the First and deputy First Minister are seen to be doing lots of things together that have policy and other effects within Northern Ireland. I am not saying that they should not be seen to be doing things. What I am suggesting is that maybe they should be seen to be doing fewer things and that the time that is thereby released by thinning out and pruning, if you like, the functions within the office would enable them to have more opportunity and space to think strategically and try to promote the ethic, or practice, rather, of joined-up government.
175. Joined-up government is not a panacea in itself. It kind of folded when it was attempted by the Blair Governments because of what we academics call the besetting sin of departmentalism. Officials and Ministers tend, one way or another, to become incredibly turf conscious, very introverted and defensive. I think that, now that we are in a much different place than we were between 1998, 1999 and 2002, that should be taken advantage of and a rethink should be undertaken about how we could better design our Executive and, consequentially, how the Assembly could be better designed. I think that is a symbiotic relationship. I do not think it is one whereby the Assembly or its Committees should just trot dutifully in the wake of what the efficiency review panel ends up recommending. However, the space and the time are short for you to do that job.
176. **Mr McDevitt:** Rick, for clarity, would you prefer a decoupling to the existing 18 or to the new 16?
177. **Professor Wilford:** The latter.
178. **Mr McDevitt:** OK, so you envisage the 16 by five, which would take it to 80.
179. **Professor Wilford:** Yes.
180. **Mr McDevitt:** Will you give us some practical examples of the functions that could immediately be hollowed out from OFMDFM? In response to Roy’s question, you referred to equality and a couple of other things, but will you list the matters that you consider would be better housed elsewhere?
181. **Professor Wilford:** The functions that OFMDFM discharges in relation to the economy should go to a reconfigured economic and finance department. That is where I would start. That would offer a more concerted and coherent approach, and let us face it, in Northern Ireland, it is a case of “it’s the economy, stupid” is it not? I think that a single, co-ordinated department is needed to deal with economic issues. Splitting those functions across Departments does not actually help and can be a recipe for disputation. I am not a

- Pollyanna, Conall: I do not think that everything will be sweetness and light if what I have suggested were to be the case. However, concentrating those powers in one Department would help to create clarity. It would also give the First Minister and deputy First Minister the opportunity to step back and take a more strategic look.
182. There may also be an argument for taking out some of the gender-related issues from within and having a thematic Department that looks at the rights of discrete groups in the population. I think that would be another way forward. I wish I had a blueprint for you but I do not, because whatever design particular jurisdictions opt for will invariably and ultimately be an outcome of political bargaining.
183. I suggest that there is merit in thinking thematically. I know that it was looked at; in fact, Mark Durkan did so in 1998. At that stage, he was not persuaded, largely I think because of the uncertainties and the political difficulties that obtained at the time, rather than due to principled opposition. It may be that, now that they are bedded down in other devolved jurisdictions in the UK, we can draw lessons, positive and negative, from their experiences. I think that they have some merit. Therefore, I would be disposed towards looking for a rights-based Department that may also incorporate women's rights. That would give the issue the salience that it deserves.
184. **Mr McDevitt:** Would those be a series of Departments designed around specific aspects of regional need?
185. **Professor Wilford:** Indeed.
186. **Mr McDevitt:** OK. I am taken by your comments about this Committee, which is of course special, because it is one of the few that is mentioned in legislation and stuff. You talk about it as a "critical friend". Is it your view that the Committee needs to exercise a degree of status in relation to the Executive questions of institutional reform and the future direction of governance in this region?
187. **Professor Wilford:** I think that you pose that question as much to your fellow Committee members as to me, Conall.
188. **Mr McDevitt:** But many of them are absent.
189. **Professor Wilford:** I know. We are not even quorate here, are we?
190. **Mr McDevitt:** For the record?
191. **Mr Beggs:** We have a quorum for taking evidence.
192. **Professor Wilford:** Do we? OK.
193. I think that the Committee should be a critical friend. I think that it should take this job seriously. I think that it should do that in partnership with the efficiency review panel. At a function here last Thursday evening, I asked the deputy First Minister what was happening, and it did not seem clear to me that very much was happening. That gives me pause for concern, because I suspect that the Committee and the Assembly could, in effect, be presented with a fait accompli — rather like the Department for Employment and Learning was — in which case this will not be a concerted, integrated, properly joined-up exercise. Therefore, I think that the Assembly and Executive Review Committee should assert itself. It is a Committee of the Assembly, and the Assembly has an embedded interest in the outcome of this process, and I think it should be unabashed about making its views known and making it clear that you are not just, as it were, the handmaiden of the efficiency review panel. If you can agree a set of recommendations that give the Executive pause for thought, all the better.
194. **Mr McDevitt:** Finally, I wish to make an observation on the Chair's question in the context of decoupled constituencies? Have you had any alternative to referring it to the Boundary Commission every time the population shifts? Of course, south of the border, they drop a seat, so a four-seater

could become a three-seater, or a five-seater could go down to a four-seater. Therefore, they always have two options. It is like a double calibration mechanism. There are reasons why we would not want to break the equality of representation rule, but is there a scenario where you could have a double calibrated opportunity?

195. **Professor Wilford:** Yes, absolutely. You could vary it along those lines.
196. **The Chairperson:** Finally, you referred to the Sainte-Laguë formula as an alternative to d'Hondt. Will you expand on that?
197. **Professor Wilford:** It is an alternative method of trying to achieve proportionality. As you know, the divisor for d'Hondt is 1, 2, 3, 4, 5, 6 it goes up arithmetically. However, Sainte-Laguë goes up 1, 3, 5, 7, 9, so you increase the divisor. One effect of that is that it hits the bigger parties earlier and leaves room towards the end of whatever the process is going to be for the smaller parties. There is a modified version where the divisor you begin with is not one but 1.4. Therefore, it has an even greater effect on the larger parties. It is an alternative to d'Hondt as a means of trying to secure proportional allocation of Chairs or seats on Committees or whatever it might be.
198. **The Chairperson:** OK. Thank you very much for your attendance today, Professor Wilford.
199. **Professor Wilford:** It is a pleasure.

13 March 2012

Members present for all or part of the proceedings:

Mr Stephen Moutray (Chairperson)
 Mr Pat Sheehan (Deputy Chairperson)
 Mr Roy Beggs
 Mr Gregory Campbell
 Mr Stewart Dickson
 Mr Pat Doherty
 Mr Simon Hamilton
 Mr Raymond McCartney
 Mr Conall McDevitt

Witnesses:

	<i>Northern</i>
Mr Derek McCallan	<i>Ireland Local</i>
Councillor Evelyne Robinson	<i>Government Association</i>

200. **The Chairperson:** I invite Derek McCallan and Councillor Evelyne Robinson to the table. Derek is the chief executive of the Northern Ireland Local Government Association (NILGA) and Councillor Evelyne Robinson is its president. You are both very welcome to this morning's meeting. I invite you to brief the Committee.
201. **Councillor Evelyne Robinson (Northern Ireland Local Government Association):** Thank you very much, Mr Chairman, Committee members and officers. I am very pleased, as NILGA's president, to be here this morning to give evidence, together with the association's chief executive, Mr Derek McCallan.
202. We have offered in advance a detailed written submission after your request for evidence. I trust that that will combine with our oral evidence this morning to do precisely what NILGA and, I believe, the Assembly collectively seek to do — to inform, to be informed, to listen, to be listened to, to share knowledge, to constructively criticise and to offer partnership solutions that are not driven by the institutions in which we are employed, but by the customers, the taxpayers, the ratepayers and the constituents who require the services and who hold us to account.
203. First, we commend the review. It is timely. It forms part of the Programme for Government and is, indeed, a target within it. NILGA's political leaders — the representatives of the five political parties — came together specifically to look at this review of the Assembly and the Departments. We hope to gain further comment and corporate approval from our executive and full membership on 23 March.
204. We have been thorough and systematic, yet innovative, in our approach. We believe that the outcomes of the review should be similarly forward-thinking, robust and perhaps even radical. Why? As we said in our main submission:
- "The instigation of integration, collaboration, co-operation, innovation, improvement, and efficiency practices embedded in the evolving Assembly, as deployed by councils informally for many years and formally since late 2011, in order to manage performance and continuously improve the institutions / services in question thus ensuring a value for money ethos at the core of all that is carried out (whether MLA, official, service provider or outsourced body)."*
205. It will all require a cultural change, not a reorganisation. NILGA asserts that now is the time to transform how we do all business in the public sector. I will now ask the chief executive to speak to you.
206. **Mr Derek McCallan (Northern Ireland Local Government Association):** Thank you again, Chairman, for the opportunity to provide oral evidence. As many representatives are aware, NILGA is the representative body for local government here in Northern Ireland, with 26 member councils. Like other associations, we aim to be an axis between central and local government, offering improvement, investment and development products to the sector and improving the practical and policy

- relationships for both elements of government.
207. On the review itself, NILGA's submission deliberately strays from the script. NILGA will not offer you a mechanical comment on size and numbers, just as we have not gone for an ideal number of councils in respect of the review of public administration. We believe that form should always follow function, and, if the function is not absolutely clear, we have subjectivity and small "p" politics of administration creeping into decision-making.
208. I understand from some of the earlier comments of the Committee that you have a low tolerance level for inertia and indecision, and that you want things done. Let us look at the mission-critical elements of what NILGA has to say and has to offer, not just today, but for this electoral period within the Programme for Government. We suggest that the review is not managerial. We suggest that it is whole system in its approach, inclusive of the representation and devolution throughout the UK and inclusive of the role of local government, moving away from a "less is better" sterile debate. How do you do that? In our respectful view, you look at the two tiers of political representation in respect of devolution and below — MLAs and councillors. The table on page 11 of our main submission, which has been provided to Committee members, looks at the Scottish, Welsh and Northern Ireland levels of representation between the two tiers that I referred to.
209. Again, respectfully, we suggest that you look at the three tiers of public service delivery in Northern Ireland: the Departments and agencies, the councils, and the private sector and the social economy, as referred to in page 13 of our submission. Again, we suggest that the review is whole system in its approach, not managerial or functional.
210. In terms of representation, we acknowledge those two tiers. We have around three times as many MLAs per 100,000 citizens compared with Wales or Scotland, but that is not a criticism.
- It reflects the representative role and the scrutiny and functional roles of the Northern Ireland Assembly. We have five councillors per 100,000 people, compared to fewer than seven in Wales and just fewer than four in Scotland. We need to look at that in the round. It cannot be a managerial, functional review, in our respectful opinion.
211. What is critical is that it is not just the numbers; it is the democratic scrutiny role of you, as elected members, and what your Departments and portfolios do. NILGA believes that there is sufficient political capacity at local level, benchmarked against Scotland and Wales, which is not being utilised.
212. As you know, in Wales, there are fewer AMs because local government fulfils more functions. NILGA realises that the review is primarily about the Assembly and Departments, but we have suggested, again respectfully, the question of how many MLAs and Departments is only two dimensions of a three-dimensional issue. The nub of the matter remains democratic representation and best methods of public service delivery wherever we are in the public service or tiers of government. We feel, as, no doubt, you do, that numbers are part of the menu, but they are not the means to the end.
213. We also assert that having established stable government, subsequent to devolution, we should logically and sequentially have greater subsidiarity; in other words, move dynamically to what should be delivered regionally and locally, benchmarked against what local services are delivered in jurisdictions a few short miles away, in the Republic of Ireland and Scotland to give two examples. We feel that that should be part of the review, but we are also very conscious of the mechanics of such a review, and we respectfully suggest that the focus of it should be on the whole system.
214. I also do not believe that our association is going to offer criticism for criticism's sake. No; we can help. We want to be part of the solution, having

- ourselves a vision for local government that is rooted in innovation, increased competencies, modern investment, increased integration, credibility and confidence. Northern Ireland, we believe, needs its own unique form of localism, not a version that suits an academic, Mr David Cameron, or a Whitehall mandarin. Therefore, the absence of a delivery plan for localism in Northern Ireland is a gap that we can fill and which should be associated with the substance of this review.
215. Mr Chairman, as requested, we have provided you with a five-point summary of our response, which covers the statutory link between Westminster and the Northern Ireland constituencies. Again, we are asking for that to be looked at with a view not to today but to the next electoral period, 2015, when 11 councils will energetically emerge. Again, we respectfully suggest that we have covered the fact that good business and democratic scrutiny must bring into focus the ability of 96 or potentially fewer MLAs to be excellent constituency and corporate Members, which you are and can continue to be, provided that you are not over-bureaucratised, dying in sea of attendance and meeting requests, PowerPoints and back-office officialdom.
216. We know that we need institutions, Mr Chairman. We are simply saying that the institutions are a means to an end, not an end in themselves, and we assert the need for an inclusive, representative and functional Assembly and believe that your representativeness and inclusivity would be served by reducing the ratio of service provision between Assembly and councils, as we say in our submission. We would be content to commit constructively and impartially to an evidence-based discussion with the Assembly and Executive Review Committee on how to achieve a win-win in that regard.
217. We believe that our summary hopefully also covers the issues of looking at options for how to reduce the number of Departments. We believe that the number of Departments will, inevitably, be reduced, and we have covered how they can function differently, perhaps on a cross-cutting basis and on the platform given by the Programme for Government itself and its 10 key platform elements, rather than Departments servicing one Minister. We put those options up for consideration, because we are also a protocol organisation and our executive and full members have to approve it. However, we were asked to provide interim evidence, and we hope that we have done so.
218. Mr Chairman, we will not stick our heads in the sand on this issue. We have offered that Programme for Government/departmental menu in our submission. I will not read the detail out, because you would not want me to and time does not permit, but I hope that that menu whets your appetite.
219. Our interim evidence may well be the first cut of a delivery relationship that we seek with you. As befits any transformation, you need evidence, resources, partners, solutions and sustainable outcomes, which are timetabled, again noting the urgency of the Committee in earlier comments, plus a task-and-finish approach from day one. We can contribute to all of those. We acknowledge the access that we have to devolved Assemblies, to our Local Government Association (LGA) partners in the UK and the Republic of Ireland, as well as regimes in places such as the Netherlands, where 85% of the public purse is outsourced. However, I do not propose that we go Dutch. If we do not look after the customer, the customer will, of course, find someone else to look after them. NILGA is looking at how we do business as a client of councils, and this review, we respectfully suggest, can be equally customer-facing. We would like to help if possible. Our president will conclude.
220. **Councillor E Robinson:** To conclude, Mr Chairman, I commend the Committee for seeking such an inclusive review as your call-for-evidence paper suggests. NILGA believes that a whole-system approach to the review gives a once-in-

- a-generation opportunity to recast our representation and our public service provision, together with the mechanisms that purport to deliver them. It is because of the real opportunity that we have as a representative development body for councils and as the voice of local government that we offer interim evidence today. Let me add that we hope to be back, not in this format perhaps, but as review delivery partners and also through our call for local government representation on a new, cross-departmental Executive co-ordinated partnership forum, for which we have high hopes in terms of designing legislation, service modelling, negotiated transfers of functions and resources, fiscal planning and sustainable delivery of all of the public services that are democratically scrutinised by you the MLAs, and by councillors. That is not necessarily a panacea. Joined-up, impressive, two-tier, effective government is NILGA's 20/20 vision. We will endeavour to answer your questions, and thank you again.
221. **The Chairperson:** I thank you both for presenting to members. At the outset, I had better declare that I am a member of Craigavon Borough Council. Do any other members want to declare an interest?
222. **Mr Dickson:** Yes; I am a member of Carrickfergus Borough Council.
223. **The Chairperson:** Thank you. I am going to open it up to members in a moment, but can I first ask you a question in relation to decoupling? It seems from your submission that a primary concern is that if Northern Ireland were to decouple from Westminster constituency boundaries it would be an added layer of complexity to the existing arrangements. You highlight a potential alternative to align the Assembly to the 11 new council boundaries. Can you elaborate on the advantages of such an alignment for members of both elected bodies?
224. **Mr McCallan:** I suppose the options we provided, although they still have to be developed fully, are simply to allow that constructive "what if?" alternative methods are there. We see in other jurisdictions the link between the MSP, the councillor and then the wider Westminster role. We are simply putting that up for debate, mindful that the review calls for evidence. We are not wedded to a particular philosophy. We are simply saying that the present system and decoupling have to be looked at to best suit not so much the politician or agencies but those who vote for us all, and that linear look at the different tiers of government. We do not have a particular firm policy but we believe that it should be looked at, as was done in other devolved Assemblies prior to the decoupling elsewhere.
225. **The Chairperson:** If the alignment were to be between the Assembly and the new councils, have you any thought around the numbers?
226. **Mr McCallan:** In terms of numbers of —
227. **The Chairperson:** Of Members of the Assembly: six per constituency at the moment.
228. **Mr McCallan:** Comments have been made about having slightly fewer than that. You cannot have four-and-a-half representatives, but four or five. The point we were making in our detailed submission is that the Assembly will settle on just how democratically representative you need to be as a number of MLAs, because we know that the 96 could potentially be reduced further. Wales and Scotland have two to two-and-a-half Members of the devolved Assembly per 100,000. Here, there is almost three times that.
229. We are not saying that you need to get down to Wales and Scotland levels. What we are saying is: look at the role of the elected Member, which you know better than us or anyone. Decide on a minimum number and then you start looking at the number per district electoral area with regard to boundaries and constituencies. What is it that you want to do? In business analogy, you will not hire 12 staff unless you are absolutely sure that there is a market and product.

230. **Mr McDevitt:** I thank NILGA colleagues for their presentation. I am curious about a couple of things you raised. You kind of offered a nine-departmental model. I suppose I should not read that as you favouring nine Departments but as you arguing that we should design Departments around need rather than a predetermined number. Is that a fair observation?
231. **Mr McCallan:** Yes. I know it is a cliché but it is really about being totally customer facing. There is a constituent appetite for service being the primary thing. We are saying that, again looking at models elsewhere, you can look at a family of services and at the Programme for Government, as is the case in Wales.
232. We are also offering options on the role of junior Ministers and cross-cutting services so that you are serving not the institution or the silo that creates it, but the customer. There is, of course, a difference between a political institution and a business, but the political institution and a contemporary businesslike approach to its delivery of services warrants enlightened debate.
233. **Mr McDevitt:** On page 12, you talk about a new burdens doctrine such as that which exists in England. Could you explain to us, because it is new concept for this Committee, what that is and how it can potentially work here in Northern Ireland?
234. **Mr McCallan:** The new burdens doctrine exists as a platform for central and local government to develop their services, and the associated transfer of functions up and down that central/local tree. There is quite a simple two-page template that states that if you are proposing to offer, for example, welfare of animals from a given Department to a different entity, you do so by legislating for it, implementing a partnership on design and delivery cost, making sure that all the checks and balances are in place, and then develop that through your regional and local government and, in the case of Whitehall, central government. In other words, you anticipate the service plan before you transfer it.
235. That new burdens doctrine does not exist here, and we feel that there is an unhealthy tension between the two tiers of government and, perhaps, an unfair criticism on one side or the other that we do not want functions and the Assembly does not want to give up functions. I do not think that that is the issue. I think that if you have a proper protocol and a dynamic task-and-finish approach to that, you will basically serve the customer, not either institution.
236. **Mr Campbell:** I just want to seek clarification on an issue that you raised, Chairman, about the issue of size. I understand, given the political complexity of NILGA, the difficulties that that presents for the organisation. In the first paragraph of the response summary — it is in the first paragraph rather than in the second — you say that reduction:
- “could also impact negatively on the involvement of smaller parties in the Assembly’s mechanisms.”*
237. Is that a reference to the internal working of the Assembly after the election or to smaller parties’ involvement in respect of getting elected in the first place?
238. **Mr McCallan:** It is not about getting elected, in my view. It is about when a mandate is offered through the ballot box. The 10 principles of public life look at inclusivity, and all our party leaders and our president, Mrs Robinson, were looking at the need for inclusivity so that there is not a left-out approach. However, it would be after the decision is taken by the electorate. I hope that that gives some clarity.
239. **Mr Campbell:** I assume that the linkage with the Westminster number will remain and the number of constituencies will go down from 18 to 16. Forget about the reduction of six Members that you go into in the second paragraph. I am trying to get my head around how going down to 16 would impact on smaller parties

- in the mechanism of the Assembly after the election is over.
240. **Mr McCallan:** In developing our evidence, we understand that the most important principle of representation and the involvement of all who are elected is inclusivity. How that is managed is a difficult point, but, when developing our evidence, we will be happy to provide a more substantial definition of that. At the moment, all we are saying, mindful that we had a short period of time to prepare all this, is that alignment with the Westminster boundaries will have the effect of reducing the number of MLAs, as we know. That may find some public support but could also impact negatively on the involvement of smaller parties in the Assembly's mechanisms. We need to develop that point and explain it more fully, but I am certainly looking at it from the point of view of after the ballot box and that, when you are in, inclusivity is key.
241. **Mr Campbell:** That is really what I was trying to get at. So, in shorthand, that reference is simply a plea for the continuation of inclusivity, whatever the size?
242. **Mr McCallan:** Yes. Our president may wish to comment, but when the five political leaders got together at very short notice a couple of weekends ago and we were looking at this, there was a sector response to that, rather than a party response. Would that be right?
243. **Councillor E Robinson:** Yes. We were certainly coming from a local government point of view and we were also aware that a reduction in numbers could perhaps skew the overall representation. That was something that we were concerned about. We felt that the inclusivity within a smaller number would have to be very effectively maintained, and that room for that within the mechanisms of the Assembly workings would have to be given very close scrutiny and examination.
244. **Mr Beggs:** Thank you both for your evidence. I notice that, on page 2 of the written document you provided, the interim evidence that is presented is not yet corporately approved. Will you clarify what level of approval this document has within NILGA?
245. **Councillor E Robinson:** The document was looked at by the office bearers. The time schedule that you gave us did not permit us to put it to either the executive or the full membership, because your dates preclude ours. Our executive does not meet until Friday. That was why all five office bearers who represent the five political parties and the officers detailed it. The final version has had scrutiny and negotiation, and it is the final output of the five officer bearers, who represent the political parties.
246. **Mr Beggs:** Thank you. Going back to the idea of a family of services linked to the Programme for Government, which you seem to be advocating to a degree, will you advise us of what evidence there is of that structure working effectively and, for it to be adopted in Northern Ireland, working effectively in a coalition situation? Is there evidence of that elsewhere?
247. **Mr McCallan:** There is in Wales. There are cross-cutting Ministers and junior Ministers transcending particular Departments and looking at a family of services. For example, that is the case with the Department for Environment, Food and Rural Affairs (DEFRA) and in areas like local government and the European Union, where you are not looking at a particular departmental portfolio but at a service one, as referred to by a previous member.
248. I also want to make the point for the record that the chair of the Society of Local Authority Chief Executives (SOLACE) has also affirmed the interim evidence, believing as he does that it is a very compelling review that requires proper comment. To get back to your question on the family of services approach, I see the Programme for Government as a corporate plan and, in order to be delivered, that corporate plan must have versatility rather than

institutions dictating the line of travel. If you look at Europe, local government and communities, those three come together, as is the case in Wales, and there is a portfolio that cuts across Ministers.

249. **Mr Beggs:** Are you advocating it in certain areas, or for the complete current departmental structure?
250. **Mr McCallan:** I suppose that, in order to take a whole-system approach, you need to look at certain areas, particularly areas such as regeneration. I do not think it is a sensible use of service and resources if you have, for example, a social investment fund from a Department of £80 million, DSD and councils, and the third sector, if I may call it that, drawing down grant aid from DARD to look at things where area plans, consultation, officer involvement and budgets do not complement but collide.
251. It is important to be very opportunistic, in a positive sense, so you look at some of the areas where there can be reform, not rationalisation, where you are not changing bits of the jigsaw but are actually changing the whole canvas. Regeneration, urban development and rural development are examples that, hopefully, provide an illustration.
252. **The Chairperson:** I do not see any indication of further questions. Thank you for coming before us this morning.
253. **Mr McCallan:** Thank you very much.
254. **Councillor E Robinson:** Thank you very much.

20 March 2012

Members present for all or part of the proceedings:

Mr Stephen Moutray (Chairperson)
 Mr Pat Sheehan (Deputy Chairperson)
 Mr Roy Beggs
 Mr Gregory Campbell
 Mr Pat Doherty
 Mr Simon Hamilton
 Mr Raymond McCartney
 Mr Conall McDevitt
 Mrs Sandra Overend

Witnesses:

Mr Trevor Reaney *Northern Ireland*
 Mr John Stewart *Assembly Secretariat*

255. **The Chairperson:** Members, for this oral evidence session, we have Mr Trevor Reaney, who is Clerk to the Assembly/ Director General of the Northern Ireland Assembly, and Mr John Stewart, who is director of clerking and reporting. I propose to ask the Committee Clerk to speak to his memo and to highlight the papers for this session.
256. **The Committee Clerk:** Mr Reaney has provided the Committee with a detailed response to its review. It includes a cover letter and Mr Reaney's specific views on some of the key issues in the Committee's call for evidence paper. His views start at page 11 and run through to page 19.
257. **The Chairperson:** If members are content, we will ask Mr Reaney and Mr Stewart to join the meeting. You are both very welcome. Neither of you is a stranger to anyone here. When you are ready, feel free to begin.
258. **Mr Trevor Reaney (Northern Ireland Assembly Secretariat):** Thank you very much for the opportunity to make a submission to the Committee's review and to address the issues contained in it. I should say at the outset that decisions on the size and structure of the Assembly are for politicians to make as part of the democratic process.

However, as professional parliamentary staff, I hope that we can make a contribution to your deliberations.

259. I do not propose to rehearse the detail of my submission, but I wish to highlight a few issues and make a few general points. My first general comment is on the importance, when considering matters of strategic significance such as those faced by the Committee, of focusing on opportunities to improve our democratic and governing institutions. In my view, it would be wrong if cynicism and scepticism about political institutions, Governments and politicians were the drivers for how we design and reform our institutions, and it would be wrong if cutting the cost of government were a primary focus.
260. I have no doubt about the value of these institutions or the role that they have played and continue to play in creating a peaceful, prosperous and stable society. I am sure that they can be improved and that efficiencies can be made in the current economic climate. However, it is vital that as we change and reform our institutions, a focus is retained on the critical role that they play in generating opportunities for economic development, creating employment, ensuring efficient and effective public services, and promoting and protecting the health, safety and well-being of all the people of Northern Ireland.
261. Politics, politicians and democratic institutions are the vehicle through which we make collective decisions and govern our society. Too often, the benefits of the political system are lost in the cynical and, at times, uninformed opinions that seem to predominate in public comment and debate. Therefore, I am pleased that some have recently spoken in defence of the political system. They include the director of the Institute for Government, Peter Riddell, whose recently published book

- is entitled 'In Defence of Politicians (In Spite of Themselves)' and Professor Matthew Flinders of Sheffield University, whose book 'Defending Politics' will be published next month. More of those voices need to be heard in this debate.
262. **Mr Campbell:** I take it that it will not be a bestseller.
263. **Mr Reaney:** That remains to be seen.
264. In relation to the specific questions posed by the Committee, I am of the opinion that the main implication of the Parliamentary Voting System and Constituencies Act 2011 and any further reduction in the number of MLAs will be a reduction in the amount of Member time available to undertake parliamentary functions. Unless changes are made to Assembly structures and processes that maximise the contributions that Members make to key parliamentary roles and enable Members' time to be used to the greatest effect, that is likely to reduce the capacity of the Assembly and its Members to deliver the full range of functions of the Assembly. That is likely to require significant reform of our current arrangements and careful consideration by Members of how they balance their various roles and prioritise the work that they undertake.
265. The size of the Assembly is only one of many factors that should be taken into account in determining whether the role and functions of the Assembly can be delivered effectively. Other such factors include the power of the Assembly and this Committee; the representativeness of the Committee system; the operation of parliamentary procedures; the resources available to the legislature; and the relationship between the Assembly and the Executive. Additionally, a range of organisational and management issues will impact on performance.
266. Another factor that should be considered in deciding the size of the Assembly is the wide scope of matters devolved to the Assembly and the Executive. Following the devolution of policing and justice, the Assembly is responsible for considering a full range of devolved matters. That will be unaffected by any decision on the number of Departments but it may be affected by other ongoing discussions about the further devolution of powers, such as taxation. It is, perhaps, unlikely that there is any obvious optimal size for the Assembly. So the judgement of the Committee is likely to involve ensuring that the combination of solutions that it proposes for the number of Members, how the Assembly organises itself, the procedures and systems that it adopts and the resources and expertise available to support Members, will enhance and support effectiveness.
267. I want to turn to the issues of litigating and the impact that reducing the number of MLAs will have on the effectiveness of the Assembly in delivering its functions. I think that this is a crucial area. Members have been engaged in valuable representative, scrutiny, policy development and legislative work, and as a new and evolving institution, the Assembly has been changing its processes and procedures to support more efficient and effective operations. However, there is always room for improvement. In the context of a smaller Assembly, it is my view that significant reform will be required if we are to sustain and improve its effectiveness.
268. A wide range of issues should be considered as we seek to make the most effective use of Members' time, experience and expertise. For example, seeking to work effectively with the Executive to plan and manage plenary and Committee business effectively will become ever more important. Investing in the further development and enhancement of the skills of Members and their staff would also seem to be a basic area for attention.
269. As the Committee has quite rightly identified, perhaps the area to which most attention will need to be given, as we sustain effectiveness, is the Committee system. Therefore, I suggest that a reduction in the number of Members should result in a detailed

- review of the Committee system, including all types of Committees. Such a review would address a number of issues, particularly in the expected context of fewer Statutory Committees with wider scope and, perhaps, fewer Members. Consideration should be given to what needs to be done to enable Committees to retain control of their agenda. Would specific Committees be required to undertake detailed scrutiny of budget and expenditure and/or lead on external liaison and European scrutiny? Also, might it be necessary to consider new innovations within the Committee system to enable the public to put the issues of importance to them on the Assembly's agenda? Is action required to enable Chairpersons of scrutiny Committees to assign more time to that role?
270. Finally, Members will appreciate that any discussion on streamlining the Assembly and its structures will have an impact on its staff, who are already having to deal with significant budget reductions and provide a wide range of essential and well-regarded services. The Assembly is well served by them, and I wish to see the Assembly Commission's vision of being at the forefront of providing outstanding and progressive parliamentary services being built on for the benefit of the institution and its Committees.
271. In the paper, I have included further suggestions relating to Committees, but, perhaps, at this stage, I should conclude. I am, of course, happy to answer any questions that members may have. Thank you.
272. **The Chairperson:** Thank you for that. I will open the meeting to members' questions in a moment. Your response refers to a number of possible changes to the Committee system. Of those, which two or three would you prioritise to contribute significantly to sustaining the Assembly's effectiveness with a reduced number of MLAs?
273. **Mr Reaney:** I mentioned in my response a review of the Committee structure. Although there is a legislative linkage between a Statutory Committee and a Department, no such restrictions apply to Standing Committees. That area warrants some early attention to determine not only how it can be streamlined but whether it can be improved to enhance the work of the legislature. Other institutions, for example, have European committees or specific budget scrutiny committees, and there are other models that might be of value.
274. I will go back to the point about Members' time and the number of MLA hours available. There is a danger that all sorts of demands and pressures will squeeze important issues off the agenda. Committees need to consider how they structure their agendas to enable them to respond to the legislative demands of the Executive while having time for scrutiny and engagement with the public and the electorate.
275. Therefore, the two issues are a review of Committees, including Standing Committees, and how Committees conduct their business and prioritise their work.
276. **The Chairperson:** Similarly, outside the Committee system, what are the top few changes that you would like to be brought through?
277. **Mr Reaney:** I think, Chair, that you would judge many of these issues in relation to the number of MLAs and how they conduct their business. Many of the issues are political, and I would hesitate to stray into those, but I will come back to the issue of time. Obviously, Members spend a large amount of their time on constituency work. There could be some consideration of how Members prioritise and schedule work according to the days on which there are plenary sittings, the days on which Committees sit and the days available for constituency work. An examination of that in the wider context might assist Members in making best use of their time.
278. **The Chairperson:** On page 18 of your submission, you comment that a

reduction in the number of Departments is unlikely to affect:

“the legislative and policy output for consideration by the Assembly”.

279. Will you elaborate on that?

280. **Mr Reaney:** It is, perhaps, an obvious statement of fact that the delivery of public services and the requirements to govern our society will be unchanged by the size and structure of the Assembly. The public services being delivered will be the same, and the legislative responsibilities of the Assembly will be the same. The scope will not diminish. Indeed, some additional responsibilities may be tasked to the Assembly in the years ahead. So the volume of work to be tackled will not change. The number of Members available may reduce and, therefore, how they go about their work needs to be better prioritised and more streamlined.

281. **Mr McDevitt:** Thank you, Trevor and John. Trevor, it is noticeable that you focus more on what we do than on how many of us are doing it, if you follow the logic of my argument. To me, the most interesting stuff in your submission is on the Committee structure. You make a specific recommendation on the possibility of Committees being able to make amendments during Committee Stage. Will you talk us through how that happens in other legislatures?

282. **Mr Reaney:** Other legislatures have a facility to make amendments during Committee Stage, which reduces subsequent plenary activity. Some might, perhaps, view that as a more effective way to consider, debate and discuss amendments to legislation rather than doing so on the Floor of the House, which is a much more structured and formal setting. Other legislatures derive benefits from that. John, do you want to provide more detail on that?

283. **Mr John Stewart (Northern Ireland Assembly Secretariat):** It is a matter of trying to make the most effective use possible of Committee time when a Bill is at Committee Stage. As members know, a huge amount of work goes into

the scrutiny of Bills in the Assembly, and we want to make sure that there is every opportunity possible to make best use of that scrutiny and to make sure that the Bill gets to the Floor of the House in the most appropriate way. We want to look at that in a bit more detail. Perhaps, we could provide the Committee with a more detailed written response on how that is dealt with in other legislatures because, as Trevor said, it is well worth further consideration.

284. **Mr McDevitt:** You talk about us organising our time better. That is an institutional observation and, probably, a personal one for all of us. However, do you see real opportunities in the way that we schedule the week’s business here to make things more efficient and to make sure that when we are here, we do more legislative work and get distracted a little less by other duties? If so, what are the two or three biggest opportunities for positive change in the organisation of business in the short to medium term?

285. **Mr Reaney:** One of the instincts of an elected Member is to respond to everything that comes through his or her door or postbox, and that is then reflected in the work of Committees through the volume of material, submissions, correspondence, witnesses, and so on. There has to come a time when members say, “That is interesting, but we will not invite that witness”. Alternatively, perhaps the Chair of the Committee could sift through submissions so that only the most important issues come to the attention of the Committee. The management of the volume of activity is important.

286. The holy grail is prioritising work. How do you prioritise the issues on which you should spend your time? In every walk of life, whether in managing organisations or in the political world, we all struggle with deciding what are the important issues. We need to have the ability to say, “No, we do not have the time to deal with that because it is not a high enough priority”. I appreciate, Chair,

- that that is difficult when those on the receiving end of that answer are those to whom, ultimately, you look for future political support.
287. We could explore those issues further and do more research. We could look at examples of how Committee agendas in other places are more streamlined and how the volume of lower-level issues are screened out and do not appear before Committees.
288. **Mr Stewart:** At the beginning of the Assembly, the one-size-fits-all approach to inquiries was labour-intensive and time-intensive. In recent years, our Committees have become more innovative about the way in which they undertake their work and inquiries. We want to encourage even further innovation so that we cut our cloth to fit the time available, particularly the Member time available to undertake inquiries, for instance.
289. **Mr Campbell:** I appreciate and understand fully the political implications of changes to the size of the Assembly, and I understand what you said about that, Trevor. Some will say that cost savings are important and others will say that they are less so, but, whatever importance we attach to that, it is important that we know the amount that we are attaching that level of importance to. If 18 constituencies were reduced to 16 and if the number of Members representing each constituency was reduced from six to five, thereby reducing the total number of MLAs from 108 to 80, one presumes that there would be a 28-times saving of salary, office cost expenditure and travel costs. My reckoning is that that would save around £3,250,000. I take it that that is factually correct.
290. **Mr Reaney:** One issue that we cannot prejudge is what, by that stage, the Independent Financial Review Panel might say about Members' salaries and the office cost allowance. Based on the current position, the sorts of direct savings you mentioned would accrue; yes.
291. **Mr Campbell:** If you add £69,000 in office cost expenditure to £43,000 or £48,000, you come up with around £112,000, which, multiplied by 28, gives just over £3 million, and then travel costs.
292. You said that "significant reform" would be required. Was that phrase in relation to some of the questions you answered earlier or was it about something else that you have not yet mentioned?
293. **Mr Reaney:** It is in the context of all the issues that I mentioned, including reviewing the Committees, the use of Members' time and prioritising work. A continuation of the current system is not doable with a significantly reduced number of Members. There needs to be change, and that is what I was trying to highlight. I do not have anything additional to what I have commented on or put in my written submission.
294. **Mr Campbell:** My last question goes back to cost. I know it is hypothetical, but if there were 96 or 80 MLAs, is it correct to say that there would be some savings that are more difficult to quantify in respect of the staffing required to service 80 or 96 Members, rather than 108? I am thinking about finance, IT and other areas. Is that possible to quantify?
295. **Mr Reaney:** It is, ultimately, possible to quantify. The Assembly Commission has not yet got into that; its position is to wait to see what the political decisions are. If those decisions are made during this year, there will be at least a two-year lead-in to plan and make those arrangements. The point that I was making in my remarks and in the written submission is that there is the opportunity to use some funds to invest in the effectiveness of the institution. During a recent visit to the Welsh Assembly, I was impressed by the establishment of a team of four staff who are working full time on the professional development of Members and their staff. That is a significant investment on that aspect of trying to enhance the effectiveness of the Welsh Assembly. We, the Assembly

- Commission and Members collectively need to consider whether there are such issues where investment of resources would be helpful in the longer term. On your basic point, I expect there to be savings. It is a question of how much those might be and whether any savings can be better used to enhance the work of the Assembly.
296. **Mr Beggs:** Thank you for your presentation. I want to address the practicalities and outworkings of the Committee system in the context of a reduced number of Members. The number of Members on Committees could be adjusted appropriately so that we could keep roughly the same model with a smaller number of people, or we could reduce the number of Committees and have a higher number of people. What evidence have you gathered from elsewhere that shows that if a Committee gets too small, it can lose a certain amount of its critical mass and, I dare say, its experience in challenging those who come before it?
297. **Mr Reaney:** The Research and Information Service has provided the Committee with various research papers that look at numbers in other places. Is there an ideal size for a Committee? I think that the answer to that is no. It depends very much on the range of work to be done and how that is approached. Is it as low as five, as high as 15, or anywhere between? Those judgements need to be made in the round but taking account of responsibilities, the way in which the work is done, and so on. One of the issues that needs to be considered in a review of Committees is the number of them on which a Member might serve. That consideration relates to the amount of time that they spend in meetings, the amount of preparatory work that they are required to do, the amount of necessary background reading, and so on. It could perhaps be argued that if individual Members are focused on and immersed in a particular area of work, it might ultimately lead to a more effective Committee system. That is only a personal view.
298. **Mr Beggs:** You talked about the pressures on Members caused by how and when Committees meet, etc. Because they are at Westminster, some Members do not want to meet in Committee during the week. Others do not want to meet at certain times because some councils meet in the evening and others during the day. Do you agree that that seems to illustrate that some Members are not pressured by time?
299. **Mr Reaney:** Chair, I would not wish to stray into judging Members' use of time, other than to say that Members obviously have a range of demands on their time from a number of different sources. I think that it is for the Assembly and individual Committees to work out their own arrangements to suit the maximum number of Members.
300. **Mr Beggs:** Do you agree that it is unfortunate that because of time constraints, some Standing Committees and some Statutory Committees meet at the same time as the Assembly? As a result, even this morning, we cannot contribute in the Chamber. Do you agree that that is a practical problem?
301. **Mr Reaney:** In an ideal world, that should be avoided. However, it comes down to the competing demands on Members' time, and facilitating those in the best way possible.
302. **Mr Doherty:** Thank you for your submission. You talked about the demands and pressures on MLAs and the size and capacity of the Assembly. We have 108 MLAs and that is going down to 96. At what point would the effectiveness and capacity of the Assembly be affected by a reduction in its size? If we fell below 80 to 70 or 60 — whatever — at what figure do you think it would start to become dangerous in respect of the Assembly's capacity to do its work?
303. **Mr Reaney:** As I said earlier, I think that it is difficult to say. There is no obvious optimum size. Anecdotal experience from other places suggests that figures as low as 60 make it difficult to

- populate the necessary Committees. I am thinking of the example of the Welsh model. I hesitate to pin my colours to the mast by giving a specific figure. However, a figure as low as you mentioned — of 50 or 60 — would make it very difficult to operate the Assembly.
304. **Mr Doherty:** We are trying to make judgements about the best way forward and we have to take on board the issue of capacity to deliver. Any advice from you about not going below a certain number would be useful, although how you come to that figure is a different issue. You say that 60 is out; would 70 be out?
305. **Mr Reaney:** Chair, I hesitate to be drawn on a specific figure, other than to cite my anecdotal experience from another place. As you quite rightly say, it comes down to judgements, which are for Members rather than officials to make.
306. **Mr Doherty:** I am interested in your judgement — you have been around this place for a while and you understand it. I just want a sense of that, so we do not produce a report that affects capacity.
307. **Mr Reaney:** On a general point, the one thing that Members — and all of us — need to factor in is the amount of constituency time that Members have. A year or two ago, I visited a number of constituency offices to get a feel for what was going on in constituencies. It was very clear that there was demand for that service to be provided. My concern about reducing the number of Members is that they would be drawn further into that work, leaving themselves less available for plenary and Committee time. The fewer the Members, the greater the risk that there will not be enough Members around this table or in a plenary sitting to effectively debate and discuss Assembly business.
308. **Mr Doherty:** Trevor, you would make a great politician. [Laughter.]
309. **Mr Reaney:** I have good masters. [Laughter.]
310. **Mr Hamilton:** Trevor could not answer Roy's question. However, I reminded Gregory of a man who, when volunteering — or being volunteered — to serve on a Committee, said that he found the best size for a Committee was three, with two always absent. [Laughter.]
311. I have more of an observation for the record, rather than a question for Trevor. It picks up on a point that Roy made. We seem to be almost precious here about having days that are plenary days only and then Committee days and a constituency day. However, that is not the model that operates in Westminster, where Committees run concurrently on whatever days they sit. Any time that I have been in Leinster House, that has not appeared to be the model that they have either. They have Committee meetings on the same days as plenary sittings.
312. Whether folk like it or not, we are moving to reducing the Assembly to 96 Members as an absolute starter. Therefore, if you have the competing pressures that Trevor identified of increased constituency work versus the pressures here, and a desire to at least have a debate about what is the optimum working week in Parliament Buildings as distinct from in the constituency, it appears that that is nudging us towards at least contemplating more Statutory Committees and Standing Committees sitting on what we now term plenary days.
313. Chair, there may be a piece of work for us in looking at what is done in Westminster and Leinster House. That would be interesting. The Assembly has undertaken several reviews in the past, so we could draw on that experience. We seem to be quite protective of the model that we have here, which developed almost organically, but it does not seem to be what others do. The general public criticise the effectiveness of every democratic institution, but Westminster and the Dáil do not seem to be dysfunctional in any way because

- they operate their type of system. We might have to look at that.
314. **Mr Reaney:** An MP from another place might know about this better than I do but, in Westminster, not all elected Members serve on the Select Committees. Therefore, there is a capacity of non-Committee Members. We are different in the sense that all Members are committed to Committees.
315. It is a balancing act. We talk about plenary days and Committee days. However, there is no reason why, for example, on the same day, Committees could not meet in the morning, with a plenary sitting in the afternoon. Other places have different models of how best to manage time. It comes down to what Members collectively find to be the most suitable and beneficial model. We, as a secretariat, will do what we can to support Members in that.
316. **The Chairperson:** Perhaps we can have some research done on the points that you made, Simon.
317. **Mr Hamilton:** It would be an interesting area to look at.
318. **Mrs Overend:** Thank you for your response. I am sorry that I missed the beginning of it. I am thinking about the reduction of MLAs and how that would represent a reduction in cost. Do you think that there would be a direct correlation with the costs of supporting those MLAs? With a reduction in numbers comes an increase in responsibility for MLAs in this Building and in constituencies. Therefore, surely they will need additional support. Do you agree that there could be a direct correlation in that there could be, in fact, an increase in the number of civil servants to support MLAs?
319. **Mr Reaney:** As we touched on earlier, there is a direct correlation in that the direct expenditure on an MLA would change. I was careful not to say that there would be proportionate reduction in the other expenses because I do not think that that would be the case. There will be some reduction, perhaps as volumes of certain transactions to deal with issues might fall, but it is not directly proportional in my view. I think that there is an opportunity to consider investment that will sustain and enhance the future work of the Assembly. That applies equally to constituency work and the administrative support in the Assembly itself.
320. **Mrs Overend:** One example is that an MLA will have to cover a larger area. I will leave it at that. Thank you.
321. **Mr Beggs:** On the research aspect, Chair, I ask that you ensure that it covers the times that Westminster meets — four days a week — and monitors the numbers that are involved because that has a direct bearing on whether the rest of the House can do business.
322. **The Chairperson:** There are no further questions. Trevor and John, thank you for your attendance this morning.
323. **Mr Reaney:** Thank you. I wish you well with your review.

24 April 2012

Members present for all or part of the proceedings:

Mr Stephen Moutray (Chairperson)

Mr Roy Beggs

Mr Gregory Campbell

Mr Stewart Dickson

Mr Paul Givan

Mr Simon Hamilton

Mr John McCallister

Mr Raymond McCartney

Mr Conall McDevitt

324. **The Chairperson:** We will move on to the review of Parts III and IV of the Northern Ireland Act 1998 in the context of reviewing the size of the Assembly and the number of Departments. I advise members that the purpose of this is for the Committee to consider the written submissions that have been received to date on the Committee's review, particularly those of the political parties in the Assembly. I propose to ask the Committee Clerk to speak to the memo in today's members' pack, starting with the paper that has been circulated to members.
325. **The Committee Clerk:** In the papers that are before the Committee, members will find an updated summary analysis of the written submissions to the review, which includes a summary analysis of the DUP's written submission, which was received on 16 April and tabled at last week's meeting.
326. Members will recall that this summary analysis is structured to reflect the five key issues and associated questions in the Committee's stakeholder call to evidence paper. Members have also been provided with full copies of the written submissions from the political parties of the Assembly. The Ulster Unionist Party's submission was circulated to members last Friday, and the Alliance Party's submission was circulated to members yesterday afternoon. If any members do not have copies of those submissions, they will be available today from the Committee secretariat.
327. **The Chairperson:** I will now call on members to summarise their parties' views on the key issues in the Committee review. I will do so in alphabetical order, and as we do not have representation today from the Alliance Party, the Committee Clerk has agreed to sum up on its behalf.
328. **The Committee Clerk:** In its submission, the Alliance Party commented on all five issues in the stakeholder paper. On the subject of the statutory link between Westminster and Northern Ireland constituencies, the Alliance Party stated that it was aware of the arguments for and against decoupling and that that would be best dealt with through a meeting of the leaders of the political parties. It also stressed the need for simplicity and consistency in the outcome of those discussions.
329. On the second point, about the impact of the Parliamentary Voting System and Constituencies Act 2011, the Alliance Party supports the reduction in the number of MLAs that will come about because of that Act from 108 to 96. Indeed, it would be supportive of a further decrease by reducing the number of MLAs per constituency from six to five to provide the Assembly with 80 Members. The Alliance Party cautions against going below five Members per constituency.
330. On the subject of the reduced number of MLAs that are required to ensure the effectiveness of the Assembly, the Alliance Party states that there is no evidence to suggest that an 80-Member Assembly would be insufficient to ensure the effectiveness of the Assembly, particularly if a streamlining of Executive Departments happens concurrently. That would reduce, as the Alliance Party says, the number of statutory Committees.

331. On proposals to mitigate the impact of reducing the number of MLAs to maintain the effectiveness of the Assembly, the Alliance Party view is that the rationalisation of the number of Departments from 12 to eight should be undertaken and that that will decrease the number of Committees of the Assembly and maintain Assembly effectiveness.
332. Finally, on the question of the reduction of the number of Departments, the Alliance Party proposes an eight-Department structure. The details and make-up of those eight Departments are included in the Alliance Party's full submissions before members.
333. **The Chairperson:** We will move on to the DUP.
334. **Mr Hamilton:** Are we in closed session, Chair?
335. **The Chairperson:** Not as yet. We are briefly outlining the position of the parties, and we will then move into closed session and discuss it in more detail.
336. **Mr Hamilton:** Our paper is there. It is very clear, and it has been submitted several times. I can run through what is in members' packs if they want, but it would maybe be easier to go through the points in more detail in closed session in a more free-flowing discussion. Our positions are all in the paper, and they have been summarised accurately by the Clerk. If members wish to go over a point, we can do that now or later.
337. **The Chairperson:** OK. Conall McDevitt for the SDLP.
338. **Mr McDevitt:** I am happy to summarise the party's position. We believe that very serious consideration should be given to whether the statutory link between Westminster and Assembly constituencies is in the best interests of our region. We have raised previously the fact that there is nothing to say that, in future, the number of Westminster constituencies could not go back up again. Therefore, you would have a situation where the Assembly numbers could be forced down and forced up and then forced down and up again on a four- or five-year cycle to follow the vagaries of population spreads across the UK as a whole. That certainly would not be in the interests of this region and would not be conducive to political stability or to a good relationship between constituents and their public representatives at Assembly level. So, we would be very keen for this body, the Assembly and Executive Review Committee (AERC), to reflect on that and to speak with some authority on the matter in the report.
339. The implications for Northern Ireland in the Parliamentary Voting System and Constituencies Act 2011 are self-evident: there will be an automatic reduction of the Assembly from 108 to 96 Members should the Act become law. The further implication is that it leaves the question about the size of the Assembly only partially in the hands of this Assembly, because another part of the decision-making framework will remain, unless we take a decision to decouple, outside of our hands — something that we do not believe is necessarily in the best interests of this region.
340. We previously put it on record that it is the sense of those senior members of the SDLP who were involved in the negotiations leading up to the Good Friday Agreement that the purpose of going for coterminosity at the time was to avoid the inevitable delay that would have been necessary had we had to set up a boundaries commission in Northern Ireland to establish a series of constituencies. The advice that I have received from colleagues who served in leadership positions at that time is that it was a practical solution in order to get the Assembly up and running, rather than a point of fundamental principle.
341. As I said previously, the reduction in the number of MLAs from 108 to 96 is inevitable should the 2011 Act come fully into effect. That in itself is something that we will, obviously, accept, because it is inevitable. We believe that any future negotiations about the size of

- the Assembly should take place in the context of the Assembly reflecting on the best interests of this region.
342. The question of the size of the Assembly and its ability to scrutinise the work of the Executive is very important. The best advice suggests that anything below 96 would make it very difficult for MLAs to continue to properly scrutinise the current architecture of government, which raises the question around the number of Departments. We have long argued that it should not be a numerical debate, but one around need. We have recommended significant reform in the Office of the First Minister and deputy First Minister (OFMDFM), the creation of a single economy Department, a new Department for energy and sustainability, a new Department for learning and a community housing and local government Department.
343. We would like the discussions in private session elsewhere to focus on government designed around need rather than meeting some magic number of Departments. Those discussions should be conducted through the AERC, obviously. It is the only vehicle that should be debating these matters because it is the only Committee of the Assembly that is set up in statute and designed to review the work of the Executive. We are mindful of the fact that there has already been a departure from the number of Departments that is set out in the agreement and in the Northern Ireland Act 1998, because, of course, we now have 11 plus OFMDFM when the agreement's provision was for 10 plus OFMDFM.
344. That is as much as I want to say on the substantial issues, but I have one other point to put on the record. We have long believed that a review such as this should deal with the issue of nomenclature in the Office of the First Minister and deputy First Minister. We believe that this is an opportunity to agree to call that office what it is, which is the office of the joint First Ministers. I will leave it at that.
345. **The Chairperson:** OK. Thank you, Conall. I will move on and ask Raymond McCartney to sum up on behalf of Sinn Féin.
346. **Mr McCartney:** Like Simon said, our summary is there. If you feel that it needs to be read for the record, we can.
347. **The Chairperson:** If you want to leave it at that, it is OK. We will move onto the Ulster Unionist position.
348. **Mr Beggs:** We support the retention of the link between the Westminster constituencies and the Northern Ireland constituencies. The Westminster constituencies, which are still being finalised, have been designed to ensure equality of numbers, and, therefore, the current discrepancy in representation will be addressed. It would not be healthy to have the additional confusion that would exist if we had the new council boundaries, the Westminster boundaries and the Assembly boundaries, all of which, potentially, could overlap and cause difficulties. We wish to avoid that type of confusion for the electorate and we want to make things as simple as possible. At a different level, we think that retaining the originally agreed Westminster constituencies will help to ensure that our links to the rest of the United Kingdom continue and are not diluted.
349. When it comes to the change in the number of Assembly Members, we note that the legislation will automatically reduce the number of MLAs by 12. Indeed, I understand that the Boundary Commission was very close to reducing the number by 18 during its calculations. Rather than the number going back up again, it was very nearly reduced even further by the Boundary Commission, which will review it on a regular basis. If we were to deviate from the Westminster model, we would have to have another mechanism of regularly reviewing our boundaries and taking account of any population movements to ensure fair representation of the electorate in any additional constituencies that we create. For that reason, we want to try to keep things

- as simple and as efficient as possible. We favour retaining the Westminster boundaries.
350. We do not think that there should be any particular difficulties with the Assembly remaining effective with a reduced number of MLAs. As well as a reduction in the number of MLAs, we expect there to be a reduction in the number of Departments. A degree of flexibility could be created by adjusting the number of MLAs on Committees. It does not necessarily have to be 11; it could come down. Provided that all Members were committed to single representation and ending dual membership and, therefore, removing conflicts in Members' time due to council membership and Westminster membership, there should be no difficulty in maintaining quorums.
351. As regards moving forward in the Assembly, we feel that it is important that sufficient assistance and expertise is available to Committees to hold Departments to account. That means access to efficient research facilities and support in the Assembly, as Committees currently have.
352. The inclusive nature of the Executive was originally designed to ensure cross-community agreement and wide community buy-in. However, we do not think that that means that we have to stop at the current model. There are different means of enabling cross-community agreement to be maintained while moving towards more normal democratic structures. We argue that there should be an investigation of other mechanisms that require cross-community support but that would move us to a more normal democracy. At present, the electorate in an Assembly election generally expect the outcome to be the same parties represented in an Executive. In a democracy, it is important to enable a degree of adjustment to occur. We feel that we should move towards more normal democratic structures to enable that to happen.
353. Party leaders have been notified by OFMDFM about a number of issues for discussion. We feel that those areas should also be widened to this Committee. A dozen areas have been indicated in correspondence, and we feel that this Committee should have an important role in those discussions.
354. Regarding reductions in the number of Departments and associated functions, we have indicated that there should be a maximum of eight and are open to consideration of a lower number. We note that the independent review of the economic policy highlighted the need to create a department for the economy to spearhead our recovery. We feel that that should proceed as soon as possible and that we should not wait on other departmental decisions. We want to ensure that the economy is fully supported and that work on the ability to create and maintain jobs is proceeded with as soon as possible.
355. **The Chairperson:** OK, thank you.
356. Stewart, it was indicated to us that you would not be here this morning, so the Committee Clerk has outlined your initial position. Are you happy to leave it until the closed session to elaborate?
357. **Mr Dickson:** Yes. The document is available to the Committee. I am happy to take you through it, but I think that the document is perfectly self-explanatory.
358. **The Chairperson:** Members, I propose that we now move to closed session, to allow the Committee to consider and discuss in more detail the written evidence received to date on the review, particularly the five key issues set out in the Committee's call for evidence. Are members agreed?
359. **Mr Beggs:** Why are we going into closed session?
360. **The Chairperson:** To give members the opportunity to discuss this in more detail and see if there is a way forward around it.

361. **Mr Beggs:** Most Committees are in open session.
362. **Mr Givan:** No, they are not.
363. **Mr Beggs:** Most Committees I have been involved in are.
364. **Mr McDevitt:** When are they not in open session? The rule is we are in open session unless there is some confidential matter to be discussed.
365. **Mr Givan:** The Justice Committee went into closed session to discuss consideration of a scoping exercise it had done on the review of victims and witnesses' experiences of crime. That was only last week. If you want a precedent, there it is.
366. **Mr Beggs:** My experience of Committees, whether in council or the Assembly, is that there should be a specific reason for going into closed session; for example, confidential commercial information or something of a very sensitive nature. I want to hear why there is a need to go into closed session.
367. **The Chairperson:** Members will be aware that we want to agree a position towards the end of May or early June to try to move this on.
368. **Mr McCartney:** From my experience of this Committee in the previous mandate, I know that there were a number of occasions like this, when we went into private session because people perhaps felt freer to discuss some of the issues.
369. **The Chairperson:** I am content to leave it to members as to how we move forward on this.
370. **Mr Hamilton:** In previous discussions at this Committee, we have gone into closed session. Indeed, I recall that, in other Committees, when deliberating and seeking to agree a position, that is often done in closed session. Clearly, anything that the Committee would ultimately agree by way of a shared position would have to be done publicly. If members want to have as free-flowing and open a discussion as possible, it is not unhelpful to be in closed session.
- If members do not want to do that, that is fine, but I do not think that we will get as lucid a discussion on the issues as we would if we were in closed session. Last week, Gregory highlighted the point that has been made elsewhere: that these are issues that will ultimately be decided elsewhere, at a political leadership level. When they are having discussions about this, they certainly do not do it in public. I know that some people sometimes like to negotiate in public, but agreement tends to take place behind closed doors. Likewise, I think that, if we are scoping out these issues on behalf of others, that should be done behind closed doors.
371. **Mr Campbell:** We are not going into closed session to discuss something that we would just prefer was not in the public domain. The nature of the discussion is such that, whatever perspective any of us take, either of our own proposal or, more importantly, those of others, it will become fodder for Twitter accounts and the subject of discussion in the public domain. It is an exchange of views to try to get to a common position. I do not know why we would want to create some form of media interest in an exchange of position papers and the analysis of each other's positions, which, as we all know — as Simon and I and others have outlined and made clear on other occasions — is going to be decided in another room anyway. Do we want to raise, today and next week and every other week, media interest in what some people might regard as navel-gazing? It would get to the point at which I cross-examine Conall on what he said about the nomenclature that requires change. Why did he not do that in 1998, when the agreement was set up? I just do not see the point in that. It would be creating an unhealthy appetite for the media personnel about something that has really no substance. Where is it going to end? It would be preferable to discuss and get into the meat of each other's proposals here, come out the other side and let whatever follows beyond that happen.

372. **The Chairperson:** Are members content that we go into closed session?
373. **Mr Beggs:** I maintain the view that, unless there is something of a particularly sensitive nature, we should not be going into closed session. That is my natural instinct.
374. **The Committee Clerk:** That view can be recorded.
375. **The Chairperson:** Are you content that it is recorded?
376. **Mr McCallister:** My experience on Committees has been that closed session usually occurs when legal advice is being given or something particularly sensitive is being discussed, never for something like this.
377. **The Chairperson:** Are you content that it is recorded, then?
378. **Mr Dickson:** In part, I understand what colleagues are saying, and that is fine in relation to Committee business of the Assembly. This is somewhat different because it involves people looking around the edges of actual negotiation. It would be helpful to have those discussions, which will inevitably be fed back to the leaders, who will potentially be making the ultimate decisions and recommendations on to all of this, in private.
379. In public discussion, I am not in a position to go beyond what is written down. I would very much like to help and co-operate with my colleagues by answering questions and speculating with them in this Committee, but it is not necessarily helpful for that to take place in a public forum.
380. **Mr McDevitt:** While we are still in public session, I would like to tease out what Stewart just said for clarity. It is this body, under statute, that has the authority to review the Assembly and Executive structures, no other body. The party leaders have no authority: they are nonentities in statute, although they may be political reality. This Committee has a unique position.
381. **Mr Hamilton:** Some are greater nonentities than others.
382. **Mr McDevitt:** The only Committees of this Assembly laid out in the Northern Ireland Act 1998 are this one and the Public Accounts Committee. I am not going to be party to any process that is just a teeing-up for some behind-closed-doors negotiation. I will be party to a process that is consistent with the Standing Orders of this House and gives this House supremacy, not the Executive or the party leaders, and honours the statutory authority of this Committee.
383. There is a duty on all of us, as Members of this House and members of this Committee, to understand that this Committee has a unique role. We are not just sent here to exchange position papers with no authority to say anything else. If we have to do it in private session, I have no problem with that, but the point of this Committee is that it is meant to make recommendations to the House. I am not aware that the party leaders are in a position to write a report and make recommendations to the House. We seem to keep referring to this other group that is somehow going to do the work that this Committee cannot do when in fact statute, the Assembly and the motion in the Assembly require us to do the work in the first instance.
384. Some will think that is a pedantic point, but it is quite an important point from the point of view of accountability. I would not want to be party to the dilution of the standing of this Committee, directly or indirectly. I just wanted to make that point.
385. **Mr McCartney:** Again, referring back to the last pieces of work that the Committee did, which were the two reports on the transfer of policing and justice. There was a process in place for that. The Committee was the statutory place which anything that was going to the Floor of the Assembly came through. That is the process that we will follow here as well. That obviously means that there will be wider consultation in terms of parties and party instruction. I

have no problem with the primacy of the Committee, but there are other realities where we take party positions.

386. **Mr Givan:** If you are recording the pedantic point made by Roy Beggs, will you make sure that the comments as to why we are in closed session that were made by my colleagues are also noted so that people do not try to make petty points by saying that they recorded their objection to this without the rationale for our position also being included?
387. **The Chairperson:** Are members content that we move to closed session, albeit noting the reservations that some members have expressed?

Members indicated assent.

26 June 2012

Members present for all or part of the proceedings:

Mr Stephen Moutray (Chairperson)

Mr Roy Beggs

Mr Pat Doherty

Mr Paul Givan

Mr Simon Hamilton

Mr Conall McDevitt

388. **The Chairperson:** This session is in the context of reviewing the size of the Assembly and the number of Departments. I advise members that the purpose of the session is initially to consider items under part 1 of the Committee's review on the size of the Assembly and then to discuss part 2 on the number of Northern Ireland Departments. I propose to take each of these items in turn. I ask the Committee Clerk to speak to the memo in members' packs.
389. **The Committee Clerk:** The debate in the House on part 1 of the review is scheduled to commence at 5.05 pm today and has been allocated one and a half hours. The Chair will have 15 minutes to propose the motion, and the Deputy Chair will have 15 minutes to make a winding-up speech. All other Members who are called to speak will have five minutes. Of course, business could move in advance of that or lag behind. I remind members that issue 5 of the call for evidence paper asked for evidence on part 2. Issue 5 was the reduction in the number of Northern Ireland Departments and the associated reallocation of functions, which will ensure that the effectiveness of Executive functions is maintained. Members also have a paper on the very broad timeline for the review of the number of Departments. The intention is to report by the end of October. The timeline was agreed by the Committee in February.
390. Nineteen stakeholders have given a written response to the call for evidence paper. The intention is that, over the summer recess, the Committee secretariat will prepare a summary analysis of that evidence, which can be addressed immediately after the summer recess.
391. There are two papers on the initial discussions on what is done after October. One is a summary of the Assembly parties' priorities for the Assembly and Executive Review Committee (AERC) review. That was compiled in January 2012. To inform members on the business of considering the forward work programme, there is a copy of a letter from the Executive party leaders' group, which was considered by the Committee in April 2012.
392. **The Chairperson:** Do any members have questions?
393. **Mr McDevitt:** We are due to report in the autumn on our work on the number of Departments. Is it your thinking, Chair, that we will have the opportunity to have stakeholders in front of us again to discuss that issue specifically?
394. **The Committee Clerk:** Yes; that item is tabled for discussion a bit later in the meeting. Further written and oral evidence can be taken, but we have to be mindful of the fact that the intention was that the Committee will report in October. The Committee may wish to change its mind on that. We would have to be fairly swift if we were to meet that deadline.
395. **Mr Beggs:** It is always good to review the written evidence to see where there might be an area to take oral evidence. It is useful to have oral sessions, but we need to make best use of the time that is available.
396. **The Chairperson:** Members, in relation to part 1 of the review, I propose that we issue a media operational notice today simply to notify the press of the time of

the motion for debate of the report later today and to advise where the report can be accessed on the Assembly AERC web page. That is purely for factual purposes and to aid members of the public. Are members agreed?

Members indicated assent.

397. **The Chairperson:** In relation to part 2 of the review, I propose that we commission the Assembly's Research and Information Service to research current Department structures in the United Kingdom and the Republic of Ireland. Where possible, this would show the different approaches taken to reform departmental structures and the key factors that were taken into account. Are members agreed?

398. **Mr McDevitt:** Chair, will the research on the UK include the devolved Administrations?

399. **The Chairperson:** Yes.

400. **Mr Beggs:** Will it include how those structures deal with minorities in them?

401. **The Chairperson:** OK. Members, I also propose that we agree that the Committee secretariat, over the summer recess, compile and analyse the evidence that has already been received on issue 5 of the Committee's call for evidence paper on the number of Northern Ireland Departments, together with the Assembly research papers, all to be considered at the first Committee meeting following recess. Are members agreed?

Members indicated assent.

402. **The Chairperson:** We have already covered members' comments on whether the Committee wishes to receive further written or oral evidence. Are members content with that?

Members indicated assent.

11 September 2012

Members present for all or part of the proceedings:

Mr Stephen Moutray (Chairperson)
 Mr Pat Sheehan (Deputy Chairperson)
 Mr Roy Beggs
 Mr Gregory Campbell
 Mr Stewart Dickson
 Mr Paul Givan
 Mr Simon Hamilton
 Mr John McCallister
 Mr Raymond McCartney
 Mr Conall McDevitt
 Ms Caitríona Ruane

403. **The Chairperson:** Members, I note from the research paper that the Cabinet Secretary is responsible for advising the Prime Minister on Westminster machinery of government changes. I propose that, on that basis, the Committee ask a senior official from the Office of the First Minister and deputy First Minister (OFMDFM) to come before it to advise on what factors or principles should be taken into account when considering its review of the Northern Ireland government structures. Are members agreed?

Members indicated assent.

404. **The Chairperson:** Thank you.

405. **Mr Campbell:** It should be interesting.

406. **The Chairperson:** I now draw members' attention to two further papers for their consideration. They relate to written evidence received on part two of the Committee's review. A newly created document, 'Summary Analysis of Political Parties of the Assembly's Proposals on Reduction of NI Government Departments.'

407. **Mr Hamilton:** Snappy title.

408. **The Chairperson:** It is. This document reflects, in summary, individual party views on how Departments could be organised and structured. The summary

is presented alongside the current Department structures.

409. **Mr Campbell:** I just want to say that it is a good summary.

410. **Mr Hamilton:** Yes, it is very good.

411. **Mr Campbell:** Certainly, someone has done his or her homework. Have any parties or individuals said that they will come back to the Committee as they have not yet fully formulated their response, or is this the final package?

412. **The Committee Clerk:** That is the package. Indeed, the next document is a table with the wording of the parties' responses and those of some other stakeholders who responded. It refers to the detailed submission, and the red text captures all that. That is as far as we can take it from the evidence provided.

413. **The Chairperson:** The final document, members, is the 18 July statement from OFMDFM on, among other subjects, the structures of government. Members will, or may have, comments on these two summary documents or on the OFMDFM statement in the context of the Committee's reaching a common position on the reduction, and future structure, of Northern Ireland Departments. I, therefore, propose to ask, in alphabetical order, starting with the Alliance Party, a member from each of the parties represented on the Committee to speak on his party's position on how the Committee might reach a common position and what that might be.

414. **Mr Dickson:** Our preference is clearly set out in the document, where it has been neatly summarised. I will not bore you all by taking you through why we believe that there is a need to reduce the number of Departments from 12 to eight. We have given a strong indication of what we envisage the functions of

- those eight Departments being and how they would operate. That said, the Alliance Party is open to discussion about the precise split and is flexible about that discussion, although we think that ours are reasonable proposals on the basis of an assumption that there will be eight Departments.
415. Our only caveat is that if the Department of Finance and Personnel (DFP) went to OFMDFM, the urban and social development Department could be split, possibly into something like infrastructure and social development, which would create eight. One consideration that, perhaps, we and others have not taken account of is those functions that would transfer from Departments to local government, which we need to factor into the discussion. Essentially, however, our position is clearly laid out.
416. **Mr Hamilton:** Like Stewart, I do not think that we need to go too far beyond what is in the table. I think that Gregory and Stewart would agree that it is a very useful table in that it draws out where there is commonality among parties. It is good to see that the majority of those who provided a response have quite specific ideas. It is by no means a finished work right across the board, but there are many areas of commonality, which gives us a good starting point for the review. Our party position has been fairly consistent in that we believe that there are too many Departments. We believe that between six and eight Departments would be better than the present number. It is worth stressing that fewer Departments would mean more than cost savings. In the longer term, there would undoubtedly be cost savings, but, increasingly, both in our constituency work and here at Stormont, we see a lack of departmental joined-upness over the big issues. Flooding, for instance, is a big issue in Conall's constituency, as it is in other constituencies. That disjoint among Departments is highlighted in such situations. Fewer Departments is as much about the effectiveness of government as it is about efficiency.
417. **Mr McDevitt:** I join colleagues in thanking both the Research and Information Service and the Committee staff for their excellent papers; they are really helpful.
418. At the outset, I want to make an observation. Events over the summer at Westminster have an impact on this debate. The prospect of a reduction in the number of constituencies is now gone, which begs the question whether there will be a reduction in the size of the Assembly. That is worth noting, given that it is our first Committee meeting after the summer since we last considered those matters.
419. We have long argued that the debate should be about function and that the form should follow the function. Simon identified the many areas in which there is both inefficiency and a lack of joined-upness in government, and I broadly agree with him. We take the view that the number of Departments should be consistent with the mandate that the people gave at the time of the Good Friday Agreement. That would allow us up to a maximum of 11 Departments, which is fewer than we have ended up with after taking on the Department of Justice. We do not necessarily think that a small number of Departments is the solution. We are much more interested in, and would be much happier, if the Committee spent some time considering the functions of government and what functions could be better marshalled into certain places. Our position remains that we would probably like 10 Departments plus the Office of the First Minister and deputy First Minister.
420. **Mr Sheehan:** In principle, we are not opposed to a reduction in the number of Departments. Important issues such as efficiencies and the effectiveness of government should be on the table. We certainly look forward to future discussions on the issue.
421. **Mr McCallister:** Conall's point about boundary changes looking incredibly unlikely, and the size of the Assembly, could have a knock-on effect on the number of Departments. We

would suggest a maximum of eight Departments, either including or excluding OFMDFM, and we would not want to go over the figure of eight. We feel strongly about co-ordination on our key priority, the economy, and ensuring that we move to one Department of the economy. We are happy to discuss the issue about how we can reach agreement over function.

422. **The Chairperson:** On the basis of the Committee's discussions today, I propose that we continue the discussion at our next meeting. Members may wish to consult their parties further on their position on the review, and the Committee's discussion at our next meeting will be taken in open and closed sessions. Are members content?

Members indicated assent.

23 October 2012

Members present for all or part of the proceedings:

Mr Stephen Moutray (Chairperson)
 Mr Pat Sheehan (Deputy Chairperson)
 Mr Roy Beggs
 Mr Gregory Campbell
 Mr Stewart Dickson
 Mr Simon Hamilton
 Mr Raymond McCartney
 Mr Conall McDevitt
 Ms Caitríona Ruane

Witnesses:

Mr Ray McCaffrey *Research and Information Service*

423. **The Chairperson:** I ask Raymond McCaffrey from the Assembly's Research and Information Service (RaISE) to please come to the table. Thank you, Raymond. You are very welcome. You can commence when you are ready.
424. **Mr Ray McCaffrey (Research and Information Service):** Thank you, Chair. The Committee asked for some information on the cost of machinery of government changes. We were able to find two reports by the National Audit Office (NAO) and the Institute for Government that attempted to cost machinery of government changes with reference to Whitehall Departments.
425. I just want to make five or six very brief points, a couple of which are worth highlighting. The studies were carried out after the reorganisations had taken place. As you can see from the methodologies that are listed in appendix 1 of the research paper, it is a complex undertaking, and both the National Audit Office and the Institute for Government have put caveats into their reports. As you can see in the paper, one of the NAO conclusions was that:
- "The value for money of central government reorganisations cannot be demonstrated given the vague objectives of most such reorganisations, the lack of business cases, the failure to track costs and the absence of mechanisms to identify benefits and make sure they materialise."*
426. When the Institute for Government looked at this issue it believed that its costings were quite conservative since:
- "they do not include an estimate of disruption costs resulting from institutional memory loss, delivery risk or stakeholder relationship losses."*
427. It could be argued that that may not be as much of an issue in Northern Ireland, given that some of the Departments are still relatively young. However, with reference to Whitehall, the Institute for Government found that:
- "There is currently no regular or systematic information kept in Whitehall on the costs and benefits of departmental reorganisations."*
428. Looking at the conclusion to the research paper, I think that it is useful to highlight what the NAO said about all this not being an exact science. The paper states:
- "More accurate assessment of the costs of machinery of government change would ... require that the intended benefits of reorganisation are stated in specific measurable terms so that their later achievement (or otherwise) can be demonstrated; and that the planned and actual costs of reorganisations are separately identified within financial accounting systems so that costs could be managed and subsequently reported."*
429. The Finance Minister stated back in October 2009 that:
- "reducing the number of Departments from 11 to six would save tens of millions of pounds per annum on an ongoing basis." — [Official Report, Bound Volume 44, p65, col 2].*
430. It is unclear to us how that estimate was made, and I suppose we would conclude that is probably useful to ask for further information on how it was arrived at.

- The Departments themselves are best placed to provide that information, given that they hold all of it.
431. To conclude, any attempt to cost machinery of government changes is going to be very difficult unless you have a specific proposal of how a post-reorganisation landscape is going to look. Without that, it could be something of a guessing game. Thank you, Chair.
432. **The Chairperson:** Thank you. Do members have any questions?
433. **Mr Beggs:** This is not so much a question as a comment. I think that it is important that we actually find out how the estimates on the figures that are bandied about in Northern Ireland were arrived at. That is an important factor. There has to be an evidence-based solution that has been learned from other places, instead of our just randomly picking what we think is going to be better. Let us get a business case.
434. **The Chairperson:** OK. Raymond, thank you very much.
435. Based on what we heard today, I propose that the Committee write to the Office of the First Minister and deputy First Minister (OFMDFM) requesting information on any work that has either been undertaken to date or planned to estimate the initial costs, anticipated savings and effect on employment that would result from a restructuring of the Northern Ireland Departments. I propose that that request be issued following today's meeting, with a response requested for the next Committee meeting. Are member's content to follow that line?
- Members indicated assent.*
436. **Mr Beggs:** Can we also ask for evidence from the previous time that it happened? Those are the only real hard facts that will be available, and that is preferable to somebody making an estimate.
437. **The Chairperson:** OK. Are members content with that line?
- Members indicated assent.*
438. **Mr Hamilton:** When you say the "previous time that it happened", do you mean the expanse from six to 10?
439. **Mr Beggs:** Yes.
440. **Mr Hamilton:** So, they will all be cost, then?
441. **Mr Beggs:** Yes.
442. **The Chairperson:** Thank you.

13 November 2012

Members present for all or part of the proceedings:

Mr Stephen Moutray (Chairperson)
Mr Roy Beggs
Mr Stewart Dickson
Mr Simon Hamilton
Mr Raymond McCartney
Mr Conall McDevitt
Ms Caitríona Ruane

443. **The Chairperson:** We will move to agenda item 4, the review of Parts III and IV of the Northern Ireland Act 1998, in the context of reviewing the size of the Assembly and the number of Departments.
444. I would advise members that the purpose of this agenda item is to consider issues under part two of the Committee's review, which deals with the number of government Departments.
445. Members will recall that on 23 October, the Committee agreed to write to the Office of the First Minister and deputy First Minister to request information on costs, savings and the impact on employment from any de structuring of the Northern Ireland departments. A copy of this letter is included at Tab 2 of members' packs. To date, no response has been received other than an acknowledgement of the letter.
446. Are members content that we now proceed in closed session?

Members indicated assent.

20 November 2012

Members present for all or part of the proceedings:

Mr Pat Sheehan (Deputy Chairperson)
 Mr Roy Beggs
 Mr Gregory Campbell
 Mr Stewart Dickson
 Mr Simon Hamilton
 Mr Raymond McCartney

447. **The Deputy Chairperson:** We will move on to agenda item 5, which is the review of Parts III and IV of the Northern Ireland Act. The aim of this session is to allow the Committee to discuss and consider a final draft of its part 2 report on the review of the size of the Assembly and the number of Departments, and the draft motion for a debate on the report in a plenary session.
448. Members, I propose that we consider for agreement the final text of the draft report, section by section. Are members agreed?
- Members indicated assent.*
449. **The Deputy Chairperson:** Are members content with the covering pages and paragraphs 9 to 22 in the introduction section of the report?
- Members indicated assent.*
450. **The Deputy Chairperson:** Are members content with paragraphs 23 to 31, which cover the Committee's approach to the review section of the report?
- Members indicated assent.*
451. **The Deputy Chairperson:** Are members content with paragraphs 32 to 58, which cover the Committee consideration section of the report?
- Members indicated assent.*
452. **The Deputy Chairperson:** Are members content with paragraphs 59 to 91, the Committee analysis and conclusion section of the report?
- Members indicated assent.*
453. **The Deputy Chairperson:** Are members content with the executive summary?
- Members indicated assent.*
454. **The Deputy Chairperson:** Are members content with appendix 1 of the report?
- Members indicated assent.*
455. **The Deputy Chairperson:** Appendix 2?
- Members indicated assent.*
456. **The Deputy Chairperson:** Appendix 3?
- Members indicated assent.*
457. **The Deputy Chairperson:** Appendix 4?
- Members indicated assent.*
458. **The Deputy Chairperson:** Appendix 5?
- Members indicated assent.*
459. **The Deputy Chairperson:** Appendix 6?
- Members indicated assent.*
460. **The Deputy Chairperson:** Members, the final version of the report will be proofread for a final time before it is ordered to be printed. Are members content that the Committee secretariat makes any changes to typos and to the format of the report as and when necessary?
- Members indicated assent.*
461. **The Deputy Chairperson:** Any changes will have no effect on the substance of the report and will purely be for formatting and accuracy of text purposes.
462. Members, extracts of the minutes of proceedings and minutes of evidence from today's meeting will have to be included in the report. Are members content that I, as Deputy Chairperson of the Committee, approve the extract of the minutes of proceedings from today's meeting for inclusion in the report?
- Members indicated assent.*

463. **The Deputy Chairperson:** Are members content that the first edition of today's Hansard's transcript be included in the Committee's report, as there will be insufficient time for members to review the final transcript and provide comments?

Members indicated assent.

464. **The Committee Clerk:** We will use the first edition of the Hansard report.

465. **The Deputy Chairperson:** As with the part 1 report of this review, I propose that the Secretary of State, the First Minister and the deputy First Minister be forwarded a copy of the final embargoed report as soon as it is available. Are members content with that?

Members indicated assent.

466. **The Deputy Chairperson:** We now move to consideration of the draft motion for a debate on the report in a plenary session, which is included at tab 8. The Chairperson has indicated that he would prefer the motion to be debated on 10 or 11 December. That will be up to the Business Committee. Do any other members have views on that?

467. **Mr Hamilton:** On the date?

468. **The Deputy Chairperson:** I think the week prior to that —

469. **The Committee Clerk:** It is possible that the Committee could request that the Business Committee schedule the debate for 3 or 4 December. The Chairperson has a preference for 10 or 11 December, but, as always, the Committee is in the hands of the Business Committee in its scheduling. Do members have any preference?

470. **Mr Hamilton:** No, 10 or 11 December is fine. That is the week before recess?

471. **The Committee Clerk:** It is the last week, yes.

472. **Mr Hamilton:** That is fine.

473. **The Deputy Chairperson:** OK. In anticipation of the report being debated, a media operational notice will be drafted to be issued the week prior to

the debate. The notice will indicate the date of the debate and state that the report will be embargoed until the start of the debate. Are members content that a media operational notice to that effect be drafted and issued the week prior to the debate?

Members indicated assent.

474. **The Deputy Chairperson:** Finally, are members content that the Committee orders its part 2 report on its review to be printed following today's meeting and that hard copies be kept to a minimum in the interests of efficiency?

Members indicated assent.

475. **The Deputy Chairperson:** Are members content that a note be put to the Business Office today signalling that a manuscript copy of the report will be laid in the Business Office by close tomorrow?

Members indicated assent.

476. **The Deputy Chairperson:** I advise you that the report should be returned by the printer and distributed to all MLAs early next week.

477. **The Committee Clerk:** It could be the middle of next week.

478. **The Deputy Chairperson:** The report will, of course, be embargoed until the commencement of the plenary debate, the date of which will, hopefully, be confirmed by the Business Committee this day next week.



Northern Ireland
Assembly

Appendix 3

Stakeholder List, Stakeholder 'Call for Evidence' Paper

Stakeholder List

Political Parties of the Northern Ireland Assembly

- Alliance Party
- Democratic Unionist Party (DUP)
- Green Party (GPNI)
- Social Democratic Labour Party (SDLP)
- Sinn Féin (SF)
- Traditional Unionist Voice (TUV)
- Ulster Unionist Party (UUP)
- David McClarty, MLA (Independent)
- David McNarry, MLA (Independent)

Clerks of Relevant Parliaments

- Clerk/Director General of the Northern Ireland Assembly
- Clerk to the Welsh Assembly
- Secretary General and Clerk to the Dáil
- Clerk to the Scottish Parliament
- Clerk to the States of Jersey
- Clerk of Tynwald (Isle of Man)
- Clerk to the States of Guernsey

Academics

- Professor Robert Blackburn (Kings College London)
- Professor Paul Carmichael (University of Ulster)
- Professor Charlie Jeffrey (University of Edinburgh)
- Dr Shane Martin (Dublin City University)
- Professor Laura McAllister (University of Liverpool)
- Professor Rick Wilford (Queen's University Belfast)
- Professor Derek Birrell (University of Ulster)

Political Parties Registered in Northern Ireland

- British National Party
- Cannabis Law Reform
- Common Good
- Community Partnership (NI)
- Conservative and Unionist Party NI
- Eirigi
- ENG
- Fianna Fail
- Freedom Democrats
- Give our Children a Future
- Humanity
- Independent Republican
- Irish Republican Socialist Party
- Labour Party of NI
- Libertarian Party
- Money Reform Party
- Mums Army
- National Front
- Nationwide Reform Party
- People before Profit Alliance
- Procapitalism
- Real Democracy Party
- REPRESENT
- Restoration Party
- Social Party (NI)
- The Animal Protection Party
- The Independent Index
- Workers Party

- UK Independence Party
- Ulster Unionist Coalition
- Voices for Women
- You Party

26 Local Councils in Northern Ireland

- Antrim Borough Council
- Ards Borough Council
- Armagh City & District Council
- Ballymena Borough Council
- Ballymoney Borough Council
- Banbridge District Council
- Belfast City Council
- Carrickfergus Borough Council
- Castlereagh Borough Council
- Coleraine Borough Council
- Cookstown District Council
- Craigavon Borough Council
- Derry City Council
- Down District Council
- Dungannon & S Tyrone Council
- Fermanagh District Council
- Larne Borough Council
- Limavady Borough Council
- Lisburn City Council
- Magherafelt District Council
- Moyle District Council
- Newry and Mourne Council
- Newtownabbey Borough Council
- North Down Borough Council
- Omagh District Council
- Strabane District Council

Other Key Stakeholders

- Northern Ireland Local Government Association (NILGA)
- Platform for Change
- Office of the First Minister and deputy First Minister (OFMDFM)
- Committee for the Office of the First Minister and deputy First Minister

Assembly and Executive Review Committee Stakeholder 'Call for Evidence' paper

Contents	
Section 1: Stakeholder Details and Guideline for Completion of Submissions	Page 2
Section 2: Introduction	Pages 3-5
<ul style="list-style-type: none"> • Powers • The Secretary of State's Proposed Bill • Assembly and Executive Review Committee's Priorities for Review • Matters Outside the Scope of the Review 	
Section 3: Background	Pages 6-10
<ul style="list-style-type: none"> • Current Arrangements: Constituencies and Members per Constituency • The Parliamentary Voting System and Constituencies Act 2011 (PVSC Act) • Comparative Arrangements in Relation to Constituencies and 'Decoupling' • Reducing the Number of MLAs and Maintaining Effectiveness • The Committee System • The Number of NI Departments • Further Information 	
Section 4: Issues (as set out in (1)-(5) of the Committee's Terms of Reference) and Questions to consider	Pages 11-15
Section 5: Additional Information	Page 16
Section 6: Contact Details	Page 17

Section 1 Stakeholder Details			
Stakeholder Name		Telephone Number	
Stakeholder Address		Stakeholder Type (Include one or more X)	
		Registered Political Party	Local Government
		Academic	Government
		Legislature	Non-Government
		Other (Please Specify)/ Member of the Public	

Section 1 Stakeholder Details
<p>Please provide some background information on your role as a stakeholder</p> <p>(This box will expand as you type)</p>
<p>Guidelines for Completion of Submissions</p> <p>The Committee would ask that stakeholders submit electronic responses using this pro forma.</p> <p>Stakeholders should be aware that their written evidence will be discussed by the Committee in public session and made public by the Committee by publication of its Report or other means.</p> <p>Stakeholders should also be aware that if they decide to publish their submissions, the publication would not be covered by Assembly privilege in relation to the law of defamation.</p>

Section 2 Introduction
<p>Powers</p> <p>2.1 The Assembly and Executive Review Committee is a Standing Committee established in accordance with Section 29A and 29B of the Northern Ireland Act 1998 and Standing Order 59 which, amongst other powers, provide for the Committee to:</p> <p>II. make a report to the Secretary of State, the Assembly and the Executive Committee, by no later than 1 May 2015, on the operation of Parts III and IV of the Northern Ireland Act 1998; and</p> <p>III. consider such other matters relating to the functioning of the Assembly or the Executive as may be referred to it by the Assembly.</p> <p>The Secretary of State's Proposed Bill</p> <p>2.2. The Secretary of State for Northern Ireland intends to bring forward a Northern Ireland Bill in the Third Session of Parliament. The primary purpose of the Bill is to effect changes relating to political donations in Northern Ireland. However, it also provides an opportunity to make changes to the Northern Ireland institutions where there is broad support among the parties and where Westminster primary legislation would be required, such as future amendments to the NI Act 1998. This relates directly to point II of the Committee's remit above.</p> <p>2.3. With the Secretary of State seeking to introduce this Bill in the Third Session of Parliament, the Assembly and Executive Review Committee agreed that it would take forward an immediate review of a key area in relation to the operation of Parts III and IV of the Northern Ireland Act 1998 much earlier than planned. The proposed Bill may be the only opportunity to make institutional changes, where Westminster primary legislation would be required, prior to the next Assembly election. The Secretary of State is seeking Assembly agreed proposals for change prior to the summer recess of 2012.</p>

Section 2 Introduction

Assembly and Executive Review Committee's Priorities for Review

The Committee agreed its immediate priority area for review in relation to Parts III and IV of the Northern Ireland Act 1998 at its meetings on 17th and 31st January 2012 and the Terms of Reference of its Review as follows:

2.4. The Assembly and Executive Review Committee will review the potential benefit of streamlining governing institutions, focusing on the number of MLAs elected to the Northern Ireland Assembly as a result of the Parliamentary Voting System and Constituencies Act 2011 and any further reductions for the next Assembly election; and on the reduction in the number of Northern Ireland departments and associated re-allocation of functions.

• Phase 1 – Review Evidence Gathering

The Review will take evidence on:

- (1) Whether the statutory link between Westminster and Northern Ireland constituencies should be removed and the implications of removing or retaining this link.
- (2) The implications of the forthcoming reduction (on the implementation of the Parliamentary Voting System and Constituencies Act 2011) and any further reduction in the number of MLAs;
- (3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity;
- (4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including in particular, proposals to ensure a robust and effective committee system; and
- (5) The reduction in the number of NI departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions are maintained.

• Phase 2 – Consideration and Report on Number of MLAs

The Committee will consider all evidence received in relation to reducing the number of MLAs and report and make recommendations to the Assembly on these matters by early June 2012.

• Phase 3 – Consideration and Report on Number of NI Departments

The Committee will consider all evidence received in relation to reducing the number of Northern Ireland departments and report and make recommendations to the Assembly in late October 2012.

Matters Outside the Scope of the Review

2.5. The Committee has agreed that the following issues are outside of the scope of the Review:

- Alternative electoral systems/ models; for example, additional member system or alternative vote and;
- The statutory basis for the current committee system

Section 3

Background

This section provides brief background information on the issues being considered by the Committee as part of this review.

Current arrangements: Constituencies and Members per Constituency

- 3.1. The Belfast Agreement states that 'A 108 member Assembly shall be elected using PR-STV from existing Westminster constituencies.'
- 3.2. Consequently Section 33 of the Northern Ireland Act 1998 states that:
- '(1) The members of the Assembly shall be returned for the parliamentary constituencies [Westminster] in Northern Ireland
- (2) Each constituency shall return six members'
- 3.3. There are currently 18 Westminster Parliamentary constituencies in Northern Ireland, therefore, as a direct consequence, there are 108 Members of the Legislative Assembly (MLA).
- 3.4. Legislation by the Westminster Parliament is required for s33 of the Northern Ireland Act to be changed.

The Parliamentary Voting System and Constituencies Act 2011

- 3.5. The Parliamentary Voting System and Constituencies Act 2011 reduced the number of Westminster Parliamentary constituencies from 650 to 600. As a result, the number of Parliamentary constituencies in Northern Ireland will be reduced from 18 to 16 for the purposes of the next UK Parliamentary election. Therefore, as a direct consequence mandated by s33 of the Northern Ireland Act 1998, the number of MLAs will be reduced from 108 to 96.
- 3.6. It is possible that the number of constituencies in Northern Ireland could increase following future reviews of Westminster parliamentary boundaries. However, this would require a significant drop in the number of people registered to vote in Great Britain.

Comparative Arrangements in Relation to Constituencies and 'Decoupling'

- 3.7. Unlike the Northern Ireland Assembly, the Scottish Parliamentary and National Assembly for Wales constituency boundaries are now not coterminous with Westminster boundaries. In other words, those legislatures have 'decoupled' from Westminster constituency boundaries.
- 3.8. Section 2 of the Government of Wales Act 2006 specifies that the National Assembly for Wales constituencies are the parliamentary constituencies in Wales.
- 3.9. Section 13 of the Parliamentary Voting System and Constituencies Act 2011(PVSC Act) amended that section to provide that the Assembly constituencies are the constituencies specified in the Parliamentary Constituencies and Assembly Electoral Regions (Wales) Order 2006, as amended. The effect is that any future changes to Parliamentary constituencies made under the new rules introduced by the PVSC Act 2011 will not change Assembly constituencies.
- 3.10. The Scottish Parliament (Constituencies) Act 2004 removed the statutory link between the Scottish Parliamentary constituencies and those for the House of Commons. As a result the number of MSPs remained at 129, even when the number of MPs was reduced.
- 3.11. If the Assembly were to 'decouple' from Westminster boundaries, legislation by the Westminster Parliament is needed (reference paragraphs 3.1-3.4).

Section 3

Background

This section provides brief background information on the issues being considered by the Committee as part of this review.

Reducing the Number of MLAs and Maintaining Effectiveness

3.12. Issues (3) and (4) of the Terms of Reference relate to the number of MLAs required for the Assembly to function effectively and for those elected individuals to discharge their full range of constituency and parliamentary functions. The key functions of the Assembly include:

- Representing the key interests of the people;
- Holding the Executive to account;
- Advising and assisting the Executive
- Scrutinising and approving the budget; and
- Making and passing legislation

3.13. In addition to statutory functions, increasing importance has also been attached by the Assembly to ensuring that it effectively engages local people in its operations.

3.14. MLAs cover a variety of business areas and communities, including constituency business, plenary business in the Chamber, participation in Assembly Committees and other commitments such as all-party groups.

3.15. Reducing the number of MLAs will have implications for both parliamentary and representative functions. These need to be considered and proposals are required to assist in sustaining effectiveness.

The Committee System

3.16. The Committee system is recognised as being a crucial component of modern parliamentary systems and is particularly important in unicameral legislatures such as the Assembly. The current committee system is a product of the Northern Ireland Act 1998 (as amended) and the Assembly's Standing Orders. As might be expected the Northern Ireland Act requires the Assembly's Standing Orders to make provision for establishing 'statutory committees.'

3.17. The Belfast (Good Friday) Agreement states in paragraph 9 of Strand One that there is to be a 'Committee for each of the main executive functions of the Northern Ireland Administration... Membership of the Committees will be in broad proportion to party strengths in the Assembly to ensure that the opportunity of Committee places is available to all Members'.

3.18. Section 29 of the Northern Ireland Act 1998 states that the Committees will 'advise and assist each Northern Ireland Minister in the formulation of policy with respect to matters within his responsibilities as a Minister'. It also confers on these committees the powers described in paragraph 9 of the Belfast Agreement.

3.19. The Northern Ireland Act 1998 also makes provision for Standing Committees such as the Assembly and Executive Review Committee and the Audit Committee, with Standing Orders providing for a number of further committees to assist the Assembly in discharging its functions.

Section 3

Background

This section provides brief background information on the issues being considered by the Committee as part of this review.

The Number of Northern Ireland Departments

3.20. Section 17(4) of the Northern Ireland Act 1998 allows for up to 10 Ministers with departmental responsibilities, although this can be amended [for example, the Northern Ireland Act 1998 (Amendment of Schedule 3) Order 2010 allowed for the transfer of policing and justice functions]. Under section 21(3) of the 1998 Act, a department under the First and deputy First Minister is not included in the 'up to 10' Ministers figure. The current number of government departments was arrived at following inter-party negotiations, primarily between the UUP and SDLP, which were concluded on 18 December 1998. The subsequent report from the First Minister (Designate) and Deputy First Minister (Designate) stated:

'We have agreed that there should be an Office of the First Minister and Deputy First Minister and ten Departments, which taken together will be responsible for the work of the current six Northern Ireland Departments. The new Departments and corresponding Ministerial offices will be:

- Agriculture and Rural Development
- Environment
- Regional Development
- Social Development
- Education
- Higher and Further Education, Training and Employment
- Enterprise, Trade and Investment
- Culture, Arts and Leisure
- Health, Social Services and Public Safety
- Finance and Personnel'

3.21. The Departments (Northern Ireland) Order 1999 established new Northern Ireland Departments and renamed some departments. The six departments at the time of the Belfast Agreement were agriculture, economic development, environment, education, health and social services, finance and personnel.

3.22. Since 1999, a number of Transfer of Functions Orders have reassigned certain functions to other Departments, but the number of Departments did not change until the establishment of the Department for Justice under the Department of Justice (Northern Ireland) Act 2010.

3.23. It is within the remit of the Assembly and Executive Review Committee to report on Executive structures. The Executive is also considering streamlining departments through its Efficiency Review Panel. The Committee expects to receive an update on this work in due course, but wishes to receive evidence in relation to the number of departments and reallocation of functions.

3.24. In January 2012, it was announced that the Office of the First Minister and deputy First Minister will ask officials to make arrangements to prepare the necessary Assembly legislation to abolish the Department of Employment and Learning (DEL) and transfer its functions. Furthermore, the Office announced that it is seeking views from key stakeholders and interested parties on how functions implemented by DEL should be transferred to other departments in the most appropriate manner.

Section 3

Background

This section provides brief background information on the issues being considered by the Committee as part of this review.

Further Information

3.25. Stakeholders will wish to refer to the Research and Information Service (RaISe) research papers (listed below), produced for the Committee in respect of its review of Parts III and IV of the Northern Ireland Act 1998. Research papers can be accessed on the Assembly and Executive Committee's webpage: <http://www.niassembly.gov.uk/assembly-business/committees/2011-2016/assembly-and-executive-review-committee/research-papers/>.

3.26. Research papers:

- Update Paper on Size of Assembly;
- Size of the Northern Ireland Assembly;
- Further Information Relating to the Structure of the Northern Ireland Assembly;
- Electoral Systems for the Scottish Parliament and National Assembly for Wales;
- The Size of the Assembly and Number of Government Departments (including Efficiency Review Panel);
- Parliamentary Voting System and Constituencies Bill;
- The Parliamentary Voting System and Constituencies Act 2011.

Section 4

Issues (as set out in (1)-(5) of the Committee's Terms of Reference) and Questions to consider

(1) Whether the statutory link between Westminster and Northern Ireland constituencies should be removed and the implications of removing or retaining this link

What would be the advantages and disadvantages of Northern Ireland 'decoupling' from the Westminster constituency model for Assembly elections?

Please offer supporting evidence for your view on whether the link should be removed, or retained.

If your view is that the link should be removed, how many constituencies and MLAs per constituency do you envisage in the 'decoupled' system, and why?

(This box will expand as you type)

(2) The implications of the forthcoming reduction via the Parliamentary Voting System and Constituencies Act 2011, and any further reduction in the number of MLAs

What, in your view, will be the implications of the reduced number of MLAs arising from the Parliamentary Voting System and Constituencies Act 2011 (ie 16 rather than 18 constituencies)?

A further reduction in the 16 constituency scenario could arise from a decrease in the number of MLAs per constituency. What, in your view, are the implications of such a further reduction?

Do you consider that the number of MLAs per constituency should remain at 6 or decrease, and if so, for what reasons?

(This box will expand as you type)

Section 4 Issues (as set out in (1)-(5) of the Committee's Terms of Reference) and Questions to consider
(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity.
What size of an Assembly is required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained?
Are there comparable arrangements elsewhere which the Assembly and Executive Review Committee could usefully consider?
What factors should the Committee take into account when deciding on the size of the Assembly?
(This box will expand as you type)
(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including in particular, proposals to ensure a robust and effective committee system
Please indicate what you would propose to change in the current arrangements to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly.
In particular, what changes would you propose to ensure a robust and effective committee system?
(This box will expand as you type)
(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained
How many departments are required to effectively discharge the current range of devolved functions?
In broad terms, what functions should be grouped in the reduced number of departments and what factors informed your decisions on grouping functions together in a department?
(This box will expand as you type)

Section 5 Additional Information
Please provide any additional information which you believe will be of assistance to the Committee during the course of the Review.
(This box will expand as you type)

**Section 6
Contact Details**

All responses should be sent by email please to:

The Committee Clerk
Assembly and Executive Review Committee
Room 375
Parliament Buildings
Ballymiscaw
Belfast
BT4 3XX

Tel: 028 90521787 or 028 90521928

To arrive no later than 28th March 2012

Email: committee.assembly&executivereview@niassembly.gov.uk

Thank you for your submission



Northern Ireland
Assembly

Appendix 4

Stakeholder Submissions

Summary Analysis of Written Submission Responses to Issues (3), (4) and (5) to AERC Review Text relevant to a reduction in the number of NI Departments highlighted in *italic* (Part 2 of the AERC Review)

<p>Issues as set out in the 'Call for Evidence' paper (in full)</p>	<p>(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity (appropriate size of Assembly; comparable arrangements elsewhere; and factors to take into consideration when deciding the size, etc.)</p>	<p>(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including proposals to ensure a robust and effective committee system (mitigating the impact of reducing the number of MLAs on the effectiveness of the Assembly; and ensuring a robust and effective committee system, etc.)</p>	<p>(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained (how many departments are required to effectively discharge the current range of devolved functions; and what functions should be grouped together, etc.)</p>	<p>Additional information which you believe will be of assistance to the Committee during the course of the Review.</p>
<p>Parties of the Northern Ireland Assembly</p>				
<p>Alliance Party</p>	<p>'There is no evidence to suggest that 80 would be insufficient to ensure the effectiveness of the Assembly particularly if a streamlining of the Executive happened concurrently.'</p> <p>'With a reduction in the number of MLA there should be no discernible drop in the level of governance. An example of this is Scotland, where the Parliament has similar powers to the NI Assembly and fewer MSPs per head of the population.'</p> <p>'A streamlining of the Executive and the resulting reduction in Government Departments would lead to a reduction in the number of Statutory Committees within Stormont and therefore less MLAs would be needed to cover the number of Committee places available.'</p>	<p>'In order to ensure a reduction in MLAs does not adversely impact on the ability of Committees to carry out a robust scrutiny role a rationalisation of the number of Government Departments from twelve to eight should be undertaken, this will decrease the number of Committees, as per our previous answer.'</p> <p>'The Alliance Party would restructure Committees in line with a rationalisation of the number of Departments, our suggestions for reducing the number of Departments are outlined in the answer to Question 5.'</p>	<p>'Alliance argues that eight Departments, and therefore Committees could be established as follows: OFMDFM; Economy; Finance and Personnel; Justice; Health and Social Services; Education; Environment and Rural Development and Urban and Social Development. Proposals for structure of Departments are set out in full submission.'</p>	<p>'At this point we would like to note our disappointment that the AERC Committee, as part of this review, are not considering other reforms to the structures, such as the removal of Assembly Designations, in time for the forthcoming Northern Ireland legislation.'</p>

<p>Issues as set out in the ‘Call for Evidence’ paper (in full)</p> <p>Democratic Unionist Party (DUP)</p>	<p>(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity (appropriate size of Assembly; comparable arrangements elsewhere; and factors to take into consideration when deciding the size, etc.)</p> <p>‘We propose that the number of MLAs should be reduced to 4 or 5 per constituency and a maximum of 80 from the 2015 Assembly election.’</p>	<p>(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including proposals to ensure a robust and effective committee system (mitigating the impact of reducing the number of MLAs on the effectiveness of the Assembly; and ensuring a robust and effective committee system, etc.)</p> <p>‘One of the flaws of the present system of government is the lack of a formal Opposition. This is primarily because any Party with over 10 MLAs is likely to be entitled automatically to a seat in the Executive. There is however no obligation on a Party to take up its place in the Executive – any party is entitled to forgo this and form an Opposition.’</p> <p>‘However, pending changes to the present configuration, the Departmental Committees have an important role to play in holding Ministers and Departments to account.’</p>	<p>(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained (how many departments are required to effectively discharge the current range of devolved functions; and what functions should be grouped together, etc.)</p> <p>‘We propose that the number of Departments should be reduced to 6-8.’</p> <p>‘OFMdfM would be reconstituted as the Executive Office with its concentration on dealing with Executive business and including responsibility for many of the central or cross-Governmental functions. In addition there would be seven ordinary Departments: Department of the Economy and Business; Department for Education; Department of Health and Social Services; Department for Regional Development; Department of Justice; Department of Communities and Social Welfare and a Department of Agriculture, Environment and Rural Development.’</p> <p>Full proposals for structure of Departments are set out in full submission.</p>	<p>Additional information which you believe will be of assistance to the Committee during the course of the Review.</p> <p>‘We believe that in the long-term, the best means of governing Northern Ireland would involve a voluntary coalition Executive and weighted majority voting of around 65% in the Assembly, resulting in an end to Community Designation. This system could provide for both an Executive and an official Opposition which would be consistent with normal democratic institutions while accepting the particular circumstances of Northern Ireland.’</p> <p>‘This should be the long-term goal of all of the Parties in Northern Ireland. However, we must be realistic about the ability to achieve it in the short-term. While voluntary coalition would undoubtedly improve the performance of devolution in Northern Ireland, it would be a mistake to assume it is a panacea to all of the problems that we face.’</p>
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<p>Issues as set out in the 'Call for Evidence' paper (in full)</p> <p>Green Party (GPNI)</p>	<p>(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity (appropriate size of Assembly; comparable arrangements elsewhere; and factors to take into consideration when deciding the size, etc.)</p> <p>'The representative function of the Assembly is critically linked to the method of election of its Members.'</p> <p>'We believe a representative Assembly of 80 members, elected under a new electoral system, would be adequate to perform the legislative and scrutiny functions required of it.'</p> <p>'Considering the numbers of MLAs who are also elected councillors, and indeed MPs, it could be argued that that the Assembly is already operating at below 108 member effective capacity.'</p> <p>'The (AERC) Committee should consider adopting a position of strict opposition to multiple electoral mandates being held by Assembly members.'</p>	<p>(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including proposals to ensure a robust and effective committee system (mitigating the impact of reducing the number of MLAs on the effectiveness of the Assembly; and ensuring a robust and effective committee system, etc.)</p> <p>'GPNI believes that there should be a fundamental review of the Assembly committee system in the context of a reduced number of Government departments.'</p> <p>'With regard to the effective running of committees, specific proposals that we support include: (1) A reduction in the number of members per statutory committee to 9; (2) A prohibition on committee Chairs from holding any other committee position (as well, of course, as seats on local councils or at Westminster); (3) Strong consideration to be given to a standing order provision that a committee vacancy must be allocated to an MLA without any committee responsibility in preference to an MLA with an existing committee responsibility;</p>	<p>(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained (how many departments are required to effectively discharge the current range of devolved functions; and what functions should be grouped together, etc.)</p> <p>'GPNI provides two models of Government departments/ ministers addressing two different scenarios.'</p> <p>'The first scenario is an incremental approach, assuming the constraint of mandatory coalition enshrined in the Good Friday Agreement. This scenario proposes 10 government departments.'</p> <p>'The second scenario is our view of the thematic portfolios that should be allocated within the context of an Executive formed as an 'agreed' collation. This scenario would have 7 government ministers in addition to a First Minister acting as head of government.'</p>	<p>Additional information which you believe will be of assistance to the Committee during the course of the Review.</p> <p>No comments.</p>
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<p>Issues as set out in the 'Call for Evidence' paper (in full)</p> <p>Green Party (GPNI) (continued)</p>	<p>(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity (appropriate size of Assembly; comparable arrangements elsewhere; and factors to take into consideration when deciding the size, etc.)</p>	<p>(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including proposals to ensure a robust and effective committee system (mitigating the impact of reducing the number of MLAs on the effectiveness of the Assembly; and ensuring a robust and effective committee system, etc.)</p>	<p>(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained (how many departments are required to effectively discharge the current range of devolved functions; and what functions should be grouped together, etc.)</p>	<p>Additional information which you believe will be of assistance to the Committee during the course of the Review.</p>
<p>Social Democratic Labour Party (SDLP)</p> <p>*all views are from verbal presentation at Committee meeting</p>	<p>'The best advice suggests that anything below 96 would make it very difficult for MLAs to continue to properly scrutinise the current architecture of government, which raises the question around the number of Departments. We have long argued that it should not be a numerical debate, but one around need.'</p>	<p>(4) Scheduling of both standing and statutory committee business so that it does not clash with Assembly plenary business and;(5) The merging of the Audit and Public Accounts standing committees.'</p> <p>'In the scenario of a 96 member Assembly with 10 statutory committees; we expect there will be absolutely no impact on the effectiveness of Assembly committee operation.'</p> <p>'Focus on an overarching planned legislative programme...'</p> <p>Did not cover this area.</p>	<p>'We emphasise that it is our position that the move towards an "agreed Executive" with a formal opposition would be a substantive change to the Good Friday Agreement and must be endorsed by the people through a referendum.'</p> <p>Full submission details the suggested structure of government and departments.</p>	<p>'We have long believed that a review such as this should deal with the issue of nomenclature in the Office of the First Minister and deputy First Minister and that this is an opportunity to agree to call that office what it is, which is the office of the joint First Ministers.'</p>
<p>Social Democratic Labour Party (SDLP)</p> <p>*all views are from verbal presentation at Committee meeting</p>	<p>'The best advice suggests that anything below 96 would make it very difficult for MLAs to continue to properly scrutinise the current architecture of government, which raises the question around the number of Departments. We have long argued that it should not be a numerical debate, but one around need.'</p>	<p>(4) Scheduling of both standing and statutory committee business so that it does not clash with Assembly plenary business and;(5) The merging of the Audit and Public Accounts standing committees.'</p> <p>'In the scenario of a 96 member Assembly with 10 statutory committees; we expect there will be absolutely no impact on the effectiveness of Assembly committee operation.'</p> <p>'Focus on an overarching planned legislative programme...'</p> <p>Did not cover this area.</p>	<p>'We emphasise that it is our position that the move towards an "agreed Executive" with a formal opposition would be a substantive change to the Good Friday Agreement and must be endorsed by the people through a referendum.'</p> <p>Full submission details the suggested structure of government and departments.</p>	<p>'We have long believed that a review such as this should deal with the issue of nomenclature in the Office of the First Minister and deputy First Minister and that this is an opportunity to agree to call that office what it is, which is the office of the joint First Ministers.'</p>

<p>Issues as set out in the 'Call for Evidence' paper (in full)</p> <p>Sinn Féin (SF)</p>	<p>(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity (appropriate size of Assembly; comparable arrangements elsewhere; and factors to take into consideration when deciding the size, etc.)</p> <p>'Sinn Féin is committed to adequate representation for all groups and communities within our society. The current political institutions and arrangements, as established under the GFA are unique to our society which is in a post-conflict stage.'</p>	<p>(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including proposals to ensure a robust and effective committee system (mitigating the impact of reducing the number of MLAs on the effectiveness of the Assembly; and ensuring a robust and effective committee system, etc.)</p> <p>'There is no evidence that a reduction in MLAs would impact on the effectiveness of the Assembly, however it would likely have an impact on smaller parties and marginalised groups within our society.'</p>	<p>(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained (how many departments are required to effectively discharge the current range of devolved functions; and what functions should be grouped together, etc.)</p> <p>'We are not opposed to a reduction in the number of departments.'</p>	<p>Additional information which you believe will be of assistance to the Committee during the course of the Review.</p> <p>No comments.</p>
<p>Traditional Unionist Voice (TUV)</p>	<p>'The correlation between reducing the number of MLAs and the number of departments is obvious. If the departments were reduced to 6, 72 MLAs would be more than adequate.'</p>	<p>'The key mitigating factor in regard to reducing the number of MLAs is a corresponding reduction in the number of departments. With 6 departments scrutiny committees of 10/11 members each is possible.</p> <p>'The statutory basis of the scrutiny committees needs to be changed from their functions being to "advise and assist" ministers and departments to "scrutinise and hold to account" ministers and departments.'</p>	<p>'Six, plus First Minister's Office'</p> <p>Full submission includes suggestions for the structure of departments.</p>	<p>'Basic changes to the structures of government are required to enhance democracy'</p> <p>'The fundamentals of the electorate being able to change its government and have an Opposition in the Assembly are imperatives. Thus mandatory coalition must go with, after each election, those who can agree a PFG and command the requisite majority forming the government, and those who can't - whoever they might be - forming the Opposition.'</p>

<p>Issues as set out in the 'Call for Evidence' paper (in full)</p> <p>Traditional Unionist Voice (TUV) (continued)</p>	<p>(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity (appropriate size of Assemblies; comparable arrangements elsewhere; and factors to take into consideration when deciding the size, etc.)</p>	<p>(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including proposals to ensure a robust and effective committee system (mitigating the impact of reducing the number of MLAs on the effectiveness of the Assembly; and ensuring a robust and effective committee system, etc.)</p>	<p>(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained (how many departments are required to effectively discharge the current range of devolved functions; and what functions should be grouped together, etc.)</p>	<p>Additional information which you believe will be of assistance to the Committee during the course of the Review.</p> <p>'The dysfunctional office of the OFMDFM should be abolished with the single position of the First Minister filled as part of the negotiations leading to the formation of government.'</p>
<p>Ulster Unionist Party (UUP)</p>	<p>'The effective scrutiny of Ministers and their Departments needs sufficient members for the corresponding Statutory Committees. In addition, an adequate number of members need to be available for Standing Committees.'</p> <p>'The actual number of members required to operate the Committees will be dependent on the number of Departments and numbers on Committees.'</p>	<p>'The Ulster Unionist Party supports the reduction to 96 MLAs. With a reduction in Departments, as contained within the Programme for Government, there will also be a need for fewer statutory Committees. We believe this could be achieved with minimal disruption to the current Committee structure.'</p> <p>'In order to ensure that Committees remain effective with fewer MLAs we believe it is important to maintain a sufficient level of research and support services.'</p>	<p>'The Ulster Unionist Party has called for a review of government Departments for some considerable time and we would like to see a reduction to a maximum of 8 (plus OFMDFM).'</p> <p>'The Independent Review of Economic Policy (IREP) proposed the creation of a single Department of the Economy to spearhead Northern Ireland's economic recovery. Given that the economy is the number one priority of the Executive, we have called for this to happen immediately and before the review of strand one institutions.'</p>	<p>'It must be noted that any changes to government structures should be looked at in a holistic manner. Any reductions in the number of MLAs and Departments or changes to the Committee system or constituency makeup are linked and must be considered concurrently.'</p> <p>'The Ulster Unionist Party therefore reserves the right to make decisions based on the specific circumstances of the particular time.'</p>

<p>Issues as set out in the 'Call for Evidence' paper (in full)</p> <p>Ulster Unionist Party (UUP) (continued)</p>	<p>(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity (appropriate size of Assembly; comparable arrangements elsewhere; and factors to take into consideration when deciding the size, etc.)</p>	<p>(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including proposals to ensure a robust and effective committee system (mitigating the impact of reducing the number of MLAs on the effectiveness of the Assembly; and ensuring a robust and effective committee system, etc.)</p>	<p>(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained (how many departments are required to effectively discharge the current range of devolved functions; and what functions should be grouped together, etc.)</p>	<p>Additional information which you believe will be of assistance to the Committee during the course of the Review.</p>
		<p>'The Ulster Unionist Party are content with the current membership number of 11 within each committee, however, we recognise that this would be likely to alter given the reduction of MLAs and if there are further reductions in the number of departments.'</p> <p>'We would argue that more accountable government should be created which, whilst continuing to require cross community support, could allow the electorate to determine those who would be in government and those who would not. We believe that evolution to more normal democratic structures and accountability should also be considered by the AERC Committee under the current review.'</p>	<p>'Further to that we are committed to engaging in the debate over the number of government Departments which would bring about the most effective governance of Northern Ireland.'</p>	

<p>Issues as set out in the 'Call for Evidence' paper (in full) McNarry, David MLA (Independent)</p>	<p>(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity (appropriate size of Assembly; comparable arrangements elsewhere; and factors to take into consideration when deciding the size, etc.)</p> <p>'The effectiveness of the Assembly is more related to the work that it does than to the number of committees, though this latter is important. There needs to be an optimum number decided on for the committees which reflects the workload and the need to maintain political balance.'</p> <p>'Committees should, in my view, be engaged on a major programme of legislative revision. I believe this would have the effect of making the Assembly more of a working body and less of a debating chamber. I believe the public would approve of this and it would increase respect for the Assembly.'</p>	<p>(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including proposals to ensure a robust and effective committee system (mitigating the impact of reducing the number of MLAs on the effectiveness of the Assembly; and ensuring a robust and effective committee system, etc.)</p> <p>'Committees should, in my view, be engaged on a major programme of legislative revision. I believe this would have the effect of making the Assembly more of a working body and less of a debating chamber. I believe the public would approve of this and it would increase respect for the Assembly.'</p>	<p>(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained (how many departments are required to effectively discharge the current range of devolved functions; and what functions should be grouped together, etc.)</p> <p>'There should in my view by seven or eight departments – a department of the economy, a department of finance, a department of education and skills, a department of agriculture, a department of tourism and culture, a transport ministry and a housing ministry. The First Minister's department could be combined with the department of finance, which would reflect where the power lies in government.'</p>	<p>Additional information which you believe will be of assistance to the Committee during the course of the Review.</p> <p>No comments</p>
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<p>Issues as set out in the 'Call for Evidence' paper (in full)</p> <p>KEY STAKEHOLDERS – Clerks of relevant parliaments</p> <p>Clerk/Director General of Northern Ireland Assembly</p>	<p>(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity (appropriate size of Assembly; comparable arrangements elsewhere; and factors to take into consideration when deciding the size, etc.)</p>	<p>(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including proposals to ensure a robust and effective committee system (mitigating the impact of reducing the number of MLAs on the effectiveness of the Assembly; and ensuring a robust and effective committee system, etc.)</p>	<p>(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained (how many departments are required to effectively discharge the current range of devolved functions; and what functions should be grouped together, etc.)</p>	<p>Additional information which you believe will be of assistance to the Committee during the course of the Review.</p>
	<p>'The size of the Assembly is only one, though an important one, of many institutional factors in determining whether the roles and functions of the Assembly as described in section 2 can be delivered effectively. Other such factors include the powers of the Assembly and its committees, representativeness of the committee system, parliamentary procedures, the resources available to the legislature, relationship between the parliament and the Executive, etc.'</p>	<p>Highlights a piece of work that a project team completed in 2010 regarding the activity and outputs of committees, in consultation with Members and their staff. Submission also details the work that is ongoing to improve performance in the Assembly. Makes the suggestion that, 'investing in the continuing professional development of Members, and indeed staff, has the potential to make a significant contribution to effectiveness.'</p> <p>Also suggested that 'a reduction in the numbers of Members should result in a detailed review of the Committee system.' Full submission lists key issues to consider in relation to Committee effectiveness.</p>	<p>'This is not a matter which would seem to fall within my area of expertise or responsibility. The only comment that I would make is that a reduction in the number of departments will impact on statutory committees, though as indicated previously, the legislative and policy output for consideration by the Assembly is unlikely to be affected.'</p>	<p>'When it comes to implementation of any recommendations on institutional reform careful consideration will need to be given to the organisational and financial implications for the Assembly Commission of proposed changes.'</p> <p>'A reduction in the number of MLAs is likely to result in some direct financial savings. However, there is likely also to be a need for investment in new initiatives to ensure that in reforming the institution's effectiveness is sustained and where practical enhanced.'</p>

<p>Issues as set out in the 'Call for Evidence' paper (in full)</p> <p>Clerk/Director General of Northern Ireland Assembly (continued)</p>	<p>(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity (appropriate size of Assembly; comparable arrangements elsewhere; and factors to take into consideration when deciding the size, etc.)</p> <p>'A particular issue for consideration, which the Committee has rightly identified is the importance of an effective committee system in unicameral parliamentary systems. This is dealt with in more detail under Section 4, but maximising the contribution made by Members to scrutiny, policy and legislative development through the committee system is likely to be of the utmost importance in sustaining Assembly performance.'</p> <p>Submission also details 'Reform elsewhere' in terms of the House of Commons Reform Committee report of 2009.</p>	<p>(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including proposals to ensure a robust and effective committee system (mitigating the impact of reducing the number of MLAs on the effectiveness of the Assembly; and ensuring a robust and effective committee system, etc.)</p> <p>'I would strongly encourage an early start being made on a review of the committee system'</p> <p>'if statutory committees are covering a wider range of functions, perhaps with less Members, it may be necessary to consider new innovations within the committee system to enable the public to put the issues of importance to them on the Assembly's agenda.'</p> <p>'If a review of the committee system is to be undertaken, it may also be timely for the Assembly to consider whether it would wish to enable committees of the Assembly, in line with other devolved legislatures, to have the power to make amendments directly during a committee stage.'</p>	<p>(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained (how many departments are required to effectively discharge the current range of devolved functions; and what functions should be grouped together, etc.)</p>	<p>Additional information which you believe will be of assistance to the Committee during the course of the Review.</p> <p>This will be challenging in the context of a budget which is reducing in cash terms by 8.9% by 2014/2015 and a staffing complement which is reducing to 375 by 2014/2015. Further consideration of staff and financial resources to support reform objectives and to sustain performance of the Assembly will be required.'</p>
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<p>Issues as set out in the 'Call for Evidence' paper (in full)</p> <p>KEY STAKEHOLDERS – Academics</p> <p>Birrell, Derek (Professor) – Institute for Research in Social Sciences, University of Ulster</p>	<p>(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity (appropriate size of Assembly; comparable arrangements elsewhere; and factors to take into consideration when deciding the size, etc.)</p>	<p>(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including proposals to ensure a robust and effective committee system (mitigating the impact of reducing the number of MLAs on the effectiveness of the Assembly; and ensuring a robust and effective committee system, etc.)</p>	<p>(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained (how many departments are required to effectively discharge the current range of devolved functions; and what functions should be grouped together, etc.)</p>	<p>Additional information which you believe will be of assistance to the Committee during the course of the Review.</p>
	<p>There is ... one significant difference between Northern Ireland and Scotland and Wales. Scotland and Wales have very large local government systems operating alongside the devolved institutions. ... There is a strong argument that Scotland and Wales do not need very large numbers of representatives in Parliament and the Assembly because of the significant role and functions of local councillors. This argument does not apply to Northern Ireland.</p>		<p>“The issue of the number of government departments can be seen as not the central issue. The functions of devolved central administration are likely to remain the same, unless more functions from the quango sector are absorbed.”</p> <p>“In relation to the direct practical approach to simply producing a rationale for a reduction in the number of departments and a reorganisation of functions, there are a number of different criteria that could be applied:</p> <ul style="list-style-type: none"> • by proportion of public expenditure by departments...; • by number of civil servants employed by department; • by modernising themes...; • by tradition – reverting to number of departments under Direct Rule or making minor adjustments to existing system; 	

<p>Issues as set out in the 'Call for Evidence' paper (in full)</p> <p>Birrell, Derek (Professor) – Institute for Research in Social Sciences, University of Ulster (continued)</p>	<p>(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity (appropriate size of Assembly; comparable arrangements elsewhere; and factors to take into consideration when deciding the size, etc.)</p>	<p>(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including proposals to ensure a robust and effective committee system (mitigating the impact of reducing the number of MLAs on the effectiveness of the Assembly; and ensuring a robust and effective committee system, etc.)</p>	<p>(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained (how many departments are required to effectively discharge the current range of devolved functions; and what functions should be grouped together, etc.)</p>	<p>Additional information which you believe will be of assistance to the Committee during the course of the Review.</p>
		<ul style="list-style-type: none"> by political requirements – need to protect structures and practices from the 1998 Agreement or find political consensus on any proposed changes.” 	<ul style="list-style-type: none"> by political requirements – need to protect structures and practices from the 1998 Agreement or find political consensus on any proposed changes.” 	
<p>Galligan, Yvonne (Doctor) – Centre for Advancement of Women in Politics, Queen's University Belfast</p>	<p>‘There is a need to balance a numerical reduction with more efficient use of legislative time and process. In addition, the inclusivity requirement is also a gender-related one, especially in terms of the nature of the issues on the Assembly's agenda and the range of perspectives brought to bear on any one issue.’</p>	<p>‘No specific proposals beyond encouraging consideration of a rationalisation of committees, scheduling and tasks’.</p>	<p>‘As with the number of MLAs, the decision on how many Departments is enough to conduct Executive business is more of an art than a science. However, Departments should take the gender perspective on the policies under their aegis into account as an integral function of their work.’</p> <p>‘OFMDFM have an important co-ordinating role to play, and awareness-raising of making policy relevant to male and female interests.’</p>	<p>‘The gendered nature of politics and parliaments is a subject of extensive study, and I can provide a range of sources if this is required. As a starting point, the IPU study on gender-sensitive parliaments is a useful resource.’</p>

<p>Issues as set out in the 'Call for Evidence' paper (in full)</p> <p>Wilford, Rick (Professor) – Queen's University Belfast</p>	<p>(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity (appropriate size of Assembly; comparable arrangements elsewhere; and factors to take into consideration when deciding the size, etc.)</p> <p><i>'The issues here follow closely on those in the preceding section. As noted, an Assembly of 80 MLAs, given a reduction in the number of Departments to eight and of statutory committee size to nine, would enable all MLAs (excepting the Speaker etc) to be offered a committee place.'</i></p> <p><i>'An 80-member Assembly is perfectly capable of discharging both plenary and committee business provided the business timetable is crafted so that plenary sessions do not impact on committee sessions.'</i></p>	<p>(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including proposals to ensure a robust and effective committee system (mitigating the impact of reducing the number of MLAs on the effectiveness of the Assembly; and ensuring a robust and effective committee system, etc.)</p> <p><i>'A more carefully planned and timed legislative programme would enable Committees to undertake a greater volume of draft legislative scrutiny.'</i></p> <p><i>'With potentially fewer committees, the case for a more routinized use of sub-committees is enhanced as is the use of the rapporteur device, e.g. for scoping planned inquiries.'</i></p> <p><i>'Avoid, if at all possible, turnover in the membership of statutory committees so that they build a stable core of experience, knowledge and expertise over a mandate.'</i></p> <p><i>Normally, Statutory Committee chairs should not be nominated to serve as members of other Statutory Committees.'</i></p> <p><i>'Place the (Chairpersons) Liaison Group on a statutory footing – the model of the Scottish Convenors Group (or the HoC Liaison Committee) serves as an example.'</i></p>	<p>(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained (how many departments are required to effectively discharge the current range of devolved functions; and what functions should be grouped together, etc.)</p> <p><i>'There is again no "magic number" that can be conjured-up out of the ether, though it is noticeable that 'eight' seems to be the number of Depts favoured by some parties.'</i></p> <p><i>'Identifying the reasons for Executive reform/reconfiguration can be encapsulated under three broad headings: economy and efficiency; policy effectiveness; and political advantage.'</i></p> <p><i>'Very broadly speaking there are then two ways of approaching the task of Executive re-design. The incremental, which in large measure would be governed by an initial agreement on the number of Depts and then shuffling functions around in a way that seeks to secure a 'better fit' than currently exists. An alternative approach would require a more root-and-branch exercise.'</i></p>	<p>Additional information which you believe will be of assistance to the Committee during the course of the Review.</p> <p><i>'There is a significant academic literature on both executive and legislative design. Given the short notice, I have not provided it here but could supply something akin to a "reading list" if required.'</i></p>
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<p>Issues as set out in the 'Call for Evidence' paper (in full)</p> <p>Wilford, Rick (Professor) – Queen's University Belfast (continued)</p>	<p>(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity (appropriate size of Assembly; comparable arrangements elsewhere; and factors to take into consideration when deciding the size, etc.)</p> <p>'Perhaps the most obvious direct comparator legislature is the Scottish Parliament. In Scotland, smaller committees (average size is eight MSPs) discharge their roles without hampering the conduct of parliamentary business. However, there is no stipulation that all MSPs be offered a committee place so that there is more capacity available to deal with other matters while some MSPs are engaged in committee work.'</p> <p><i>'There is no evidence to suggest that those MSPs who are not involved in committees consider themselves to be lesser parliamentarians as a result. That potential issue is, though, averted with an 80 member Assembly, an Executive comprising eight Depts (with a total of nine Ministers and two junior Ministers) and a maximum of nine members per statutory committee.'</i></p>	<p>(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including proposals to ensure a robust and effective committee system (mitigating the impact of reducing the number of MLAs on the effectiveness of the Assembly; and ensuring a robust and effective committee system, etc.)</p> <p>'Shorter, focused inquiries carry the potential to exert a more immediate impact. There may be a case for merging some (standing committees), e.g. Audit & PAC. There may also be a case for subsuming any prospective future A&ERC-like brief into the work of the Procedures Committee, which perhaps could also undertake the work of the Standards & Privileges Committee.'</p> <p><i>'...set aside committee days for Plenary sessions?'</i></p>	<p>(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained (how many departments are required to effectively discharge the current range of devolved functions; and what functions should be grouped together, etc.)</p> <p>This would entail thinking about Departmental design in perhaps more thematic terms, as in both Wales and Scotland where design/re-design has been more considered. The key here, to my mind, is to start at 'the top' i.e. OFMDFM and revisit its raison d'être: what is it actually for?'</p> <p><i>'key is how overlapping briefs are managed and by whom – OFMDFM, in my view. It should steer rather than row boats: it means stripping out a number of functions.'</i></p>	<p>Additional information which you believe will be of assistance to the Committee during the course of the Review.</p>
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<p>Issues as set out in the 'Call for Evidence' paper (in full)</p> <p>KEY STAKEHOLDERS – Political parties registered in Northern Ireland</p> <p>Conservative and Unionist Party</p> <p>NI</p>	<p>(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity (appropriate size of Assembly; comparable arrangements elsewhere; and factors to take into consideration when deciding the size, etc.)</p>	<p>(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including proposals to ensure a robust and effective committee system (mitigating the impact of reducing the number of MLAs on the effectiveness of the Assembly; and ensuring a robust and effective committee system, etc.)</p>	<p>(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained (how many departments are required to effectively discharge the current range of devolved functions; and what functions should be grouped together, etc.)</p>	<p>Additional information which you believe will be of assistance to the Committee during the course of the Review.</p>
	<p>Full submission gives several examples from other countries with devolved legislatures and population sizes similar to Northern Ireland.</p> <p>'From all of the above relevant analogues, it appears that the minimum efficient Assembly size is in the region of 55-60 members, with an absolute range of 57-80 members.'</p> <p>Suggests two options:</p> <p>A 4 member per constituency with 16 constituencies = 64 or</p> <p>A 5 member per constituency with 16 constituencies = 80.</p>	<p>'...a 64-member Northern Ireland Assembly should be able to accommodate 16 committees. When our recommendations on the number of departments are incorporated here, two committees will cease to exist by default. In addition, there are opportunities for committee rationalisation. For example, a separate committee is not necessarily needed for each minister or government department – there is an 'Education and Culture Committee' in the Scottish Parliament. Consequently, we see no major difficulties in adapting the committee system to the smaller assembly.'</p>	<p>Full submission goes into substantial detail regarding the party's views on a new structure of government departments and reshuffling of responsibilities. Also makes comparisons with Scotland, Wales and Westminster.</p> <p>'We therefore recommend a 9 department model (10 with OFMDFM), rather than 11 (12 with OFMDFM) as at the present time. This model is entirely consistent with those UK Government departments which are, to at least some degree, devolved.'</p> <p>'In terms of total number of ministers, NI would have 11 ministers plus two junior ministers...'</p>	<p>Full submission reiterates and summarises the main recommendations from the Party's perspective.</p>

<p>Issues as set out in the 'Call for Evidence' paper (in full)</p> <p>Procapitalism</p>	<p>(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity (appropriate size of Assembly; comparable arrangements elsewhere; and factors to take into consideration when deciding the size, etc.)</p> <p>'With the trend internationally towards ever bigger government, it is not possible to offer any example that would act as a useful paradigm.'</p>	<p>(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including proposals to ensure a robust and effective committee system (mitigating the impact of reducing the number of MLAs on the effectiveness of the Assembly; and ensuring a robust and effective committee system, etc.)</p> <p>Implies that the committee system as a whole is inherently flawed.</p>	<p>(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained (how many departments are required to effectively discharge the current range of devolved functions; and what functions should be grouped together, etc.)</p> <p>'Departments should not exceed the number already in play. Some could be easily enough eliminated, and others integrated.'</p>	<p>Additional information which you believe will be of assistance to the Committee during the course of the Review.</p> <p>'The priority of the Assembly must be to create an environment with a minimum of populist regulation...'</p>
<p>KEY STAKEHOLDERS – Others</p> <p>NILGA</p>	<p>'The final numerical assessment must permit effective operation of the Assembly as a legislative and scrutiny body, and ensure that inclusivity is safeguarded.'</p>	<p>'NILGA asserts that in order to rationally look at the size of the Assembly, there needs to be a full and thorough analysis of the existing and proposed suite of functions to be determined: by the Departments; by Councils; by the private sector and the social economy.'</p>	<p>'It is recommended that a set of principles (or similar) be used to inform a departmental and Assembly assessment – the principles are listed in the detailed response, Section 4, question 5.'</p> <p>'If the focus of the Assembly is to ensure the departments are delivering the Programme for Government, then one option would be for our departments to be designed around that Programme.'</p>	<p>NILGA made both an interim response and a final full response following consideration and approval by NILGA's Executive and full members.</p>

<p>Issues as set out in the 'Call for Evidence' paper (in full)</p> <p>NILGA (continued)</p>	<p>(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity (appropriate size of Assembly; comparable arrangements elsewhere; and factors to take into consideration when deciding the size, etc.)</p>	<p>(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including proposals to ensure a robust and effective committee system (mitigating the impact of reducing the number of MLAs on the effectiveness of the Assembly; and ensuring a robust and effective committee system, etc.)</p>	<p>(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained (how many departments are required to effectively discharge the current range of devolved functions; and what functions should be grouped together, etc.)</p>	<p>Additional information which you believe will be of assistance to the Committee during the course of the Review.</p>
			<p>'Another option is to look at "families of services", and to explore whether the families of services that are grouped together currently in our departments are a suitable grouping for effective working. An additional issue to consider is the potential to make more use of the 'junior minister' system as evidenced in Scotland.'</p>	
<p>Platform for Change</p>	<p>'We have indicated above that we would view an assembly of 80 members (or thereabouts) as reasonable. This would still be disproportionately large, compared with the Scottish Parliament and the Welsh National Assembly. It would however be closer to the size (78 members) of the assembly elected in 1973, associated with the power-sharing executive of 1974.'</p>	<p>'The number of committees should be reduced <i>pari passu</i> with the number of departments (see next answer) to ensure individual members are not required to attend more committees and/or committee membership is reduced.'</p> <p>'Removal of the dual (and in some cases even triple) mandates of many members is essential to ensure committee work is taken seriously, rather than the assembly being perceived as just another place to make speeches and lobby.'</p>	<p>'Platform for Change believes that seven departments would be a reasonable number but the structure should be aligned with overarching policy goals as in Scotland, rather than simply being conceived as silos for particular public services, like schools, police or hospitals.'</p> <p>'It is critical that the executive operates, like its predecessor in 1974, on the basis of collective responsibility, so that joined-up government can be made a reality.'</p>	<p>'A piecemeal response focusing narrowly on the number of MLAs and departments will not address this profound challenge (of change to governance arrangements). An holistic approach is needed, as we have set out, which meets it coherently and comprehensively.'</p>

<p>Issues as set out in the 'Call for Evidence' paper (in full)</p> <p>Other Stakeholders</p> <p>Edgar, James Mir</p>	<p>(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity (appropriate size of Assembly; comparable arrangements elsewhere; and factors to take into consideration when deciding the size, etc.)</p>	<p>(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including proposals to ensure a robust and effective committee system (mitigating the impact of reducing the number of MLAs on the effectiveness of the Assembly; and ensuring a robust and effective committee system, etc.)</p>	<p>(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained (how many departments are required to effectively discharge the current range of devolved functions; and what functions should be grouped together, etc.)</p>	<p>Additional information which you believe will be of assistance to the Committee during the course of the Review.</p>
	<p>'An 80 member Assembly is the minimum level required to ensure effective regional government for a population of 1.7 million citizens.'</p> <p>'Comparable regional representative institutions in Scotland and Wales would indicate that Northern Ireland should have a reduced number of elected representatives. Also, compared to Dáil Éireann the Northern Ireland Assembly has a higher number of elected representatives per head of the population.'</p> <p>'An 80 member Assembly provides an optimal level that would still ensure effective governance. It would also allow all eligible M.L.A.'s to be a member of a Statutory Committee within the Assembly.'</p>	<p>'The author is of the view that any review of membership of the Northern Ireland Assembly must be considered with a review of the number of Government Departments.'</p> <p>'The author would recommend that the Assembly should review the basis of its Committee system for the next Assembly. There are two Committee models that may be considered:</p> <p>The first model would be a continuation of the existing system of Statutory Committees linked to the number of Government Departments.'</p> <p>'The second model would be the use of a "thematic/subject" Committee system.'</p>	<p>'The author recommends that the next Northern Ireland Executive could be based on nine Government Departments, inclusive of the Office of the First Minister and deputy First Minister.'</p> <p>'The author would recommend that Government Departments be constructed on a thematic basis.'</p> <p>Full submission includes suggestions for the reshuffling of the current themes under NI government departments.</p>	<p>'There is a public expectation that the Northern Ireland Assembly should lead by example, and operate in a 'leaner' format. However, this should not be at the expense to the effectiveness of the workings of the Assembly Committee system, and the running of Government Departments.'</p>

<p>Issues as set out in the 'Call for Evidence' paper (in full)</p> <p>Edgar, James Mr (continued)</p>	<p>(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity (appropriate size of Assembly; comparable arrangements elsewhere; and factors to take into consideration when deciding the size, etc.)</p> <p>Full submission includes a list of issues when deciding on the size of a future Assembly.</p>	<p>(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including proposals to ensure a robust and effective committee system (mitigating the impact of reducing the number of MLAs on the effectiveness of the Assembly; and ensuring a robust and effective committee system, etc.)</p> <p>'The author would recommend that for Statutory Committees membership should be a maximum of nine M.L.A.'s, with a quorum of four required to formally convene. Standing Orders of the Assembly should be amended accordingly.'</p>	<p>(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained (how many departments are required to effectively discharge the current range of devolved functions; and what functions should be grouped together, etc.)</p>	<p>Additional information which you believe will be of assistance to the Committee during the course of the Review.</p>
<p>Independent Financial Review Panel (IFRP)</p>	<p>'In the benchmarking exercises which the Panel carried out, the main factor that became evident was the relatively low span of MLAs' responsibilities due primarily to the number of MLAs per constituency. MLAs represent on average considerably fewer voters than their counterparts in other devolved legislatures and the House of Commons and therefore cost proportionately more.</p> <p>'The nature of the political arrangements in the Assembly is such that there is a substantial amount of duplication in the responsibilities of MLAs within constituencies.'</p>	<p>'The current political structures mean that duplication and competition are unavoidable'</p> <p>'The Panel believes that having to many representatives in one small political space has a negative effect on both of the factors.' (That is effectiveness and cost of local politics)</p>	<p>Submission does not cover this area.</p>	<p>'The Panel has stated that for its next Determination, it will address any different levels of ministerial posts based on size, type, accountability and complexity. In doing so it will be guided by any changes agreed by the Executive in relation to Ministerial responsibilities.'</p>

<p>Issues as set out in the 'Call for Evidence' paper (in full)</p> <p>Institute of Directors Northern Ireland (IoD) and NI Independent Retail Traders Association (NIIRTA)</p>	<p>(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity (appropriate size of Assemblies; comparable arrangements elsewhere; and factors to take into consideration when deciding the size, etc.)</p> <p>'While the focus of this response is the number of NI Departments, the IoD suggests that, with the proposals to realign Westminster constituencies and reduce the number to 16, each Westminster constituency should return just 4 Members of the Northern Ireland Assembly thus creating an Assembly of 64 rather than the current 108.'</p>	<p>(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including proposals to ensure a robust and effective committee system (mitigating the impact of reducing the number of MLAs on the effectiveness of the Assembly; and ensuring a robust and effective committee system, etc.)</p>	<p>(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained (how many departments are required to effectively discharge the current range of devolved functions; and what functions should be grouped together, etc.)</p> <p>'As a business organisation representing and lobbying on behalf of our members, we believe that the current system needs a radical overhaul and that Northern Ireland requires no more than seven government departments.'</p> <p>'For a region our size, seven departments are sufficient to provide effective streamlined government with clear strategic objectives.'</p> <p>Full submission includes suggestions for a new structure of NI departments.</p> <p>Suggests that many services currently delivered by the public sector could be delivered in partnership with private sector.</p> <p>Gives a suggestion for a change in the Ministerial portfolio – would advocate Junior Ministerial roles to departments where the workload might be too heavy a single Minister.</p>	<p>Additional information which you believe will be of assistance to the Committee during the course of the Review.</p>
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<p>Issues as set out in the 'Call for Evidence' paper (in full)</p> <p>Northern Ireland Public Service Alliance (NIPSA)</p>	<p>(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity (appropriate size of Assembly; comparable arrangements elsewhere; and factors to take into consideration when deciding the size, etc.)</p> <p>Submission does directly not cover this area; but the response to Issue 2 is also relevant here.</p>	<p>(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including proposals to ensure a robust and effective committee system (mitigating the impact of reducing the number of MLAs on the effectiveness of the Assembly; and ensuring a robust and effective committee system, etc.)</p> <p>'NIPSA would see this as an opportunity to review Committee structures, scrutiny roles within the Assembly. If departments are reduced, amalgamated or new departments are created these departments should be mirrored through the establishment of a relevant statutory committee. NIPSA would also encourage that committee numbers would not include individual MLA's sitting on several committees simultaneously. NIPSA would note that an increased scrutiny and analytical role of new committee structure would have an increased workload. NIPSA would also see a review of standing committees to meet the required needs of a new Assembly structure.'</p>	<p>(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained (how many departments are required to effectively discharge the current range of devolved functions; and what functions should be grouped together, etc.)</p> <p>'NIPSA would welcome the fact that if the current departments are reduced a sensible approach is taking in creating new departments, for example in the case of DEL, NIPSA supports the case that DEL should be amalgamated with ETI yet consideration of splitting DEL between two departments is not a value for money option. It is an ideal opportunity to realign old departments and also remove a number of ad hoc areas such as Economic Policy and Regeneration into an Economy Department.'</p>	<p>Additional information which you believe will be of assistance to the Committee during the course of the Review.</p> <p>'Overall whilst not within the remit of the A+ER committee it would be encouraging for the committee to recommend gender proofing of new MLA's and follow this on through to Committees. Comparators with other legislatures may be considered although NIPSA would see this as an opportunity for A+ER to review and modernise the working operations of the Assembly, such as roles of the Committees, Plenary timings and debates.'</p>
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<p>Issues as set out in the 'Call for Evidence' paper (in full) Royal Town Planning Institute Northern Ireland (RTPI)</p>	<p>(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity (appropriate size of Assemblies; comparable arrangements elsewhere; and factors to take into consideration when deciding the size, etc.)</p> <p>'In relation to the number of MLAs it was the view of members that this should be reduced to a maximum of 5 per constituency and that the current number is excessive and not sustainable.'</p>	<p>(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including proposals to ensure a robust and effective committee system (mitigating the impact of reducing the number of MLAs on the effectiveness of the Assembly; and ensuring a robust and effective committee system, etc.)</p> <p>'The National Assembly for Wales, with a total of only 60 Assembly Members runs an active Committee structure, providing scrutiny and undertaking a range of inquiries. The Scottish Parliament also offers a good example of committee structures.'</p>	<p>(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained (how many departments are required to effectively discharge the current range of devolved functions; and what functions should be grouped together, etc.)</p> <p>'(RTPI) Members would welcome the reduction in the number of government departments.' Full submission states that the area of planning is a major concern and gives suggestions for improvement. 'It is vital to the delivery of a fit for purpose planning system that these functions are not split in order to ensure a smooth and joined up approach that will avoid unnecessary delays and enhance accountability.'</p>	<p>Additional information which you believe will be of assistance to the Committee during the course of the Review.</p> <p>'The Institute feels that the review paper provides the opportunity to make preparations for the Review of Public Administration and would urge the Executive not to miss this opportunity.'</p>
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<p>Issues as set out in the 'Call for Evidence' paper (in full)</p> <p>Women's Tec</p>	<p>(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity (appropriate size of Assembly; comparable arrangements elsewhere; and factors to take into consideration when deciding the size, etc.)</p> <p>'The number of MLAs should not be reduced.'</p> <p>'Human rights and equality are key aspects of the Belfast Agreement, which should be mainstreamed through all government decisions. Consideration should be given for committees for equality and human rights (or a combined equality and human rights committee) with a remit for cross-departmental oversight on these matters.'</p>	<p>(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including proposals to ensure a robust and effective committee system (mitigating the impact of reducing the number of MLAs on the effectiveness of the Assembly; and ensuring a robust and effective committee system, etc.)</p> <p>'See responses at (2) and (3). Any reduction in the number of MLAs would be opposed.'</p>	<p>(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained (how many departments are required to effectively discharge the current range of devolved functions; and what functions should be grouped together, etc.)</p> <p>'Women's Tec does not have a view on how many departments there should be or how they are organised. However, it should be clear from the outset where specific functions lie and their administration simplified for easier decision-making, for example, regarding social development and vocational training support.'</p>	<p>Additional information which you believe will be of assistance to the Committee during the course of the Review.</p> <p>'The opportunity should be taken to legislate for changes in electoral law to increase the representation of women.'</p> <p>'While there are many methods that can be used to promote more women in politics...the most effective mechanism for ensuring increased representation is statutory quotas.'</p>
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Alliance Party

Section 1 Stakeholder Details

Stakeholder Name	Telephone Number			
Alliance Party	(028) 90521315			
Stakeholder Address	Stakeholder Type (Include one or more X)			
Room 220 Parliament Buildings Belfast BT4 3XX	Registered Political Party	X	Local Government	
	Academic		Government	
	Legislature		Non-Government	
	Other (Please Specify)/Member of the Public			

Please provide some background information on your role as a stakeholder

The Alliance Party is Northern Ireland cross community political party.

We have 2 Executive Ministers, 1 MP, 8 MLAs, 44 Councillors.

Guidelines for Completion of Submissions

The Committee would ask that stakeholders submit **electronic** responses using this pro forma.

Stakeholders should be aware that their written evidence will be discussed by the Committee in public session and made public by the Committee by publication of its Report or other means.

Stakeholders should also be aware that if they decide to publish their submissions, the publication would not be covered by Assembly privilege in relation to the law of defamation.

Section 4

Issues (as set out in (1)-(5) of the Committee's Terms of Reference) and Questions to consider

(1) Whether the statutory link between Westminster and Northern Ireland constituencies should be removed and the implications of removing or retaining this link

What would be the advantages and disadvantages of Northern Ireland 'decoupling' from the Westminster constituency model for Assembly elections?

Please offer supporting evidence for your view on whether the link should be removed, or retained.

If your view is that the link should be removed, how many constituencies and MLAs per constituency do you envisage in the 'decoupled' system, and why?

The Alliance Party are aware of the arguments for both decoupling and continuing with the existing statutory link. Given the debate around this issue we feel it would be best dealt with at the leaders meeting.

Irrespective of whichever decision is taken on the statutory link it is essential that the need for simplicity and consistency for the electorate is kept as the main concern.

(2) The implications of the forthcoming reduction via the Parliamentary Voting System and Constituencies Act 2011, and any further reduction in the number of MLAs

What, in your view, will be the implications of the reduced number of MLAs arising from the Parliamentary Voting System and Constituencies Act 2011 (ie 16 rather than 18 constituencies)?

A further reduction in the 16 constituency scenario could arise from a decrease in the number of MLAs per constituency. What, in your view, are the implications of such a further reduction?

Do you consider that the number of MLAs per constituency should remain at 6 or decrease, and if so, for what reasons?

The Alliance Party is supportive of a reduction in the number of MLAs. The reduction in the number of constituencies represents a good opportunity to do this. On the basis of a move from 18 to 16 constituencies the Assembly would be reduced in size from 108 to 96 MLAs. We would be supportive of a further decrease by reducing the number of MLAs per constituency from 6 to 5; providing an Assembly with 80 Members.

This would be more in keeping with the size of Northern Ireland and the need for efficient government. Alliance would caution against going below five members per constituency. At below five, proportionality begins to be lost. This is seen in elections to the Dail, which can be on the basis of 3, 4 and 5-seat constituencies. Proportionality is particularly critical in a deeply divided society such as ours.

Five MLAs per constituency may also be more reasonable from a cost perspective.

(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity.

What size of an Assembly is required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained?

Are there comparable arrangements elsewhere which the Assembly and Executive Review Committee could usefully consider?

What factors should the Committee take into account when deciding on the size of the Assembly?

There is no evidence to suggest that 80 would be insufficient to ensure the effectiveness of the Assembly particularly if a streamlining of the Executive happened concurrently.

With a reduction in the number of MLAs there should be no discernible drop in the level of governance. An example of this is Scotland, where the Parliament has similar powers to the NI Assembly and fewer MSPs per head of the population.

A streamlining of the Executive and the resulting reduction in Government Departments would lead to a reduction in the number of Statutory Committees within Stormont and therefore less MLAs would be needed to cover the number of Committee places available.

(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including in particular, proposals to ensure a robust and effective committee system

Please indicate what you would propose to change in the current arrangements to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly.

In particular, what changes would you propose to ensure a robust and effective committee system?

In order to ensure a reduction in MLAs does not adversely impact on the ability of Committees to carry out a robust scrutiny role a rationalisation of the number of Government Departments from twelve to eight should be undertaken, this will decrease the number of Committees, as per our previous answer.

The Alliance Party would restructure Committees in line with a rationalisation of the number of Departments, our suggestions for reducing the number of Departments are outlined in the answer to Question 5.

(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained

How many departments are required to effectively discharge the current range of devolved functions?

In broad terms, what functions should be grouped in the reduced number of departments and what factors informed your decisions on grouping functions together in a department?

Alliance argues that eight Departments, and therefore Committees could be established as follows:

1. Office of the First Minister and Deputy First Minister (retaining much of its current functions)
2. Economy (incorporating the current Departments of Enterprise, Trade and Investment and the Employment and Learning, and some aspects of Agriculture and Rural Development)
3. Finance and Personnel (with civil law passing to Justice and any latent responsibilities for Northern Ireland Water which would be granted mutual status)
4. Justice (receiving civil law from Finance and Public Safety from DHSSPS)
5. Health and Social Services (minus Public Safety)
6. Education (incorporating much of the Department of Culture, Arts and Leisure)
7. Environment and Rural Development (incorporating the current Department of the Environment, planning functions currently with the Department of Regional Development, much of Agriculture and Rural Development, and waterways from the Department of Culture, Arts and Leisure)
8. Urban and Social Development (with the existing urban regeneration aspects of the current Department better highlighted and Transport transferred from the current Department of Regional Development)

Section 5 Additional Information

Please provide any additional information which you believe will be of assistance to the Committee during the course of the Review.

At this point we would like to note our disappointment that the AERC Committee, as part of this review, are not considering other reforms to the structures, such as the removal of Assembly Designations, in time for the forthcoming Northern Ireland legislation.

Democratic Unionist Party (DUP) Policy Proposals

DUP POLICY PROPOSALS



REFORMING GOVERNMENT – **STREAMLINING** STORMONT

MAKING STORMONT **WORK BETTER**



⏪ Details on how you can respond to these proposals can be found on the back page

DUP: MAKING STORMONT WORK BETTER

The Assembly elected in 2007 is the first to complete a full term of devolved government for over 40 years. This is a considerable achievement in light of the failure of previous attempts to establish devolution.

However, in the next four years it will be tangible delivery by the Executive, rather than mere survival, on which we will be judged.

We believe that reforming and streamlining Stormont can help us deliver for the people of Northern Ireland.



DUP: MAKING STORMONT WORK BETTER**DUP – THE CHAMPION OF REFORM**

In 1998 the DUP opposed the arrangements provided for by the Belfast Agreement and when we won a mandate for change in 2003 we insisted on a number of fundamental amendments before we would agree to form an Administration. These amendments were negotiated at St Andrews and legislated for at Westminster.

As a first step these have operated effectively but further changes would be beneficial. At St Andrews in 2006 it was agreed and subsequently enshrined in legislation that there would be a review of the Devolved Institutions by 2015. This will be a key task for the next Assembly and that work should be completed in the early part of the term.

In the first days of the new Assembly we believe that Party Leaders should meet to map out how this work can best be taken forward in conjunction with the Assembly and Executive Review Committee.

While the present arrangements have proven durable, no one could credibly suggest that the existing Institutions are best devised to provide the best government for Northern Ireland. Indeed, even the authors of the Belfast Agreement accepted that it was an interim structure rather than a long-term solution. The challenge for us now will be to agree changes which can command support across the community and which will deliver better government.

The DUP has always been the champion of political reform in Northern Ireland. While the current framework is a marked improvement on the Belfast Agreement, it is still far from the best means of operation. We are committed to bringing about change to the existing arrangements, but in so doing, we will not risk the future of devolution altogether. Instead, we will work to build political consensus to bring about change.



DUP: MAKING STORMONT WORK BETTER

OUR AGENDA FOR CHANGE

We have a clear long-term goal to normalise the political arena in Northern Ireland. Indeed, we are the only Unionist party that is in any position to help bring this about. Improved political arrangements can help to enhance the functioning of devolution, but we must remember that for most, the key concern is how devolution can help them, rather than the detail of how it is structured. Ultimately the willingness of political parties to operate government will have as much to do with the success of devolution as the precise nature of the arrangements themselves.

The political reality is that change to the way in which devolution operates in Northern Ireland will only come about by agreement. It has been suggested that the only way to change the present arrangements is to refuse to operate them and then force a renegotiation. This would be a recipe for constitutional instability, inevitably leading to a breakdown of the Institutions and years of Direct Rule with Dublin interference. It would be deeply damaging to Northern Ireland and would also set a dangerous precedent in that whenever a Party wanted some future change, it would threaten the collapse of devolution. Such circumstances would not be good for the short or long-term operation of Government in Northern Ireland.

Nevertheless, it is clear that there is an emerging consensus for change to the current structures. While it will require widespread agreement to bring about change in the devolved arrangements, it is also the case that cross-community agreement will be required to replace existing All-Island Implementation Bodies or to amend the present responsibilities of the North South Ministerial Council. We believe that with some goodwill, changes can be made which are to the benefit of all the people of Northern Ireland.

Whilst there will need to be widespread agreement to normalise politics in Northern Ireland, no single Party should have a veto on progress. In terms of the long-term arrangements we believe that, on the basis of the Assembly and Executive Review Committee's report and the level of support that each proposal was able to attract, the UK Government should bring forward legislation to normalise politics in Northern Ireland before the 2015 Assembly election.



DUP: MAKING STORMONT WORK BETTER**ST ANDREWS CHANGES – HOW THEY HAVE OPERATED****Ministerial Accountability**

The amendments to the Northern Ireland Act brought about by the Northern Ireland (St Andrews Agreement) Act 2006 and the creation of a statutory Ministerial Code have transformed the way decisions are taken in Northern Ireland. Instead of a Minister being able to take decisions regardless of the view of the Executive, Executive approval is now required for all important decisions.

While, on occasion, this has made taking decisions more difficult, it has ensured that all important decisions have commanded cross-community support and Ministers are not free to do as they wish. Though it has taken some time for the new arrangements to bed down, they have proven effective and have been upheld by the courts in Northern Ireland.

Election of First Minister and deputy First Minister

The mechanism to appoint the First Minister and deputy First Minister, as agreed at St Andrews, was not faithfully implemented in the ensuing legislation. Pending more fundamental changes to the operation of OFMdfM we will continue to press for the effecting of arrangements as per the St Andrews Agreement, namely that the nominee of the largest Party from the largest Designation should become First Minister. The arrangements provided for in the Belfast Agreement are merely a recipe for an impasse following an election.

HILLSBOROUGH CASTLE AGREEMENT

Arising out of the Hillsborough Castle Agreement an Executive sub-committee was set up to propose improvement to the functioning of the Executive. As a result of this process, the Executive has now agreed that a Minister can insist on a paper being tabled for consideration by the Executive. It was also agreed that Party Leaders would meet following the election to discuss and seek to agree a Programme for Government.

PROPOSALS FOR REFORM

Since 1998 we have tabled proposals for how the devolution processes could be improved. Many of these were addressed through the St Andrews Agreement while others will be considered over the next Assembly mandate. For that reason many of the proposals tabled in this paper are not new. However, the review of the arrangements provided for in the Northern Ireland (St Andrews Agreement) Act 2006 will provide the ideal opportunity for these to be considered.

**LONG-TERM ARRANGEMENTS – MOVING TOWARDS A VOLUNTARY COALITION**

We believe that in the long-term, the best means of governing Northern Ireland would involve a voluntary coalition Executive and weighted majority voting of around 65% in the Assembly, resulting in an end to Community Designation. This system could provide for both an Executive and an official Opposition which would be consistent with normal democratic institutions while accepting the particular circumstances of Northern Ireland.

This should be the long-term goal of all of the Parties in Northern Ireland. However, we must be realistic about the ability to achieve it in the short-term. While voluntary coalition would undoubtedly improve the performance of devolution in Northern Ireland, it would be a mistake to assume it is a panacea to all of the problems that we face.



WORKING BETTER TOGETHER

These proposals are based upon working better together under the present legal arrangements and could be implemented from the start of the new Assembly mandate. We believe that people want to see politicians working together and not scoring party-political points. Our proposals are founded upon this goal. Some of them will require the support of other Parties while others can be effected unilaterally. For arrangements to work, the goodwill of all Parties involved will be required. Self evidently if the level of partisan politics demonstrated in the run up to the Assembly election characterised the next Assembly, it would not be possible to maximise the benefits from these proposals.

EXECUTIVE FORMATION

Under the present arrangements Departments are allocated on the basis of the d'Hondt formula. This determines both the number of Departments to which each Party is entitled and also the order of selection. After the last election this process was run informally between the Parties in advance of the formal process in the Assembly. An extension of this arrangement would be to seek to agree an Executive through discussion and negotiation. If such agreement could be reached, it could then be formalised through the running of d'Hondt on an agreed basis in the Assembly.

It has also been suggested that a Programme for Government be agreed before the Executive is established. While this idea has merit in principle, we should be conscious of the limited time afforded by statute to establish the Executive and the challenges of obtaining agreement by five Parties. We believe that, consistent with our proposals, high level agreement should be sought on a Programme for Government, however it would be absurd to make agreement a pre-requisite to the formation of an Administration.

ALL-PARTY COMMISSIONS

Under the present structure of a mandatory coalition, it is desirable that decisions command the greatest possible support and authority across the Executive. This is tempered only by the temptation of 'minority parties' to seek to impede Executive business for perceived party-political advantage. Striking the appropriate balance will not always be easy, but where possible, consensus should be sought in the Executive.

In the present Assembly a number of significant policies have not proceeded due to a lack of widespread support from other Parties in the Executive. Those Ministers who have been prepared to engage in discussion and compromise have proven the most successful at delivering on their political and Departmental agendas. It is important that the necessary support is garnered before matters are brought before the Executive or Assembly.

One potential way to deal with the most difficult and controversial issues is to establish Cross-Party Commissions augmented with experts to address particular matters. This would allow for serious and informed considerations of some of the most contentious issues away from the public spotlight and on the basis of buy-in from all significant interests represented in the Assembly.

These Commissions could be established without the requirement of any formal change to the present arrangements.

One obvious example where a Commission could look at long-term solutions away from media attention is in the area of shared education provision.

DUP: MAKING STORMONT WORK BETTER**GREATER SCRUTINY THROUGH COMMITTEES**

One of the flaws of the present system of government is the lack of a formal Opposition. This is primarily because any Party with over 10 MLAs is likely to be entitled automatically to a seat in the Executive. There is however no obligation on a Party to take up its place in the Executive - any party is entitled to forgo this and form an Opposition.

However, pending changes to the present configuration, the Departmental Committees have an important role to play in holding Ministers and Departments to account.

VOTING IN THE EXECUTIVE

We believe that the Executive and Assembly operate best when Parties operate together and on the basis of unanimity. For various reasons, this has not always proven possible. However every effort should be made to rectify this position.

Until there are long-term changes to the arrangements, we believe that steps can still be taken to make the Executive more inclusive and which do not require any formal changes to the rules. Subject to the outcome of the election and based on the good faith of all Parties involved we are prepared to make the following proposal:

In circumstances where other Executive Parties behave responsibly and constructively, the DUP will not normally force a vote against the wishes of another Executive Party. Instead, we will defer any such vote pending further consideration of the issue. However, in return for such a deferral we would expect that those opposed to a proposal would set out their specific objection and proposed amendments to the paper. This offer is only sustainable where it is not used for party-political advantage or to frustrate decisions.

JUSTICE ARRANGEMENTS

Before Policing and Justice powers were devolved there were key changes to how they were to be exercised. In particular, any political role in the appointment of the judiciary has been removed; cross-community agreement is required for the election of the Justice Minister; and quasi-judicial decisions do not require Executive agreement. The structures in relation to the Department of Justice have operated well since the devolution of justice powers in April 2010, but these will expire in 2012. We believe that any change to the current framework should only be considered in the context of a wider review of the devolution arrangements, whether before 2012 or 2015.

CIVIC FORUM

The Civic Forum has not been restored since 2007 and we see no case for its reintroduction. Nevertheless, where possible, we should seek to involve people from wider civic society where they can add value to decision-making.



DUP: MAKING STORMONT WORK BETTER

NUMBER/REORGANISATION OF DEPARTMENTS

We propose that the number of Departments should be reduced to 6-8 and propose the following structure.

OFMdfM would be reconstituted as the Executive Office with its concentration on dealing with Executive business and including responsibility for many of the central or cross-Governmental functions.

In addition there would be seven ordinary Departments.

- A Department of the Economy and Business with responsibility for all economic issues including skills, sport and culture.
- A Department for Education with responsibility for young people, schools and higher education.
- A Department of Health and Social Services.
- A Department for Regional Development with responsibility for roads, water, transport as well as planning and urban regeneration.
- A Department of Justice
- A Department of Communities and Social Welfare with responsibility for Local Government, Housing, Land and Property Services and the Social Security Agency.
- And a Department of Agriculture, Environment and Rural Development which would also have responsibility for the Northern Ireland Environment Agency.

NUMBER OF MLAS

We propose that the number of MLAs should be reduced to 4 or 5 per constituency and a maximum of 80 from the 2015 Assembly election.

NORTH-SOUTH ARRANGEMENTS

Relations between Northern Ireland and the Republic of Ireland have never been better. With the changes arising out of the St Andrews Agreement, the present north-south Institutions present no constitutional threat to Northern Ireland. The extent to which they represent good value for money is a separate issue. While we strongly oppose politically motivated Cross-Border Bodies, we will support co-operation which is in the interests of Northern Ireland.

RESIGNATION OF MINISTERS

Provision already exists for the removal of Ministers within the Northern Ireland Act. However, in effect, this provision is significantly limited by the requirement that any vote of the Assembly to remove a Minister requires a cross-community majority as defined by the Act. In practice it therefore is not possible for the Assembly to remove a Minister from either of the two largest Parties in circumstances where the Minister continues to command the support of his Party's Nominating Officer. This is a severe limitation on the application of the relevant provision.

As an alternative in the short-term, consideration should be given to a non-binding motion of no confidence in a Minister which, while lacking formal legal effect, could have considerable political effect and, for which, there would be no automatic requirement for a cross-community vote. Indeed, the Assembly should establish a convention whereby Petitions of Concern are not used in relation to votes of confidence.

Following the passing of a vote of no confidence in a Minister it would be a matter for the individual or the Party's Nominating Officer to determine the future of that Minister. It would be a matter for the public as to whether the vote of no confidence was legitimate or a party-political stunt or whether the failure of a Minister to resign or be dismissed by their Nominating Officer was an improper failure to recognise the authority of the Assembly.

While this proposal falls short of an ideal situation, it may strike the balance between the opportunity for the Assembly to speak its mind and the protection of Ministers from purely party-political attacks.

This alternative also has the advantage of not requiring any formal change to legislation or the rules of the Assembly.



DUP: MAKING STORMONT WORK BETTER

PROPOSALS FOR ST ANDREWS REVIEW – BREAKING DOWN DIVISION

In the medium-term it is essential that we seek to break down the institutional arrangements which entrench division and divide the community. Our proposals for the St Andrews review will be designed with this aim in mind.

DESIGNATION

We propose the abolition of community designation in the Assembly. Community designation is not only fundamentally undemocratic as it does not provide equality for all Assembly Members' votes, but it also entrenches community division and hinders the development of normal politics in Northern Ireland. As a result of the abolition of community designation new arrangements will be required for the Assembly and Executive.

VOTING ARRANGEMENTS

Where a cross-community vote is required by legislation or triggered by a Petition of Concern, a proposal would require the support of 65% of Assembly Members present and voting to pass.

The 65% threshold means that a proposal would need to have widespread support across the community but would not permit a small minority to block decision-making. It would also permit various combinations of parties to pass a particular proposal with no single party holding a veto. It would also allow differing coalitions to pass proposals on different issues without any single group holding the Assembly to ransom. This arrangement would also encourage greater co-operation and compromise in the Assembly to obtain sufficient support for proposals to pass.

In the Executive analogous voting arrangements would also be introduced to require the support of parties representing 65% of Assembly Member voting in favour to pass.



DUP: MAKING STORMONT WORK BETTER



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MAKING STORMONT **WORK BETTER**



MAKING STORMONT WORK BETTER

The DUP values the views of members of the public. We are keen to hear your opinions. If you have any views on our proposals that you would like to contribute as we develop our strategy further, please email consultation@dup.org.uk or write to: DUP Policy Unit, 91 Dundela Avenue, Belfast BT4 3BU.



www.dup.org.uk

Party Headquarters: 91 Dundela Avenue, Belfast. BT4 3BU Tel: 028 9047 1155

Stormont Office: Room 207, Parliament Buildings, Stormont, Belfast BT4 3XX

European Office: Garvey Studios, Longstone Street, Lisburn, Co. Antrim BT28 1TP

Westminster Office: DUP Whip's Office, House of Commons, London SW1A 0AA

The Green Party in Northern Ireland

Section 1 Stakeholder Details

Stakeholder Name	Telephone Number			
The Green Party in Northern Ireland	028 9052 1141			
Stakeholder Address	Stakeholder Type (Include one or more X)			
76, Abbey Street Bangor County Down BT20 4JB	Registered Political Party	X	Local Government	
	Academic		Government	
	Legislature		Non-Government	
	Other (Please Specify)/Member of the Public			

Please provide some background information on your role as a stakeholder

The Green Party in Northern Ireland is a registered political party in Northern Ireland. We have a single MLA representing North Down and three councillors in North Down Borough Council, Castlereagh Borough Council and Down District Council.

Guidelines for Completion of Submissions

The Committee would ask that stakeholders submit **electronic** responses using this pro forma.

Stakeholders should be aware that their written evidence will be discussed by the Committee in public session and made public by the Committee by publication of its Report or other means.

Stakeholders should also be aware that if they decide to publish their submissions, the publication would not be covered by Assembly privilege in relation to the law of defamation.

Section 4 Issues (as set out in (1)-(5) of the Committee's Terms of Reference) and Questions to consider

(1) Whether the statutory link between Westminster and Northern Ireland constituencies should be removed and the implications of removing or retaining this link

What would be the advantages and disadvantages of Northern Ireland 'decoupling' from the Westminster constituency model for Assembly elections?

Please offer supporting evidence for your view on whether the link should be removed, or retained.

If your view is that the link should be removed, how many constituencies and MLAs per constituency do you envisage in the 'decoupled' system, and why?

In the opinion of GPNI, the AERC has developed a flawed set of terms of reference for this review and has erred in excluding consideration of alternative voting systems in this activity. Indeed, the first two issues of the terms of the reference assume a priori key features of the

Assembly electoral system (e.g. a number of MLAs per constituency, link to Westminster constituencies) without taking a much broader look at how our MLAs are and could be elected.

AERC has correctly identified representation of public interest as a key function of the MLA and we argue that the Assembly electoral system is critical in determining how representative the Northern Ireland Assembly is. By excluding consideration of electoral systems the AERC has eliminated the possibility of examining how to make the Assembly MORE representative (in terms of minority views, number of female representatives etc.) at the same time as delivering a smaller Assembly. We are compelled to criticise the terms of reference as a one-dimensional approach to a three dimensional problem.

GPNI is committed to a smaller Northern Ireland Assembly elected either by (1) a form of multi-member constituency PR-STV with a “top-up” regional list or (2) an Additional Member System with single member constituencies and a single Northern Ireland Regional Constituency

Not only would we welcome a decoupling of Assembly boundaries from Westminster boundaries but, clearly, we believe there should be a complete redesign of how the Assembly is elected. New constituencies should be built in a “bottom up” fashion from new Local Government electoral wards and council boundaries.

Single member constituencies would have the advantage of moving away from the “one of ours, one theirs” characteristic of current Assembly constituencies and members. A single member would then be responsible for all constituents.

Under a form of multi-member constituency PR-STV with a “top-up” regional list we would imagine 16 Assembly Constituencies with 4 members per constituency and 16 members from a regional “top-up” list to give an Assembly of 80 members.

Under the Additional Member System we would imagine 40 single-member Northern Ireland Assembly constituencies and 40 members elected from a Northern Ireland wide regional list. Such a system would be particularly beneficial for promoting representation from under represented gender and ethnic groups.

If we are to continue with PR-STV in multi-member constituencies GPNI cannot countenance less than 6 members per new Assembly constituency as this effectively sets the limit of representative participation to parties achieving 14% of the vote, or the quota for such a constituency. As a benchmark, in the German Federal Election system 5% is the threshold for representative participation.

Again, for emphasis, the review cannot come to an optimum solution on the numbers of MLAs because it is not considering alternative methods for their election.

(2) The implications of the forthcoming reduction via the Parliamentary Voting System and Constituencies Act 2011, and any further reduction in the number of MLAs

What, in your view, will be the implications of the reduced number of MLAs arising from the Parliamentary Voting System and Constituencies Act 2011 (ie 16 rather than 18 constituencies)?

A further reduction in the 16 constituency scenario could arise from a decrease in the number of MLAs per constituency. What, in your view, are the implications of such a further reduction?

Do you consider that the number of MLAs per constituency should remain at 6 or decrease, and if so, for what reasons?

As outlined above, we believe the reduction to 96 members will not have an adverse impact on the operation of the assembly.

Reducing the Assembly below 96, under the current electoral system, severely limits the key representative function of MLAs and should not be countenanced whatever the minimal cost savings that might result. A reduction below this number, 6 per constituency, should only be undertaken in parallel with a decision on more representative electoral systems.

(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity.

What size of an Assembly is required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained?

Are there comparable arrangements elsewhere which the Assembly and Executive Review Committee could usefully consider?

What factors should the Committee take into account when deciding on the size of the Assembly?

The representative function of the Assembly is critically linked to the method of election of its members.

We believe a **representative** Assembly of 80 members, elected under a new electoral system, would be adequate to perform the legislative and scrutiny functions required of it.

Considering the numbers of MLAs who are also elected councillors, and indeed MPs, it could be argued that that the Assembly is already operating at below 108 member effective capacity.

The Committee should consider adopting a position of strict opposition to multiple electoral mandates being held by Assembly members.

(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including in particular, proposals to ensure a robust and effective committee system

Please indicate what you would propose to change in the current arrangements to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly.

In particular, what changes would you propose to ensure a robust and effective committee system?

GPNI believes that there should be a fundamental review of the Assembly committee system in the context of a reduced number of Government departments.

We do not believe that the Good Friday Agreement mandates that all Assembly members **should** be allocated a statutory committee place, only that that opportunity should be available to them. The AERC committee should not be constrained by this provision.

With regard to the effective running of committees specific proposals that we support include:

- (1) A reduction in the number of members per statutory committee to 9.
- (2) A prohibition on committee Chairs from holding any other committee position (as well, of course, as seats on local councils or at Westminster)
- (3) Strong consideration to be given to a standing order provision that a committee vacancy must be allocated to an MLA without any committee responsibility in preference to an MLA with an existing committee responsibility.
- (4) Scheduling of both standing and statutory committee business so that it does not clash with Assembly plenary business.
- (5) The merging of the Audit and Public Accounts standing committees.

In the scenario of a **96 member Assembly with 10 statutory committees** we expect there will be absolutely no impact on the effectiveness of Assembly committee operation.

With adoption of “low hanging fruit” proposals, such as those above, and from other stakeholders, there is undoubtedly opportunity to improve the effectiveness of Assembly and committee business.

A subsequent, more thorough, review of the committee system with a particular focus on an overarching planned legislative programme will deliver additional efficiencies.

(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained

How many departments are required to effectively discharge the current range of devolved functions?

In broad terms, what functions should be grouped in the reduced number of departments and what factors informed your decisions on grouping functions together in a department?

GPNI provides two models of Government departments/ministers addressing two different scenarios.

The first scenario is an incremental approach, assuming the constraint of mandatory coalition enshrined in the Good Friday Agreement. **This scenario proposes 10 government departments.**

The second scenario is our view of the thematic portfolios that should be allocated within the context of an Executive formed as an ‘agreed’ collation. This scenario would **have 7 government ministers** in addition to a First Minister acting as head of government.

We emphasise that it is our position that the move towards an “agreed Executive” with a formal opposition would be a substantive change to the Good Friday Agreement and must be endorsed by the people through a referendum.

- (1) Incremental approach; mandatory coalition. 10 departments.
 - Department of Health and Well Being
 - Department of Culture, Arts and Leisure
 - Department of Education and Learning
 - Department of the Economy
 - Department of Agriculture and Food
 - Department of Social Development
 - Department of the Environment (including Rural and Regional Development)
 - Department of Justice
 - Department of Finance and Personnel
 - Office of First and Deputy First Minister
- (2) Thematic approach in context of an “agreed Executive” with a formal opposition. **7 Ministers.**
 - Minister for a Sustainable Economy
 - Minister for Health and Well Being
 - Minister for Education and Life Long learning
 - Minister for Social Equity, Culture and Children

- Minister for Justice and Equality
- Minister for Energy
- Minister for Food and Agriculture

Section 5 Additional Information

Please provide any additional information which you believe will be of assistance to the Committee during the course of the Review.

Sinn Féin

Section 1 Stakeholder Details

Stakeholder Name	Telephone Number			
Sinn Féin	02890521471			
Stakeholder Address	Stakeholder Type (Include one or more X)			
Sinn Féin 53 Falls Road Belfast, BT12 4PD, Ireland	Registered Political Party	X	Local Government	
	Academic		Government	
	Legislature		Non-Government	
	Other (Please Specify)/Member of the Public			

Please provide some background information on your role as a stakeholder

Sinn Féin is the only All-Ireland political party. We have five Ministers in government in the North, including the deputy First Minister Martin McGuinness, 29 MLAs, 14 TDs 3 Senators and 1 MEP.

Guidelines for Completion of Submissions

The Committee would ask that stakeholders submit **electronic** responses using this pro forma.

Stakeholders should be aware that their written evidence will be discussed by the Committee in public session and made public by the Committee by publication of its Report or other means.

Stakeholders should also be aware that if they decide to publish their submissions, the publication would not be covered by Assembly privilege in relation to the law of defamation.

Section 4

Issues (as set out in (1)-(5) of the Committee's Terms of Reference) and Questions to consider

(1) Whether the statutory link between Westminster and Northern Ireland constituencies should be removed and the implications of removing or retaining this link

What would be the advantages and disadvantages of Northern Ireland 'decoupling' from the Westminster constituency model for Assembly elections?

Please offer supporting evidence for your view on whether the link should be removed, or retained.

If your view is that the link should be removed, how many constituencies and MLAs per constituency do you envisage in the 'decoupled' system, and why?

Sinn Féin would consider options to decouple Westminster constituencies to replicate RPA as part of any overall review.

(2) The implications of the forthcoming reduction via the Parliamentary Voting System and Constituencies Act 2011, and any further reduction in the number of MLAs

What, in your view, will be the implications of the reduced number of MLAs arising from the Parliamentary Voting System and Constituencies Act 2011 (ie 16 rather than 18 constituencies)?

A further reduction in the 16 constituency scenario could arise from a decrease in the number of MLAs per constituency. What, in your view, are the implications of such a further reduction?

Do you consider that the number of MLAs per constituency should remain at 6 or decrease, and if so, for what reasons?

Reductions in representation could potentially marginalise smaller parties and independents.

Sinn Féin want an inclusive Assembly as possible - We will consider all options that reflect the inclusiveness and equality envisaged by the GFA.

(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity.

What size of an Assembly is required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained?

Are there comparable arrangements elsewhere which the Assembly and Executive Review Committee could usefully consider?

What factors should the Committee take into account when deciding on the size of the Assembly?

Sinn Féin is committed to adequate representation for all groups and communities within our society. The current political institutions and arrangements, as established under the GFA are unique to our society which is in a post-conflict stage.

(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including in particular, proposals to ensure a robust and effective committee system

Please indicate what you would propose to change in the current arrangements to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly.

In particular, what changes would you propose to ensure a robust and effective committee system?

There is no evidence that a reduction in MLAs would impact on the effectiveness of the Assembly however it would likely have an impact on smaller parties and marginalised groups within our society.

(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained

How many departments are required to effectively discharge the current range of devolved functions?

In broad terms, what functions should be grouped in the reduced number of departments and what factors informed your decisions on grouping functions together in a department?

We are not opposed to a reduction in the number of departments.

Traditional Unionist Vote (TUV)

Section 1 Stakeholder Details

Stakeholder Name	Telephone Number		
Traditional Unionist Voice, TUV	028 2564 0250		
Stakeholder Address	Stakeholder Type (Include one or more X)		
c/o 38 Henry Street Ballymena Co Antrim	Registered Political Party	X	Local Government
	Academic		Government
	Legislature		Non-Government
	Other (Please Specify)/Member of the Public		

Please provide some background information on your role as a stakeholder

Traditional Unionist Voice is a political party.

Our core beliefs are summed up in four principles.

We are:

1. Wholly committed to the Union of Great Britain and Northern Ireland;
2. Desirous of devolution compatible with democratic principles and precedents prevailing elsewhere in the UK, thus causing us to reject the present undemocratic mandatory coalition model which puts Sinn Fein in government;
3. Adamant that the rule of law must prevail in every part of Northern Ireland and be administered without fear or favour and
4. Supportive of traditional family values.

Guidelines for Completion of Submissions

The Committee would ask that stakeholders submit **electronic** responses using this pro forma.

Stakeholders should be aware that their written evidence will be discussed by the Committee in public session and made public by the Committee by publication of its Report or other means.

Stakeholders should also be aware that if they decide to publish their submissions, the publication would not be covered by Assembly privilege in relation to the law of defamation.

Section 4

Issues (as set out in (1)-(5) of the Committee's Terms of Reference) and Questions to consider

(1) Whether the statutory link between Westminster and Northern Ireland constituencies should be removed and the implications of removing or retaining this link

What would be the advantages and disadvantages of Northern Ireland 'decoupling' from the Westminster constituency model for Assembly elections?

Please offer supporting evidence for your view on whether the link should be removed, or retained.

If your view is that the link should be removed, how many constituencies and MLAs per constituency do you envisage in the 'decoupled' system, and why?

There is no compelling reason to keep the present link between the Westminster and Northern Ireland Assembly constituencies.

12 constituencies, each returning 6 members, would give an appropriately sized Assembly.

(2) The implications of the forthcoming reduction via the Parliamentary Voting System and Constituencies Act 2011, and any further reduction in the number of MLAs

What, in your view, will be the implications of the reduced number of MLAs arising from the Parliamentary Voting System and Constituencies Act 2011 (ie 16 rather than 18 constituencies)?

A further reduction in the 16 constituency scenario could arise from a decrease in the number of MLAs per constituency. What, in your view, are the implications of such a further reduction?

Do you consider that the number of MLAs per constituency should remain at 6 or decrease, and if so, for what reasons?

There can be no justification for 108 MLAs, and while 96 is better it is still too many for this small region.

72 would be an appropriate number produced by 6 MLAs from each of 12 Northern Ireland constituencies.

(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity.

What size of an Assembly is required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained?

Are there comparable arrangements elsewhere which the Assembly and Executive Review Committee could usefully consider?

What factors should the Committee take into account when deciding on the size of the Assembly?

The correlation between reducing the number of MLAs and the number of departments is obvious. If the departments were reduced to 6, 72 MLAs would be more than adequate.

(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including in particular, proposals to ensure a robust and effective committee system

Please indicate what you would propose to change in the current arrangements to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly.

In particular, what changes would you propose to ensure a robust and effective committee system?

The key mitigating factor in regard to reducing the number of MLAs is a corresponding reduction in the number of departments. With 6 departments scrutiny committees of 10/11 members each is possible.

The statutory basis of the scrutiny committees needs to be changed from their functions being to “advise and assist” ministers and departments to “scrutinise and hold to account” ministers and departments

(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained

How many departments are required to effectively discharge the current range of devolved functions?

In broad terms, what functions should be grouped in the reduced number of departments and what factors informed your decisions on grouping functions together in a department?

Six, plus First Minister’s Office

- Dept of the Economy (DETI , DEL & DRD)
- Dept of Agriculture & the Environment (DARD & DOE)
- Dept of Health
- Dept of Education
- Dept of Justice
- Dept of Finance
- First Minister’s Office (OFMDFM, DCAL & DSD)

Section 5 Additional Information

Please provide any additional information which you believe will be of assistance to the Committee during the course of the Review.

Basic changes to the structures of government are required to enhance democracy.

The fundamentals of the electorate being able to change its government and have an Opposition in the Assembly are imperatives. Thus mandatory coalition must go with, after each election, those who can agree a PFG and command the requisite majority forming the government, and those who can’t - whoever they might be - forming the Opposition.

The dysfunctional office of OFMDFM should be abolished with the single position of First Minister filled as part of the negotiations leading to the formation of government.

Ulster Unionist Party

Section 1 Stakeholder Details

Stakeholder Name	Telephone Number			
Ulster Unionist Party	02890463200			
Stakeholder Address	Stakeholder Type (Include one or more X)			
Ulster Unionist Party First Floor, 174 Albertbridge Road Belfast BT5 4GS	Registered Political Party	X	Local Government	
	Academic		Government	
	Legislature		Non-Government	
	Other (Please Specify)/Member of the Public			

Please provide some background information on your role as a stakeholder

The Ulster Unionist Party was formally founded in 1905 and has a history of over 100 years of public service for all the people of Northern Ireland, spanning the creation of the State, the defence of the State in the face of continuous terrorist attack, and the brokering of peace and power-sharing devolved government structures. Our representation currently includes our MEP, 15 MLA's and 98 Councillors.

Guidelines for Completion of Submissions

The Committee would ask that stakeholders submit **electronic** responses using this pro forma.

Stakeholders should be aware that their written evidence will be discussed by the Committee in public session and made public by the Committee by publication of its Report or other means.

Stakeholders should also be aware that if they decide to publish their submissions, the publication would not be covered by Assembly privilege in relation to the law of defamation.

Section 4

Issues (as set out in (1)-(5) of the Committee's Terms of Reference) and Questions to consider

(1) Whether the statutory link between Westminster and Northern Ireland constituencies should be removed and the implications of removing or retaining this link

What would be the advantages and disadvantages of Northern Ireland 'decoupling' from the Westminster constituency model for Assembly elections?

Please offer supporting evidence for your view on whether the link should be removed, or retained.

If your view is that the link should be removed, how many constituencies and MLAs per constituency do you envisage in the 'decoupled' system, and why?

The Ulster Unionist Party is not in favour of decoupling from the Westminster constituency model for Assembly elections.

Firstly, it has the potential to create unnecessary confusion as the public would be faced with three differing boundary sets given the new 11 council model, the Westminster Constituencies and decoupled Assembly constituencies. This was part of the rationale behind the Ulster Unionist Party position against the 11 council model and in favour of the 15 council model using the Westminster Boundaries.

Secondly, this would mean that the existing discrepancies with the variation of representation of the current constituencies would continue despite population changes.

Thirdly, the link with Westminster constituencies is an important one which the Ulster Unionist Party would be reticent to break given Northern Ireland's integral place within the Union.

(2) The implications of the forthcoming reduction via the Parliamentary Voting System and Constituencies Act 2011, and any further reduction in the number of MLAs

What, in your view, will be the implications of the reduced number of MLAs arising from the Parliamentary Voting System and Constituencies Act 2011 (ie 16 rather than 18 constituencies)?

A further reduction in the 16 constituency scenario could arise from a decrease in the number of MLAs per constituency. What, in your view, are the implications of such a further reduction?

Do you consider that the number of MLAs per constituency should remain at 6 or decrease, and if so, for what reasons?

The Ulster Unionist Party is mindful of the fact that under the Parliamentary Voting Systems and Constituencies Act 2011, Northern Ireland's representation at Westminster is to be reduced from 18 to 16, and that each constituency should have an average number of electors of 76,641.

This reduction in Westminster constituencies will result in a decrease of 12 MLA's under the current legislation. It is also expected that there will be a considerable reduction in local councillors with the proposed new local government model. We view this review as another step on the journey, not the destination. The Belfast Agreement in 1998 was about inclusive government and the reduction by 12 MLA's will make for more effective government. It is important to embed this change before taking the next step.

(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity.

What size of an Assembly is required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained?

Are there comparable arrangements elsewhere which the Assembly and Executive Review Committee could usefully consider?

What factors should the Committee take into account when deciding on the size of the Assembly?

The effective scrutiny of Ministers and their Departments needs sufficient members for the corresponding Statutory Committees. In addition, an adequate number of members need to be available for Standing Committees.

The actual number of members required to operate the Committees will be dependent on the number of Departments and numbers on Committees.

(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including in particular, proposals to ensure a robust and effective committee system

Please indicate what you would propose to change in the current arrangements to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly.

In particular, what changes would you propose to ensure a robust and effective committee system?

The Ulster Unionist Party supports the reduction to 96 MLAs. With a reduction in Departments, as contained within the Programme for Government, there will also be a need for fewer statutory Committees. We believe this could be achieved with minimal disruption to the current Committee structure.

In order to ensure that Committees remain effective with fewer MLAs we believe it is important to maintain a sufficient level of research and support services.

The Ulster Unionist Party are content with the current membership number of 11 within each committee, however, we recognise that this would be likely to alter given the reduction of MLAs and if there are further reductions in the number of departments.

The inclusive nature of the NI Executive was designed to ensure cross community agreement and a wide community buy in. This has been successful in moving Northern Ireland forward and there is now a wide acceptance of the Assembly and the decision making that has been devolved to it. However, we must always attempt to improve accountability in any democracy. It is presently unhealthy that the electorate could expect to see a similar makeup of the NI Executive before and after each election. We would argue that more accountable government should be created which, whilst continuing to require cross community support, could allow the electorate to determine those who would be in government and those who would not. We believe that evolution to more normal democratic structures and accountability should also be considered by the AERC Committee under the current review.

(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained

How many departments are required to effectively discharge the current range of devolved functions?

In broad terms, what functions should be grouped in the reduced number of departments and what factors informed your decisions on grouping functions together in a department?

The Ulster Unionist Party has called for a review of government Departments for some considerable time and we would like to see a reduction to a maximum of 8 (plus OFMdfM).

The Independent Review of Economic Policy (IREP) proposed the creation of a single Department of the Economy to spearhead Northern Ireland's economic recovery. Given that the economy is the number one priority of the Executive, we have called for this to happen immediately and before the review of strand one institutions.

Further to that we are committed to engaging in the debate over the number of government Departments which would bring about the most effective governance of Northern Ireland.

Section 5

Additional Information

Please provide any additional information which you believe will be of assistance to the Committee during the course of the Review.

It must be noted that any changes to government structures should be looked at in a holistic manner. Any reductions in the number of MLA's and Departments or changes to the Committee system or constituency makeup are linked and must be considered concurrently.

The Ulster Unionist Party therefore reserves the right to make decisions based on the specific circumstances of the particular time.

We also note that the scope of the paper does not cover the full range of issues agreed at a meeting of Executive Party Leaders on 13 March. The Secretariat to the Executive Party Leaders' meetings wrote to you detailing a dozen areas that were recommended to the AERC for consideration. The Ulster Unionist Party is keen to see this broader range of issues come under review.

David McNarry MLA (Then Independent Member)

Section 1 Stakeholder Details

Stakeholder Name	Telephone Number			
David McNarry MLA	028 9052 1853			
Stakeholder Address	Stakeholder Type (Include one or more X)			
Ulster Unionist Party First Floor, 174 Albertbridge Road Belfast BT5 4GS	Registered Political Party	X	Local Government	
	Academic		Government	
	Legislature		Non-Government	
	Other (Please Specify)/Member of the Public			

Please provide some background information on your role as a stakeholder

I have been MLA for Strangford since 2003 and prior to that I was Special Adviser to the First Minister, Rt Hon David Trimble MP/MLA, now Lord Trimble. My career background is in business.

Guidelines for Completion of Submissions

The Committee would ask that stakeholders submit **electronic** responses using this pro forma.

Stakeholders should be aware that their written evidence will be discussed by the Committee in public session and made public by the Committee by publication of its Report or other means.

Stakeholders should also be aware that if they decide to publish their submissions, the publication would not be covered by Assembly privilege in relation to the law of defamation.

Section 4 Issues (as set out in (1)-(5) of the Committee's Terms of Reference) and Questions to consider

(1) Whether the statutory link between Westminster and Northern Ireland constituencies should be removed and the implications of removing or retaining this link

What would be the advantages and disadvantages of Northern Ireland 'decoupling' from the Westminster constituency model for Assembly elections?

Please offer supporting evidence for your view on whether the link should be removed, or retained.

If your view is that the link should be removed, how many constituencies and MLAs per constituency do you envisage in the 'decoupled' system, and why?

The Northern Ireland Assembly is a devolved institution deriving its power from the Westminster Parliament which is sovereign. Due to this, I believe it would be inappropriate to decouple the Assembly seats from Westminster Parliamentary constituencies. It would

also introduce unnecessary expense at a time when public money should be used for priority items such as tackling youth unemployment.

With 16 Westminster seats this indicates either 5 or 6 seats per constituency. There is already considerable public criticism of the number of MLAs in the Assembly. At 108 it compares unfavourably with the 2 other devolved institutions – the Scottish Parliament and the Welsh Assembly. There are 3,985,161 people eligible to vote for MSPs in the Scottish Parliament. With a total of 129 members, this works out at an average of 30,632 voters per member. In Wales, the electorate for AMs in the Welsh Assembly is 2,302,300. With a total of 60 members, this works out at an average of 38,371 voters per member. In Northern Ireland, there are 1,223,139 on the electoral register, and with 108 MLAs, this works out at an average of 12,231 voters per member.

Clearly this discrepancy cannot continue, especially as the number of departments is being reduced from 12 to 8, a reduction of a third. A similar reduction in the number of MLAs would indicate 72 MLAs. By keeping a link to the 16 Westminster constituencies this indicates a total of 80 MLAs with 5 members in each. That would still equal 15,289 voters per member which is still less than half that in Scotland and Wales.

(2) The implications of the forthcoming reduction via the Parliamentary Voting System and Constituencies Act 2011, and any further reduction in the number of MLAs

What, in your view, will be the implications of the reduced number of MLAs arising from the Parliamentary Voting System and Constituencies Act 2011 (ie 16 rather than 18 constituencies)?

A further reduction in the 16 constituency scenario could arise from a decrease in the number of MLAs per constituency. What, in your view, are the implications of such a further reduction?

Do you consider that the number of MLAs per constituency should remain at 6 or decrease, and if so, for what reasons?

There are two problems which arise from a reduction in the total numbers of MLAs. One is the need to have sufficient MLAs to service the Assembly committees. With the reduction in the number of departments, this problem is eased. The other is the difficulty which arises when minority communities – unionists west of the Bann and nationalists east of the Bann – do not have any representation in the Assembly. In the old Stormont Parliament this was eased by having a second revising chamber or Senate where minority communities could have a voice.

These factors have to be balanced since minority representation is a key part of inclusiveness. In other legislatures these problems can be got around by having a system which is, in part, territory based and, in part, party-list based, as in Germany. The arguments against this centre on the idea that Stormont is already too dominated by parties and that the party-led model weakens rather than strengthens democracy. Stormont is already dominated by party machines.

That said, I believe there would be considerable public opposition to retaining the existing 6 member constituencies. There is a perception that the province is over-governed and over-regulated.

The only situation where present MLA numbers could be maintained would be a uni-cameral solution where the Assembly took over most or all of the functions of local government with the massive savings and efficiencies of scale that would entail for the public purse. The main objection to this is the loss of local democracy. I believe local democracy should be enhanced rather than diminished. This could be done, for example, by town hall meetings as in the United States where the public have a right to debate important issues with their elected representatives present. This leads to both the public and the representatives being better informed.

(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity.

What size of an Assembly is required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained?

Are there comparable arrangements elsewhere which the Assembly and Executive Review Committee could usefully consider?

What factors should the Committee take into account when deciding on the size of the Assembly?

The effectiveness of the Assembly is more related to the work that it does than to the number of committees, though this latter is important. There needs to be an optimum number decided on for the committees which reflects the workload and the need to maintain political balance.

Committees should, in my view, be engaged on a major programme of legislative revision. There are many laws on the statute books which are hopelessly outdated and need to be improved and changed and made more appropriate to the modern world. I believe this would increase the work of committees and would bring substantive revising legislation from the committees to the floor of the Assembly which would be vastly preferable to the endless non-binding debated which dominate business at present.

I believe this would have the effect of making the Assembly more of a working body and less of a debating chamber. I believe the public would approve of this and it would increase respect for the Assembly.

(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including in particular, proposals to ensure a robust and effective committee system

Please indicate what you would propose to change in the current arrangements to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly.

In particular, what changes would you propose to ensure a robust and effective committee system?

I refer you to my answer to Q(3) above.

(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained

How many departments are required to effectively discharge the current range of devolved functions?

In broad terms, what functions should be grouped in the reduced number of departments and what factors informed your decisions on grouping functions together in a department?

There should in my view be seven or eight departments – a department of the economy, a department of finance, a department of education and skills, a department of agriculture, a department of tourism and culture, a transport ministry and a housing ministry. The First Minister's department could be combined with the department of finance, which would reflect where the power lies in government.

The departments should be primarily concerned with setting policy and monitoring the delivery of that policy. Where possible services should be increasingly delivered by the private sector, on a competitive tender basis, making large savings to the public purse and rebalancing our economy between the public and private sector in the process.

Director General of Northern Ireland Assembly

Section 1 Stakeholder Details

Stakeholder Name	Telephone Number			
Stakeholder Address	Stakeholder Type (Include one or more X)			
	Registered Political Party		Local Government	
	Academic		Government	
	Legislature	X	Non-Government	
	Other (Please Specify)/Member of the Public			

Please provide some background information on your role as a stakeholder

Clerk / Directorate General of the Northern Ireland Assembly.

Guidelines for Completion of Submissions

The Committee would ask that stakeholders submit **electronic** responses using this pro forma.

Stakeholders should be aware that their written evidence will be discussed by the Committee in public session and made public by the Committee by publication of its Report or other means.

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Section 4

Issues (as set out in (1)-(5) of the Committee's Terms of Reference) and Questions to consider

(1) Whether the statutory link between Westminster and Northern Ireland constituencies should be removed and the implications of removing or retaining this link

What would be the advantages and disadvantages of Northern Ireland 'decoupling' from the Westminster constituency model for Assembly elections?

Please offer supporting evidence for your view on whether the link should be removed, or retained.

If your view is that the link should be removed, how many constituencies and MLAs per constituency do you envisage in the 'decoupled' system, and why?

This is not a matter which would seem to fall within my area of expertise or responsibility and I do not therefore propose to comment.

(2) The implications of the forthcoming reduction via the Parliamentary Voting System and Constituencies Act 2011, and any further reduction in the number of MLAs

What, in your view, will be the implications of the reduced number of MLAs arising from the Parliamentary Voting System and Constituencies Act 2011 (ie 16 rather than 18 constituencies)?

A further reduction in the 16 constituency scenario could arise from a decrease in the number of MLAs per constituency. What, in your view, are the implications of such a further reduction?

Do you consider that the number of MLAs per constituency should remain at 6 or decrease, and if so, for what reasons?

In parliamentary terms the key implication of the Act and any further reduction in the number of MLAs will be a **reduction in the Member time available to undertake parliamentary functions**. This is obviously of importance in a Member-led institution such as the Assembly.

The Committee will therefore wish to consider the implications of the reduced number of MLAs in terms of the capacity of the Assembly and its members to deliver the full range of functions of the Assembly and whether in reducing the number of MLAs or the number of MLAs per constituency it will have implications for specific functions.

The Interparliamentary Union¹ in its guide to parliamentary practice identify the following main functions of a legislature:

- **Parliaments legislate** - they adopt laws that govern society in a structured manner.
- **Parliaments oversee the Executive** - they monitor performance by the Executive and departments to ensure that they operate in a responsible and accountable manner.
- **Parliaments allocate financial resources to the Executive** - parliaments approve and allocate the revenue that the Executive requires to carry out the policies that it formulates and monitor spending.

I would suggest that modern legislatures have a number of further core functions, including in particular:

- **Representing the interests of the people** - in a self- assessment exercise conducted by the Assembly² in 2010 Members considered that they spend most of their time on constituency work (40-60%) and that their work in committees and in plenary was also often directed towards supporting this role. Members also ranked protecting and promoting the interests of the constituency and dealing with constituency problems as being the most important aspects of their role.
- **Advising and assisting the Executive** - this role is specifically allocated to the statutory committees of the Assembly, who in addition to scrutiny work also conduct policy inquiries to assist and inform Executive decision making.
- **Engaging the public in the work of the Assembly** - this can both assist the Assembly to do its work, as well as building understanding and therefore support for the role of democratic institutions.

If the number of MLAs reduce, in order to sustain effectiveness it will be necessary to **identify new approaches which maximise the contribution of Members to key parliamentary roles and enable Members' time to be utilised to greatest effect**. This is likely to require significant reform to current arrangements and careful consideration by Members in relation to balancing their various roles and prioritising the work that they undertake.

1 Inter-Parliamentary Union and UNESCO (2003), 'A Guide to Parliamentary Practice'.

2 Barry, R. & McAteer, S. 'The Northern Ireland Assembly: An initial self-assessment'.

(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity.

What size of an Assembly is required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained?

Are there comparable arrangements elsewhere which the Assembly and Executive Review Committee could usefully consider?

What factors should the Committee take into account when deciding on the size of the Assembly?

Factors to be taken into account

The size of the Assembly is only one, though an important one, of many institutional factors in determining whether the roles and functions of the Assembly as described in section 2 can be delivered effectively. Other such factors include the powers of the Assembly and its committees, representativeness of the committee system, parliamentary procedures, the resources available to the legislature, relationship between the parliament and the Executive, etc.

There are additionally a range of organisational and management issues such as how business is organised and conducted, how proceedings are communicated and reported, the level and type of support available to Members and committees, the quality of external support for parliamentary scrutiny and the level of engagement by key stakeholders with the legislature, which will also impact on performance.

In relation to the size of the Assembly, as well as thinking about the capacity to deliver the full range of roles previously discussed, it is important that consideration should also be given to the scope of matters in relation to which these roles are delivered. Following devolution of policing and justice the Assembly is responsible for considering the full range of devolved matters, including, uniquely amongst the devolved legislatures, in relation to social security. This will be unaffected by any decision in relation to the number of departments but may be affected by decisions currently under discussion about the further devolution of powers of taxation, most notably corporation tax.

The Assembly is still a developing institution and the Committee may wish to seek to future proof its recommendations, both in terms of the Assembly and the number of departments, against what would seem to be a likelihood of increased devolution of functions. The Committee may also wish to consider whether other possibilities, such as the desire for the Assembly to work with the Executive to be more influential and have more profile on an international stage, would have any implications for its recommendations.

The population of Northern Ireland is also a relevant factor, most particularly in relation to the representation role.

There is no obvious optimal size for the Assembly and the judgement for the committee is likely to involve ensuring that the combination of solutions it proposes in terms of the number of Members, how the Assembly organises itself, the procedures and systems that it adopts, the resources and expertise available to support Members, etc., enhances and support effectiveness.

A particular issue for consideration, which the Committee has rightly identified is the importance of an effective committee system in unicameral parliamentary systems. This is dealt with in more detail under Section 4, but maximising the contribution made by Members to scrutiny, policy and legislative development through the committee system is likely to be of the utmost importance in sustaining Assembly performance.

The Interparliamentary Union³ has established a framework for self-assessment in democratic parliaments. **The Union identified the need for parliaments to be representative, transparent, accessible and effective at local**, national and international level and the Committee may wish to consider when it has developed its overall recommendations the extent to which the proposals will enhance or diminish these features.

Reform elsewhere

The Committee may wish to consider the report of the House of Commons Reform Committee⁴ in 2009 and the recommendations which sought amongst other things, and in the context of real world politics and constraints such as recognising the right of the government to progress its priorities, to enhance the House's control of its agenda and procedures, the collective power of the chamber, transparency of decision making and the ability of the public to influence proceedings. Key recommendations of the Select Committee, many of which have been subsequently implemented included:

Committees

- Proportional allocation of seats
- Smaller select committees
- Rapid selection of committee membership after elections

House

- Establishment of Business Committee and backbench Business Committee
- Establishing slots for debate of backbench motions

Public Involvement

- Working towards an e-petitions system and enabling the public to ensure an issue is debated
- Opening up the legislative process

It is noticeable that a number of these innovations are already provided for in the Assembly, which perhaps highlights the importance of sustaining the strengths of new parliamentary institutions, such as the Assembly, whilst of course rightly seeking to make further improvements.

(4) **Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including in particular, proposals to ensure a robust and effective committee system**

Please indicate what you would propose to change in the current arrangements to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly.

In particular, what changes would you propose to ensure a robust and effective committee system?

Current performance

In 2010 a project team of the Assembly conducted a self-assessment⁵, which involved an assessment of the activity and outputs of the Assembly and its committees, as well as consultation with Members and their staff. The assessment identified that the Assembly and its Members were very productive and in the period May 2007- July 2010, held 1,679 committee meetings, produced 141 committee reports, debated 788 motions, asked 31,583

3 Inter-Parliamentary Union (2008) 'Evaluating Parliaments: a self assessment toolkit for parliaments'.

4 House of Commons Reform Committee (2009) 'Rebuilding the House', 12 November 2009.

5 Barry, R. & McAteer, S. 'The Northern Ireland Assembly: An initial self-assessment'.

written questions and received answers to 1,870 oral questions. By the end of the mandate the Assembly had passed 69 Bills (including 3 Private Members' Bills) to which it made 913 amendments. In addition, Members will have considered and sought to address many thousands of constituency problems.

The views of Assembly Members interviewed as part of the self-assessment were generally positive in relation to the operation of the Assembly, with Members recognising that the Assembly was still relatively young and therefore still developing. In general, Members viewed the Assembly as being an improvement on direct rule, transparent, with committees which are reasonably effective and improving legislative scrutiny. The assessment did of course identify areas such as access to information, use of technology and scrutiny of budget and expenditure which require action to improve overall effectiveness.

I have highlighted the results of this work for two reasons. Firstly, to **record the very significant representative, scrutiny, policy and legislative work conducted by Members and the challenges in seeking to sustain this going forward and secondly to highlight the type of issue which may need to be considered in seeking to maintain effectiveness.**

For example, how can we ensure that the transparency brought to the institutions through questions or by committees which largely meet in public and often away from parliament buildings, is maintained or indeed even enhanced? In this regard, it is notable that direct interaction with Members has a significant impact on how positively the public view political representatives. Also, how can the Assembly ensure that members who might be considered to be "backbenchers" are able to have issues of importance to them and their constituents debated and addressed? How can financial scrutiny be improved without unnecessarily delaying required approvals?

Since the assessment, work has been ongoing to improve performance, with, for example:

- New procedures put in place to support the development of Private Members' Bills, resulting in a continued high level of interest and commitment among Members.
- Detailed work has been undertaken by the Finance and Personnel Committee to develop, with agreement of the Executive, processes to improve financial scrutiny.
- The Procedures Committee has established a range of options to enable committees to respond to cross-cutting issues and pilots of innovations such as committee rapporteurs are being undertaken.
- Efforts to improve the specialist knowledge available to Members, including in the area of financial scrutiny, are also being actively progressed and a Legislative Strengthening Trust has been established.
- The Speaker has been actively encouraging an early announcement of the legislative programme to facilitate more timely and effective legislative scrutiny and ensure business and sittings of the Assembly are manageable and consistent.

The Committee may wish to consider what further action is required in these areas to maximise the contribution made by Members. One suggestion that I would make, based on the experience of other parliaments, is that **investing in the continuing professional development of Members, and indeed staff, has the potential to make a significant contribution to effectiveness**, particularly in a relatively young institution such as the Assembly. I would strongly support the development of specific plans to support Members in fulfilling effectively their various parliamentary roles. The National Assembly for Wales has, for example, recently invested in the establishment of a Professional Development Team to support professional development for Assembly Members and their staff.

Committees

Any change in the number of Members is likely to require a significant change in how business is organised and in the procedures of the Assembly if the range of roles are to

be fulfilled effectively. As identified by the Committee itself this is particularly important in terms of the committee system. **It is suggested therefore that a reduction in the number of Members should result in a detailed review of the Committee system.**

Whilst the most obvious issue for consideration might be matters such as the number of Committees and the number of Members, matters on which the Committee has already received research, there are a range of other key issues of relevance to effectiveness such as:

- How to prevent committees with a wider range of functions being dominated by consideration of Executive priorities, such as, legislation?
- How to address areas of existing concern within committees which will have even more on their agenda. In particular, how to increase engagement with EU institutions and how to improve financial scrutiny?
- Will new approaches be required to enable the current very high level of “engagement” with committees, and innovative approaches to evidence gathering, to be sustained?
- To what extent does the cross-party and inclusive nature of committees need to be maintained?
- How can the Assembly deal more effectively with cross-cutting issues?

As highlighted previously, I would strongly encourage an early start being made on a review of the committee system. It would be my view that the review should consider both statutory committees and standing committees. **This would allow consideration of whether to enable statutory committees to fulfil their roles effectively, in the context of less committees, perhaps with less members, provision needs to be made for specific committees to undertake detailed scrutiny of budget and expenditure and/or to lead on external liaison and European scrutiny.**

In addition, currently committees seem willing and able to engage directly with large numbers of stakeholders and local people are therefore able to have issues of importance to them raised at the Assembly with relative ease. If statutory committees are covering a wider range of functions, perhaps with less Members, **it may be necessary to consider new innovations within the committee system to enable the public to put the issues of importance to them on the Assembly’s agenda.**

If a review of the committee system is to be undertaken, it may also be timely for the Assembly to consider **whether it would wish to enable committees of the Assembly, in line with other devolved legislatures, to have the power to make amendments directly during a committee stage.**

The inclusivity and cross-party nature of Assembly committees would seem to be valued by stakeholders and a review of the committee system may wish to consider how this can be sustained as the system changes and reforms. An issue which is perhaps worthy of consideration is whether there could be value in having differing sizes of committees depending on a committee’s functions or the scope of the area of scrutiny being undertaken. Such a decision might also impact on the use of sub-committees.

In maximising the contribution to committee scrutiny made by Members with a wide range of functions, there could be significant value **in enabling chairpersons of scrutiny committees to be able to focus more time to this role.** It would also seem to be worth looking again at how to minimise the number of Members who are required to fulfill multiple committee roles.

There may also be some value in considering the role of the Chairpersons’ Liaison Group in informing such a review of the committee system, but also in supporting and overseeing the delivery of such a system and whether it should have a more formal role within the committee system.

Other issues

As well as matters of strategic interest, there may be an opportunity as part of the review to consider more technical issues relating to the operation of the Assembly.

(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained

How many departments are required to effectively discharge the current range of devolved functions?

In broad terms, what functions should be grouped in the reduced number of departments and what factors informed your decisions on grouping functions together in a department?

This is not a matter which would seem to fall within my area of expertise or responsibility. The only comment that I would make is that a reduction in the number of departments will impact on statutory committees, though as indicated previously, the legislative and policy output for consideration by the Assembly is unlikely to be affected.

Section 5

Additional Information

Please provide any additional information which you believe will be of assistance to the Committee during the course of the Review.

When it comes to implementation of any recommendations on institutional reform careful consideration will need to be given to the organisational and financial implications for the Assembly Commission of proposed changes.

A reduction in the number of MLAs is likely to result in some direct financial savings. However, there is likely also to be a need for investment in new initiatives to ensure that in reforming the institution's effectiveness is sustained and where practical enhanced. This will be challenging in the context of a budget which is reducing in cash terms by 8.9% by 2014/2015 and a staffing complement which is reducing to 375 by 2014/2015. Further consideration of staff and financial resources to support reform objectives and to sustain performance of the Assembly will be required.

Professor Derek Birrell, University of Ulster

Submission on Size of the Assembly and the Number of Government Departments

Number of MLAs

Summary of key point – A key factor, often overlooked, is the implication of the size of the local government system for the size of the parliaments/assemblies in Scotland, Wales and Northern Ireland.

1. The number of Assembly Members in Northern Ireland is often compared unfavourably with Scotland and Wales. Northern Ireland 108; Scotland 129; Wales 60.
2. The main case for a higher level of representation in Northern Ireland relates to the 1998 Agreement and the desirability of widespread political representation in the Assembly; significant representation for smaller parties and extensive access to political representatives by the public.
3. There is, however, one significant difference between Northern Ireland and Scotland and Wales. Scotland and Wales have very large local government systems operating alongside the devolved institutions. Local Government in Scotland and Wales has major responsibilities for social care, children and schools, health scrutiny and public health, housing and planning and other functions whereas local government in Northern Ireland is very limited. An idea of the scale of the difference is given by comparing the workforces. Local Government in Scotland operates in Scotland with 260,000 employees, in Wales with 150,000 employees, in Northern Ireland with 9,500 employees.

There is a strong argument that Scotland and Wales do not need very large numbers of representatives in Parliament and the Assembly because of the significant role and functions of local councillors. This argument does not apply to Northern Ireland.

4. It can be noted that since full primary legislative powers were devolved to the Welsh Assembly in 2011 there is a case for an increase in the number of Welsh AMs and the current Silk Commission may report on this.
5. A further consideration is that given the number of MLAs the work of the Assembly could be enhanced, in part copying practices from Scotland and Wales.

Examples could be from gaps in committee work re; absence of committees on EU and foreign relations; equality issues; lack of Petitions committee and associated work; more in-depth inquiries; systematic scrutiny of reports from public bodies/quangos.

Number of Government Departments

Summary of key point – A key factor is to consider the appropriateness of the Whitehall model of government departments for devolved government.

1. The issue of the number of government departments can be seen as not the central issue. The functions of devolved central administration are likely to remain the same, unless more functions from the quango sector are absorbed.
2. The Whitehall model adopted in Northern Ireland has three features.
 - each department is a separate and distinct entity
 - each department has a political head as minister
 - the responsibilities of the department and minister are co-terminous
3. The Whitehall model is not one which Scotland and Wales have found to be desirable or workable for the purposes of their devolved administrations.
4. In 2007 the existing structure of government departments was abolished in Scotland and replaced by 33 Directorates, created around five policy themes. Wales has eight departments but they are closely integrated into a more unified Welsh devolved administration. The Scottish and Welsh administrations have only one permanent secretary.
5. Ministerial portfolios in Scotland do not map entirely onto the five themes or groupings of directorates. There are currently eight cabinet portfolios. In Wales there is largely a mapping of ministerial portfolios with core departments but not with all the civil service directorates. Junior ministers have cross-cutting portfolios.
6. The use of the Whitehall model in Northern Ireland, with distinct ministerial departments has consequences:
 - departments operating in silos
 - presenting an obstacle to joined-up governance
 - facilitates individual ministerial discretion over non-legislative decisions.
 - operates with almost no use made of junior ministers, outside OFMDFM.
7. The case for the use of separate ministerial departments rests with the 1998 Agreement and the arrangements for power-sharing or consociationalism and allowing smaller parties a degree of unilateral political power over an area of decision-making.
8. In relation to the direct practical approach to simply producing a rationale for a reduction in the number of departments and a reorganisation of functions, there are a number of different criteria that could be applied.
 - by proportion of public expenditure by departments. This might suggest a separate social care department or public health department
 - by number of civil servants employed by department
 - by modernising themes, copying from England, Scotland, Wales, for example, a Children's services department
 - by tradition – reverting to number of departments under Direct Rule or making minor adjustments to existing system
 - by political requirements – need to protect structures and practices from the 1998 Agreement or find political consensus on any proposed changes.

Dr Yvonne Galligan

Section 1 Stakeholder Details

Stakeholder Name	Telephone Number		
Professor Yvonne Galligan	02890 973654		
Stakeholder Address	Stakeholder Type (Include one or more X)		
Centre for Advancement of Women in Politics, School of Politics, International Studies and Philosophy Queen's University Belfast BT7 1NN	Registered Political Party	<input type="checkbox"/>	Local Government
	Academic	X	Government
	Legislature	<input type="checkbox"/>	Non-Government
	Other (Please Specify)/Member of the Public		

Please provide some background information on your role as a stakeholder

I am Director of the Centre for Advancement of Women in Politics and specialise in the study of political institutions and democratic decision-making from a gender equality point of view. I have published widely on this subject, and have provided evidence and research expertise to a range of national and international bodies (including the European Commission and Council of Europe) on this matter. I am also professor of comparative politics at QUB and a member of the Commission of Inquiry into the Consequences of Devolution for the House of Commons.

Guidelines for Completion of Submissions

The Committee would ask that stakeholders submit **electronic** responses using this pro forma.

Stakeholders should be aware that their written evidence will be discussed by the Committee in public session and made public by the Committee by publication of its Report or other means.

Stakeholders should also be aware that if they decide to publish their submissions, the publication would not be covered by Assembly privilege in relation to the law of defamation.

Section 4

Issues (as set out in (1)-(5) of the Committee's Terms of Reference) and Questions to consider

(1) Whether the statutory link between Westminster and Northern Ireland constituencies should be removed and the implications of removing or retaining this link

What would be the advantages and disadvantages of Northern Ireland 'decoupling' from the Westminster constituency model for Assembly elections?

Please offer supporting evidence for your view on whether the link should be removed, or retained.

If your view is that the link should be removed, how many constituencies and MLAs per constituency do you envisage in the 'decoupled' system, and why?

The matter of decoupling does not raise particular difficulties from the point of view of ensuring gender equity in political representation. Indeed, there is a rationale for suggesting that decoupled constituency boundaries would allow for a more flexible response to representation based on population size fluctuations. Perhaps the key issue to consider here is whether future revisions to either the Assembly size or constituency size will be determined by further boundary adjustments or increases/reductions in constituency seats while keeping constituency boundaries intact.

Voters are already accustomed to determining their representatives based on a variety of constituency arrangements – local government (council boundaries are also changing), European constituency – in addition to the current Westminster/Assembly arrangements.

Having different Assembly constituencies to that of Westminster could act as a positive reinforcement of devolution among the public, and foster engagement with the Assembly to a greater extent than at present.

(2) The implications of the forthcoming reduction via the Parliamentary Voting System and Constituencies Act 2011, and any further reduction in the number of MLAs

What, in your view, will be the implications of the reduced number of MLAs arising from the Parliamentary Voting System and Constituencies Act 2011 (ie 16 rather than 18 constituencies)?

A further reduction in the 16 constituency scenario could arise from a decrease in the number of MLAs per constituency. What, in your view, are the implications of such a further reduction?

Do you consider that the number of MLAs per constituency should remain at 6 or decrease, and if so, for what reasons?

Reducing the number of MLAs, unlike the previous question, raises quite a number of concerns from a gender equity perspective. There is the strong possibility of women's representation being reduced with the reduction in MLA seats. Countering this potentially delegitimizing outcome as a result of seat-reduction is a matter for the political parties. However, it is important that the Committee is aware of this possibility, and its reinforcement of the democratic deficit that currently exists in representation.

The 1998 election resulted in 14 (13%) women taking seats in the Assembly. Following the 2011 election, this increased to 20 (19%). This falls short of the spirit, and intent, of the Belfast/Good Friday agreement stipulating that:

The parties affirm their commitment to the mutual respect, the civil rights and the religious liberties of everyone in the community. Against the background of the recent history of communal conflict, the parties affirm in particular....the right of women to full and equal political participation.

Although the composition of the Assembly is jointly decided by parties (through candidate selection) and voters, the outcome of an electoral process has direct bearing on the work of the Assembly in scrutinising the Executive, passing legislation, representing interests and generally contributing to public policy decisions that affect all living in Northern Ireland.

In 2011 the Interparliamentary Union in a report entitled *Gender Sensitive Parliaments: a Global Review of Good Practice* defined a "gender-sensitive" parliament as being:

founded on the principle of gender equality – that is, that both men and women have an equal right to participate in its structures and processes, without discrimination and without recrimination. A gender equality policy provides direction for the setting of priorities and strategic, well targeted interventions to achieve them (IPU 2011:6).

In this definition also, the concern for gender equity in numeric political representation is highlighted as a matter of good political practice. This equal opportunities principle was

also behind the establishment of the Scottish Parliament and Welsh Assembly. In both cases, the proportional representation of women is higher than in the NIA: in 2011, female representation in the Scottish Parliament was 35%, and in the Welsh Assembly stood at 41%. It is clear that these elected bodies are more reflective of the composition of the general population than is the NI Assembly, and one could argue, more legitimate in its decision-making as a result.

It follows, then, that if the number of MLAs is reduced, the proportion of women elected to the Assembly is likely to be adversely affected. This has implications for policy discussion, agenda-setting in the Assembly, and more generally for 'fit for purpose' democratic decision-making.

The available evidence shows that in PR systems such as that under which the Assembly is elected, women's chances of being elected are improved in larger-seat constituencies than in small-seat ones. For that reason, I would advocate the retention of 6 seat constituencies, or a variation between 5-7 seat constituencies, but not lower than 5-seats. Concomitant to that point, I recently analysed the average vote-getting of women and men at the 2011 election and found that overall, the average female candidate attracted more votes than the average male candidate. Examining this rather startling finding along party lines showed it to remain consistent for the parties in the Executive, with the exception of the DUP, as follows:

Party	Male Candidates average vote	Female Candidates average vote	Average vote Difference
Alliance	2197	2560	363
DUP	4664	4205	-459
SDLP	3205	4169	964
SF	4370	4681	311
UUOP	2953	3879	926
Average of all candidates (including independents and other party candidates)	3010	3452	442

Although these results require some additional statistical interrogation, the findings add to the point that a reduction in MLAs which resulted in a reduction in women's representation would not be viewed kindly by the voters.

(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity.

What size of an Assembly is required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained?

Are there comparable arrangements elsewhere which the Assembly and Executive Review Committee could usefully consider?

What factors should the Committee take into account when deciding on the size of the Assembly?

These issues are closely related to those in the previous section. The work of legislators is, as pointed out in the briefing documentation, extensive and multi-faceted. There is a need to balance a numerical reduction with more efficient use of legislative time and process. In addition, the inclusivity requirement is also a gender-related one, especially in terms of the nature of the issues on the Assembly's agenda and the range of perspectives brought to bear on any one issue.

There is research to show that legislatures where women are present in respectable numbers have a wider policy range, and take multiple perspectives into account in addressing all policy matters. In the Scottish parliament, for instance, Fiona MacKay found that the significant presence of women MSPs in the first parliamentary period enabled both women and men MSPs to widen their parliamentary interests, with male MSPs supportive of gender equity issues, and female MSPs contributing their views on 'hard' policy areas. This plurality of perspectives contributes to better-informed legislation for two reasons: the impact on women and men, girls and boys, is taken into consideration; the standpoint of lived experience as women and men representatives – has the opportunity to shape policy decisions.

(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including in particular, proposals to ensure a robust and effective committee system

Please indicate what you would propose to change in the current arrangements to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly.

In particular, what changes would you propose to ensure a robust and effective committee system?

No specific proposals beyond encouraging consideration of a rationalisation of committees, scheduling and tasks.

(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained

How many departments are required to effectively discharge the current range of devolved functions?

In broad terms, what functions should be grouped in the reduced number of departments and what factors informed your decisions on grouping functions together in a department?

As with the number of MLA's, the decision on how many Departments is enough to conduct Executive business is more of an art than a science. However, Departments should take the gender perspective on the policies under their aegis into account as an integral function of their work. At present, this is a rather hit-and-miss affair in Departments, with some more active than others. Yet the decisions taken in Departments, such as budgetary, and other resource allocations, can often have differential impacts on the lives of women and men, girls and boys. OFMDFM have an important co-ordinating role to play, and awareness-raising of making policy relevant to male and female interests.

Section 5 Additional Information

Please provide any additional information which you believe will be of assistance to the Committee during the course of the Review.

The gendered nature of politics and parliaments is a subject of extensive study, and I can provide a range of sources if this is required. As a starting point, the IPU study on gender-sensitive parliaments is a useful resource: it is available at <http://www.ipu.org/pdf/publications/gsp11-e.pdf>

Professor Rick Wilford - Queen's University Belfast

Section 1 Stakeholder Details

Stakeholder Name	Telephone Number		
Professor Rick Wilford	02890 973652		
Stakeholder Address	Stakeholder Type (Include one or more X)		
School of Politics, International Studies & Philosophy QUB	Registered Political Party	<input type="checkbox"/>	Local Government
	Academic	X	Government
	Legislature	<input type="checkbox"/>	Non-Government
	Other (Please Specify)/Member of the Public		

Please provide some background information on your role as a stakeholder

From 1999-2009, I was co-coordinator of the NI devolution monitoring research programme, administered under the aegis of the Constitution Unit, UCL where I was a senior Hon Fellow. I have published widely on NI politics/devolution and previously supplied evidence (oral and written) to the NIA's Procedure Committee on (a) the Assembly's inquiry into its committee system & structure and (b) its inquiry into Assembly questions. I also gave evidence to the Environment Committee re Dawn Purvis' PMB re 'double-jobbing'. Currently, I am Head of the School of Politics, International Studies and Philosophy at QUB.

Guidelines for Completion of Submissions

The Committee would ask that stakeholders submit **electronic** responses using this pro forma.

Stakeholders should be aware that their written evidence will be discussed by the Committee in public session and made public by the Committee by publication of its Report or other means.

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Section 4

Issues (as set out in (1)-(5) of the Committee's Terms of Reference) and Questions to consider

(1) Whether the statutory link between Westminster and Northern Ireland constituencies should be removed and the implications of removing or retaining this link

What would be the advantages and disadvantages of Northern Ireland 'decoupling' from the Westminster constituency model for Assembly elections?

Please offer supporting evidence for your view on whether the link should be removed, or retained.

If your view is that the link should be removed, how many constituencies and MLAs per constituency do you envisage in the 'decoupled' system, and why?

Pro-decoupling:

- Co-terminosity has been abandoned recently in both Scotland and Wales, as the above notes indicate, so a change in NI's case might have the claimed virtue of policy convergence or, rather, signify a shared policy trajectory.
- The changes in Scotland and Wales have not occasioned a political crisis nor excited much in the way of public controversy/debate. It is parties, rather than the electorate, that appear most exercised by decoupling.
- Co-terminosity was not a feature of Westminster & Stormont seats from 1949 to 1972. I.e., there is historical precedent as well as a current territorial precedent, given the recent changes in Scotland & Wales..
- Voters in NI already cope/contend with different local government district & Westminster/NIA constituency boundaries (and that will continue) with no obvious difficulty. On that basis, an additional variation may be less problematic for voters than might be anticipated.
- Given that Westminster constituencies are now to be reviewed/revised after each UK general election, & perhaps revised quite significantly, this might be an argument for retaining stable NIA constituencies.
- Related to the above, if decoupled, the NIA boundaries would conceivably be more permanent than those for Westminster. Any variations in the electorate over time could perhaps be reflected by adjusting the number of seats in each constituency rather than redrawing the boundaries.
- More permanent boundaries could conceivably provide a more solid basis for citizen political engagement with MLAs and the Assembly itself – and the current level of (dis) engagement, especially with the latter, is a matter of some concern for all parties.
- It would encourage parties to develop/enhance their local organizational bases.
- De-coupling would attest to the growing political stability/maturity of the devolved institutions in NI and buttress the more general proposition that devolution, per se, makes a difference.

Anti-decoupling:

- Retaining the current linkage embodies the virtues of custom, practice and inertia (albeit that inertia is not necessarily a virtue).
- De-coupling may be perceived by some parties as 'weakening the Union' and be opposed on that (perhaps bogus) ground. Relatedly, this issue could thereby occasion divisiveness among parties.
- That decoupling would confuse voters because one could conceivably have a situation where MPs and MLAs of different parties and different constituencies would overlap.
- The political parties would have to contend with a somewhat complex, even messy, level of local organisation. Conceivably, an Assembly constituency could straddle those of two (perhaps more) MPs.
- As per the sixth bullet point under 'Pro-decoupling', it may entail variation in the numbers of MLAs returned by constituencies? a radical departure from the status quo.

Decoupling was necessary in Scotland by virtue of the 2004 Act: retaining the statutory link would have reduced the SP to approx 109 MSPs, an outcome opposed by all parties, not least because it would have adversely affected the capacity of the Parliament's Committees. However, post-decoupling, local party organizations have found it difficult to cope with what they regard as its messiness. But inefficiency within party organizations is not in itself a sufficient justification for opposing the severing of the statutory link. It could, rather, be construed as a spur to reform within party organizations.

I'm somewhat conflicted by the issue: retaining the status quo may, on the face of it, seem to be the simplest position to adopt. It would tie the NIA into a known, though by no means uncontroversial process. However, the prospect of further changes in Westminster boundaries?which will be reviewed/revise in the wake of future general elections?may well give pause for thought. If there were to be further changes in NI (i.e. a reduction in the number of MPs/constituencies) the issue would recur. For that reason, politicians may be attracted by the demise of co-terminosity between Westminster and the NIA: it would, all other things being equal, lead to enhanced constituency stability. On balance, I'm generally disposed to de-coupling.

(2) The implications of the forthcoming reduction via the Parliamentary Voting System and Constituencies Act 2011, and any further reduction in the number of MLAs

What, in your view, will be the implications of the reduced number of MLAs arising from the Parliamentary Voting System and Constituencies Act 2011 (ie 16 rather than 18 constituencies)?

A further reduction in the 16 constituency scenario could arise from a decrease in the number of MLAs per constituency. What, in your view, are the implications of such a further reduction?

Do you consider that the number of MLAs per constituency should remain at 6 or decrease, and if so, for what reasons?

There are two inter-related issues here: the number of constituencies and the corresponding total number of MLAs. Both are potentially fluid, the former because of the new provision to review/revise boundaries in the wake of UK general elections if the statutory link is retained; the second because all parties favour a reduction in the total number of MLAs.

Assuming that de-coupling does occur, the parties can plan on the basis of a settled number of 16 constituencies for the foreseeable future. The issue then is, how many MLAs per constituency. There is no 'magic number', of course, as the parties' readiness to entertain a reduction signifies.

The work (NIAR 768-11) already undertaken by Research Services elaborates options/scenarios predicated on a 96 or 80 member NIA, with either eight or 12 departments, and with a reduction in the size of the (statutory) committees to either nine or seven members, and a corresponding potential reduction in the number of members required to ensure the committees are quorate.

Any reduction in the total number of MLAs will?given the existing constraint that all Members (excepting the Speaker, Ministers and Junior Ministers) are offered a statutory committee place, currently combined with the 11-strong membership of all statutory committees?place increased strain on committee effectiveness (and efficiency), all other things being equal. Moreover, the generous, formal remit of statutory committees always carried the potential to create overload on their members, especially where there was/is a behavioural disposition against the alleviation of the load through the routinized use of sub-committees and/or rapporteurs (saving the current experiment in ETIC).

Such structural/behavioural constraints, together with the requirement for each Dept to be mirrored by a statutory committee, has created the phenomenon of multiple committee memberships, in itself a potential hindrance to the maximization of committee effectiveness?as is the relatively frequent turnover of committee memberships. And this should be the focus of the A&ERC's endeavours: how can the effectiveness of the statutory committees in particular be enhanced? (By contrast, the priority for Executives, including that in NI, is the efficiency with which their business is dealt with.)

Of course, the precise number of statutory committees is contingent on the agreed number of devolved Departments: and any agreed reconfiguration of the Executive has to be mindful of the shallower pool of MLAs that would be available to discharge committee business. But this

is not just a 'numbers game', though the significance of numbers cannot be discounted, not least the Agreement's stipulation that all eligible members be offered a statutory committee place.

'Right sizing' the NIA is complex and a matter of political art rather than science: the concerns for equity/equality/inclusiveness weigh heavily in the calculation – it is not just an arithmetical question. And, lest it be forgot, parties have to be mindful of the performance/potential of their actual/prospective MLAs: i.e. there is a quality as well as a quantity issue – but that is a matter for the parties, not the NIA.

Returning to the issue of effectiveness: does the size of a statutory committee necessarily shape/influence its effectiveness – yes, up to a point: put another way, there is an irreducible minimum (as in part quorate rules demonstrate). In the SP the average size of the equivalent committees is eight, which seems about right especially since they enjoy very similar powers to those enjoyed by the NIA's statutory committees. In NI, reducing the norm to nine (from 11) would allow the total number of MLAs to fall to 80 (five per constituency) provided there was a reduction in the number of Departments to eight, given that the 'usual suspects' would be precluded from committee membership. Inter alia, this would alleviate the significant problem of multiple committee memberships that currently obtains and which does hamper committee/member effectiveness. On that speculative basis, I would favour five MLAs per constituency, even though this could exert a disparate impact on minor parties, given that the threshold for winning a seat would increase to 16.66% from a little over 14% as is currently the case. (Whilst reform of the electoral system is precluded from the Committee's terms of reference, the allocation to parties both of Departments and committee chairs/deputy chairs could be by means of the modified St Lague rather than the d'Hondt formula, which could cushion the impact on smaller parties of a reduction to five of the number of Assembly seats per constituency).

It would be superfluous to re-rehearse the information about numbers of MLAs/Departments supplied by RS: they can justifiably be taken for granted. A key strategic issue is one of process, it seems to me. That is to say, decisions about both the total number of MLAs and of Departments must be integrated between the NIA and the Executive: i.e. they should operate in tandem. It ought not to be the case that the NIA, via the A&ERC, trots dutifully in the wake of decisions taken primarily by party leaderships at the Executive table: the process of institutional reform should be a partnership, rather than a patron-client relationship between the NIA and Executive.

The NIA must start from the late Robin Cook's premiss: 'Good government needs good scrutiny'. And that means that the generality of MLAs and, more particularly, those in the A&ERC think and act first and foremost like parliamentarians: put another way, as committee creatures not party animals. As with the architectural precept, 'form should follow function' rather than precedent. Members need to reflect critically on how the functions they necessarily discharge are enabled/best served by the (institutional/procedural) forms they inhabit – and here, 'form' does include the size of the NIA.

(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity.

What size of an Assembly is required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained?

Are there comparable arrangements elsewhere which the Assembly and Executive Review Committee could usefully consider?

What factors should the Committee take into account when deciding on the size of the Assembly?

The issues here follow closely on those in the preceding section. As noted, an Assembly of 80 MLAs, given a reduction in the number of Departments to eight and of statutory

committee size to nine, would enable all MLAs (excepting the Speaker etc) to be offered a committee place. It would also restrict the current practice of multiple statutory committee memberships which can easily compromise/constrain the effectiveness and efficiency of Members. Moreover, parties should wherever possible ensure minimal change in committee membership turnover: rates of turnover not only influence the stability of committees, they can disrupt the pace of business and the aggregation of expertise that is a necessary ingredient of effectiveness.

An 80-member Assembly is perfectly capable of discharging both plenary and committee business provided the business timetable is crafted so that plenary sessions do not impact on committee sessions. Indeed, with fewer statutory committees the weekly timetable will be less cramped and Members would largely avoid the potential embarrassment of diary clashes because they would be anchored in a single committee rather than having to juggle competing committee demands. Such anchoring, coupled with limited turnover, will enable committees to better equip themselves with specialist knowledge that in itself would provide for more effective scrutiny – both in the committee rooms and the chamber. It would also enable Members to have more time to deal with constituency matters since they would be confronted with fewer, competing demands on their time.

Such competition would not entirely disappear: some Members would be required to ‘person’ the standing and occasional ad hoc committees, but overall they would have more time to discharge roles other than those associated with committees.

Perhaps the most obvious direct comparator legislature is the SP albeit that the recent changes in Wales put it on a nearer equal footing. In Scotland, smaller committees (average size is eight MSPs) discharge their roles without hampering the conduct of parliamentary business. However, there is no stipulation that all MSPs be offered a committee place so that there is more capacity available to deal with other matters while some MSPs are engaged in committee work. And there is no evidence to suggest that those MSPs who are not involved in committees consider themselves to be lesser parliamentarians as a result. That potential issue is, though, averted with an 80 member Assembly, an Executive comprising eight Depts (with a total of nine Ministers and two junior Ministers) and a maximum of nine members per statutory committee.

(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including in particular, proposals to ensure a robust and effective committee system

Please indicate what you would propose to change in the current arrangements to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly.

In particular, what changes would you propose to ensure a robust and effective committee system?

- **Workload management:** the generous remit of the statutory committees already places strain on them, especially those whose associated Depts are legislatively active. Getting an appropriate balance of legislative & other work would be helped by a more carefully phased programme of Executive legislation – i.e. the Executive needs to be fully mindful of an appropriate balance between its need for efficiency & the committees’ ability to carry out effective scrutiny. A heavy legislative load, especially towards the latter end of a mandate (as in the 2007-11 case), can hamper the scrutiny role. A more carefully planned and timed legislative programme would also enable Committees to undertake a greater volume of draft legislative scrutiny. Moreover, if the legislative programme is well-planned and clearly signalled in advance, committees would also be able to engage in post-legislative scrutiny. *The Committee may wish to reflect too on how effectively committees scrutinize secondary legislation: there may be a case for establishing a subordinate legislation committee.*

- Fewer committees would mean a potentially heavier workload given a presumed reconfiguration of, and reduction in, the number of Depts. To date committees have been generally reluctant to employ sub-committees as means of spreading the load – with potentially fewer committees, the case for a more routinized use of sub-committees is enhanced as is the use of the rapporteur device, e.g. for scoping planned inquiries.
- The outcome of any reduction in the number of Departments may also accelerate the need for more joint-committee meetings or, even, joint sub-committees: policy boundaries are never as neat as Departmental briefs might imply. Such joint meetings could aid efficiency and assist in consolidating the existence of a committee system. Statutory committees should not be overly turf-conscious – nor, indeed, should their associated Depts.
- Avoid, if at all possible, turnover in the membership of statutory committees so that they build a stable core of experience, knowledge and expertise over a mandate.
- Normally, Statutory Committee chairs should not be nominated to serve as members of other Statutory Committees.
- Place the Liaison Group on a statutory footing – the model of the Scottish Convenors Group (or the HoC Liaison Committee) serves as an example. Inter alia, it would issue an annual report (and an end of mandate legacy report) which reviews Committee performance and draws lessons, both positive and negative, for the NIA and the Executive in terms of Committee/Departmental relationships. Such a Committee (after the HoC model) could also have an annual session with the FM & dFM – for thoughts on the role of OFMdFM, see below Section 5.
- Committees need perhaps to be smarter in managing their agendas, especially re inquiry topics. Lengthy inquiries do have their place, but shorter, focused inquiries carry the potential to exert a more immediate impact (e.g. the recently published PfG delivery report). Relatedly, such an approach would facilitate speedier post-inquiry follow up by relevant committees, thereby enhancing potential effectiveness and helping to establish a partnership rather than patron-client relationship between Depts and statutory committees. Comparative research by Conan McKenna indicates that the NIA's committees have not been especially active in practising follow-up.
- The management of European business by the NIA has proved to be problematic, even unsatisfactory. Whilst the Assembly has set its face against a European Committee as such, a committee member might be tasked with the role of keeping abreast of EU legislation, to act in effect as an 'early warning system' for their respective committees. This would accord with the OFMdFM Committee's 2010 report on NI's European Engagement Strategy.
- While the primary and understandable focus of the A&ERC's inquiry is on statutory committees, Members may wish to give some thought to standing committees. There may be a case for merging some, e.g. Audit & PAC. There may also be a case for subsuming any prospective future A&ERC-like brief into the work of the Procedures Committee, which perhaps could also undertake the work of the Standards & Privileges Committee. Such pruning would help minimize diary clashes, help free up Members time – always a scarce resource – and release staff to assist other committees.
- Currently, committees are formally integrated into the plenary work of the Assembly – not least by taking the committee stage of all Bills and the tabling of inquiry reports. Such integration could be further developed by setting aside a number of committee days during each session when they could table motions on issues arising from their work. Some floor-time in the Assembly would be available (though not sufficient to accommodate all such proposed debates) given that fewer Depts means fewer Ministerial Question Times: indeed, such committee-led debates would ensure the presence of the relevant Minister in the chamber to reply to the tabled motions. Committee days could be slotted into plenary business during periods when there is relatively little by way of Executive business to

deal with. Such provision would assist in anchoring committees even more firmly into the chamber.

(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained

How many departments are required to effectively discharge the current range of devolved functions?

In broad terms, what functions should be grouped in the reduced number of departments and what factors informed your decisions on grouping functions together in a department?

There is again no ‘magic number’ that can be conjured-up out of the ether, though it is noticeable that ‘eight’ seems to be the number of Depts favoured by some parties, albeit that the Efficiency Review Panel is yet to report. (Detailed change will also be influenced by the revivification of the new 11-strong District Council model via the decentralization of certain functions to the new generation of DCs.)

There is no perfect model of Executive design, whether measured in terms of the number of Depts or the allocation of services/functions to them and, in the latter regard, idiosyncrasies in terms of their grouping are not uncommon. In New Zealand, for instance (which has a 121-member unicameral parliament), the Prime Minister also holds the tourism brief! The 121-member NZ Parliament (i.e. lying between the NIA and the SP in terms of its size) has 13 subject select committees (varying from seven to 12 members) and five specialist committees, the former focussed on their respective associated Depts – some span more than one Dept. One of its subject select committees, the Government Administration Committee, has an extensive and somewhat eccentric brief including cultural affairs, Pacific Island affairs, the PM and Cabinet, women’s affairs and racing. I cite this example only to make the point that Executive design (and, consequentially, legislature design) is much more of an art than even an imperfect science.

Identifying the reasons for Exec reform/reconfiguration has generated an extensive literature but, as a general rule of thumb, they can be encapsulated under three broad headings: economy and efficiency; policy effectiveness; and political advantage. They don’t necessarily sit comfortably together and may often conflict: in short, striking a balance among them is difficult. Equally, it is virtually impossible to divide up the work of any government in a way that avoids the overlap of its purposes. What matters is how those purposes, whether singular to a Dept or overlapping, are co-ordinated and by whom. (Pooled budgets are one device that can be employed to manage overlapping purposes.)

Here the process of reconfiguration is already underway, given the proposal by OFMdFM to dissolve DEL and reallocate its functions elsewhere. This decision, irrespective of its possible merits, seems at least ill-timed given the opportunity provided by the planned NI Bill to engage in a more systematic review of the shape and size of the Executive. It may also be ill-judged in that it implies a top-down, two-party approach rather than a cohesive, fully shared and integrated one. The risk of cherry-picking, as in the DEL case, is that it may hamper a whole-government approach to reform.

A&ERC & Ministers of course have to start from where we are in contemplating the reform of the Executive and that means briefly recounting the process that obtained in 1998 when the Departmental template was struck. From my own researches it is apparent that ‘where we are’ departmentally speaking was not (a) the result of a fully inclusive process & (b) that the allocation of functions was in large measure driven by officials.

Pre-Agreement, parties had given little if any thought to Executive design – let alone the idea that such a design should be modelled in part on the principle of ‘joined-up’ government that was very much the then fashion. Moreover, the suggestion in the 1998 Agreement that there could be up to ten Depts became the irreducible minimum, a view that was driven by political rather than administrative criteria: ie size mattered. The political context that obtained was

much less stable than now, and design became largely a matter between the UUP and SDLP, the former chary about Strand Two, the latter taking a more expansive view of the north-south arrangements. What transpired was a sort of political bargain: the indicative list of N/S bodies became a prescriptive one, as did the 'up to ten' suggestion re Departments.

The outcome was an administrative hotch-potch, the major casualty of which was OFMdFM. I thought then, as now, that it should primarily be the strategic policy hub of the Executive, i.e. steering policy rather than rowing a (large) number of policy boats. However, it emerged from the process as a rather cluttered Department, laden with service delivery functions to the point where there was little opportunity space to engage in strategic thinking. It acquired a number of its functions simply because they were unwanted in what might be considered their more 'natural' homes. To sum up, the initial process of Executive design epitomised the practice of muddling through.

The (pre-emptive) decision to dissolve DEL does threaten to lead to a further bout of muddling through, constrained to some (perhaps considerable) extent by the inertia of established departmental commitments – the 'besetting sin of departmentalism' is a generic problem facing reformers. It also may be construed as betokening an incremental rather than a systematic approach to Executive design. Incrementalism does have its appeal, not least because it is risk-averse (a quality that appeals perhaps as much to officials as politicians) and is rather more sensitive to the political dimensions of policy-making than its intellectual aspects. But to opt for incrementalism is to miss an opportunity for a more fundamental approach.

Very broadly speaking there are then two ways of approaching the task of Executive re-design. The incremental, which in large measure would be governed by an initial agreement on the number of Depts – say eight – and then shuffling functions around in a way that seeks to secure a 'better fit' than currently exists. This would be less demanding of both parties and officials and is an innately conservative, safer approach. It prunes, rather than uproots, the Depts and may also commend itself to their respective policy communities within the wider society: in short, it would carry the virtue (if it is such) of minimizing disruption all round. There would be some disruption, no doubt, given that Ministers/Departments can be motivated by turf consciousness.

An alternative approach would require a more root-and-branch exercise. This would entail thinking about Departmental design in perhaps more thematic terms, as in both Wales and Scotland where design/re-design has been more considered. The key here, to my mind, is to start at 'the top' i.e. OFMdFM and revisit its *raison d'être*: what is it actually for?

As mentioned earlier, I envisage it as the strategic hub of the Executive and in that regard would hollow-out many of its current functions which were so ill-considered in 1998/99. I suspect this may be resisted in part on the ground that both current incumbents would be keen to retain a broad, joint portfolio not least because they would wish to be seen to be 'doing things' in public. Politically and electorally this is explicable: but a more strategic brief wouldn't entail that they didn't 'do things', but rather did fewer of them, leaving more opportunity to grapple with the machinery of government to ensure better service delivery across the Executive as a whole. It is less glamorous and affords fewer photo-opportunities, no doubt, but ensuring an effective and efficient machine is an essential ingredient of good government.

To leave OFMdFM largely intact would, I think, be a missed opportunity. If that was, however, one outcome of the A&ERC and Efficiency Review Panel's (ERP) deliberations, it wouldn't preclude a more thematic design for at least some of the remaining Depts with consequent thematic briefs for their respective statutory committees. (And this ought not to be a case of merely putting new thematic labels on old Depts). Yet, a more holistic approach whereby Depts are constructed to solve problems (easier said than done) rather than be simply clustered around functions and services is an option. Whilst organizing around functions and services is necessary, indeed inescapable, and provides solid vertical links between

Depts and their agencies/client groups/service providers it does little to establish, promote and nurture horizontal links between/among Depts. A hollowed-out, strategic OFMdfM can be the catalyst for such links, not least by focussing on problem-solving rather than being overly cluttered with functions/services. (The introduction of Executive Programme Funds in the NIA's first mandate was an attempt to force-feed horizontal co-operation between/among Departments but, in a very different political context, it foundered on the rocks of departmentalism and was formally abandoned by the post-2002 direct rule regime.)

At the risk of selling the pass, however, it might be argued that, regardless of the (in)elegance of the re-design of the Executive's architecture, what matters is the 'spirit of accommodation' that animates its Ministers – and, indeed, that is equally the case with MLAs in general and committee members in particular. That is not something that can be engineered into institutional reform – it's a behavioural rather than structural matter - albeit that a joined-up approach to the design of both a reduced NIA and Executive could help facilitate it. And 'joined-upness', that is between the Assembly (most immediately via the A&ERC) and the Executive (via the ERP) should be a feature of the current process. It ought not to be the case that as the Executive proposes the Assembly disposes: the latter, via the Committee, needs to cast itself in the guise of 'critical friend/partner' throughout the shared process?even if it means upsetting the Whips!

Section 5 Additional Information

Please provide any additional information which you believe will be of assistance to the Committee during the course of the Review.

There is a significant academic literature on both executive and legislative design. Given the short notice, I have not provided it here but could supply something akin to a 'reading list' if required.

Conservative and Unionist Party NI

Section 1 Stakeholder Details

Stakeholder Name	Telephone Number		
Conservative and Unionist Party NI	028 9185 9073		
Stakeholder Address	Stakeholder Type (Include one or more X)		
84 High Street Bangor County Down BT20 5BA	Registered Political Party	X	Local Government
	Academic		Government
	Legislature		Non-Government
	Other (Please Specify)/Member of the Public		

Please provide some background information on your role as a stakeholder

(This box will expand as you type)

Guidelines for Completion of Submissions

The Committee would ask that stakeholders submit **electronic** responses using this pro forma.

Stakeholders should be aware that their written evidence will be discussed by the Committee in public session and made public by the Committee by publication of its Report or other means.

Stakeholders should also be aware that if they decide to publish their submissions, the publication would not be covered by Assembly privilege in relation to the law of defamation.

Section 4 Issues (as set out in (1)-(5) of the Committee's Terms of Reference) and Questions to consider

(1) **Whether the statutory link between Westminster and Northern Ireland constituencies should be removed and the implications of removing or retaining this link**

What would be the advantages and disadvantages of Northern Ireland 'decoupling' from the Westminster constituency model for Assembly elections?

Please offer supporting evidence for your view on whether the link should be removed, or retained.

If your view is that the link should be removed, how many constituencies and MLAs per constituency do you envisage in the 'decoupled' system, and why?

Past benefits of Coterminosity

- 1.1 The equivalence between Westminster and Assembly constituencies has worked well during the first 14 years of devolution. That is, there have been few, if any, complaints about it. It is likely that the existence of coterminosity has probably had a number of benefits, including but not limited to:

- Greater knowledge by the public of the geography of the constituency in which they reside and its political demographics, which may promote enhanced political involvement and higher voter turnout. Through awareness comes the belief that one's political and community involvement will 'count'.
- Reduced administration for political parties and their activists, who do not have to operate with different boundaries for Westminster and Assembly elections. Given the fact that local party branch boundaries would probably only have reflected one set of boundaries were coterminosity not to have existed, this is particularly important.
- A stronger sense of community within the constituency.
- Reduced administration costs, as separate sets of boundaries would require an additional round of work to prepare them, to consult on them and to implement them.

Current Debate

- 1.2 The motivation to review coterminosity presumably emanates from the reduction in constituencies that will come about in 2013 as a result of the 2011 Act. In Wales, where the 2011 Act will have the greatest impact, through reducing the number of Westminster seats from 40 to 30, it has been decided to end coterminosity.
- 1.3 However, there are two reasons why Wales's circumstances differ from those in Northern Ireland. Firstly, the change in the number of Westminster constituencies is very much larger, even when considered on a proportionate basis (a 25% reduction versus an 11% reduction). Secondly, the Additional Member Voting System employed for Welsh Assembly elections made it extremely difficult to retain coterminosity. It would probably have entailed either a consequential large reduction of 10 seats in the Welsh Assembly (which only has 60 members at the moment) or a compensating increase in the number of members elected by regional list. It was decided that neither of these were desirable and so coterminosity was ended. This is not the case under the STV system in Northern Ireland, as there is no distinction between constituency and list members, and, although coterminosity does imply a reduction in the number of MLAs, changing the number of MLAs elected per constituency can be used to effectively offset this, if desired. Thus, although the 2011 Act implies a reduction in MLAs from 108 to 96, if this was considered to result in too small an Assembly, the number of MLAs per constituency could be increased to seven (thus creating an Assembly of 112, close to the current numbers).

Recommendation

- 1.4 In consequence, given the transparent advantages of coterminosity listed above, the limited impact of the 2011 Act on constituency numbers (albeit not on constituency boundaries) and the ability of the STV system in any case to offset changes in the number of Westminster constituencies through changes in the number of MLAs, we conclude the coterminosity should be maintained.

(2) The implications of the forthcoming reduction via the Parliamentary Voting System and Constituencies Act 2011, and any further reduction in the number of MLAs

What, in your view, will be the implications of the reduced number of MLAs arising from the Parliamentary Voting System and Constituencies Act 2011 (ie 16 rather than 18 constituencies)?

A further reduction in the 16 constituency scenario could arise from a decrease in the number of MLAs per constituency. What, in your view, are the implications of such a further reduction?

Do you consider that the number of MLAs per constituency should remain at 6 or decrease, and if so, for what reasons?

Consistency with Scotland and Wales

1.5 The Northern Ireland Assembly was given an anomalously large number of members when it came into being in 1998. Using the December 2010 electoral statistics that provide the basis for the boundary review under the 2011 Act, there are 38,372 electors per member of the Welsh Assembly, 30,893 electors per member of the Scottish Parliament, but only 11,131 electors per member of the Northern Ireland Assembly.^{1,2}

1.6 Were the Northern Ireland assembly to reflect the number of electors per representative seen in the other two devolved institutions, it would have only 31 (based on Wales) or 39 (based on Scotland) members. However, there are two reasons to believe that the assembly should not be reduced in size to these low numbers:

1. The extent of devolved competencies. Presently, Northern Ireland has a greater number of devolved powers than either Scotland or Wales. Additional devolution over and above that of Scotland covers the areas of³:
 - a. Social security;
 - b. Aspects of employment, transport and energy policy;
 - c. A small but important number of aspects of criminal law – most notably laws on abortion and gambling; and
 - d. Reserved matters in Schedule 3 of the Northern Ireland Act 1998, on which the Assembly may legislate if approved by the Secretary of State.
2. The need for an assembly to provide ministers and sufficient numbers of backbenchers to both represent all segments of society and provide sufficient scrutiny of executive activities and new legislation.

1.7 If we can determine, the numerical impact of these two points, we can determine the approximate optimal Assembly size.

Recommendation

1.8 Therefore, we favour moving toward a four-member per constituency model, which, if there were 16 parliamentary constituencies, would mean an assembly of 64 MLAs. This option has the advantage that, if the current boundary review for any reason does not meet with the approval of Parliament and 18 constituencies remain in Northern Ireland at the next Westminster election, there will still be a considerable reduction in Assembly size to 72 MLAs, which falls comfortably within the 57 to 80 range suggested by the analogues (see

1 These numbers use local government electoral statistics, which is the relevant electoral roll for elections to the devolved legislatures.

2 <http://www.ons.gov.uk/ons/publications/re-reference-tables.html?edition=tcn%3A77-210887>

3 From examination of the Northern Ireland Act 1998, the Scotland Act 1998 and the Government of Wales Acts 1998 and 2006.

1.12). Our suggestion is that the Assembly moves towards a 64 seat model over 3 elections, in order to enable MLAs to grow accustomed to the arrangement and to test the effects of a smaller number of representatives. I.e. 2015 96 MLAs. 2019 80 MLAs. 2023 64 MLAs.

3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity.

What size of an Assembly is required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained?

Are there comparable arrangements elsewhere which the Assembly and Executive Review Committee could usefully consider?

What factors should the Committee take into account when deciding on the size of the Assembly?

Determination of the approximate optimal Assembly size

1.9 In respect of point 1.6 (1), the aspects of additional devolution possessed constitute important public policy areas, but still only a portion of Stormont's total devolved competencies. Though it is difficult to quantify their relative importance, they probably account for no more than a third of total devolved powers – and possibly quite a lot less. Thus, the optimum should be a larger Assembly than one derived from an examination of electoral statistics and the relative sizes of the Scottish Parliament and Welsh Assembly, but not a lot larger – perhaps one with 50 to 55 members approximately.

1.10 In respect of point 2, the key question is what size of devolved legislature is needed to fulfil these roles. Here, the best guide probably comes from an examination of the sizes of devolved legislatures in the UK and other countries – looking particularly at regions with a similar population to Northern Ireland.

- In Spain, the Basque Country has a slightly larger population (2.1 million) than Northern Ireland and has a devolved legislature of 75 members⁴. However, it should be noted that the Basque Country has additional powers in the form of fiscal autonomy. Aragon is another region of Spain, with a similarly strong sense of historical identity, but a smaller population (1.3 million) and a somewhat lesser form of autonomy. It has an assembly of 67 members.⁵
- In Italy, Sardinia has a very similar population to that of Northern Ireland (1.7 million) and a regional council of 80 members.⁶ However, it also possesses considerable fiscal autonomy within Italy. Friuli-Venezia Giulia likewise has devolved legislative and fiscal powers, a population slightly less than that of Northern Ireland (1.2 million) and a regional council of 59 representatives.⁷
- In Canada, the region of Manitoba is the closest to Northern Ireland in terms of population (1.2 million people) and has a devolved legislature of 57 members.⁸ Neighbouring Saskatchewan, with a slightly smaller population (1.0 million), has an assembly of 58 members.⁹
- In Australia, the region closest in population size to Northern Ireland is South Australia (1.6 million) and has a Parliament with two houses – one of 47 members and another of 22, making for a total of 69.¹⁰

4 http://www.parlamento.euskadi.net/c_comorga_gru_ACT.html

5 http://www.cortesaragon.es/Grupos_parlamentarios.70.0.html?&L=evawbsra

6 <http://consiglio.regione.sardegna.it/XIVLegislatura/consig00.asp>

7 <http://www.consiglio.regione.fvg.it/pagine/legislatura/consiglieri.asp?sectionId=271&subSectionId=273>

8 <http://www.gov.mb.ca/legislature/members/constituency.html>

9 <http://www.legassembly.sk.ca/mlas/>

10 <http://www.parliament.sa.gov.au/Members/Pages/List%20of%20All%20Members.aspx>

- Back in the UK and, as previously noted, the Welsh Assembly operates well with 60 members.
- Lastly, of course, it should be noted that the old Northern Ireland Parliament, which operated from 1921 to 1972, had a total of 78 members (across two chambers).

1.11 We also considered the case of state legislatures in the United States, but the dominant two party system there together with the fact that many state legislatures are part time (especially the ones with smaller populations similar to that of Northern Ireland) make it inappropriate for an analogue.¹¹

1.12 From all of the above relevant analogues, therefore, it appears that the minimum efficient Assembly size is in the region of 55 to 60 members, with an absolute range for the appropriate size of 57 to 80 members. What is clear is that both the current Assembly of 108 members and the reduced Assembly of 96 members that will result from the application of the 2011 Act will be well above the suggested range and well in excess of any of our analogues.

1.13 Given our wish to retain coterminosity, the requirement to retain the STV system and assuming that the reduction in constituencies in the 2011 Act comes into being, our analogues thus suggest two options:

- A four member per constituency assembly of $16 \times 4 = 64$ members
- A five member per constituency assembly of $16 \times 5 = 80$ members

(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including in particular, proposals to ensure a robust and effective committee system

Please indicate what you would propose to change in the current arrangements to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly.

In particular, what changes would you propose to ensure a robust and effective committee system?

Impact on political representation and committees

1.14 Final consideration of the choice between the two options should examine whether representation of the various political parties and independents and the Stormont Committee system would be harmed by choosing a four member per constituency, rather than a five member per constituency, model. A four member model, of course, starts out with advantages in terms of cost and the fact that it produces an Assembly closer in size to the middle of our suggested range.

1.15 Analysis of the most recent election results in 2011 shows that all five of the larger political parties in Northern Ireland would have continued to be represented if constituencies had only four members each.¹² Beyond these parties, Mr Jim Allister of the TUV and Mr Steven Agnew of the Green Party both only won the sixth seat in their respective constituencies. Therefore, they would not have been elected in either a four member or five member per constituency assembly. The only likely difference in the 2011 results, then, would have been

11 <http://www.ncsl.org/legislatures-elections/legislatures/full-and-part-time-legislatures.aspx>

12 The projection here can never be quite exact as, whilst it is possible to say what the 2011 results would have meant for a four member per constituency Assembly, it is not possible to factor in the impact of the reduction from 18 to 16 constituencies – but it is clear that such an Assembly would have included all five larger parties.

that Independent MLA Mr David McClarty would not have been elected under the four-member model, but may have retained his seat with five members.^{13, 14}

- 1.16 In consequence, there is not a particularly strong argument for selecting an Assembly of 80 members over one of 64 members, whilst there is a very clear additional cost. The main argument that others will probably use for doing so is likely to refer to the analogue of the old Northern Ireland Parliament with its 78 members. However, it must be borne in mind that those 78 members were needed to populate a bicameral system. Under a unicameral system, it seems reasonable that the numbers required should be at least slightly less. In consequence, 64 is consistent with that parallel.

In terms of Assembly committees, there are presently 19 of these in existence.¹⁵ However, this is not a lot more than the Welsh Assembly, which has between 12 and 18 depending on whether Committee sub-groups are included.¹⁶ Presumably the latter groups should count for at least half a committee and therefore we may say that there are approximately 15 committees in the 60-member Welsh Assembly. On this basis, a 64-member Northern Ireland Assembly should be able to accommodate 16 committees. When our recommendations on the number of departments (below Section 2) are incorporated here, two committees will cease to exist by default. In addition, there are opportunities for committee rationalisation. For example, a separate committee is not necessarily needed for each minister or government department – there is an ‘Education and Culture Committee’ in the Scottish Parliament.¹⁷ Consequently, we see no major difficulties in adapting the committee system to the smaller assembly

(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained

How many departments are required to effectively discharge the current range of devolved functions?

In broad terms, what functions should be grouped in the reduced number of departments and what factors informed your decisions on grouping functions together in a department?

2. Number of Departments and their responsibilities

- 2.1 We now turn to examine the correct number of government departments, bearing in mind the scope of existing devolved competencies and the need for departments to have a coherent set of responsibilities.

Comparison with Scotland and Wales

- 2.2 Perhaps the most obvious starting point for this exercise would be to consider departmental structures that exist under devolution in Scotland and Wales. However, this approach immediately runs into a problem in that there is no coterminosity between ministers and departments in Scotland and Wales. Departments, called Directorates, are organised on a cross-cutting basis vis-à-vis ministers.¹⁸

13 This point depends on how Mr McClarty's vote may have been affected by the new constituency boundaries. It is therefore only possible – but not certain – that he would have retained his sea with a five member model.

14 Commentary in this paragraph based on <http://www.eoni.org.uk/index/elections/elections-2011-results-and-statistics/ni-assembly-election-2011-results-by-stage.htm>

15 <http://www.niassembly.gov.uk/Assembly-Business/Committees/>

16 <http://www.senedd.assemblywales.org/mgListCommittees.aspx?bcr=1>

17 <http://www.scottish.parliament.uk/parliamentarybusiness/Committees.aspx>

18 Details at: <http://www.scotland.gov.uk/About/14944/Scottish-Cabinet>, <http://www.scotland.gov.uk/About/Directorates>, <http://wales.gov.uk/about/cabinet/cabinetm/?lang=en>, <http://wales.gov.uk/about/civilservice/directorates/?lang=en>

- 2.3 Such a structure may be one that Northern Ireland could adopt at some point in the future, but it would be an inappropriate structure for a multi-party, mandatory coalition government. In the present context, it has the potential to blur lines of responsibilities, create turf wars between ministers of rival parties who have valid claims on the same department and cause much chaos in the reorganisation period. Therefore, although we allude to Scotland and Wales in this section, we do not – and really cannot – use their departmental structures as a basis for Northern Ireland.

Comparison with the UK Government

- 2.4 An alternative and perhaps more valid approach is to look at which Westminster government departments contain functions that are significantly or mostly devolved to Northern Ireland. Then, to the extent that a given devolved department does not exist at national level, there may be cause for considering rationalisation locally. We identify the following UK Government departments as containing said functions and we map them to their corresponding devolved department(s) as shown¹⁹:

- HM Treasury – Finance & Personnel
- Home Department – Justice
- Department of Justice – Justice
- Department of Work and Pensions – Social Development
- Department of Health – Health, Social Services & Public Safety
- Department of Culture, Olympics, Media and Sport – Culture, Arts & Leisure
- Department of Education – Education / Employment & Learning
- Department of Transport – Regional Development / Environment
- Department of Communities and Local Government – Environment
- Department of Environment, Food and Rural Affairs – Environment / Agriculture & Rural Development
- Department of Business, Innovation and Skills – Enterprise, Trade & Investment / Employment & Learning

‘Matching’ departments

- 2.5 There are, therefore, four local departments that are quite similar in roles and responsibilities, if not in titles, to departments in Whitehall. These departments with a good match are:

- Department of Finance & Personnel
- Department of Social Development
- Department of Health, Social Services & Public Safety
- Department of Culture, Arts & Leisure

- 2.6 As well as existing in their own right nationally, each of these has a clearly distinct and recognisable area of devolved responsibility. Therefore, we believe that they should be maintained as distinct departments in Northern Ireland.

Justice department

- 2.7 Justice is unique in being a local department that covers responsibilities held by two departments at Westminster. There was much debate as to whether its powers should be split across two departments. However, the arrangements for the devolved administration of

19 Full list at: <http://www.parliament.uk/mps-lords-and-offices/government-and-opposition1/her-majestys-government/>

justice competencies involved such long and laborious negotiations that there is probably limited enthusiasm to revisit this issue.

- 2.8 We agree and believe that this review will be aided by keeping the Justice arrangements as they are for the time being, so that the reorganisation of other departments can receive maximum focus.

Proposed abolition of the Department of Employment and Learning

- 2.9 The departments of Enterprise, Trade & Investment, Education and Employment & Learning seem to offer a clear case where three local departments covering the same policy areas as two British Government departments. Additionally, the Department of Employment & Learning does not have a parallel at UK level or in Scotland or Wales. It has already been identified for abolition, with the relevant functions of employment and learning proposed to transfer to the departments of Enterprise and Education respectively. We agree with the decision to abolish, as it brings Northern Ireland into line with the UK Government and the other devolved administrations, which also do not have such a department and allocate the functions among others.
- 2.10 In terms of how to split the functions of the Department of Employment & Learning, all functions except further and higher education should, we consider, transfer to the Enterprise department as they concern employment and training. There are, however, differing governance models for further and higher education. In Scotland and Wales (and indeed in the Republic of Ireland), these fall under the remit of the local education minister. At Westminster, however, they are administered by the Department for Business, Innovation and Skills. We believe that the Executive should consult with these governments and possibly other relevant stakeholders to determine the best model for Northern Ireland.
- 2.11 Additionally, it would appear to be logical for the tourism functions (responsibility for Tourism Ireland and the NI Tourist Board) that currently reside with the Department of Enterprise, Trade & Investment to be transferred to the Department of Culture, Arts & Leisure. It is enough for the Enterprise Minister to be concerned about promoting business, investment and employment without having to worry about attracting tourists as well, especially as the management of many tourist attractions already falls under the Department of Culture. Given the emphasis that politicians of all parties in Northern Ireland are currently placing on the need to re-balance the economy, promote business within the province and attract investment from without, we believe that the relevant minister should have as much focus on these responsibilities as possible.

Remaining three departments

- 2.12 Regional Development (though perhaps the title of 'Transport' would most meaningfully sum up its functions to members of the general public) is a clearly distinct area of competency. As noted above, transport is one of the areas where Northern Ireland possesses additional devolution compared to Scotland and Wales. Therefore, we believe that it should be maintained as a stand-alone department. Of note, however, is that not all transport functions fall under the Department of Regional Development. Driver and vehicle testing and licensing, road safety and transport licensing and enforcement are currently handled by the Department of the Environment.
- 2.13 A Department of Agriculture & Rural Development does not exist at UK level or in Scotland or Wales, in spite of these issues being largely devolved as in Northern Ireland. Instead, these responsibilities fall under the respective environment departments. In Northern Ireland, the responsibilities of the two departments are already quite close. For example, the Department of the Environment is responsible for protection of the countryside and wildlife, whilst the Department of Agriculture & Rural Development handles forestry and rural development. When we couple these observations with the fact that the Department of the Environment

handles many transport issues that could feasibly sit with the department of Regional Development, as noted above, the opportunity to rationalise becomes obvious.

- 2.14 We recommend that the transport functions of the Department of the Environment be transferred to the Department of Regional Development (possibly renaming this as the Department of Transport to assist public recognition – if the cost of doing so were not prohibitive). The other functions of the Department of the Environment can be amalgamated with the Department of Agriculture to make a new Department, which may be named the Department of Environment & Rural Development or Department of Agriculture & Environment, or simply retain the title Department of Environment if preferred.
- 2.15 Such a move would be consistent with changes in Whitehall. There was, until 2002, a separate agriculture department in the British Government, but this was amalgamated with the Environment department and there are few demands now for a return to the old structure.

Summary

- 2.16 Pulling together our recommendations for all departments, then, we propose the following:
- 2.17 Keep the following departments exactly as they are at present:
- Department of Finance & Personnel
 - Department of Social Development
 - Department of Health, Social Services & Public Safety
 - Department of Justice
- 2.18 Keep the following departments but change their function and (possibly) title as follows:
- Department of Enterprise, Trade & Investment: Gains all functions – except further and higher education – of the Department of Employment and Learning, *subject to consultation – may gain further and higher education responsibilities as well*, loses responsibility for Tourism Ireland and the NI Tourist Board to the Department of Culture, Arts & Leisure.
 - Department of Education: *Subject to consultation – may gain further and higher education functions from the Department of Employment and Learning.*
 - Department of Culture, Arts & Leisure: Gains responsibility for Tourism Ireland and the NI Tourist Board from the Department of Enterprise, Trade & Investment.
 - Department of Regional Development (or Transport): Gains driver and vehicle testing and licensing, road safety and transport licensing and enforcement functions from the Department of the Environment.
 - Department of the Environment (or Environment and Rural Development): Gains all functions of the Department of Agriculture and Rural Development, loses driver and vehicle testing and licensing, road safety and transport licensing and enforcement functions to the Department of Regional Development.
- 2.19 And the following departments cease to exist, having had their functions transferred elsewhere:
- Department of Employment and Learning
 - Department of Agriculture and Rural Development
- 2.20 We therefore recommend a 9 department model (10 with OFMDFM), rather than 11 (12 with OFMDFM) as at the present time. This model is entirely consistent with those UK Government departments which are, to at least some degree, devolved.
- 2.21 In terms of total number of ministers, Northern Ireland would have 11 ministers plus two junior ministers, which compares to 9 ministers and 11 junior ministers in Scotland and 8 ministers and 3 junior ministers in Wales. This seems reasonable.

Section 5

Additional Information

Please provide any additional information which you believe will be of assistance to the Committee during the course of the Review.

3. Conclusions

3.1 In summary, our recommendations are as follows:

- Retain coterminosity between Assembly and Westminster constituencies
- Reduce the size of the Assembly from six-members per constituency to four-members per constituency. With the advent of the new Parliamentary boundaries next year, this will create an Assembly of 64 members from 2023.
- Reduce the number of departments from 11 to 9, with these 9 being constituted as follows:
 - Department of Finance & Personnel: No change from present
 - Department of Social Development: No change from present
 - Department of Health, Social Services & Public Safety: No change from present
 - Department of Justice: No change from present
 - Department of Enterprise, Trade & Investment: Gains all functions – except further and higher education – of the Department of Employment and Learning, *subject to consultation may gain further and higher education responsibilities as well*, loses responsibility for Tourism Ireland and the NI Tourist Board to the Department of Culture, Arts & Leisure.
 - Department of Education: *Subject to consultation, may gain further and higher education functions from the Department of Employment and Learning.*
 - Department of Culture, Arts & Leisure: Gains responsibility for Tourism Ireland and the NI Tourist Board from the Department of Enterprise, Trade & Investment.
 - Department of Regional Development (or Transport): Gains driver and vehicle testing and licensing, road safety and transport licensing and enforcement functions from the Department of the Environment.
 - Department of the Environment (or Environment and Rural Development): Gains all functions of the Department of Agriculture and Rural Development, loses driver and vehicle testing and licensing, road safety and transport licensing and enforcement functions to the Department of Regional Development.

Procapitalism

Section 1			
<u>Stakeholder Details</u>			
Stakeholder Name		Telephone Number	
Samuel Smyth		02890 203231	
Stakeholder Address		Stakeholder Type (Include one or more X)	
Procapitalism 43 Millar Street Belfast County Antrim BT6 8JZ Northern Ireland (UK).		Registered Political Party <input checked="" type="checkbox"/>	Local Government
		Academic	Government
		Legislature	Non-Government
		Other (Please Specify)/ Member of the Public	
Please provide some background information on your role as a stakeholder			
(This box will expand as you type) Pary leader, tax payer and voter.			
Guidelines for Completion of Submissions			
The Committee would ask that stakeholders submit <u>electronic</u> responses using this pro forma. Stakeholders should be aware that their written evidence will be discussed by the Committee in public session and made public by the Committee by publication of it Report or other means. Stakeholders should also be aware that if they decide to publish their submissions, the publication would not be covered by Assembly privilege in relation to the law of defamation.			

Section 4

Issues (as set out in (1)-(5) of the Committee's Terms of Reference) and Questions to consider

(1) Whether the statutory link between Westminster and Northern Ireland constituencies should be removed and the implications of removing or retaining this link

What would be the advantages and disadvantages of Northern Ireland 'decoupling' from the Westminster constituency model for Assembly elections?

Please offer supporting evidence for your view on whether the link should be removed, or retained.

If your view is that the link should be removed, how many constituencies and MLAs per constituency do you envisage in the 'decoupled' system, and why?

(This box will expand as you type)

The advantage would be that the local Assembly would have autonomy over the choice of the number of constituencies.

The disadvantage would be that the Assembly would be inclined to propagate for a maximum number of constituencies. Especially if, like in Gaza Strip, with a bureaucracy 2-3 times that which oversees the EU's Brussels, is paid for by external sources. Sources that--as a matter of foreign policy--may not have good intentions towards the UK and are keen to promote the democracy of one-man-one-vote-once, like that which now pertains to the former Rhodesia, so as to underpin their domestic politics. South America via the Republican and Nationalist front. The CCP via Alliance. Alarmist, I grant you. Yet not improbable.

It should also be considered that experience of locally accountable democracy, in lieu of the bomb and the bullet, is coloured by the fact that this is still a novelty for Northern Ireland. And although less may be more, it may be posited that the overabundance of MLAs/elected representatives, in comparison to the more democratically sophisticated mainland UK, motivates those who would otherwise not be involved in the Assembly and its off-shoots, to be more agreeable stakeholders. This could be considered a line of blood money, tending towards fascism. But it is less distressing and expensive, in both blood and treasure, than the possible alternatives. A compromise that may have to be tolerated, until a new generation comes to the fore.

(2) The implications of the forthcoming reduction via the Parliamentary Voting System and Constituencies Act 2011, and any further reduction in the number of MLAs

What, in your view, will be the implications of the reduced number of MLAs arising from the Parliamentary Voting System and Constituencies Act 2011 (ie 16 rather than 18 constituencies)?

A further reduction in the 16 constituency scenario could arise from a decrease in the number of MLAs per constituency. What, in your view, are the implications of such a further reduction?

Do you consider that the number of MLAs per constituency should remain at 6 or decrease, and if so, for what reasons?

(This box will expand as you type)

All things being 21st-century-equal. And for a population of under 2-million. It would be reasonable to speculate that the Assembly would be sufficiently representative and functional, with no more than 60 MLAs. Thus, 15 constituencies with 4 representatives.

The implications would be that the Assembly would cost less. And intellectual resources, so badly needed in the private sector, would not be misallocated to the Assembly.

(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity.

What size of an Assembly is required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained?

Are there comparable arrangements elsewhere which the Assembly and Executive Review Committee could usefully consider?

What factors should the Committee take into account when deciding on the size of the Assembly?

(This box will expand as you type)

With the trend internationally towards ever bigger government, it is not possible to offer any example that would act as a useful paradigm. Again, the Assembly is--as is the nation state and its territorial ambitions, to mitigate the moral hazard of the nation state (Hans Herman Hoppe: Democracy- The God that Failed)--doomed to always provoke for more, not less. So this will be a serious challenge for the Assembly.

(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained

How many departments are required to effectively discharge the current range of devolved functions?

In broad terms, what functions should be grouped in the reduced number of departments and what factors informed your decisions on grouping functions together in a department?

(This box will expand as you type)

I would suggest that the departments should not exceed the number already in play. Some could be easily enough eliminated, and others integrated. However, the peculiarities of Northern Ireland (as mentioned in sect 4, page 1) along with the base cost of any Assembly, provides hands-on-experience and a necessary distraction/diversion, until such times as the majority of the demos becomes more responsible/sophisticated.

Section 5**Additional Information**

Please provide any additional information which you believe will be of assistance to the Committee during the course of the Review.

(This box will expand as you type)

The priority of the Assembly must be to create an environment with a minimum of populist regulation that too often borders on the downright cynical, corruption, violence and crime. If this is not made the first priority, Northern Ireland--like its ROI counterpart, and arguably failed state--cannot hope to make any progress.

A demos overwhelmingly comprised of the least able, yet most demanding of government, with menaces that are tolerated and transformed and propagated as legitimate grievances, masquerading as inclusiveness/equality, etc., is a hopeless enterprise. Just like the one in Greece, which does not have London to bail it out.

The Northern Ireland Local Government Association

Section 1 Stakeholder Details

Stakeholder Name	Telephone Number			
NILGA	(028) 90798972			
Stakeholder Address	Stakeholder Type (Include one or more X)			
Unit 5B, Castlereagh Business Park 478 Castlereagh Road Belfast	Registered Political Party		Local Government	X
	Academic		Government	
	Legislature		Non-Government	
	Other (Please Specify)/Member of the Public			
	Local Government Association			

Please provide some background information on your role as a stakeholder

NILGA, the Northern Ireland Local Government Association, is the representative body for district councils in Northern Ireland. NILGA represents and promotes the interests of the 26 local authorities, has full membership from all Councils, and is also supported by all the main political parties.

NILGA's role has developed over the last ten years, with modernisation and improvement work complementing the advocacy programme (local government obtaining recognition and resources to fulfil its role in a contemporary, peaceful and dynamic Northern Ireland) and engagement / event projects such as the annual Conference for members / officers. In the context of NILGA's robust and constructive work in relation to the Review of Public Administration – both previously and now - we trust that our knowledge and experience of reform will prove useful to the Committee in its deliberations.

The Assembly's Committee is asked to note that this interim evidence presented by NILGA is not as yet corporately approved. As a partner in government and upon request NILGA is, however, pleased to offer the material provided to instigate what is hoped will be fuller and mutually beneficial engagement between it, the Committee and the NI Assembly.

Guidelines for Completion of Submissions

The Committee would ask that stakeholders submit electronic responses using this pro forma.

Stakeholders should be aware that their written evidence will be discussed by the Committee in public session and made public by the Committee by publication of its Report or other means.

Stakeholders should also be aware that if they decide to publish their submissions, the publication would not be covered by Assembly privilege in relation to the law of defamation.

Section 4

Issues (as set out in (1)-(5) of the Committee's Terms of Reference) and Questions to consider

(1) Whether the statutory link between Westminster and Northern Ireland constituencies should be removed and the implications of removing or retaining this link

What would be the advantages and disadvantages of Northern Ireland 'decoupling' from the Westminster constituency model for Assembly elections?

Please offer supporting evidence for your view on whether the link should be removed, or retained.

If your view is that the link should be removed, how many constituencies and MLAs per constituency do you envisage in the 'decoupled' system, and why?

NILGA is of the view that, whatever the final decision, it must be easily understood by, and well communicated to, the public.

The current co-terminosity with Westminster boundaries is clear and easy to understand. An additional system of boundaries specific to the Assembly would add a layer of complexity to existing arrangements.

Continued alignment with the Westminster boundaries will have the effect of reducing the number of MLAs, which may find some public support, but could also impact negatively on the involvement of smaller parties in the Assembly's mechanisms.

A potential alternative solution would be to align with the post-reform council boundaries, and allocate an appropriate number of MLAs in each of the 11 new areas. This would also enable a dynamic relationship between the two tiers of elected members.

On the basis of representativeness alone, there is a marked contrast between devolved government representation in Northern Ireland compared with the other devolved regions in the UK.

	Population (30 June 2010)	Number of devolved government representatives	No of devolved govt reps per head of popn
Scotland	5,222,100	129	40481
Wales	3,006,400	60	50107
Northern Ireland	1,799,000	108	16657

Regional government in the South of Ireland is organised on a different basis, for example, the 8 Regional Authorities, established in 1994, to promote the co-ordination of public service provision and to monitor the delivery of EU Structural Fund assistance in the regions, draw members from groups of county councils, The members of the Regional Authorities are not directly elected, but nominated from among the elected members of the local authorities in the region. Each local authority has a certain number of seats on a Regional Authority, based loosely on the population of the local authority area. The size of the Regional Authorities varies from 22 members in the Mid-East region to 38 members in the Border region, with an average of 17,888 people per member.

Authority	Population	No. of members	People per member
Dublin Regional Authority	1,180,000 (2006)	30	1: 38333
Border Regional Authority	432,500 (2002)	38	1: 11381
Mid East Regional Authority	412,650	22	1: 18757
Mid West Regional Authority	339,591 (2002)	26	1: 13061
South East Regional Authority	460,838 (2006)	36	1: 12801
South West Regional Authority	621,130 (2007)	24	1: 25880
Midlands Regional Authority	251,664 (2006)	24	1: 10486
West Regional Authority	380,057	28	1: 13573
Total	4,078,430	228	1: 17888 average



The final decision on the number of constituencies and MLAs will require a detailed political discussion and agreement between the NI Executive and the political parties. NILGA is of the view that it would rather see an arrangement which fosters very clear and productive communication and partnership decision-making between separate tiers of government in Northern Ireland – regional and local - rather than concentrate primarily on a preferred number of MLAs *per se*. If this Review was holistic and “whole system” driven, that is, inclusive of the representation and devolution within the UK and inclusive of the role of local government, it would move away from a sterile “less is better” debate.

THERE IS A DIRECT AND NECESSARY CASE TO POPULATE EACH TIER OF GOVERNMENT BASED ON WHAT IT HAS TO DO, FOR EXAMPLE, IN WALES THERE ARE FEWER AMS BECAUSE LOCAL GOVERNMENT FULFILS MORE FUNCTIONS.



NILGA believes that there is sufficient political capacity at local level (benchmarked against Scotland and Wales) which is not being utilised.

It is important that the consultation is not engulfed into a very mechanical debate based on the political structure being assessed on an almost managerial basis. The Assembly is a political institution. Consequently the representational role of the politician needs to be pivotal. Nothing is gained by having a small political institution that can run itself functionally, but where members are too remote from their public.

For example, in Scotland and Wales, there are 2 – 2½ per 100,000 (NI = 6). If the Assembly felt that a ratio of this type should also be factored into the functional debate, then it could work from a “democratic minimum”.

(2) The implications of the forthcoming reduction via the Parliamentary Voting System and Constituencies Act 2011, and any further reduction in the number of MLAs

What, in your view, will be the implications of the reduced number of MLAs arising from the Parliamentary Voting System and Constituencies Act 2011 (i.e. 16 rather than 18 constituencies)?

A further reduction in the 16 constituency scenario could arise from a decrease in the number of MLAs per constituency. What, in your view, are the implications of such a further reduction?

Do you consider that the number of MLAs per constituency should remain at 6 or decrease, and if so, for what reasons?

It is noted that under the current linked system a reduction in the number of constituencies from 18 to 16 would reduce the number of MLAs from 108 to 96. The potential for further reduction has also been identified in terms of the number of MLAs per constituency.

If this reduction and the further reduction being considered were to take place, participation issues may arise if the current Department and Assembly Committee arrangement is to be maintained.

At present, there are demands placed upon elected members – whether MEPs, MPs, MLAs or Councillors – which are driven by processes, attendance, and equality of representation, rather than pure public service and constituency matters. NILGA does not foresee any fundamental change, but a streamlined number of MLAs must lead to a streamlined number of “process” requirements of the type mentioned above and must also pre-suppose the transfer (with full business and resource planning) of powers from the Assembly to Councils.

A New Burdens Doctrine – as exists in England between central and local government – could assist this extensively. This succinctly provides a template to enable formal transfer of functions to be completed in terms of a partnership of consultation, assessment of risk, determination of business rationale, implementation and resource management.

Constituency demands on members will also increase.

If confidence is to be maintained in the Assembly's scrutiny role, and in the participation of elected members on committees, thought should be given to a rationalisation of **both** the committee structures and departments, and therefore a significant reduction in their back office demands and functions.

The decision regarding the number of constituencies and MLAs will require a detailed political discussion and agreement between the NI Executive and the political parties.

NILGA's multi party leadership together with its Executive does not wish to comment on the matter at this time.

(3) The reduced number of MLAs required ensuring that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity.

What size of an Assembly is required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained?

Are there comparable arrangements elsewhere which the Assembly and Executive Review Committee could usefully consider?

What factors should the Committee take into account when deciding on the size of the Assembly?

The final numerical assessment must permit effective operation of the Assembly as a legislative and scrutiny body, and ensure that inclusivity is safeguarded. NILGA sees the NI Assembly as a legislative, scrutiny and strategic policy provider for NI's public services on behalf of tax payers and the general public. It is important when looking at issues such as size, to consider also factors such as:

- A business case approach to the resources needed to fulfil the required roles.
- Assurances in regard to equality of representation and opportunity for elected members to play a full part in decision making.
- The instigation of integration, collaboration, co-operation, innovation, improvement, and efficiency practices embedded in the evolving Assembly, as deployed by councils informally for many years and formally since late 2011, in order to manage performance and continuously improve the institutions / services in question thus ensuring a value for money ethos at the core of all that is carried out (whether MLA, official, service provider or outsourced body).
- NILGA would suggest that an independently commissioned and delivered efficiency audit is completed in this regard.
- NILGA also asserts that in order to rationally look at the size of the Assembly, there needs to be a full and thorough analysis of the existing and proposed suite of functions to be determined
 - (i) by the Departments;
 - (ii) by Councils;
 - (iii) by the private sector and the social economy.

Preparing a "Vision for Local Government", shaped by the needs and requirements of local people, delivered innovatively and effectively, is a corporate issue for NILGA, mandated by councils. The ratio of service provision between the Assembly and councils is particularly high for the contemporary and stable society we now inhabit. NILGA will be happy to commit constructively, objectively and impartially to an evidence-based discussion with the Assembly and Executive Review Committee.

(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including in particular, proposals to ensure a robust and effective committee system

Please indicate what you would propose to change in the current arrangements to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly.

In particular, what changes would you propose to ensure a robust and effective committee system?

NILGA does not have any detailed comment to make on the potential for any further reduction regarding the number of MLAs, except that the final outcome must permit the effective operation of the Assembly as a legislative and scrutiny body with inclusivity safeguarded.

Any reduction in the number of departments should also lead to a reduction in the number of committees.

(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained.

How many departments are required to effectively discharge the current range of devolved functions?

In broad terms, what functions should be grouped in the reduced number of departments and what factors informed your decisions on grouping functions together in a department?

NILGA has acquired significant knowledge and experience of reform, through its work on the earlier Strategic Leadership Board and Policy Development Panels, and its current proposals and practices for the forthcoming RPA.

It is recommended that the Review Committee should formulate a set of principles, similar to or building on the original 10 RPA guidelines. *The overarching structure of all changes to public service should be a full focus on the needs of the citizen.*

In his 2002 paper on Public Service reform, Colin Knox identified that:

“International experience suggests there is no single template for public service reform which can be superimposed on Northern Ireland’s existing political and administrative systems.”

He did identify however, the value of comparing the Northern Ireland experience of government, with international good practice from a range of countries implementing reform to different heights, but within a local context.

Knox discussed public service reforms loosely, using the term ‘New Public Management’, which aimed to achieve more entrepreneurial government, typically including:

- A greater emphasis on performance management
- The promotion of competition
- Improvements in financial management
- A focus on service outputs
- Improved management practices to empower public sector consumers

Devolution has offered the Northern Ireland Executive the opportunity to make changes in public administration, but this opportunity has only been partly utilised. It is vital that we ensure that delivery of services mirrors local needs.

Knox identifies that :

“This must be done within a public expenditure budget whose derivation lies largely outside the control of the Executive. Hence the reforms’ focus on ‘getting more for less’ must address how existing services are better structured, managed and held to account within a locally elected assembly.”

NILGA would highlight to the Committee that ten principles were set out in 2002 by the panel of independent experts as being essential to the Review of Public Administration.

These were:

- democratic accountability through the involvement of elected representatives, both locally and regionally;
- community responsiveness to local needs and the incorporation of best practice from the voluntary and community sectors, and local partnerships;
- cross-community concerns, not least the concerns of minority communities in different parts of the region;
- equality and human rights related to the fair provision of services to all throughout Northern Ireland, including equity of access to services;
- subsidiarity regarding the relationship of services development and delivery to different geographical scales – local, sub-regional and regional;
- quality of service which combines efficiency and effectiveness with quality standards;
- coordination and integration of services to deliver cross-cutting policies and achieve geographical coherence;
- scope of the public sector in service delivery and the potential contributions of the private, community and voluntary sectors;
- efficiency and effectiveness related to the avoidance of duplication, the minimising of administrative expenditure and the maximising of resources on front line services; and
- innovation and business organisation involving the development of better ways to deliver services.

It is recommended that this or a similar set of principles be used to inform a departmental and Assembly assessment.

On examining systems elsewhere, NILGA would note the following:

- Government departments and ministerial portfolios are often based on the priorities of the governmental programme, and designed around families of issues.
- In Wales, the government directorates are cross cutting.
- There is a need to emphasise delivery.

NILGA would therefore pose the questions:

Should our departments, and therefore the scrutiny committees, be based on scrutiny of the current individual departments, OR

Should they be designed to scrutinise the implementation of the Programme for Government, using a themed approach?

If the focus of the Assembly is to ensure the departments are delivering the Programme for Government, then one option would be for our departments to be designed around that Programme.

If we look at the themes of the Programme for Government, this would suggest a refocusing along the five priorities that are the building blocks of the PfG, for example:

1. OFMDFM (North – South, East – West, external relations)
2. Growing a sustainable economy (skills, business, enterprise, technology and science)
3. Investing in the future (education, participation and lifelong learning)
4. Natural resources (environment, farming, rural affairs, renewables)
5. Overcoming disadvantage (tackling inequalities, justice, housing, welfare)
6. Health and well-being
7. Safer, sustainable, strong, shared, communities (with local government services)
8. Finance, public services
9. Planning and infrastructure

A second option is to look at ‘families of services’, and to explore whether the families of services that are grouped together currently in our departments are a suitable grouping for effective working.

For example, the other three UK administrations have a *Department of Communities and Local Government*. In Northern Ireland such a department could also involve regeneration, strategic planning and housing. The potential future smaller DOE, minus planning (and an independent NIEA?), could be further rationalised by moving the environmental responsibilities into a bigger *Department of Environment, Farming and Rural Affairs*, mirroring Defra.

An additional issue to consider is the potential to make more use of the ‘junior minister’ system as evidenced in Scotland. This would enable an individual focus on important portfolios and delivery, while permitting an integrated themed ministerial ‘team’ approach to PfG priorities, and thus avoiding increasing the number of committees or burden the wider Assembly membership. It would also have the positive impact of increasing developmental elected member capacity.

Although it would be desirable to rationalise and save money as part of this exercise, there is also an opportunity to look at cross-cutting issues such as external affairs, local government, and sustainable development.

In conclusion, if form is to follow function, which is determined by results as required by the customer / public, the Programme for Government allows an overhaul based on apolitical determinants, customer focus, and the development of a new approach to public service provision – promoting greater use of local authorities and a culture of self help in the communities we serve, respect and represent – whether councillor or MLA.

Delivery requires responsible and dynamic decision making; responsibility and subsidiarity are preferred outcomes rather than retention of power as an end in itself.

NILGA would be pleased to offer further evidence through a task and finish team, as determined by the Committee, should this be deemed appropriate.

Section 5 Additional Information

Please provide any additional information which you believe will be of assistance to the Committee during the course of the Review.

This paper was considered by NILGA’s Executive and Full Members in March 2012, who approved the content as set out above.

Platform for Change

Section 1 Stakeholder Details

Stakeholder Name	Telephone Number			
Platform for Change	028 9013 0608			
Stakeholder Address	Stakeholder Type (Include one or more X)			
#44 South Studios Tates Avenue Belfast BT9 7BS	Registered Political Party	<input type="checkbox"/>	Local Government	<input type="checkbox"/>
	Academic	<input type="checkbox"/>	Government	<input type="checkbox"/>
	Legislature	<input type="checkbox"/>	Non-Government	<input checked="" type="checkbox"/>
	Other (Please Specify)/Member of the Public			

Please provide some background information on your role as a stakeholder

Platform for Change was launched in 2010 to promote political realignment and civic renewal in Northern Ireland.

Platform for Change supports:

- a politics focused on the public interest and the common good;
- a cohesive government in which power is genuinely shared;
- an assembly which gives the citizen a real voice; and
- a vision of a tolerant and inclusive society without dividing lines.

Guidelines for Completion of Submissions

The Committee would ask that stakeholders submit **electronic** responses using this pro forma.

Stakeholders should be aware that their written evidence will be discussed by the Committee in public session and made public by the Committee by publication of its Report or other means.

Stakeholders should also be aware that if they decide to publish their submissions, the publication would not be covered by Assembly privilege in relation to the law of defamation.

Section 4

Issues (as set out in (1)-(5) of the Committee's Terms of Reference) and Questions to consider

(1) Whether the statutory link between Westminster and Northern Ireland constituencies should be removed and the implications of removing or retaining this link

What would be the advantages and disadvantages of Northern Ireland 'decoupling' from the Westminster constituency model for Assembly elections?

Please offer supporting evidence for your view on whether the link should be removed, or retained.

If your view is that the link should be removed, how many constituencies and MLAs per constituency do you envisage in the 'decoupled' system, and why?

Platform for Change sees no need for a coupling between the boundaries of the assembly and Westminster constituencies. As in Scotland and Wales, the distinct functions of the devolved parliament/assembly and Westminster mean there is no logical need for co-terminosity.

Platform for Change disagrees with the presumption in this inquiry that the number of MLAs can be logically dissociated from the method of their election. A reduction in the number of MLAs per constituency will reduce proportionality in a manner that would not be the case if it were to be associated with a shift to the additional member system applying in Scotland and Wales. Moreover, a shift to AMS (or the alternative vote with a top-up) would arguably help address the policy deficit apparent at Stormont—for example, in the relative paucity of primary legislation—whereas STV, in which all representatives have a competitive constituency focus, favours the politics of the parish pump.

Platform for Change would be perfectly happy with an assembly reduced in size to 80 members, which would be the outcome of a reduction by two in the number of Westminster constituencies on which the assembly is currently based, allied to a reduction by one in the number of members per constituency. But this is not the way to do it.

What is required is an impartial review under an independent commission to consider the electoral system to the Northern Ireland Assembly, with the corollaries of the number of constituencies and, depending on the system advocated, the number of assembly members. This would provide a robust basis for Westminster legislation in the subject and would not be vulnerable to the challenge—as now with the committee's consideration of aspects of this inherently interconnected congeries of issues—that those addressing it are *partis pris*.

(2) The implications of the forthcoming reduction via the Parliamentary Voting System and Constituencies Act 2011, and any further reduction in the number of MLAs

What, in your view, will be the implications of the reduced number of MLAs arising from the Parliamentary Voting System and Constituencies Act 2011 (ie 16 rather than 18 constituencies)?

A further reduction in the 16 constituency scenario could arise from a decrease in the number of MLAs per constituency. What, in your view, are the implications of such a further reduction?

Do you consider that the number of MLAs per constituency should remain at 6 or decrease, and if so, for what reasons?

A reduced number of MLAs would have implications, if introduced in isolation, for the effective functioning of the committee system. It should logically be connected to a reduction in the number of departments and so statutory committees, so that the adequacy of scrutiny by the latter is not diminished.

We have indicated above that we do not believe the number of assembly members and constituencies can be rationally discussed in abstraction from the method of election.

(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity.

What size of an Assembly is required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained?

Are there comparable arrangements elsewhere which the Assembly and Executive Review Committee could usefully consider?

What factors should the Committee take into account when deciding on the size of the Assembly?

We have indicated above that we would view an assembly of 80 members (or thereabouts) as reasonable.

This would still be disproportionately large, compared with the Scottish Parliament and the Welsh National Assembly. It would however be closer to the size (78 members) of the assembly elected in 1973, associated with the power-sharing executive of 1974.

(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including in particular, proposals to ensure a robust and effective committee system

Please indicate what you would propose to change in the current arrangements to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly.

In particular, what changes would you propose to ensure a robust and effective committee system?

The number of committees should be reduced *pari passu* with the number of departments (see next answer) to ensure individual members are not required to attend more committees and/or committee membership is reduced.

Removal of the dual (and in some cases even triple) mandates of many members is essential to ensure committee work is taken seriously, rather than the assembly being perceived as just another place to make speeches and lobby.

Platform for Change has also been to the fore in recommending a shift to a recognised and resourced assembly opposition. In the absence of this, there is a *de facto* executive majority in every committee and independence of thought is not at a premium.

(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained

How many departments are required to effectively discharge the current range of devolved functions?

In broad terms, what functions should be grouped in the reduced number of departments and what factors informed your decisions on grouping functions together in a department?

Platform for Change would insist that, as with the number of MLAs, decisions as to the number of departments should not be made on the basis of partisan considerations—as with the decision to abolish DEL at a time of critical concern *vis-à-vis* youth unemployment and the financing of further and higher education—but on those of good governance. They can thus also not logically be made in abstraction from other considerations.

Platform for Change believes that seven departments would be a reasonable number but the structure should be aligned with overarching policy goals as in Scotland, rather than simply being conceived as silos for particular public services, like schools, police or hospitals. A possible illustrative structure (implying the establishment of an independent environmental protection agency) would be:

- Reconciliation
- Sustainable development
- Social inclusion
- Education and lifelong learning
- Health and well-being

- Justice
- Finance.

The Office of the First and Deputy First Minister should be replaced by an Office of the First Minister, with the incumbent being the agreed leader of an agreed cross-sectarian coalition, voted into office with a secular weighted majority (with any parties not party to the coalition forming the official Opposition). S/he should then exercise civic leadership for the whole society impartially, rather than representing merely the Protestant community politically ('unionists') as now.

It is critical that the executive operates, like its predecessor in 1974, on the basis of collective responsibility, so that joined-up government can be made a reality. There should only be one permanent secretary, doubling as secretary to the executive and head of the civil service, again as in Scotland, to ensure collective decisions are smoothly implemented across the system.

Section 5 Additional Information

Please provide any additional information which you believe will be of assistance to the Committee during the course of the Review.

Platform for Change reminds the committee that the Ipsos-MORI poll on public attitudes to the assembly published in 2010 revealed that three-quarters of respondents wanted significant improvement in the governance arrangements, their disillusionment matched by disengagement—international affairs attracting more public interest than the working of the assembly. Platform for Change articulates this citizen-based demand for change.

A piecemeal response focusing narrowly on the number of MLAs and departments will not address this profound challenge. An holistic approach is needed, as we have set out, which meets it coherently and comprehensively.

Mr J. Edgar

Section 1 Stakeholder Details

Stakeholder Name	Telephone Number			
James Gibson Edgar				
Stakeholder Address	Stakeholder Type (Include one or more X)			
	Registered Political Party	<input type="checkbox"/>	Local Government	<input type="checkbox"/>
	Academic	<input type="checkbox"/>	Government	<input type="checkbox"/>
	Legislature	<input type="checkbox"/>	Non-Government	<input type="checkbox"/>
	Other (Please Specify)/Member of the Public X			
	Member of the Public			

Please provide some background information on your role as a stakeholder

This submission is made in a purely personal capacity.

I am not a member of any political party and have never been involved in any party political activity.

I am a constituent of the Lagan Valley Westminster constituency, and am on the electoral register. I am a regular voter at regional and local government elections.

This submission is made as a citizen of Northern Ireland concerned to see the most effective and efficient form of devolved regional government and administration in Northern Ireland.

Guidelines for Completion of Submissions

The Committee would ask that stakeholders submit **electronic** responses using this pro forma.

Stakeholders should be aware that their written evidence will be discussed by the Committee in public session and made public by the Committee by publication of its Report or other means.

Stakeholders should also be aware that if they decide to publish their submissions, the publication would not be covered by Assembly privilege in relation to the law of defamation.

Section 4

Issues (as set out in (1)-(5) of the Committee's Terms of Reference) and Questions to consider

(1) Whether the statutory link between Westminster and Northern Ireland constituencies should be removed and the implications of removing or retaining this link

What would be the advantages and disadvantages of Northern Ireland 'decoupling' from the Westminster constituency model for Assembly elections?

Please offer supporting evidence for your view on whether the link should be removed, or retained.

If your view is that the link should be removed, how many constituencies and MLAs per constituency do you envisage in the 'decoupled' system, and why?

There are a number of advantages for the Northern Ireland Assembly 'decoupling' from the Westminster constituency model in future elections. The main advantage would be that if the Westminster parliament should in the future decide to change the number of constituencies in Northern Ireland, then this would impact directly on representation in the Assembly. This would mean that the number of M.L.A.'s would be changed. The present arrangement means that the Northern Ireland Assembly is not in sole control of its own level of representation. 'Decoupling' would allow the Assembly to be control of its own requirements and allow for greater stability on this issue. The Assembly would not have to be concerned about any further boundary redistribution after the next General Election in 2015. It would also bring the Northern Ireland Assembly into line with both the Scottish Parliament and the National Assembly for Wales.

Since the 1973 Assembly elections there has been a link between the Westminster parliamentary constituencies and elections to regional representative institutions. The vast majority of the Northern Ireland electorate is familiar with this linkage. There is wide agreement that the Boundary Commission bases the Westminster constituencies on fair principles. In addition, the use of the PR-STV voting mechanism to the Northern Ireland Assembly ensures that elected representatives reflect fairly the desires of the electorate.

The author would recommend that the next Assembly election should use the new Westminster parliamentary constituencies (assuming there will be sixteen).

Section 33 of the Northern Ireland Act 1998 should be amended to 'decouple' Assembly constituencies from any future changes to the Westminster parliamentary constituencies.

(2) The implications of the forthcoming reduction via the Parliamentary Voting System and Constituencies Act 2011, and any further reduction in the number of MLAs

What, in your view, will be the implications of the reduced number of MLAs arising from the Parliamentary Voting System and Constituencies Act 2011 (i.e. 16 rather than 18 constituencies)?

A further reduction in the 16 constituency scenario could arise from a decrease in the number of MLAs per constituency. What, in your view, are the implications of such a further reduction?

Do you consider that the number of MLAs per constituency should remain at 6 or decrease, and if so, for what reasons?

The Parliamentary Voting System and Constituencies Act 2011 proposes that the number of Northern Ireland constituencies may be reduced to sixteen. Based on the current model of six M.L.A.'s returned per constituency, this would result in a 96 member Assembly. The author welcomes this proposed reduction of twelve members to the Assembly.

The author would support the use of the proposed sixteen Westminster constituency model as the basis for future elections to the Assembly. There will be some changes to existing constituencies and new constituencies will be formed. However, the review by the Boundary Commission will be open to full scrutiny by the public and vested stakeholders.

The author recommends that with a sixteen Westminster constituency model the number of M.L.A.'s per constituency should decrease to five. This would allow for the return of an 80 member Assembly, which the author recommends as the optimal level of elected representation for regional government in Northern Ireland. The author recommends a decrease of one M.L.A. per constituency to ensure an overall 80 member Assembly.

The author is of the view that five elected M.L.A.'s per constituency is sufficient to allow for effective representation on behalf of constituents. If one Member of Parliament (M.P)

can represent the same constituency at Westminster, then five is more than sufficient for a regional Assembly.

(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity.

What size of an Assembly is required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained?

Are there comparable arrangements elsewhere which the Assembly and Executive Review Committee could usefully consider?

What factors should the Committee take into account when deciding on the size of the Assembly?

The author recommends that the next Northern Ireland Assembly should be an 80 member representative body.

An 80 member Assembly is the minimum level required to ensure effective regional government for a population of 1.7 million citizens. The majority of public opinion in Northern Ireland regards the current level of representation of 108 M.L.A.'s as excessive. Northern Ireland has long been regarded as having a top-heavy level of elected representatives, with European Parliament, Westminster Parliament, Northern Ireland Assembly and local government forums. With the Review of Public Administration a number of Government services have been streamlined to ensure greater cost effectiveness. Local government is about to undergo a similar reduction in numbers within the next few years. There is a requirement that representation in the Assembly undergoes a similar review process. The outcome should ensure a more streamlined institution and more effective operational mechanisms.

The existing 108 member Assembly was the outcome of political negotiations leading to the Belfast Agreement in 1998, and enshrined in the Northern Ireland Act 1998. With greater political stability in Northern Ireland there is an opportunity to review the existing structure of the Assembly. The Assembly structure should reflect the changed political and economic circumstances in Northern Ireland.

Comparable regional representative institutions in Scotland and Wales would indicate that Northern Ireland should have a reduced number of elected representatives. Also, compared to Dáil Éireann the Northern Ireland Assembly has a higher number of elected representatives per head of the population. The National Assembly for Wales has 60 members for a total population of almost three millions, while the Scottish Parliament has 129 members for a total population of just over five millions. Thus, the Northern Ireland Assembly should have a reduced level of members based on a similar level of representation per head of population. However, the Assembly still requires a level of membership to ensure its effectiveness in delivering its key functions.

An 80 member Assembly provides an optimal level that would still ensure effective governance. It would also allow all eligible M.L.A.'s to be a member of a Statutory Committee within the Assembly.

The Assembly and Executive Review Committee should take into consideration the following issues when deciding on the size of a future Assembly:

- Number of Government Departments as a result of any proposed changes;
- An effective Committee system should continue to review and scrutinise the work of Government Departments;
- All M.L.A.'s, with the exception of Ministers, Junior Ministers and the Speaker of the Assembly, should have the opportunity to be a member of at least one Statutory Committee;

- Whether other Committee frameworks, such as ‘thematic / subject’ based Committees, be considered as possible alternatives to the current ‘statutory / departmental’ Committee system. It may be the case that a combination of types of Committees may be appropriate for the effective workings of the Assembly.

(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including in particular, proposals to ensure a robust and effective committee system

Please indicate what you would propose to change in the current arrangements to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly.

In particular, what changes would you propose to ensure a robust and effective committee system?

The author is of the view that any review of membership of the Northern Ireland Assembly must be considered with a review of the number of Government Departments.

The author notes that the Assembly and Executive Review Committee has stated that the statutory basis for the current Committee system is outside the scope of its review.

The current structure of twelve Statutory Committees is based on the current eleven Government Departments, plus the Office of the First Minister and deputy First Minister.

However, the author would recommend that the Assembly should review the basis of its Committee system for the next Assembly. There are two Committee models that may be considered:

- The first model would be a continuation of the existing system of Statutory Committees linked to the number of Government Departments. If the number of Government Departments should be changed then the number of Statutory Committees would change accordingly.
- The second model would be the use of a ‘thematic/subject’ Committee system. In this respect the Assembly may wish to review the Committee systems of the Scottish Parliament and the National Assembly for Wales. There are a number of possible benefits of using a ‘thematic / subject’ model of Committees. Firstly, it would allow for greater flexibility in purpose and areas of review. It would allow Committees to have a wider remit that may cut Departmental boundaries.

It is noted that Section 29b of the Northern Ireland Act 1998 would appear to allow for cross-cutting Committee arrangements. There is merit in the Northern Ireland Assembly considering possible Committee arrangements that would allow for greater cross-cutting remits.

It is to be noted that Dáil Éireann currently has a system of Select Committees which allows for remits that cross-cut more than one Government Department.

The author would recommend that for Statutory Committees membership should be a maximum of nine M.L.A.’s, with a quorum of four required to formally convene. Standing Orders of the Assembly should be amended accordingly.

In response to Section (5), the author suggests that there should be nine Government Departments in total. On the basis of an 80 member Assembly, with nine members per Statutory Committee, this would entail 81 Committee places. With Ministers, Junior Ministers and the Speaker of the Assembly not available to take places on a Statutory Committee, this would mean that 67 M.L.A.’s would be available for these 81 Committee places. This would result in a ratio of 1.21, a reduction from the current Assembly ratio of 1.43¹. This would still

1 Source: ‘Size of the Northern Ireland Assembly’, Research and Information Service Research Paper, Northern Ireland Assembly, 10 November 2011. p. 12.

mean that some M.L.A.'s would hold more than one Committee position, though some form of membership rotation during the lifetime of an Assembly may help to mitigate this situation.

(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained

How many departments are required to effectively discharge the current range of devolved functions?

In broad terms, what functions should be grouped in the reduced number of departments and what factors informed your decisions on grouping functions together in a department?

The author recommends that the next Northern Ireland Executive could be based on nine Government Departments, inclusive of the Office of the First Minister and deputy First Minister.

It is noted that the existing Department for Employment and Learning (DEL) is proposed to be abolished in 2012, and its functions to be distributed between a number of existing Departments. This is in part an outcome of the creation of a Department of Justice in April 2010.

The following suggestions for transfers of functions in a reduced number of Departments is not meant to be prescriptive, but offered for possible consideration by the Assembly and Executive Review Committee. It is based on the assumption that DEL is abolished as a separate Department and its functions have been split between a number of other Departments.

The author recognises that there is no prescriptive answer to the forms of Departments that could be established as a result of re-organisation. Each stakeholder that makes a presentation to the Assembly and Executive Review Committee will probably offer different suggestions for new Departments. The author offers the following suggestions for consideration by the Assembly and Executive Review Committee. However, the author also recognises that political considerations by the main political parties will ultimately have a significant bearing on the shape of future Government Departments.

The author would recommend that Government Departments be constructed on a thematic basis. For example, the Department of Enterprise, Trade and Investment should be based on the theme of economic development in its widest sense. Similarly, one Department should be responsible for all issues relating to energy.

The author suggests that the current Department of Culture, Arts and Leisure could be abolished and its functions split between other Departments. 'Culture' and 'Arts' could be assigned to the Department of Education and / or the Department for Social Development (D.S.D.). The function of 'Leisure' could be assigned to the current Department of Health, Social Services and Public Safety. The logic for this suggestion is that 'Leisure' could be viewed under a remit of 'healthy living'. The function of Inland Waterways and Fisheries may logically sit within an enhanced Department of Agriculture and Rural Development. The function of Museums, Libraries and Archives could be assigned to the D.S.D. Similarly, the functions of Language and Cultural Diversity would complement the existing remit of the D.S.D. Arts, Creativity and Architecture could be split between a number of other Departments: creative industries could go to the Department of Enterprise, Trade and Investment; Community and Arts to the D.S.D.; and Architecture and the Built Environment to the Department of the Environment.

The author also suggests that the existing Departments of the Environment (D.O.E.) and Department for Regional Development (D.R.D.) could be amalgamated to form a new Department, maybe called the Department for Regional Planning and the Environment. The argument for this amalgamation is that many of the functions of both Departments have related cross-cutting themes. For example, D.R.D.'s remit includes major areas such as

public transport, the Roads Service, roads improvement and regional planning. The D.O.E. complements these roles with control of the Planning Service and also has roles covering public transport. The latter includes such functions as driving theory test, road safety, and vehicle licencing. Having these complementary roles within one Department would promote more 'joined up government' in practical terms. In addition, the role of regional planning currently within D.R.D. is closely linked to the role of local government policy that currently resides within the D.O.E.

Another suggestion is for the existing Department of Agriculture and Rural Development (D.A.R.D.) to have its role extended to include areas of activity that are currently within the remit of the Department of the Environment. D.A.R.D already has a remit that covers environmental issues specific to the rural economy. This Department could be given additional functions that complement its current rural development functions. The author suggests that some aspects of the Northern Ireland Environment Agency could be possibly transferred to D.A.R.D.

The author also suggests that a key policy objective for the Northern Ireland Executive and the Assembly is the development of the regional economy. In this respect the role of the Department of Enterprise, Trade and Investment (D.E.T.I.) will be vitally important in promoting economic growth, inward investment and job creation. There is merit in considering strengthening the role of D.E.T.I. and possibly adding some financial functions currently residing within the Department of Finance and Personnel. This would become more important if the Assembly should be devolved control over corporation tax, or possibly other tax raising functions.

The author would suggest that the following Departments should be retained, though with possible changes to their executive functions:

- Office of the First Minister and deputy First Minister;
- Department of Justice;
- Department of Enterprise, Trade and Investment;
- Department of Agriculture and Rural Development;
- Department of Finance and Personnel;
- Department of Health, Social Services and Public Safety;
- Department of Education;
- Department for Social Development.

While the author recommends that there could be nine Government Departments, inclusive of the Office of the First Minister and deputy First Minister, there is recognition also of the case for just eight Departments in total. This would mean that one of the existing Departments listed above might be amalgamated with another Department.

The author, however, is of the view that eight Departments, inclusive of the Office of the First Minister and deputy First Minister, would be the minimum number required for effective and fully accountable government in Northern Ireland.

Section 5 Additional Information

Please provide any additional information which you believe will be of assistance to the Committee during the course of the Review.

The Assembly and Executive Review Committee has an opportunity to review and recommend new working arrangements for the Northern Ireland Assembly and the Northern Ireland

Executive. Local government institutions have been recently subject to a Review of Public Administration. There is an opportunity for the regional government institution to be subject to a similar review process, with improved structures and working practices being introduced.

There is a public expectation that the Northern Ireland Assembly should lead by example, and operate in a 'leaner' format. However, this should not be at the expense to the effectiveness of the workings of the Assembly Committee system, and the running of Government Departments.

The Assembly and Executive Review Committee has the opportunity to recommend substantive changes in its report to the Northern Ireland Executive, the Assembly, and the Secretary of State for Northern Ireland.

The author would encourage the Committee to meet that challenge.

The Independent Financial Review Panel



28 March 2012

Mr Stephen Moutray MLA
Chairman
Assembly and Executive Review Committee
Room 242
Parliament Buildings
Ballymiscaw
Stormont
Belfast
BT4 3XX

Dear Mr Moutray

I am responding on behalf of the Independent Financial Review Panel to the AERC consultation on the Review of the Size of the Northern Ireland Assembly and Number of Government Departments. The Panel's comments are restricted to those issues which fall within its remit.

The Independent Financial Review Panel (IFRP) was appointed on 1 July 2011 under the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011. It is fully independent. Its decisions do not require the approval of the Assembly or the Assembly Commission.

The remit of the IFRP is to set the level of salaries, allowances and pensions payable to members of the Northern Ireland Assembly. The Panel is required to do so in a way which is fair, ensures probity and accountability, represents value for money and does not prevent people from seeking election to the Assembly on financial grounds. The Panel's first Report, a copy of which is attached, was published on 14 March 2012 and relates to the current mandate of the Assembly which is scheduled to continue until 2015. The Panel also published a Determination which gives legal effect to its decisions.

In addressing the task, the Panel carried out a triple benchmarking exercise which involved a comparison of MLA salaries with those of other UK legislative bodies and also with occupations with similar responsibilities in the public and private sectors in Northern Ireland. The Panel also examined the relative weight of the various posts within the Assembly which attract Office Holder Allowances.

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Independent
Financial
Review
Panel

To further inform its work, the Panel consulted widely with the public, including the business sector, and with Assembly Members. Although the number of responses to the consultation process was limited, much of the criticism expressed was not related to the salaries of individual MLAs but rather the overall cost of the Assembly. A frequently expressed view was that there were too many Assembly members

In the benchmarking exercises which the Panel carried out, the main factor that became evident was the relatively low span of MLAs' responsibilities due primarily to the number of MLAs per constituency. MLAs represent on average considerably fewer voters than their counterparts in other devolved legislatures and the House of Commons and therefore cost proportionately more. The starkest example of this relates to MPs and MLAs. Each Westminster constituency has one MP costing £66k in salary and £145k in expenses as well as six MLAs costing a total of £258k in salaries and £450K in Office Costs Expenses. The Assembly representation costs 3.4 times per constituency as that of the Westminster representation. A comparison of the number of constituents per elected member in the Assembly, the Scottish Parliament, The National Assembly for Wales and the House of Commons at Westminster is shown in Table 6 on page 30 of the Panel's Report.

The nature of the political arrangements in the Assembly is such that there is a substantial amount of duplication in the responsibilities of MLAs within constituencies. In evaluating the constituency responsibilities of MLAs, the Panel acknowledged that, while constituency responsibilities are a vital element of the role of an MLA, those responsibilities are shared amongst the six MLAs in each constituency.

The Panel's research raised a fundamental question ie "What is the role of an MLA?" The survey of MLAs and meetings with Members suggest that around 50% of MLAs' time is spent dealing with constituency business. Whilst the Panel fully understands that this is practical politics, it believes that much of this work is of a character that relates more to the work of local councils and other matters that might be better dealt with in other ways for example by Government Departments, local authorities or the Citizens Advice Bureau.

Northern Ireland is a small place. It has a small political space but that space is very crowded with MPs, MLAs and councillors. This makes it harder for the public to understand the difference between the roles of elected representatives and to identify the one who can best provide them with support or resolve their problems. The Panel was made aware of some (limited and anecdotal) evidence that the multiplicity of representatives can lead to competition between members of the same

The logo for the Independent Financial Review Panel is a black rectangle with the words "Independent", "Financial", "Review", and "Panel" stacked vertically in white text.

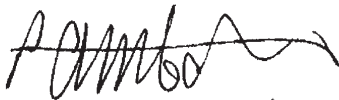
party in the same area for example, between councillors and MLAs or between MLAs and MLAs.

The current political structures mean that duplication and competition are unavoidable. It also means that the costs are high with each MP and MLA receiving a salary and each councillor receiving a basic allowance for representational responsibilities which frequently overlap. The public is becoming increasingly aware that it is they as taxpayers who are paying for this. The huge outcry when IFRP published its proposals was symptomatic of a deep public concern about the effectiveness and cost of local politics. The Panel believes that having too many representatives in the one small political space has a negative effect on both of these factors.

In assessing the appropriate level of Office Holder Allowance for those MLAs holding a post of Minister, the Panel recognised the importance of this role. However it was apparent that while there are significant demands on these posts, the scope of their responsibility and the size of their portfolios varied considerably both within the Assembly and in relation to other devolved UK legislatures. The Panel considered whether there should be difference levels of allowance for Ministers based on their responsibilities but decided that it would not differentiate between posts for their first Determination. The Panel has stated that for its next Determination, it will address any different levels of ministerial posts based on size, type, accountability and complexity. In so doing it will be guided by any changes agreed by the Executive in relation to Ministerial responsibilities.

The Panel would be happy to meet with the members of the Assembly Executive Review Committee to expand on these views.

Yours sincerely

A handwritten signature in black ink, appearing to read "Patrick McCartan".

PATRICK MCCARTAN CBE
Chairman

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Institute of Directors and NI Independent Retail Traders Association

Section 1 Stakeholder Details

Stakeholder Name	Telephone Number			
Institute of Directors Northern Ireland And NI Independent Retail Traders Association	028 9068 3224			
Stakeholder Address	Stakeholder Type (Include one or more X)			
IoD Riddel Hall 185 Stranmillis Road Belfast BT9 5EE linda.brown@iod.com	Registered Political Party		Local Government	
	Academic		Government	
	Legislature		Non-Government	
	Other (Please Specify)/Member of the Public X			
	Representative business body			

Please provide some background information on your role as a stakeholder

The Institute of Directors (IoD) is a non-party political organisation representing the views of around 40,000 individual business leaders in the UK with almost 900 members in Northern Ireland. Members are drawn from the private, public and third sectors. The response to this consultation has been discussed by members of our Northern Ireland Committee and our Economic Strategy Committee and reflect discussions with members at events and other committee meetings since the establishment of the current Assembly departmental structure.

This submission also has the support of the Northern Ireland Independent Retail Trade Association (NIIRTA), which is the representative body for the independent retail sector in Northern Ireland. NIIRTA represents the interests of over 1,300 independent retail members throughout the Province.

Guidelines for Completion of Submissions

The Committee would ask that stakeholders submit **electronic** responses using this pro forma.

Stakeholders should be aware that their written evidence will be discussed by the Committee in public session and made public by the Committee by publication of its Report or other means.

Stakeholders should also be aware that if they decide to publish their submissions, the publication would not be covered by Assembly privilege in relation to the law of defamation.

Section 4

Issues (as set out in (1)-(5) of the Committee's Terms of Reference) and Questions to consider

(1) Whether the statutory link between Westminster and Northern Ireland constituencies should be removed and the implications of removing or retaining this link

What would be the advantages and disadvantages of Northern Ireland 'decoupling' from the Westminster constituency model for Assembly elections?

Please offer supporting evidence for your view on whether the link should be removed, or retained.

If your view is that the link should be removed, how many constituencies and MLAs per constituency do you envisage in the 'decoupled' system, and why?

We wish to restrict our comments to the section on the number of government Departments.

(2) The reduction in the number of NI Government departments and associated reallocation of functions which will ensure the effectiveness of the Executive functions is maintained

How many departments are required to effectively discharge the current range of devolved functions?

In broad terms, what functions should be grouped in the reduced number of departments and what factors informed your decisions on grouping functions together in a department?

The Institute of Directors agrees that Northern Ireland is over-governed and, as a result, there is considerable scope for improving the efficiency and effectiveness of governance.

While the focus of this response is the number of Northern Ireland Departments, the IoD suggests that, with the proposals to realign Westminster constituencies and reduce the number to 16, each Westminster constituency should return just 4 Members of the Northern Ireland Assembly thus creating an Assembly of 64 rather than the current 108.

In relation to the number of Departments, the current structure of 12 Departments has created considerable overlap and duplication of functions as well as confusion amongst the public as to which Department is responsible for which function.

As a business organisation representing and lobbying on behalf of our members, we believe the current system needs a radical overhaul and that Northern Ireland requires no more than seven government departments.

In addressing key policy areas, the current departmental structure results in a cumbersome process, which slows down decision-making and makes it harder to tackle problems and generate effective policy solutions.

For a region our size, seven departments are sufficient to provide effective streamlined government with clear strategic objectives.

By reducing the number of Departments and reallocating functions, the Institute believes that the result will be:

- more streamlined governance
- more strategically focused policy
- better joined up government
- stronger collective responsibility by the Executive

The Departments

Bearing in mind that the implementation of the Review of Public Administration will see some functions of central government devolved to local government, the IoD believes that a maximum of seven Departments would suffice to provide Northern Ireland's governance needs.

Below are our suggestions for a model comprising seven Departments. However, we recognise that this should be the subject of a comprehensive review of the needs of governance for a population of around 1.75 million people, taking into consideration the impact of devolving functions to local government through the RPA and identifying services that can be delivered outside the public sector – particularly through social enterprises and the private sector.

We believe that as a general rule, central Departments should focus on policy formulation and not service delivery.

The reduction in the number of Departments would, of course, result in fewer Assembly Committees, further streamlining governance.

The new Departments

The new Departments might be:

- Office of the First Minister and deputy First Minister
 - A streamlined OFMdFM would focus on administration and coordination
 - Current functions that have been allocated to OFMdFM for political rather than efficiency reasons should be reallocated to other Departments, eg Strategic Investment Board (to a new Department of Strategic Development), Community Relations and Victims (to a new Department of Justice and Equality).
- Department of Finance & Personnel
- Department of the Economy

To include most of the current DETI functions plus skills (HE and FE) from the current DEL, and

 - Tourism functions from the other Departments which currently have a tourism budget (eg DARD, DCAL – including sports, arts, culture)
 - Energy to move to Strategic Development
- Department for Strategic Development

To include the functions of the current Departments of the Environment, Regional Development, Agriculture & Rural Development, and Social Development in relation to planning (regional, town/city and rural development), regeneration, transport and energy
- Department for Education
 - Including the careers functions from the current DEL
 - Policy on teacher training
- Department for Health & Social Service
 - Including benefits/Social Services Agency
 - Public safety should move to the Department of Justice and Equality
- Department of Justice and Equality
 - Including community relations, victims and public safety

Service Delivery

In order to support the rebalancing of the Northern Ireland economy, many services currently delivered in the public sector could be provided at 'arms length' within the private sector and social enterprise sector – for example, water, housing, planning, business support – with only policy development being retained within central government.

Ministerial portfolios

Understanding that the current Departments were created to provide Northern Ireland's political parties with Ministerial portfolios, the IoD would suggest that Junior Ministerial roles could be allocated to some of the Departments where the workload might be too heavy for one single Minister – for example, within the new Department for the Economy a Junior Minister might focus on FE and HE, while in the Department for Strategic Development there might be a Junior Minister for Agriculture.

Conclusions

Reducing the number of Departments and realigning their functions would:

- Streamline governance in better proportion to the population
- Provide more strategically focused governance
- Reduce overlap, duplication, confusion, and inefficient use of budgets
- Contribute to more joined up government and stronger collective responsibility by the NI Executive
- Create a government in Northern Ireland that can react more quickly to changes in economic conditions, both locally and globally
- Provide opportunities to rebalance the economy by transferring some service delivery to the social enterprise and private sectors

The IoD believes that a revamped, refocused and re-profiled set of Executive Departments, which are more delivery focused, will be better placed to respond to the global economic challenges and ensure we can move Northern Ireland toward a sustainable recovery.

The Institute is happy to meet the Committee to discuss further the views expressed in this response.

Northern Ireland Public Service Alliance (NIPSA)

John Simmons
Clerk to the NI Assembly and Executive Review Committee
Room 242 Parliament Buildings
Ballymiscaw
Stormont
Belfast, BT4 3XX

14 May 2012

Response to Phase 1 of the Northern Ireland Assembly and Executive Review by NIPSA

NIPSA welcomes the opportunity respond to the Northern Ireland Assembly and Executive Review Committee.

NIPSA's main aims are to:

1. **Secure jobs for its members within Northern Ireland**
2. **Protect Terms & conditions for members**
3. **Provide a value for money public service**

1. NIPSA response to Northern Ireland delinking from Westminster constituency model would be consistent with our aims in that whatever model our political representative favour NIPSA would continue to ensure working conditions for our members are not diluted in pursuit of efficiency savings.
2. Proposed reduction of MLA's in NIPSA view will not reduce current workloads; in fact if there are less MLA's representing a constituency, the MLA workload will increase as they will have a greater number of constituents to service. The proposed reduction of MLA's will also mean a reduced number of party staff support and therefore it will be essential that there is a sufficient non-political impartial secretariat to service the additional needs of our politicians. Also if the proposed RPA changes are recommended then this will reduce the number of councils/councillors and could envisage further increases on MLA workloads.
3. The reduction in MLA's from 108 to 96 or 80 in NIPSA's view would not constitute a reduction in the workload of MLA or Secretariat staff services. Whilst not within the remit of the A+ER committee it would be encouraging for the committee to recommend gender proofing of new MLA's and follow this on through to Committees. Comparators with other legislatures may be considered although NIPSA would see this as an opportunity for A+ER to review and modernise the working operations of the Assembly, such as roles of the Committees, Plenary timings and debates.
4. NIPSA would see this as an opportunity to review Committee structures, scrutiny roles within the Assembly. If departments are reduced, amalgamated or new departments are created these departments should be mirrored through the establishment of a relevant statutory committee. NIPSA would also encourage that committee numbers would not include individual MLA's sitting on several committees simultaneously. NIPSA would note that an increased scrutiny and analytical role of new committee structure would have an increased workload. NIPSA would also see a review of standing committees to meet the required needs of a new Assembly structure.
5. NIPSA would welcome the fact that if the current departments are reduced a sensible approach is taking in creating new departments, for example in the case of DEL, NIPSA supports the case that DEL should be amalgamated with ETI yet consideration of splitting DEL between two departments is not a value for money option. It is an ideal opportunity to

realign old departments and also remove a number of ad hoc areas such as Economic Policy and Regeneration into an Economy Department.

Overall whilst there is general agreement that there needs to be a reduction of political representatives and a review of Government Departments and Assembly Scrutiny Committees the current work levels will not decrease but increase and therefore apply more stress on those politicians and staff within the new structures.

NIPSA would advise the A+ER committee that while there is a cost saving opportunity in reducing political representation at both Council and Assembly level the front line needs of the community are increasing and the further reduction of secretariat staffing levels will impact on the effectiveness of those politicians to fulfil their role in providing political leadership in a society that is continuing to evolve in a post conflict environment.

Yours sincerely,

Thomas McCullough

NIPSA Chairperson Branch 22

Ex 88320.

Royal Town Planning Institute NI

Section 1 Stakeholder Details

Stakeholder Name	Telephone Number			
Royal Town Planning Institute Northern Ireland	07779226924			
Stakeholder Address	Stakeholder Type (Include one or more X)			
Royal Town Planning Institute (NI) PO Box 69 Carrickfergus BT38 8WX	Registered Political Party		Local Government	
	Academic		Government	
	Legislature		Non-Government	X
	Other (Please Specify)/Member of the Public			

Please provide some background information on your role as a stakeholder

The Institute is the largest professional body representing spatial planning and represents over 23,000 professional planners in the public and private sectors. The Institute has over 500 members in Northern Ireland, many of whom are actively involved in developments that cross a number of government departments and are therefore well placed to comment on this paper.

Guidelines for Completion of Submissions

The Committee would ask that stakeholders submit **electronic** responses using this pro forma.

Stakeholders should be aware that their written evidence will be discussed by the Committee in public session and made public by the Committee by publication of its Report or other means.

Stakeholders should also be aware that if they decide to publish their submissions, the publication would not be covered by Assembly privilege in relation to the law of defamation.

Section 4

Issues (as set out in (1)-(5) of the Committee's Terms of Reference) and Questions to consider

(1) Whether the statutory link between Westminster and Northern Ireland constituencies should be removed and the implications of removing or retaining this link

What would be the advantages and disadvantages of Northern Ireland 'decoupling' from the Westminster constituency model for Assembly elections?

Please offer supporting evidence for your view on whether the link should be removed, or retained.

If your view is that the link should be removed, how many constituencies and MLAs per constituency do you envisage in the 'decoupled' system, and why?

RTPI NI members have expressed the view that a link between Westminster and Northern Ireland constituencies should be retained. It was felt that the link would allow for a more user friendly option that offers ease of use and administration advantages.

(2) The implications of the forthcoming reduction via the Parliamentary Voting System and Constituencies Act 2011, and any further reduction in the number of MLAs

What, in your view, will be the implications of the reduced number of MLAs arising from the Parliamentary Voting System and Constituencies Act 2011 (ie 16 rather than 18 constituencies)?

A further reduction in the 16 constituency scenario could arise from a decrease in the number of MLAs per constituency. What, in your view, are the implications of such a further reduction?

Do you consider that the number of MLAs per constituency should remain at 6 or decrease, and if so, for what reasons?

No comment

(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity.

What size of an Assembly is required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained?

Are there comparable arrangements elsewhere which the Assembly and Executive Review Committee could usefully consider?

What factors should the Committee take into account when deciding on the size of the Assembly?

In relation to the number of MLAs it was the view of members that this should be reduced to a maximum of 5 per constituency and that the current number is excessive and not sustainable.

(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including in particular, proposals to ensure a robust and effective committee system

Please indicate what you would propose to change in the current arrangements to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly.

In particular, what changes would you propose to ensure a robust and effective committee system?

The National Assembly for Wales, with a total of only 60 Assembly Members runs an active Committee structure, providing scrutiny and undertaking arrange of Inquiries. The Scottish Parliament also offers a good example of committee structures.

(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained

How many departments are required to effectively discharge the current range of devolved functions?

In broad terms, what functions should be grouped in the reduced number of departments and what factors informed your decisions on grouping functions together in a department?

Members would welcome the reduction in the number of government departments. The RTPI Northern Ireland has often expressed its concern that the function of planning is split uncomfortably across several departments, mainly Department of Environment, Department

of Social Development and Department of Regional Development and to a lesser extent Department of Culture, Arts and Leisure, Department of Agriculture and Rural Development, Department of Enterprise, Trade and Investment and Office of the First Minister and Deputy First Minister.

The current situation with Roads Service and planning being governed by different Ministers is being cited by members as a reason for unnecessary and costly delays to the delivery of sound planning decisions.

It is vital to the delivery of a fit for purpose planning system that these functions are not split in order to ensure a smooth and joined up approach that will avoid unnecessary delays and enhance accountability.

Section 5 Additional Information

Please provide any additional information which you believe will be of assistance to the Committee during the course of the Review.

The Institute feels that the review paper provides the opportunity to make preparations for the Review of Public Administration and would urge the Executive not to miss this opportunity.

Women's Tec

Section 1 Stakeholder Details

Stakeholder Name	Telephone Number			
Women's Tec				
Stakeholder Address	Stakeholder Type (Include one or more X)			
	Registered Political Party	<input type="checkbox"/>	Local Government	<input type="checkbox"/>
	Academic	<input type="checkbox"/>	Government	<input type="checkbox"/>
	Legislature	<input type="checkbox"/>	Non-Government	<input checked="" type="checkbox"/>
	Other (Please Specify)/Member of the Public			

Please provide some background information on your role as a stakeholder

Women's Tec was established as a cross-community organisation to promote the equal participation of women in areas of political, economic and professional life in areas in which they are under-represented ('non-traditional' occupations). This is in recognition that segregation by sex in employment is inefficient in drawing on a smaller pool of potential employees, leads to parallel systems of pay and status that are often to the detriment of women, perpetuates unhelpful stereotypes of what constitutes 'male' and 'female' employment and results in workplace cultures that can exclude women. Politics is a key area where women are under-represented and therefore an area in which Women's Tec advocates greater involvement of women.

Guidelines for Completion of Submissions

The Committee would ask that stakeholders submit **electronic** responses using this pro forma.

Stakeholders should be aware that their written evidence will be discussed by the Committee in public session and made public by the Committee by publication of its Report or other means.

Stakeholders should also be aware that if they decide to publish their submissions, the publication would not be covered by Assembly privilege in relation to the law of defamation.

Section 4

Issues (as set out in (1)-(5) of the Committee's Terms of Reference) and Questions to consider

(1) Whether the statutory link between Westminster and Northern Ireland constituencies should be removed and the implications of removing or retaining this link

What would be the advantages and disadvantages of Northern Ireland 'decoupling' from the Westminster constituency model for Assembly elections?

Please offer supporting evidence for your view on whether the link should be removed, or retained.

If your view is that the link should be removed, how many constituencies and MLAs per constituency do you envisage in the 'decoupled' system, and why?

Northern Ireland constituencies should be decoupled from Westminster constituencies, as they are in Scotland and Wales. The current situation is that there will be an automatic reduction in the number of MLAs based on UK-wide adjustments, rather than careful consideration of the needs of Northern Ireland as a region in the transition from conflict (see (2) below). The Assembly is still young, having only had one full mandate for 'bedding in'. The process of transition requires a longer period of stability for co-operation in everyday political matters and the development of legislation. Significant change at this point may become divisive and counter-productive in the process of political transition from conflict.

(2) The implications of the forthcoming reduction via the Parliamentary Voting System and Constituencies Act 2011, and any further reduction in the number of MLAs

What, in your view, will be the implications of the reduced number of MLAs arising from the Parliamentary Voting System and Constituencies Act 2011 (ie 16 rather than 18 constituencies)?

A further reduction in the 16 constituency scenario could arise from a decrease in the number of MLAs per constituency. What, in your view, are the implications of such a further reduction?

Do you consider that the number of MLAs per constituency should remain at 6 or decrease, and if so, for what reasons?

A reduction in the number of MLAs would be opposed on the following grounds:

- A political system where males predominate creates a culture where access is made easier for men and there are greater barriers for women, for example, based on attitudes that women should not be involved in politics, the networks in which individuals develop as candidates for election being male-dominated and the concept of incumbency, where voters are more likely to re-elect an individual who is already in place or elect someone known in political circles for a length of time, the vast majority of whom are men. In addition, the context of Northern Ireland as a post-conflict society is still dealing with a legacy where politics is regarded as a male, conflict-related profession. The fewer seats, the fewer opportunities for change and therefore opportunities for women to be elected.
- A crucial element of a successful transition from conflict is the development of robust and transparent political institutions. The basis of an efficient democracy is in the scrutiny and deliberative arrangements of the legislature, significantly the committee system. Fewer MLAs means less time for deliberation and less access for interest groups and members of the public. In the absence of a critical mass of female representatives, women are more present in the process of organising at community level and therefore less access to the organs of deliberative democracy decreases the opportunities for women's issues to be heard.
- Regardless of how many government departments Northern Ireland has in the future, and consequently how many committees there will be in the legislature, the amount of work to administer and legislate for the region will remain the same, and therefore the same numbers of MLAs will be required to scrutinise how this is done. Again, busier and less accessible MLAs will be to the detriment of community participation and therefore to access by women.

Women's Tec does not have a view on how many MLAs there should be, but opposes any reduction on the grounds indicated above.

(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity.

What size of an Assembly is required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained?

Are there comparable arrangements elsewhere which the Assembly and Executive Review Committee could usefully consider?

What factors should the Committee take into account when deciding on the size of the Assembly?

The number of MLAs should not be reduced (see (2) above). While the number of government departments may be reduced to secure efficiencies, and therefore the corresponding number of Assembly committees associated with those departments, there is still considerable scrutiny that will be required that may necessitate creating new committees on a thematic basis.

Human rights and equality are key aspects of the Belfast Agreement, which should be mainstreamed through all government decisions. However, there are few occasions when the committee for the department with oversight on these matters, the Office of the First Minister and Deputy First Minister, look specifically at human rights and equality issues. Consideration should be given for committees for equality and human rights (or a combined equality and human rights committee) with a remit for cross-departmental oversight on these matters.

Northern Ireland's development as an outward-looking region is an important part of economic development and the transition from conflict. Also, Northern Ireland's position as a devolved region of the UK, but also as the only part of the UK with a land border with another EU state, makes engagement on European issues complex and in need of closer scrutiny. Organisations in Northern Ireland have considerable potential to contribute to EU programmes and share knowledge with other like-minded organisations across Europe, but access funds for activities can be complicated. While EU matters should be mainstreamed through all departments, consideration should be given to the establishment of an EU committee, so that appropriate expertise can be developed to scrutinise the efficiency of accessing EU funds, contributing to EU programmes and policy development and better legislative processes associated with EU obligations.

(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including in particular, proposals to ensure a robust and effective committee system

Please indicate what you would propose to change in the current arrangements to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly.

In particular, what changes would you propose to ensure a robust and effective committee system?

See responses at (2) and (3) above. Any reduction in the number of MLAs would be opposed.

(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained

How many departments are required to effectively discharge the current range of devolved functions?

In broad terms, what functions should be grouped in the reduced number of departments and what factors informed your decisions on grouping functions together in a department?

Women's Tec does not have a view on how many departments there should be or how they are organised. However, it should be clear from the outset where specific functions lie and

their administration simplified for easier decision-making, for example, regarding social development and vocational training support.

Section 5 Additional Information

Please provide any additional information which you believe will be of assistance to the Committee during the course of the Review.

The opportunity should be taken to legislate for changes in electoral law to increase the representation of women. Role models are a significant influence on the consideration of women entering politics and a 'critical mass' of women in place has the effect of changing the culture of a context to make it more accessible, as well as having more influence in terms of changing the system from within to make it more accessible. While there are many methods that can be used to promote more women in politics, such as training and development and voluntary provisions in parties, such as all-women shortlists and 'zipping' of candidates, the most effective mechanism for ensuring increased representation is statutory quotas.

It is recommended that the legislation is changed for Assembly elections to require political parties to have at least 40% of candidates of either sex, similar to provisions of the Electoral (Amendment) (Political Funding) Bill currently transiting the Oireachtas. This would provide that a failure to field the required quota of candidates would result in a 50% reduction in state funding to that party. As recipients of state funding, political parties are quasi-public associations and therefore conditions may be set on their use, provided it does not seek to influence party policy. Once selected, women candidates will still be required to be returned by the electorate, so it is not imposing the allocation of seats against the will of voters.



Northern Ireland
Assembly

Appendix 5

Correspondence and Other Papers Relating to the Review

Appendix 5 – Correspondence and Other Papers Relating to the Review

13 September 2011 – Secretary of State for Northern Ireland to the Committee Chairperson

27 September 2011 – Committee Chairperson to the Secretary of State for Northern Ireland

24 October 2011 – Secretary of State for Northern Ireland to the Committee Chairperson

19 January 2012 – Committee Chairperson to the First Minister and deputy First Minister

27 February 2012 – First Minister and deputy First Minister to Committee Chairperson

1 March 2012 – Education Committee to AERC Clerk

13 March 2012 – AERC Clerk to Education Committee

6 March 2012 – Northern Ireland Public Service Alliance (NIPSA) to Committee Clerk

13 March 2012 – Committee Clerk to NIPSA

8 March 2012 – OFMDFM Committee to AERC Clerk

9 March 2012 – Irish Congress of Trade Unions (ICTU) to Committee Clerk

13 March 2012 – Committee Clerk to ICTU

2 April 2012 – Executive Party Leaders’ meeting to Committee Clerk

12 April 2012 – Briefing Note from Clerk of the Committee on meeting with FM and dFM

15 May 2012 – Committee Chairperson to the Chairpersons’ Liaison Group (CLG)

22 May 2012 – CLG to Committee Chairperson

21 June 2012 – ICTU to Committee Clerk

20 August 2012 – Speaker of the NI Assembly to Committee Chairperson

14 August 2012 – Consultation Paper from NI Office

14 August 2012 – Secretary of State Public Consultation Press Release

11 September 2012 – Committee Chairperson to the Speaker of NI Assembly

23 October 2012 – Speaker of NI Assembly to the Secretary of State for Northern Ireland

20 August 2012 – NIPSA to Committee Clerk

11 September 2012 – Committee Clerk to NIPSA

11 September 2012 – Committee Chairperson to First and deputy First Minister

24 September 2012 – First and deputy First Minister to Committee Chairperson

23 October 2012 – Committee Chairperson to First and deputy First Minister

11 January 2012 – Press Release (OFMDFM) – Stormont Castle Proposals

18 January 2012 – Press Release (OFMDFM) - The Way Forward

18 July 2012 – Statement by the First Minister and deputy First Minister

Northern Ireland Act 1998 – Extracts

NI Executive Programme for Government 2011-2015 – Extract

Table: Current Functions of Departments against Proposals from Political Parties represented on the AERC

Reference Paper Highlighting Some Areas of Commonality

13 September 2011 – Secretary of State for Northern Ireland to the Committee Chairperson

The Speaker



Office of the Speaker
Room 39
Parliament Buildings
Belfast BT4 3XX

Tel: +44 (0) 28 9052 1130
Fax: +44 (0) 28 9052 1959
email: speaker@niassembly.gov.uk

Mr Stephen Moutray MLA
Chair of the Assembly and Executive Review Committee
Room 347
Parliament Buildings

13 September 2011

Dear Stephen,

The Secretary of State for Northern Ireland wrote to me on 5 September 2011 concerning a Bill that he hopes to put forward in the Third Session of Parliament. In his letter he draws attention to the Assembly and Executive Review Committee's review of Assembly and Executive structures and has suggested that the Bill may provide a vehicle to implement any proposals. I attach a copy of his letter for the Committee's consideration.

Yours sincerely,



William Hay MLA



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Secretary of State for Northern Ireland

RECEIVED IN

07 SEP 2011

SPEAKER'S OFFICE

SP/10 CA

Willie Hay MLA
Room 39
Parliament Buildings
Stormont Estate
BELFAST
BT4 3XX

SH September 2011

I thought it might be helpful to give you notice that we hope to put forward a Bill in the Third Session of Parliament.

The Bill is intended to effect changes relating to political donations in Northern Ireland and other electoral administration issues. However it will also provide an opportunity to make changes to the institutions that command a large measure of support among the parties and where primary legislation may be needed.

You will be aware that, in the absence of further legislation the size of the Assembly would be 96 seats following the reduction in the number of Parliamentary constituencies. However we have made clear that the size of the Assembly is a matter for local agreement and if there were support for a different size the Bill would provide an opportunity to implement that.

I am aware that the Assembly Executive Review Committee is currently undertaking a review of Assembly and Executive structures and the Bill may provide a vehicle to implement proposals arising from this.

Work is already underway on lessons to be learned following the combined elections this year. The Bill could be a vehicle for any consequential provision.



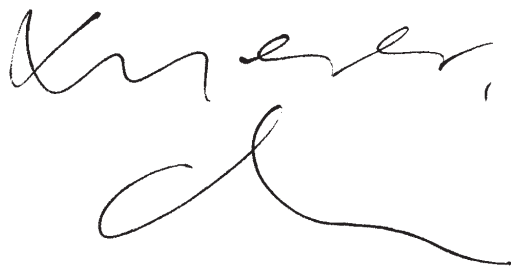
INVESTOR IN PEOPLE

The Bill will also provide an opportunity to legislate to remove the ability of Members of Parliament to also be Members of the Assembly. I have consistently made clear that I want to see this issue resolved by agreement if possible but that we regarded legislation as a proper last resort in the absence of that. I hope to begin discussions on this with the parties shortly.

There is one further possibility to mention in this context. There remains disagreement about possible further rights protections in Northern Ireland. I have agreed with the Lord Chancellor that any specific supplementary rights for Northern Ireland should be implemented in a separate section of any legislation that would give effect to a UK Bill of Rights. However, our forthcoming Bill may provide opportunities to handle this issue differently by, for example, giving the Assembly power to take forward work, or even legislate, in this area.

The timescale for our proposed Bill is quite challenging, so early work may be important, particularly as detailed consultation is planned on certain issues. I hope that early notice of this is therefore helpful.

I am writing in similar terms to the First and deputy First Ministers and to the leaders of the parties in the Executive.



THE RT HON OWEN PATERSON MP
Secretary of State for Northern Ireland



INVESTOR IN PEOPLE

27 September 2011 – Committee Chairperson to the Secretary of State for Northern Ireland



Northern Ireland
Assembly

Assembly and Executive Review Committee

Mr Stephen Moutray
Chairperson
Room 375
Parliament Buildings
Ballymiscaw
Stormont Estate
Belfast
BT4 3XX

27 September 2011

The Rt Hon Owen Paterson MP
Secretary of State for Northern Ireland
Northern Ireland Office
Stormont House
Stormont Estate
Belfast BT4 3SH

Dear

The Assembly and Executive Review Committee met today and discussed your correspondence to the Speaker of 05 September 2011.

The Committee may be in a position to make recommendations in relation to some of the matters which you note could be included in the Bill.

However, before considering these matters further, the Committee would be grateful if you would provide clarification around timescales along with any further information that would assist the Committee at this stage.

Yours Sincerely

Mr Stephen Moutray
Chairman

24 October 2011 – Secretary of State for Northern Ireland to the Committee Chairperson




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Secretary of State for Northern Ireland

Mr Stephen Moutray MLA
Chairman
Assembly and Executive Review Committee
Room 375
Parliament Buildings
Ballymiscaw
Stormont Estate
BELFAST
BT4 3XX

 24th October 2011



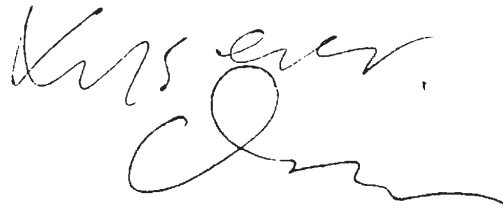
Thank you for your letter of 27 September regarding my correspondence with the Speaker and NI party leaders alerting them to the possibility of a third session Northern Ireland Bill.

I welcome the Committee's interest and that it may be able to make recommendations on some of the matters that may be included in the Bill. I believe the Committee's views would be particularly useful in respect of the future size of the Assembly, the length of Assembly terms and ending double jobbing.

As you will appreciate, these issues will be of interest to the wider public and I would hope to take soundings from various interested groups and individuals before reaching a final decision on how to address these issues. It is also likely that pre-legislative scrutiny (PLS) will need to be undertaken by the Northern Ireland Affairs Committee in advance of the Bill's planned introduction in 2013.

I would hope that detailed discussion and consultation can take place over next summer which will allow for PLS in late 2012/early 2013. I believe it would be very useful for such discussion and consultation to be informed by the views of the Committee and any recommendations would therefore need to be published by end June 2012 to allow for this.

I would be happy to meet to discuss this further if it would be helpful.

A handwritten signature in black ink, appearing to read 'Owen Paterson', with a large, stylized initial 'O'.

**RT HON OWEN PATERSON MP
SECRETARY OF STATE FOR NORTHERN IRELAND**

19 January 2012 – Committee Chairperson to the First Minister and deputy First Minister



First Minister and deputy First Minister
Room G50
Stormont Castle
Stormont Estate
Belfast
BT4 3WT

Date 19 January 2012

Dear First and deputy First Minister

ASSEMBLY AND EXECUTIVE REVIEW COMMITTEE

At Tuesday's meeting of the Committee, it was agreed to carry out some work on the Committee's immediate review of the operation of provisions of Parts III and IV of the Northern Ireland Act in the context of reviewing the size of the Assembly and the number of Northern Ireland departments.

Before we draw up our terms of reference and work plan on this to June 2012, the Committee agreed that I write to you on the subject of the number of Northern Ireland departments to seek clarification what work is planned for 2012 by OFMDFM/ the Efficiency Review Panel regarding post-2015 structures of Government. The Committee noted the key commitment in the Draft Programme for Government to 'Agree any changes to post-2015 structures of Government in 2012 (OFMDFM)'. I also note point 5 of yesterday's OFMDFM News Release on your agreement to "Make an early start to the '2012 review' provided for in the draft Programme for Government".

It would be useful to have your response on this by 26th January 2012 please, so that it can be considered at the Committee's meeting of 31st January 2012.

If you consider that it would be helpful for us to meet on this, please let me know.

I have copied this letter to the Chairperson of the Committee for OFMDFM for information.

Yours sincerely



Stephen Moutray
Chairperson

27 February 2012 – First Minister and deputy First Minister to Committee Chairperson



Stormont Castle
BELFAST
BT4 3TT

TEL: 028 9037 8158
FAX: 028 9037 8040
e-mail: ps.ministers@ofmdfmi.gov.uk

Stephen Moutray MLA
Chairperson
Assembly and Executive Review Committee
Room 375, Parliament Buildings
Ballymiscaw
Stormont
BELFAST
BT4 3XX

Our Ref: COR/30/12

27 February 2012



ASSEMBLY AND EXECUTIVE REVIEW COMMITTEE

Thank you for your letter of 19 January, which updated us on the initiation of work by your Committee on its review of the operation of Parts 3 and 4 of the Northern Ireland Act.

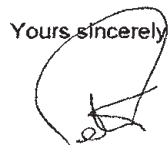
As you are aware, there is considerable potential for overlap between this review and our own commitment, in the draft Programme for Government and in our statement of 17 January, to progress decision-taking on post-2015 Government structures in 2012. We touched on aspects of this when we met on 27 September 2011. That meeting proved useful in moving forward the review of justice arrangements.

We think it would be worthwhile to take up your offer of a meeting, which could include ourselves, yourself and the Deputy Chairperson of AERC.

Our officials will be in contact to arrange a meeting.

We are copying this reply, for information, to the Chairperson of the Committee for OFMDFM.

Yours sincerely



RT HON PETER D ROBINSON MLA
First Minister



MARTIN McGUINNESS MP MLA
deputy First Minister

1 March 2012 – Education Committee to AERC Clerk

Committee for Education
Room 241
Parliament Buildings

Tel: +44 (0)28 9052 21821

Fax: +44 (0)28 9052 1371

To: John Simmons
Clerk to the Committee for the Assembly and Executive Review

From: Roisin Fleetham
Clerk to the Committee for Education

Date: 1 March 2012

Ref: 020/12/02

Subject: Department for Children and Young People

At its meeting of 29 February 2012, the Committee for Education received a briefing from the Early Years Strategic Alliance regarding their Manifesto.

Members discussed the issue with them of a Department of Children and Young People which would deliver all services to this demographic that are currently undertaken by several departments, and agreed to write and ask the Committee for The Assembly and Executive Review if they have given any consideration to such a Department in their Review of Public Administration.

Regards,

Roisin Fleetham
Committee Clerk

13 March 2012 – AERC Clerk to Education Committee

Assembly and Executive Review Committee
Room 242
Parliament Buildings

Tel: 028 9052 1787
E-mail: john.simmons@niassembly.gov.uk

From: John Simmons
Clerk to Assembly and Executive Review Committee

Date: 13th March 2012

To: Roisin Fleetham
Clerk to the Committee for Education

Subject: Review of Parts III and IV of the Northern Ireland Act in the context of the Size of the NI Assembly and Number of NI Departments

1. Thank you for your correspondence dated 1st March 2012 regarding the Assembly and Executive Committee's Review of Parts III and IV of the Northern Ireland Act in the context of the Size of the NI Assembly and Number of NI Departments. The Committee considered it at its meeting of 13th March 2012.
2. Members agreed that I reply to advise you that the Committee is still considering written/oral evidence on the Review and has yet to reach a view on the matter of the size of the Assembly or the number of NI departments.
3. As you may be aware, the Committee will produce two reports on this Review – one in relation to its consideration of the size of the Assembly and another in relation to the number of NI departments. Regarding the Committee for Education's point regarding consideration of a Department of Children and Young People, the latter report may be the most relevant. It is expected that AERC will report on this issue in October 2012.

Yours sincerely

John Simmons
Clerk to Assembly and Executive Review Committee

6 March 2012 – Northern Ireland Public Service Alliance (NIPSA) to Committee Clerk

YOUR REF

OUR REF

nipsa

The Leading Public Service Union

Brian Campfield General Secretary

Mr John Simmons
Committee Clerk
Room 242
Parliament Buildings
Stormont
BELFAST
BT4 3XX

06 March 2012

Dear Mr Simmons

REVIEW OF THE SIZE OF THE ASSEMBLY AND NUMBER OF GOVERNMENT DEPARTMENTS

NIPSA is the largest public sector trade union in Northern Ireland with over 46,000 members. In addition we have a vibrant and successful local Trade Union Side at the Assembly. It has come as a considerable surprise, therefore, that in the formal **Review of the size of the Assembly and number of Government Departments**, NIPSA has not been listed among the 87 listed stakeholders or stated explicitly as such in the "Call for Evidence" paper.

We wish to see this rectified. Similarly, as an organisation representing 250,000 employees in Northern Ireland alone, it might have been expected that the Irish Congress of Trade Unions (ICTU), given its key role in civic society, would have been listed as a key stakeholder in this exercise. We will therefore also be raising this matter through Northern Ireland Committee of ICTU.

Yours sincerely



NOEL GRIFFIN
Assistant Secretary

Ng06031e

13 March 2012 – Committee Clerk to NIPSA



Northern Ireland
Assembly

Noel Griffin
Assistant Secretary
NIPSA
Harkin House
54 Wellington Park
Belfast
BT9 6DP

13th March 2012

Dear Noel,

Thank you for your correspondence dated 6th March 2012 regarding the Assembly and Executive Review Committee's Review of Parts III and IV of the Northern Ireland Act 1998 in terms of the Size of the Assembly and the Number of NI Departments. The Committee considered your letter at its meeting of 13th March 2012 and agreed that I respond on the Committee's behalf as follows.

The Committee noted your reference to its list of stakeholders to which the Committee wrote directly inviting a response to this Review through its 'Call for Evidence' paper. This key stakeholder list is primarily the political parties registered in Northern Ireland and the 26 Local Councils who may wish to respond from a RPA perspective. Unfortunately, the Committee was unable to include all relevant stakeholders in this list, as it opted for a wider signposting advertisement call for evidence approach as set out below. However, the Committee recognises that NIPSA is a key social partner in its Review.

The Committee would draw your attention to its decision to use a signposting advertisement in the three daily papers on 17th February 2012 in order to attract a wider public sector and public response to its 'Call for Evidence'. This directed interested parties to a dedicated webpage on the Committee's website with the Terms of Reference for the Review, as well as the 'Call for Evidence' paper. Any organisation/individual can therefore refer to these documents and respond to the Review. The Committee would welcome a response from NIPSA to its Review.

I trust that this information is helpful.

Yours sincerely,

John Simmons
Committee Clerk
Assembly and Executive Review Committee

Assembly and Executive Review Committee
Room 375, Parliament Buildings, Ballymiscaw, Stormont, Belfast BT4 3XX

Telephone: 028 9052 1735 E-mail: committee.assemblyandexecutivereview@niassembly.gov.uk

8 March 2012 – OFMDFM Committee to AERC Clerk

Committee for the Office of First Minister and Deputy First Minister
Room 435
Parliament Buildings

From: Alyn Hicks
Clerk to the Committee for the Office of the First Minister and Deputy First Minister

Date: 8 March 2012

To: John Simmons
Clerk to the Assembly and Executive Review Committee

Subject: Review of the Size of the Northern Ireland Assembly and Number of Government Departments

Dear John,

At its meeting of the 7 March 2012, the Committee for the Office of the First Minister and deputy First Minister considered the response from the First Minister and deputy First Minister to the Chairperson of the Assembly and Executive Review Committee (AERC) dated 27 February 2012.

The Committee agreed that it would write to the First and deputy First Minister to request an update following their meeting with the Chairperson and Deputy Chairperson of AERC.

Regards,



Alyn Hicks
Committee Clerk

9 March 2012 – Irish Congress of Trade Unions (ICTU) to Committee Clerk



9th March 2012

Mr John Simmons
Committee Clerk
Room 242
Parliament Buildings
Stormont
BELFAST
BT4 3XX

Dear John

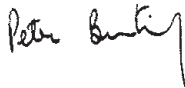
Review of the Size of the Assembly and Number of Government Departments

It has come to the attention of NIC-ICTU that a call for evidence from a list of eighty seven stakeholders on the above issue has omitted Congress.

NIC-ICTU is one of the foremost stakeholders in Northern Ireland civic society representing over 200,000 employees including trade unions representative of those who may be affected by this review.

I would request that this organisation be included as a major stakeholder in this review.

Yours sincerely



Peter Bunting
Assistant General Secretary

ICTU
Carlin House
4-6 Donegall Street Place
Belfast BT1 2FN
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www.ictuni.org

13 March 2012 – Committee Clerk to ICTU

ISSUE 15-3-2012 - 13 MARCH 2012



**Northern Ireland
Assembly**

Peter Bunting
Assistant General Secretary
ICTU
Carlin House
4-6 Donegall Street Place
Belfast
BT1 2FN

13th March 2012

Dear Peter,

Thank you for your correspondence dated 9th March 2012 regarding the Assembly and Executive Review Committee's Review of Parts III and IV of the Northern Ireland Act 1998 in terms of the Size of the Assembly and the Number of NI Departments. The Committee considered your letter at its meeting of 13th March 2012 and agreed that I respond on the Committee's behalf as follows.

The Committee noted your reference to its list of stakeholders to which the Committee wrote directly inviting a response to this Review through its 'Call for Evidence' paper. This key stakeholder list is primarily the political parties registered in Northern Ireland and the 26 Local Councils who may wish to respond from a RPA perspective. Unfortunately, the Committee was unable to include all relevant stakeholders in this list, as it opted for a wider signposting advertisement 'Call for Evidence' approach as set out below. However, the Committee recognises that ICTU is a key social partner in its Review.

The Committee would draw your attention to its decision to use a signposting advertisement in the three daily papers on 17th February 2012 in order to attract a wider public sector and public response to its 'Call for Evidence'. This directed interested parties to a dedicated webpage on the Committee's website with the Terms of Reference for the Review, as well as the 'Call for Evidence' paper. Any organisation/individual can therefore refer to these documents and respond to the Review. The Committee would welcome a response from ICTU to its Review.

I trust that this information is helpful.

Yours sincerely,

John Simmons

John Simmons
Committee Clerk
Assembly and Executive Review Committee

Assembly and Executive Review Committee
Room 375, Parliament Buildings, Ballymiscaw, Stormont, Belfast BT4 3XX

Telephone: 028 9052 1735 E-mail: committee.assemblyandexecutivereview@niassembly.gov.uk

2 April 2012 – Executive Party Leaders’ meeting to Committee Clerk

John Simmons
Committee Clerk
Assembly & Executive Review Committee
Room 242,
Parliament Buildings,
Stormont
BT4 3XX



Office of the
**First Minister and
Deputy First Minister**
www.ofmdfmi.gov.uk

2 April 2012

Dear John

2012 Review of the Institutions

At a meeting of Executive party leaders on 13 March there was a useful discussion on a range of issues relating to the ongoing review of the institutions.

The group was supportive of the work of the Assembly and Executive Review Committee and welcomed the accelerated timescales within which it is aiming to report. As Executive party leaders they wish to contribute positively and so have identified a number of key themes that the Committee might usefully consider within the context of the Review. These are listed below and are confined to those issues relevant to Parts III and IV of the NI Act 1998. These are additional to the individual responses from the parties to the call for evidence.

Key themes

- Number of MLAs
- Constituencies
- Assembly Election date
- Size of the Assembly
- Multiple mandates
- Review of Government Structures
- Role of the Assembly and its Committees as scrutiny mechanism of the Executive
- Provisions for the appointment of Ministers
- Formation of Executive/Creation of formal opposition
- Executive voting arrangements
- Number, organisation and functions of Departments
- Role of OFMDFM

I understand that the First Minister and deputy First Minister are also due to meet with the Chair and vice Chair on 4 April which will provide an opportunity to discuss the issues in more detail.

Yours sincerely

Olive Maybin

Secretariat
Executive Party Leaders’ meetings

12 April 2012 – Briefing Note from Clerk of the Committee on meeting with FM and dFM

Assembly and Executive Review Committee
Room 242
Parliament Buildings

Tel: 028 9052 1787
E-mail: john.simmons@niassembly.gov.uk

From: John Simmons
Clerk to Assembly and Executive Review Committee

Date: 12 April 2012

To: Members of the Assembly and Executive Review Committee

Subject: Chairperson and Deputy Chairperson's meeting with the First Minister and deputy First Minister

Background

1. As Members are aware, the Chairperson and Deputy Chairperson met with the First Minister and deputy First Minister (F/dFM) on Wednesday, 4th April 2012 at Stormont Castle. In attendance were the First Minister and deputy First Minister's special advisors, OFMDFM officials, myself (as Clerk of the Committee) and the Assistant Clerk.

Purpose of the meeting

2. The purpose of the meeting was to ascertain what work is planned for 2012 by OFMDFM and/or the Efficiency Review Panel regarding post-2015 structures of Government and to report back to the Committee.

Issues discussed during the meeting

3. The Chairperson initiated the discussion with the question on what work is planned for 2012 by OFMDFM and/or the Efficiency Review Panel regarding post-2015 structures of Government as set out in the Programme for Government.
 - a. The F/dFM recognise the legal requirement on the AERC to make a report to the Secretary of State by no later than 1st May 2015 on the operation of Parts III and IV of the Northern Ireland Act 1998. They stated that they are both very determined to expedite the matter of post-2015 structures of Government in 2012 in the context of the number of government departments and the size of the Assembly. The F/dFM have been taking this forward by actively meeting with Executive party leaders with the aim to reach agreement on the issue. However, full engagement by all Executive party leaders is desirable. Both the F/dFM stressed that the work of the AERC is very useful in this context by exploring options and presenting views, but consider that in the end, it is a political matter for the party leaders of the Executive to negotiate and agree the way forward.
 - b. In relation to this matter, the Committee office received a letter dated 2nd April 2012 regarding the '2012 Review of the Institutions' from the Executive Party Leaders' Group, which identified a number of key themes, which the AERC might usefully consider within the context of its Review [Appendix 5]. Many of the key themes listed are included in the Committee's Call for Evidence and Terms of Reference of its current Review. The Committee may wish to consider the themes not included in the Review in future Reviews.

- c. The F/dFM briefly referred to the letter (and the key themes listed therein) during the meeting and acknowledged that some of the themes are inappropriate for inclusion or it is too late to consider them in the current AERC Review. They also stated that there is a possibility that they may undertake some work on some of the themes that the current AERC Review is not addressing.
4. The Chairperson then asked if the F/dFM had any general views to share with the Committee on the size of the Assembly (post-2015 election) and the number of NI departments.
 - a. The F/dFM both acknowledged that a smaller Assembly is inevitable when the Parliamentary Voting and Constituencies Act 2011 comes into effect. The First Minister also highlighted the on-going work to abolish the Department of Employment and Learning.
 - b. The deputy First Minister reiterated the view that F/dFM want to engage with party leaders on this matter and are eager to expedite their work on this in 2012.
 - c. The deputy First Minister raised the issue of the option of new Assembly constituency boundaries and enquired if there has been any views regarding potential confusion for voters if boundaries were re-drawn. He was informed that the Committee has yet to consider this issue and will be considering the written submissions received to date at the next AERC meeting.
5. Finally, the Chairperson asked the F/dFM if they would be inclined to accept an invitation from the Committee to provide oral evidence on its Review.
 - a. The F/dFM agreed that it would perhaps be more appropriate to invite Executive party leaders to provide oral evidence on the Review.

15 May 2012 – Committee Chairperson to the Chairpersons' Liaison Group (CLG)

Assembly and Executive Review Committee

Room 375,
Parliament Buildings,
Ballymiscaw,
Stormont,
Belfast BT4 3XX

Telephone: 028 9052 1735

E-mail: committee.assemblyandexecutivereview@niassembly.gov.uk

Mr Jimmy Spratt MLA
Chairperson
Chairpersons' Liaison Group
Northern Ireland Assembly
Parliament Buildings
Room 254
Ballimiscaw
Stormont
Belfast BT4 3XX

15th May 2012

Dear Jimmy

I note that, at the Chairpersons' Liaison Group (CLG) meeting on 17th April 2012, Members considered information relating to the Assembly and Executive Review Committee's Review of the Size of the Northern Ireland Assembly and Number of Government Departments.

As you are aware, the Review takes into consideration issues that relate to overall effectiveness of the NI Assembly in the context of a reduced number of MLAs, including the effectiveness of the NI Assembly committee system. AERC has discussed some issues in this regard, and there have been various opinions and views expressed, which include:

- That, with a reduction in the number of MLAs and possibly alongside this, a reduction in the number of Government departments, a fundamental review of the current committee system must be undertaken;
- There are linkages between the number of committees, the overall effectiveness of the committee system, the number of MLAs and the number of Government departments. Therefore, it may be prudent to consider these issues when undertaking such a review.
- The possibility of establishing a committee system that includes thematic committees (rather than the current statutory committee system that aligns with NI departments), including a central budget committee, may warrant consideration;
- The practice of scheduling plenary business alongside committee business (meetings) may merit review – possibly gaining effectiveness by scheduling of plenary and committee work;
- The merits of formalising CLG through statute and/or through Standing Orders; and
- The potential to increase the effectiveness of legislative scrutiny in the Assembly by allowing Statutory Committees to make amendment, to a Bill.

On the final bullet point above, I attach for your information a letter of 9th May 2012 from Trevor Reaney, the Clerk to the Assembly/Director General. This very usefully identifies some potential benefits of allowing Statutory Committees to make amendments to a Bill and suggests a range of issues which would merit further consideration in taking forward such a reform. The letter also refers to an Assembly Research Paper entitled 'Committee Stages of Bills', which is also attached for your information.


Before reaching any conclusion on the above issues, the Committee agreed that it may be useful to request and consider CLG's views on these matters.

The Committee is scheduled to report to the Assembly on its Review in terms of the number of MLAs in the early part of June 2012; therefore I would appreciate CLG's views, if possible, by **Monday, 29th May 2012**.

If you would like to discuss anything in relation this request, please do not hesitate to contact me or the Committee Clerk, John Simmons at the details listed below.

I look forward to your reply.

Yours sincerely,



Stephen Moutray MLA

Chairperson

Assembly and Executive Review Committee

22 May 2012 – CLG to Committee Chairperson



Jimmy Spratt MLA Chairperson, Chairpersons' Liaison Group

Stephen Moutray
Chairperson
Assembly and Executive Review Committee
Room 375
Parliament Buildings

22nd May 2012

Dear Stephen,

At the meeting of the Chairpersons' Liaison Group (CLG) on 15th May, Members considered your correspondence of 15th May in relation to the AERC Review of the Size of the Northern Ireland Assembly and Number of Government Departments. CLG noted the various opinions and views that have been expressed in relation to the effectiveness of the Assembly committee system, in the context of a reduced number of MLAs.

Whilst there is insufficient time available at this stage for CLG to give detailed consideration to each of these issues, members nonetheless recognised their importance and potential significance, particularly in the light of any change to the size of the Assembly.

Members therefore agreed that if there is a change in the number of MLAs, and possibly also departments, a fundamental review of the committee system should be undertaken and that such a review should address all of the issues set out in your correspondence. CLG would wish to be involved in any such review.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'P. Gill' or similar, written over a horizontal line.

Jimmy Spratt

Chairperson, Chairpersons' Liaison Group.

Chairpersons' Liaison Group
Room 264, Parliament Buildings, Ballymiscaw, Stormont, Belfast, BT4 3XX
Telephone: (028) 9052 0333
E-mail: paul.gill@niassembly.gov.uk

21 June 2012 – ICTU to Committee Clerk

Mr John Simmons
Committee Clerk
Social Development Committee
Room 242
Parliament Buildings
Stormont
Belfast
BT4 3XX

21 June 2012

Dear Mr Simmons

Review of the Size of the Assembly and Number of Government Departments

The Northern Ireland Committee of the Irish Congress of Trade Unions is a key part of civic society and represents over 230,000 trade unionists in Northern Ireland. We are proud of the part we played over decades, and continue to play, in fighting against sectarianism, for equality and the political accommodation with the necessary structures to fill what became known as the “democratic deficit”.

On the eve of the formal release and Assembly debate of the above Review’s findings, we wish to re-emphasise our belief that no action should arise from this Review that in any way undermines, or takes for granted, the long struggle for appropriate and effective political representation. In addition, there should be no alteration to current practice that in any way lessens the ability of the Assembly, staffed to the appropriate level, to scrutinise the work of the Executive.

Finally, we believe that the post-Review period must focus on how any future change to Assembly structures etc. overcomes what appears to be a large degree of popular frustration, cynicism and disillusion with what the Assembly has or can achieve. In short, the outworkings of the Review needs to focus on what can be done, in terms of engagement and delivery, to encourage the view in the general public that this is their Government and that it is making a difference.

In this regard we would contend that the current levels of political representation and staffing at the NI Assembly should be maintained and not diminished.

Yours sincerely

Clare Moore
Irish Congress of Trade Unions.

20 August 2012 – Speaker of the NI Assembly to Committee Chairperson

The Speaker



Office of the Speaker
Room 39
Parliament Buildings
Belfast BT4 3XX

Tel: +44 (0) 28 9052 1130
Fax: +44 (0) 28 9052 1959
email: speaker@niassembly.gov.uk

Mr Stephen Moutray MLA
Chairperson
Assembly and Executive Review Committee
Parliament Buildings

20 August 2012

Dear Stephen,

Please find enclosed a copy of correspondence that I have received from Rt Hon Mr Owen Paterson MP, Secretary of State, in relation to the launch of a "Consultation on measures to improve the operation of the Northern Ireland Assembly".

I would be grateful if this matter could be brought to the attention of the Assembly and Executive Review Committee (AERC) and a decision taken on how to respond to this consultation exercise. I recognise that the Committee has previously given significant consideration to the matters raised in this consultation in its report entitled 'Number of Members of the Northern Ireland Legislative Assembly (NIA 52/11-15)' that was debated in the Assembly on 26th June 2012.

Yours sincerely,



WILLIAM HAY MLA



Northern
Ireland
Office

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London SW1P 4PN
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Facsimile 020 7210 6449
www.nio.gov.uk

Secretary of State for Northern Ireland

Mr William Hay MLA
The Speaker
Northern Ireland Assembly
Parliament Buildings
Stormont
Belfast
BT4 3XX

RECEIVED IN
SP113.08
14 AUG 2012
SPEAKER'S OFFICE

14 August 2012

I have already signalled my intention to bring forward legislation relating to Northern Ireland in the next session of Parliament. I am today launching a public consultation on four issues that might be contained in such a Bill:

- The size of the Assembly
- The length of Assembly Terms
- Double Jobbing
- Development of an Opposition

A copy of the consultation paper is attached. The document is also available on the NIO website. The consultation period will run for 10 weeks and the deadline for responses is Tuesday 23 October. I look forward to hearing your views.

I am writing in similar terms to the Speaker and the leaders of the other parties in the Assembly.

RT HON OWEN PATERSON MP
SECRETARY OF STATE FOR NORTHERN IRELAND



Northern
Ireland
Office

CONSULTATION PAPER

Consultation on measures to
improve the operation of the
Northern Ireland Assembly

August 2012

CONTENTS

Foreword by the Rt Hon Owen Paterson MP

- 1. Number of Seats in the Northern Ireland Assembly**
- 2. Assembly Terms**
- 3. Multiple Mandates**
- 4. Government and Opposition**
- 5. Responding to this Consultation**
- 6. Confidentiality and Disclaimer**

Foreword by the Rt Hon Owen Paterson MP, Secretary of State for Northern Ireland



Since I took up office as Secretary of State, I have identified a number of areas in which primary legislation will be required to implement important changes. These include bringing forward legislation to implement proposals for greater transparency arising from the consultation on political donations and to improve the administration of elections. I am also keen to implement commitments made earlier this year during discussions on the appointment of a Northern Ireland Justice Minister to bring forward legislation to provide for greater security of tenure for this Ministerial position.

Although these are important matters in themselves, I would like to take the opportunity if primary legislation can be secured to make other changes to the institutions where there is broad support to do so in Northern Ireland.

This consultation therefore highlights four key areas about which there has been debate in recent years in Northern Ireland. The current Parliamentary Boundary Review is taking place on the basis of the number of Parliamentary constituencies in Northern Ireland being reduced from 18 to 16. This would automatically result in the size of the Northern Ireland Assembly at the next election going down from 108 members to 96. In addition, I have always made clear that I would seek to bring forward legislation to provide for a reduction by a different number if there is broad agreement for this. There have been calls for the length of term of the Assembly to be extended to 5 years, including the current term; the consultation paper seeks views on this. I have always made clear my opposition to elected representatives holding office at both Westminster and Stormont. Although good progress has been made, the consultation paper seeks views on how best to phase out this practice in line with commitments I made at the general election. Finally, the paper seeks views on whether the Assembly would be more effective if it had both an inclusive government and effective opposition and if so how this can best be achieved.

Hearing the views of as many people as possible will greatly assist the policy formulation process for these important issues. I hope everyone with an interest plays their part and can respond by the 23 October 2012 deadline.

A handwritten signature in black ink, appearing to be 'Owen Paterson', written in a cursive style.

Rt Hon Owen Paterson MP

CHAPTER 1

NUMBER OF SEATS IN THE NORTHERN IRELAND ASSEMBLY

Background

1.1 In line with the Belfast Agreement, there are currently 108 seats in the Northern Ireland Assembly, with 6 members elected from each of the 18 Westminster constituencies in Northern Ireland. Following the last general election, the Government brought forward legislation to reduce the number of Westminster constituencies across the UK¹. The Boundary Commission for Northern Ireland must recommend 16 Westminster seats as part of its current boundary review. This would result in there being 96 Assembly seats available at the next Assembly election, unless some other legislative provision is made regarding the size of the Assembly.

1.2 The Government made commitments during the passage of that legislation to bring forward further legislation to give effect to any agreement within Northern Ireland on an alternative number of seats for the Assembly. The Secretary of State wrote to the Speaker in the Assembly to seek views on this; the Speaker referred the matter to the Assembly and Executive Review Committee (AERC). The AERC produced a comprehensive report which discusses in some detail the implications of the various options². This paper was then debated in the Northern Ireland Assembly.

Issues for consideration

The right size

1.3 There are no hard and fast rules about how many seats a Parliament or Assembly should have. The Scottish Parliament has 129 seats, serving a population of just over 5 million. The National Assembly for Wales currently has 60 seats, serving a population of just over 3 million.

¹ The Parliamentary Voting System and Constituencies Act 2011 provides for the number of seats in Parliament to reduce to 600 and for new boundary reviews to take place. The Boundary Commissions must report before October 2013, and it will then be for Parliament to consider their recommendations.

² <http://www.niassembly.gov.uk/assembly-business/committees/2016-2017/assembly-and-executive-review/Session-2011-2016/number-of-members-of-the-northern-ireland-legislative-assembly/>

1.4 Serving a population of around 1.8 million, there appears to be a reasonable case for a reduction in the size of the Northern Ireland Assembly. In determining by how much, however, the following factors will need to be considered:

- Would constituencies still be fully and proportionately represented?
- Would the Assembly still be able to fulfil its key functions such as providing Ministers for the Executive, members of Committees and adequate scrutiny of legislative and other proposals?
- Would smaller parties lose out disproportionately if there was a much smaller chamber?

1.5 The AERC report sets out the views of a number of interested parties and experts on these and other questions. The report indicates that a number of people and organisations favour a smaller Assembly. In particular, there has been strong interest in reducing the number of members to five per constituency, making 80 in total. At a time when there is sustained pressure for reducing the cost of politics to the taxpayer, the Government sees the attraction in that arrangement. Yet given the origin of the provision for six members per constituency we would want to move only with broad support.

1.6 A related question is whether the link with Westminster constituencies should remain, particularly if the view is that there should be a reduction in seats to less than 96. The link has obvious practical benefits. It avoids potential confusion over having separate boundaries for different elections and also the administration costs of separate boundary reviews³. Given that the Boundary Commission for Northern Ireland is in the midst of a comprehensive review of the Westminster constituencies, which is due to report in 2013, initiating another lengthy review for the Assembly could be construed as unnecessary duplication.

1.7 Maintaining the link does mean that there could be further variation to the number of MLAs should Parliament decide once again to alter the number of Westminster constituencies and also somewhat restricts the options available on the number of Assembly seats.⁴

³ The current projected costs of the current ongoing review are £1.31m. The Northern Ireland Executive would be expected to pay the costs of any separate Assembly boundary review.

⁴ As the number of overall seats must therefore be divisible by the number of Westminster seats in Northern Ireland.

CHAPTER 1 SUMMARY – NUMBER OF SEATS IN THE NI ASSEMBLY

Question 1

What should the future size of the Northern Ireland Assembly be?

CHAPTER 2

LENGTH OF ASSEMBLY TERMS

Background

2.1 In addition to the Parliamentary Voting System and Constituencies Act 2011, the Government also introduced legislation to introduce fixed-term Parliaments. As a result the next Westminster election will be in May 2015, then every five years thereafter. It was recognised during the passage of the Fixed Term Parliaments Act 2011 that May 2015 had already been set out in legislation as the date of the next devolved elections.

2.2. The Government consulted the devolved administrations on whether it would be feasible and/or desirable to hold devolved elections at the same time as Parliamentary elections. In Northern Ireland, there was concern over the possibility of three elections being scheduled for the same day. Consideration was therefore given to whether provision might be required in the Fixed Term Parliament Bill to alter the date of the 2015 Assembly election by up to six months.

2.3 Following consultation with NI party leaders, the Government decided to await the results of the 2011 triple poll before deciding whether any provision to move the date of the poll would be needed.⁵ Stronger feelings were expressed in Scotland and Wales. In November 2010 all of the major parties in both the National Assembly for Wales and the Scottish Parliament wrote to the Minister for Political and Constitutional Reform expressing a desire to put the next Scottish Parliamentary and Welsh Assembly elections back to May 2016. The Government put forward amendments contained within the Fixed Term Parliament Bill to move these elections to May 2016.

Issues for consideration

Extending the current Assembly term

2.4 The primary concern relating to combination in Northern Ireland, as noted above, was the ability to hold and effectively deliver three polls in one day. Following the experience of the triple poll in 2011, we understand that both the Chief Electoral Officer and Electoral Commission are confident that three polls can

⁵ Lord Wallace confirmed this approach during the passage of the Bill, stating: '*Northern Ireland Office Ministers are conducting separate discussions with the parties in Northern Ireland on this issue and have concluded that it would be better to await the outcome of the combined polls scheduled for May this year before deciding on special provision for Northern Ireland.*' 1 March 2011 Hansard 934

be delivered with the right preparation and resources in place. There has also been discussion of the possibility of local elections scheduled for May 2015 to be brought forward to May 2014 to provide for shadow councils as part of the move to an 11 council model. It is possible, therefore, that only Parliamentary and Assembly elections will be scheduled for May 2015.

2.5 With this in mind, we seek views on the combination of elections in 2015. There are many arguments for and against combination. They could lead to higher turnouts and cost savings. There is, though, a risk that national issues will dominate over more local issues or vice versa. Yet despite some reports of difficulties over being able to distinguish between local and Assembly ballot papers, voter confusion was not a major issue during the combined local and Assembly elections in 2011.

2.6 A power already exists in the Northern Ireland Act 1998 to alter the date of an Assembly election by two months. In the event that a combination of elections in 2015 is considered undesirable, this power could be used to provide for March Assembly elections and a May Parliamentary election.

2.7 This is, however, still a relatively short gap. Given the extensions already granted in Wales and Scotland, there have been calls for the current Assembly term to run to 2016. A number of parties have expressed a desire for this, although the Assembly as a body has not given a view. Yet the situation is clearly different to that in Scotland and Wales, where the extension was announced prior to the electorate going to the polls. The electorate in Scotland and Wales were fully aware that they were choosing their representatives for an extended term when they went to the polls.

2.8 There are serious constitutional implications in extending the term of any elected body after it has been elected. It could be clearly construed as anti-democratic. In the Government's view there would need to be a clearly demonstrable public benefit, with a very large measure of agreement in Northern Ireland, before we could propose such an extension to Parliament. We invite views on this.

Moving to 5-year terms permanently

2.9 During the passage of political reform legislation, there was some discussion of whether the devolved administrations should follow the example of

Westminster and move to 5-year terms on a permanent basis. It could be argued that 5-year terms allow incumbent administrations time to deliver more. Others may feel that 4-year terms are adequate. The Government does not believe that there needs to be uniformity across the Parliaments and Assemblies of the UK on this matter. We seek views on what would be the best approach for the Northern Ireland Assembly.

CHAPTER 2 SUMMARY – LENGTH OF ASSEMBLY TERMS

Question 2

Do you believe that there should be combination of Parliamentary and Assembly elections in 2015 or should these be decoupled?

Question 3

Do you think the term of the current Northern Ireland Assembly should be extended from 2015 to 2016?

Question 4

Should the Northern Ireland Assembly move to a fixed 5-year term permanently?

CHAPTER 3

MULTIPLE MANDATES

Background

3.1 The issue of Northern Ireland elected representatives holding more than one elected office - so called “double jobbing” - has been the subject of much criticism in recent years. The Government has consistently made clear that it would like to see multiple mandates between the Northern Ireland Assembly and the House of Commons ended. There has been some progress on this issue since the general election and few cases of double-jobbing of this sort will soon remain.

3.2 This principle has gained ground in other contexts. In 2011, the Department of the Environment (NI) conducted a consultation on prohibiting members of the Assembly from also being district councillors⁶. The Executive has since agreed to bring forward provision in local government reorganisation legislation to prevent this occurring⁷.

3.3 This does not, however, preclude MLAs also acting as MPs or Peers and the Government is responsible for taking forward disqualification legislation to provide for this. Legislation in 2010 removed an MLA's Assembly salary in circumstances where he or she sits in the House of Commons⁸.

Issues for consideration

MPs and MLAs

3.4 The practice of holding multiple mandates is not unique to Northern Ireland. It has, though, been frequent for the majority of Northern Ireland MPs also to act as MLAs since devolution. This contrasts with the situation in Scotland and Wales. The Committee on Standards in Public Life examined why dual mandates appear to be unusually ingrained within the political culture of Northern Ireland and concluded that this was because:

⁶ http://www.doeni.gov.uk/district_councillors__allowances_and_multiple_mandates_-_synopsis_and_departmental_response.pdf

⁷ http://archive.niassembly.gov.uk/legislation/primary/2009/niabill7_09.pdf

⁸ http://archive.niassembly.gov.uk/legislation/primary/2010/niabill3_10.pdf

- Many people had been discouraged from becoming involved in politics during the Troubles, which left only a small minority to participate.
- The recent history of political instability had left members fearful of losing elected office completely if the institutions collapsed.

The Committee recommended that this practice should end in 2011, or, failing that, in 2015⁹.

3.5 Another reason may be that political parties are keen to put forward high profile figures at Westminster elections due to the comparatively small number of seats to be contested. It is also the case that some politicians, as a matter of principle, believe that it is for the electorate to decide who should represent them. They argue that if the electorate is content for them to hold more than one office, then their democratic wishes should be respected.

3.6 There are several arguments against members holding multiple mandates. There are concerns that members holding two offices simply cannot do justice to both and that this could leave constituents without proper representation. It is also impossible for members to attend two debates scheduled for the same time. This might lead to them failing to attend proceedings of importance. The holding of multiple mandates is also said to restrict the opportunity for representation which reflects the community at large. It is also a potential barrier to attracting new people from coming into elected politics.

3.7 The Government is encouraged by recent statements by party leaders in Northern Ireland favouring an end to multiple mandates. This could result in ending the practice by agreement. Despite this progress, some parties continue to have members who are both MPs and MLAs. Furthermore, even if an all-party agreement could be reached on multiple mandates in future, it might still be desirable for the Government to underpin such an agreement with legislative provision. We propose therefore to use any forthcoming legislation to bring an end to double jobbing. This could be done at the time of the initial legislation, or by providing a power to achieve it at a later date through secondary legislation.

⁹ Committee on Standards in Public Life, *MPs expenses and allowances – supporting Parliament, safeguarding the taxpayer*, November 2009

MLAs and Peers

3.8 We also seek views on whether any legislation to ban ‘double-jobbing’ between MPs and MLAs should also extend to MLAs and members of the House of Lords. Many, if not all, of the above considerations relating to holding both MP and MLA offices will also apply.

CHAPTER 3 SUMMARY – MULTIPLE MANDATES**Question 5**

Do you believe that representatives should be prohibited from holding the offices of MP and MLA at the same time?

Question 6

Should MLAs also be prohibited from being members of the House of Lords?

Question 7

Is it better to use primary legislation to ban such practices outright at the earliest opportunity or to take a power to do so at a later date to allow space for agreement to be reached?

CHAPTER 4

GOVERNMENT AND OPPOSITION

4.1 The Northern Ireland Executive currently operates as a five-party coalition. Ministers are appointed under the d'Hondt procedure in proportion to party strengths in the Assembly. This has been important in ensuring that all parts of the community are adequately represented in government. The present structure derives from the Belfast Agreement, with some changes made following subsequent talks. The Agreement recognised that inclusive power sharing government is essential in Northern Ireland. The Government is in no doubt that this remains true.

4.2 It does not necessarily follow, however, that all the present arrangements are essential and incapable of evolving. There are obvious flaws in a system where there is no effective alternative government and it is hard to remove the government by voting. The Government has regularly expressed a wish at some stage to see a move to a more normal system that allows for inclusive government but also opposition in the Assembly. The existence of an effective opposition is likely to enhance, challenge and provide a spur to innovation. These are aspects which the present system, notwithstanding much scrutiny work by the Assembly, arguably lacks.

4.3 The Government would be interested to hear of ways in which the emergence of effective opposition might come about. We remain clear, though, that any changes could only come about with the agreement of the parties in the Assembly. In addition, such moves must be consistent with the principles of inclusivity and of power-sharing that are central to the Belfast Agreement. Change could be effected by legislation in the forthcoming Bill, or other steps such as developments in procedures within the Assembly, which are sometimes mentioned in this context. Such procedural developments are ultimately for decision by the Assembly itself.

CHAPTER 4 SUMMARY – GOVERNMENT AND OPPOSITION

Question 8

Do you think the Assembly would operate more effectively with a system which provides for a government and an effective opposition? If

so, how can this system best be achieved?

CHAPTER 5

RESPONDING TO THIS CONSULTATION

- 5.1 This consultation will run for 10 weeks and responses are therefore requested by **Tuesday, 23 October 2012**. Comments on the proposals should be sent by post to:

Constitutional and Political Group
Northern Ireland Office
1st Floor
11 Millbank
LONDON
SW1P 4PN

Email responses should be sent to: **cpg@nio.x.gsi.gov.uk** and faxed responses to 0207 2106550.

Please call 0207 2106566 for queries in relation to this consultation. The NIO textphone number is 02890 527668.

- 5.2 This consultation document is available on the NIO website: www.nio.gov.uk under Public Consultation. Printed copies of this consultation document may also be obtained free of charge from the above address. You may make additional copies of this document without seeking permission. This document can also be made available on request in different formats, for individuals with particular needs.
- 5.3 If you are responding on behalf of a group or organisation please make this clear. The NIO is committed to publishing a list of those organisations that comment on these proposals and to making available, to anyone who asks for it, a copy of the comments and our response to them. **If you do not wish your comments to be published in this way, you must make this clear in any response you submit.**

- 5.4 If you have any concerns or complaints about the consultation process you should contact the NIO's consultation co-ordinator on 0207 210 6545, or e-mail corporategovernance@nio.x.gsi.gov.uk or by post:

Consultation Co-ordinator
Corporate Governance Unit
Northern Ireland Office
11 Millbank
LONDON
SW1P 4PN

CHAPTER 6

RESPONSES: CONFIDENTIALITY AND DISCLAIMER

- 6.1 The information you send us may be passed to colleagues within the Northern Ireland Office, the Government or related agencies. **Individual responses may also be published on the internet at www.nio.gov.uk, unless a respondent has requested otherwise.** Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes. These are primarily: the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations (2004).
- 6.2 If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice, with which public authorities must comply, and which deals, amongst other things, with obligations regarding confidence. In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances.
- 6.3 Please ensure that your response is marked clearly if you wish your response to be kept anonymous. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department. Confidential responses, included in any statistical summary of numbers of comments received and views expressed, will be anonymised. The Department will process your personal data strictly in accordance with the Data Protection Act. In most circumstances this will mean that your personal data will not be disclosed to third parties.

Secretary of State Public Consultation - Press Release 14 August 2012

The screenshot shows a web browser window displaying the Northern Ireland Office website. The address bar shows the URL: <http://www.nio.gov.uk/consultation-on-measures-to-improve-the-operation-of-the-northern-ireland-assembly>. The page features the Northern Ireland Office logo and a navigation menu with links to Home, About the NIO, NI Departments, Media Centre, Public Consultation, Links, Contact Us, Publications, Freedom of Information, Vacancies, and Procurement. The main content area is titled "Consultation on Measures to Improve the Operation of the Northern Ireland Assembly" and includes a date of Tuesday 14 August 2012. The text of the press release is visible, detailing the Secretary of State Owen Paterson's announcement of a public consultation on measures to improve the operation of the Northern Ireland Assembly. A list of issues for consultation is provided, including the size of the Assembly, the length of Assembly Terms, Double Jobbing, and Development of an Opposition. The text also mentions that the Secretary of State has already signalled his intention to bring forward legislation in Parliament next year to address issues such as providing greater transparency regarding political donations and providing the same security of tenure for the NI Justice Minister. A number of parties have suggested that the Assembly's current term should be extended to 2016. Commenting on the suggestion, the Secretary of State said: "Extending the life of an elected body is unusual. We would only feel able to put the suggestion to Parliament if there was a clear demonstration of public benefit and widespread support. We shall listen carefully to views." The consultation also provides an opportunity for people to put forward their views on how the Assembly might move to a more normal politics of Government and Opposition in the future, while still maintaining an inclusive Executive in which all sides of the community can be represented. The Secretary of State said: "Both the Prime Minister and I have made clear our desire to see the institutions evolve over time into a more normal system that incorporates a government and opposition. The consultation will enable us to start a debate over whether this is desirable and how it might be done. As we stated at the election, however, any changes will require the agreement of parties in the Assembly." The consultation paper is available at www.nio.gov.uk. The consultation will last for 10 weeks and, in order to meet legislative timetables, all responses must be submitted by the closing date of 23 October 2012. A "News Releases" sidebar on the right lists other recent press releases, including "Hillsborough Castle Exhibits H Queen's Gowns in Celebration Diamond Jubilee" and "Prime Minister Visits Northern Celebrate Olympics".

11 September 2012 – Committee Chairperson to the Speaker of NI Assembly



Northern Ireland
Assembly

Mr William Hay MLA
The Speaker
Room 39
Parliament Buildings
Belfast
BT4 3XX

11th Sept 2012

September 2012

Dear Mr Speaker

Thank you for your letter dated 20th August 2012 regarding the NIO consultation paper entitled, 'Consultation on Measures to Improve the Operation of the Northern Ireland Assembly', seeking the Assembly and Executive Review Committee's view on how it intends to respond to it. Your correspondence was considered at the Committee's meeting of 11th September 2012.

As you rightfully mentioned in your letter, the Committee has given significant consideration to one of the key four areas raised in the NIO consultation document in its recent Report on the number of Members of the Northern Ireland Legislative Assembly. A copy of this Report has already been made available to the Secretary of State. You will also be aware that the AERC is currently undertaking Part 2 of this Review, namely the number of NI Government departments, and intends to report on this at the end of October 2012. The Committee will also be deciding its priorities for further review work in the early part of the Autumn session. To date, the Committee has not addressed any of the other key areas in the NIO consultation paper and therefore does not intend to respond to the Consultation.

However, I note that the Secretary of State has written to the Leaders of the Parties in the Assembly seeking their views on the Consultation Paper. Also, the Consultation makes it clear of the need for broad support in Northern Ireland to make these other changes to the institutions highlighted in the four key areas.

I trust that this information is useful. Please do not hesitate to contact me if you consider it would be helpful to discuss this matter.

Yours sincerely,

Stephen Moutray
Chairperson
Assembly and Executive Review Committee

Assembly and Executive Review Committee
Room 375, Parliament Buildings, Ballymiscaw, Stormont, Belfast BT4 3XX

Telephone: 028 9052 1787

23 October 2012 – Speaker of NI Assembly to the Secretary of State for Northern Ireland

The Speaker



Office of the Speaker
Room 39
Parliament Buildings
Belfast BT4 3XX

Tel: +44 (0) 28 9052 1130
Fax: +44 (0) 28 9052 1959
email: speaker@niassembly.gov.uk

**Ms Theresa Villiers MP
Secretary of State
Northern Ireland Office
Stormont House
Stormont Estate
Belfast
BT4 3SH**

23 October 2012

Dear Secretary of State,

Firstly, I would like to welcome you to your new position and offer my congratulations on your appointment. You have my best wishes as you take forward your responsibilities as Secretary of State and I look forward to working with you in the future.

My purpose for writing is in relation to the consultation your predecessor released on the future operations of the Assembly. I did notify Members of the consultation and referred the document to the Assembly and Executive Review Committee. As many of the issues involved are of a political nature requiring agreement from the parties, it would be inappropriate for me as Speaker to express a view and I will not be formally responding myself.

However, I do want to make some general points on the process. It was unfortunate that your predecessor chose to announce this consultation in a speech in Dublin without any notification to the Assembly. Any Secretary of State is of course free to express opinions as they wish, but given the matters involved, I believe it would have been courteous to notify the Assembly of the intention to release the consultation first. I would ask you to reflect on whether this was an appropriate approach to a matter directly affecting a devolved legislature.

You will be aware that the Assembly and Executive Review Committee has been looking at many of the issues outlined in the consultation. It should not be a surprise that agreement on these complex issues will not come quickly. To bring forward change that Committee will have to reach political agreement in the same way that the NIO document outlines that political and cross party agreement will be required for changes to be made via that route. Similarly, I want to emphasise the point made in the document regarding the creation of opposition. Issues relating to facilitating an opposition procedurally and financially could be addressed through the Assembly Commission, the Procedures Committee and the Business Committee. However, again that cannot be done until there is political agreement, the same requirement the consultation document demands in order for such changes to be made through legislation. It would therefore be wiser to wait for political agreement to be arrived at before we focus on the technical issues and decide which process should be used.

SP371_12

I welcome the fact that this document has raised the issue of the length of the Assembly term. The main reason the issue arises is because the introduction of fixed terms at Westminster would put Westminster and the Assembly on the same electoral cycle unless the mandate for this Assembly is extended by a year.

That is the context in which this is being addressed in Scotland and Wales but I regret that Northern Ireland was subject to a different approach to address the implications of fixed terms at Westminster. While the document notes that the parties in Scotland and Wales came back to the Government to express a united view, and that the Northern Ireland Assembly as a body has yet to express a view, it does not acknowledge that the Government approached Northern Ireland differently. While there may have been informal discussions with parties here, in Scotland and Wales the Presiding Officers, on behalf of their institutions, were written to and were therefore able to explore this issue with the parties and facilitate the Scottish Parliament and Welsh Assembly respectively expressing a view. I regret that I had no contact from your predecessor or his cabinet office counterparts on this issue.

I would also comment that even if indications from parties led the NIO to await the outcome of the election, the issue should have been actively returned to following the election rather than waiting another 15 months before including it in a consultation. The NIO has therefore helped create the difficulty in addressing this issue at this stage in the Assembly's term and that could have been acknowledged. As Speaker, I believe that we need clarity on the length of this Assembly mandate sooner rather than later and I would ask you to bring a conclusion to that part of the consultation as soon as possible.

I fully appreciate that these issues all arise from the decisions of your predecessor but I hope that my comments will be noted for the future, particularly the need for the Northern Ireland Assembly to be given the courtesy and respect that should be given to a devolved legislature.

I look forward to developing a strong and positive relationship with you as we work through these and other matters, and I hope that we will have the opportunity to meet in the foreseeable future.

Yours sincerely,



WILLIAM HAY MLA

20 August 2012 – NIPSA to Committee Clerk

From: Lyness, Gillian
Sent: 20 August 2012 11:41
To: Simmons, John
Subject: Institutional Review

John

TUS will be responding to the recent NIO Consultation Paper 'to improve the operation of the NI Assembly'.

In light of the recent work of the Assembly and Executive Review Committee and evidence collected and considered TUS would appreciate your comments on the following:

- Where do you feel this leaves the status of the AER Committee's work?
- Has the AER Committee been approached by NIO that the views, evidence collected and the work to date of the AER Committee will be considered?
- Will the AER Committee be feeding into the NIO consultation, offering their findings or is this a completely separated piece of work?
- Where does this leave the future work of the Committee, that is, the status of the report / recommendations the Committee is timetable to produce and present to the Executive?

Happy to discuss.

G

Gillian Lyness:
NI Assembly: Assistant Assembly Clerk: NIPSA Seconded Officer.
Contact details - tel: 028 905 21791 : mob: 078 251 41301 : Room 377.

11 September 2012 – Committee Clerk to NIPSA



Northern Ireland
Assembly

Gillian Lyness
NIPSA Seconded Officer
Room 377
Parliament Buildings
Stormont
Ballymiscaw
BT4 3XX

11 September 2012

Dear Gillian

Thank you for your email dated 20th August 2012 regarding the NIO consultation paper entitled 'Consultation on Measures to Improve the Operation of the Northern Ireland Assembly' and your enquiries on how it effects the Assembly and Executive Review Committee's work.

Your correspondence was considered at the Committee's meeting of 11th September and it was agreed that I respond to your queries as follows:

- Where do you feel this leaves the status of the AER Committee's work?
 - As the AERC has legal power established in accordance with section 29A and 29B of the Northern Ireland Act 1998 and Standing Order 59 to '*make a report to the Secretary of State by no later than 1 May 2015 on the operation of Parts III and IV of the Northern Ireland Act*', the current status of the AERC's work has not changed.

- Has the AER Committee been approached by NIO that the views, evidence collected and the work to date of the AER Committee will be considered?
 - The Committee's Report on the '*Review of the Number of Members of the Northern Ireland Legislative Assembly and on the Reduction in the Number of Northern Ireland Departments: Part 1 – Number of Members of the Northern Ireland Legislative Assembly*' refers to and includes copies of letters to/from the Secretary of State regarding his proposed Bill in the Third Session of Parliament. The NIO Consultation Paper, Chapter 1, also refers extensively to the AERC's Review. Furthermore, the four key areas on which the NIO is consulting are potential items for the Secretary of State's Bill in terms of 'other changes to the institutions' in NI which as stated, would need broad support in NI and Parties of the Assembly.

Assembly and Executive Review Committee
Room 375, Parliament Buildings, Ballymiscaw, Stormont, Belfast BT4 3XX

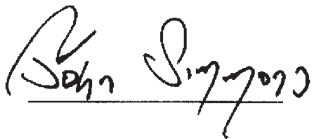
Telephone: 028 9052 1787 E-mail: john.simpsons@niassembly.gov.uk

- Will the AER Committee be feeding into the NIO consultation, offering their findings or is this a completely separated piece of work?
 - NIO, by referring to the AERC Report, has and will take cognisance of the AERC Review. As, to date, the Committee has not addressed the other three key areas in the NIO Consultation Paper, it does not intend to respond to the Consultation.

- Where does this leave the future work of the Committee, that is, the status of the report recommendations the Committee is timetable to produce and present to the Executive?
 - As per the answer to your first query, the status of the Committee remains unchanged.

I trust that this information is useful.

Yours sincerely,



John Simmons
Clerk
Assembly and Executive Review Committee

Assembly and Executive Review Committee
Room 375, Parliament Buildings, Ballymiscaw, Stormont, Belfast BT4 3XX

Telephone: 028 9052 1787 E-mail: .

11 September 2012 – Committee Chairperson to First and deputy First Minister



Northern Ireland
Assembly

First Minister and deputy First Minister
Room G50
Stormont Castle
Stormont Estate
Belfast
BT4 3WT

11th September 2012

Dear First and deputy First Minister

As you are aware, the Assembly and Executive Review Committee is currently in the process of carrying out work to report on its Review of the number of NI Government Departments by the end of October 2012.

At today's Committee meeting, Members considered several items in relation to this Review and began its discussion on the views of the Political Parties represented on the Committee. One item that was particularly interesting was the Assembly Research Paper entitled '*Machinery of Government: Departmental Arrangements*'. Following consideration of this Paper, Members agreed that it may be useful to invite a senior official(s) from OFMDFM to give evidence to the Committee to advise what factors and/or principles should be taken into account when considering changes to Northern Ireland Government structures.

It would be beneficial if the official(s) could also focus on a factual position on the scope for change in the current structures of Northern Ireland Government taking into consideration the current political and legislative framework, and relevant constraints therein. The Committee's next meeting is scheduled for Tuesday, 25th September 2012; it would be most useful if the official(s) could present to the Committee on that date, with a written briefing paper to the Committee Secretariat by lunchtime on 20th September 2012 for circulation to Members in advance.

In order to assist the official(s) to prepare for this presentation to the Committee, I attach a copy of the aforementioned Assembly Research Paper.

I have copied this letter to the Chairperson of the Committee for OFMDFM for information.

Yours sincerely,



Stephen Moutray
Chairperson
Assembly and Executive Review Committee

24 September 2012 – First and deputy First Minister to Committee Chairperson



Office of the
**First Minister and
Deputy First Minister**

www.ofmdfmi.gov.uk

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Mr Stephen Moutray MLA
Chairperson
Assembly and Executive Review Committee
Northern Ireland Assembly
Parliament Buildings
Ballymiscaw
Stormont
BELFAST
BT4 3XX

Our Ref: COR/544/12

A & E R C

24 SEP 2012

RECEIVED

24 September 2012

Dear Stephen

You wrote to us on 11 September to invite officials from OFMDFM to give evidence to the Assembly and Executive Review Committee on matters relating to changes to governmental structures.

The Committee will be aware that, in line with the Programme for Government commitment to agree any changes to post-2015 Structures of Government this year, discussions have been initiated with Party Leaders on future structures, including the principles which should underpin any future organisation. We do not consider, however, that these discussions have yet reached a stage where it would be appropriate or meaningful for officials to give evidence to the Committee on the matters you propose. We would, however, be willing to review the invitation at a future stage in the light of progress.

We are also grateful to the Committee for commissioning and providing to us the research paper it commissioned on Machinery of Government – Departmental Arrangements. This will be a very useful resource for our work in this area.

Yours sincerely

RT HON PETER D ROBINSON MLA
First Minister

MARTIN McGUINNESS MP MLA
deputy First Minister

APPROVED BY THE MINISTERS
AND SIGNED IN THEIR ABSENCE

23 October 2012 – Committee Chairperson to First and deputy First Minister



Northern Ireland
Assembly

First Minister and deputy First Minister
Room G50
Stormont Castle
Stormont Estate
Belfast
BT4 3WT

23rd October 2012

Dear First and deputy First Minister

As you are aware, the Assembly and Executive Review Committee is currently in the process of carrying out work to report on its Review of the number of NI Government Departments by November 2012.

At today's Committee meeting, Members considered several items in relation to this Review, including the issue of costs and savings arising from any reorganisation of NI Departments and the potential impact on employment. Attached for your information is an Assembly Research and Information Service Briefing Note, 'Estimating the cost of machinery of government changes'.

Following this discussion, Members agreed to write to OFMDFM to request information on any work undertaken to date or planned to estimate the initial costs, anticipated savings and effect on employment that would result from a restructuring of NI Government Departments. The Committee has asked for specific figures from previous instances of NI departmental restructuring and/or other examples of restructuring, such as RPA.

The Committee's next meeting is scheduled for Tuesday, 13th November 2012; it would be most useful if a response detailing the requested information could be provided to the Committee Secretariat by lunchtime on 8th November 2012 for circulation to Members in advance.

I have copied this letter to the Chairperson of the Committee for OFMDFM for information.

Yours sincerely,



Stephen Mouray
Chairperson
Assembly and Executive Review Committee

Enc



Press Release

Justice 2012 - Stormont Castle Proposals

After lengthy discussions and negotiations between the parties and in the absence of a consensus among all of the parties, the First Minister and deputy First Minister propose that:

~ Wednesday, 11 January 2012

1. Without prejudice to the arrangements following the next Assembly election, or the outcome of the review required by the Northern Ireland (St Andrew's Agreement) Act 2006, the Assembly will be asked to pass a resolution to extend the present cross-community vote provision for the election of the Justice Minister beyond May 2012. Whatever measures are possible and necessary to ensure that the tenure of the Justice Minister is consistent with other Ministers will be put in place.
2. Notwithstanding this resolution, alternative options including incorporating the allocation of the Justice Ministry by d'Hondt with a reduction in the number of government departments could be given particular consideration. The post election position should be considered as a matter of urgency as part of the PFG commitment to agree changes to the post 2015 structures in 2012 to allow for the introduction of any necessary legislation at Stormont or at Westminster.
3. The number of departments will be reduced from 11 + OFMDFM to 10 + OFMDFM as soon as the necessary legislative and administrative processes have been completed.
4. The functions of the present DEL will be divided principally between DE and DETI in an agreed manner.
5. d'Hondt would be rerun following the Section 17 process and the necessary steps had been taken in the Assembly.

We are asking each of the parties to consider this proposal and provide any comments or alternative proposals, which they believe can command a higher level of consensus, by 5pm on Monday 16 January.



Press Release

Justice 2012 – The Way Forward

On Tuesday 10 January, the First Minister and deputy First Minister published proposals pertaining to the 'Justice arrangements' post May 2012 and other related matters following the failure of the parties to reach agreement at lengthy talks that day.

~ Wednesday, 18 January 2012

They sought views on their proposals and any other proposals which could command wider consensus. Comments were received from the Ulster Unionist Party, the SDLP and the Alliance Party. The Green Party, though not involved in the process, also made representations. None of the parties made proposals which purported to be able to command wider consensus than the proposals tabled by the First Minister and the deputy First Minister. Having further considered the matter in light of the representations made by the other parties, the First Minister and the deputy First Minister have agreed that they should:-

1. Seek Executive approval to bring a resolution at the earliest opportunity to the Assembly to extend the present Justice arrangements beyond May 2012.
2. Immediately write to the Secretary of State to ask him to introduce legislation at Westminster to ensure that the tenure of the Justice Minister is consistent with other Ministers. Pending the introduction of the necessary Westminster legislation, write and publish a letter to the Speaker indicating that the First Minister and deputy First Minister would commit their parties to ongoing support for the Justice minister appointed by cross community vote in the Assembly for the period of this Assembly term.
3. Seek views from key stakeholders and interested parties on how the functions exercised by the Department of Employment and Learning should be transferred to other departments in the most appropriate manner.
4. Ask officials to make arrangements to prepare the necessary Assembly legislation to abolish the Department of Employment and Learning and transfer its functions.
5. Make an early start to the '2012 review' provided for in the draft Programme for Government.

Notes to editors:

Media enquiries to OFMDFM Press Office on 028 9037 8119. Out of office hours please contact the Duty Press Office via pager number 07699 715 440 and your call will be returned.



Press Release

Statement by the First Minister and deputy First Minister - 18 July 2012

Following a series of meetings and discussions the First Minister and the deputy First Minister are pleased to announce agreements across a range of policy areas and initiatives that will be taken forward over the course of the next number of weeks.

~ Wednesday, 18 July 2012

Commenting, Ministers said: "We are pleased to be able to give some detail on a range of policy decisions that we have taken during the course of the last number of days. We have reached a series of wide ranging agreements that will be to the benefit of people across the community and will deliver further progress in the Autumn on the reform agenda we have set out as part of our Programme for Government commitments."

Details are as follows:

Maze/Long Kesh Development Corporation

The First Minister and deputy First Minister have agreed the appointment and composition of a Chair and Board of the Maze/Long Kesh Development Corporation. Following the completion of the necessary appointment and administrative procedures the identity of the new Chair and ten Board members will be published. The Board was established by the Strategic Investment and Regeneration of Sites (Maze/Long Kesh Development Corporation) Order (Northern Ireland) 2011. Ministers have again emphasised their commitment to develop the 360 acre site to maximise its potential and look forward to working with the new Board to that end.

Victims Commissioner

Ministers have agreed to the appointment of a single Victims Commissioner to champion the cause of the victims sector and have selected the new Commissioner. Following the completion of the necessary administrative procedures the new Victims Commissioner will be announced.

Ilex Chair

This post will be re-advertised in due course with a view to securing a wider range of applicants.

Investment Strategy for Northern Ireland 2011-2021

Details of the new Investment Strategy have been finalised and will be brought to the next meeting of the Executive on Monday 3rd September for approval. The strategy envisages an investment programme totalling £12.6billion, with £5.4billion to be delivered between now and 2015 supporting over 13,000 jobs in the construction industry and more in the related supply chain.

Cohesion Sharing and Integration Strategy

The First Minister and deputy First Minister have received a report from their representatives on the CSI working group. They are encouraged that considerable progress has been made.

The First and deputy First Ministers will meet with party leaders in early September to conclude the process.

Education Skills Authority Bill

The discussions on the content of the ESA bill have been successfully concluded and the bill will be brought to the next meeting of the Executive in order to commence its legislative passage in the Assembly.

Welfare Reform Bill

In light of decisions taken by the Coalition Government at Westminster work is ongoing on the local welfare reform bill and regulations to ameliorate the harsher elements of the Westminster legislation.

Social Investment Fund

Following the publication of the SIF zones Ministers have progressed the establishment of the SIF steering groups. The First Minister and the deputy First Minister have today written to party leaders asking for nominations from each of the parties in order to complete the compositions of the steering groups. Ministers are considering a slate of applications from community representatives, statutory and business groups and successful applicants who will sit alongside the political nominees will be announced in due course.

Executive Information Service

A wide ranging review of the structure and workings of the Executive Information Service has been commissioned by the First and deputy First Ministers. The review will be conducted externally and will be tasked with engaging with a variety of stakeholders.

Structures of Government

Ministers have again indicated their desire and willingness to complete the 2012 review of Government structures in a timely manner. Processes are already in place to engage all of the Executive parties.

Constructive engagement has taken place with party leaders relating to the number of government departments, including proposals to reduce their number. The First Minister and the deputy First Minister are content to await the outcome of this process before taking decisions on the future of DEL

Northern Ireland Act 1998 – Extracts

Section 17:

Ministerial Offices

- (1) The First Minister and the deputy First Minister acting jointly may at any time, and shall where subsection (2) applies, determine—
 - (a) the number of Ministerial offices to be held by Northern Ireland Ministers; and
 - (b) the functions to be exercisable by the holder of each such office.
- (2) This subsection applies where provision is made by an Act of the Assembly for establishing a new Northern Ireland department or dissolving an existing one.
- (3) In making a determination under subsection (1), the First Minister and the deputy First Minister shall ensure that the functions exercisable by those in charge of the different Northern Ireland departments existing at the date of the determination are exercisable by the holders of different Ministerial offices.
- (4) The number of Ministerial offices shall not exceed 10 or such greater number as the Secretary of State may by order provide.
- (5) A determination under subsection (1) shall not have effect unless it is approved by a resolution of the Assembly passed with cross-community support.

Section 21:

Northern Ireland Departments

- (1) Subject to subsection (2), the Northern Ireland departments existing on the appointed day shall be the Northern Ireland departments for the purposes of this Act.
- (2) Provision may be made by Act of the Assembly for establishing new Northern Ireland departments or dissolving existing ones.
- (3) If an Act of the Assembly which establishes a new Northern Ireland department provides for it to be in the charge of the First Minister and the deputy First Minister acting jointly—
 - (a) the department shall not be regarded as a Northern Ireland department for the purposes of subsection (2) or (3) of section 17; and
 - (b) the office held by those Ministers as the head of the department shall not be regarded as a Ministerial office for the purposes of subsection (4) of that section or section 18.

NI Executive Programme for Government 2011 – 2015 – Extract



Programme for Government 2011-15



building
a better
future



PRIORITY FIVE

KEY COMMITMENTS	MILESTONES / OUTPUTS		
	2012/13	2013/14	2014/15
Include Social Clauses in public procurement contracts for supplies, services and construction (DFP)	<p>Develop a Procurement Guidance Note on social clauses</p> <p>Modify the Procurement Board Strategic Plan to incorporate targets for the implementation of social clauses by Departments</p>	Monitor implementation	Monitor implementation
Establish the new 11 council model for Local Government by 2015 (DOE)	Progress legislation (to include Local Government Reorganisation Act) and a programme structure necessary to manage change	<p>Arrangements in place for the shadow Councils</p> <p>Deliver Year 2 of implementation programme</p>	Arrangements in place for the transfer of powers to councils
We will make the Education and Skills Authority operational in 2013 (DE)	<p>Bring forward for scrutiny and approval by the Assembly, the legislation necessary to establish a single education authority</p> <p>Take forward the organisational, financial and other actions necessary to prepare for the establishment of the ESA, and for winding up the eight existing bodies it will replace</p>	Take forward structural, financial and other actions required for establishing a new non-departmental public body and for winding up existing Non-Departmental Public Bodies	Single Education Authority established and fully functional
Agree any changes to post-2015 structures of Government in 2012 (OFMDFM)	<p>Consider relevant reports from the Efficiency Review Panel and Assembly and Executive Review Committee</p> <p>Engage with UK Government on any necessary amendments to Westminster legislation</p>	Introduce any necessary Assembly legislation to implement agreed changes	Complete administrative and legal preparations for post-2015 structural changes

Current functions of Departments against proposals from Political Parties represented on the AERC

Current Depts.	Current functions	Alliance 8 Departments	DUP 8 Departments	SDLP Maximum of 11 Departments	Sinn Féin not opposed to a reduction in Departments	UUP Maximum of 8 Departments, plus OFMDFM
OFMDFM	<ul style="list-style-type: none"> Executive policies and programmes Cross-cutting priorities: equality, community relations, Europe, economic policy, children and young people, etc. Regeneration of sites 	Retain much of current functions	Retain, reconstitute as Executive Office, including many central and cross-Government functions	Rename: Office of the Joint First Ministers (without community relations, urban regeneration, former security sites functions)		Would consider revising/reconstituting: open to be convinced by an evidence base
DFP	<ul style="list-style-type: none"> Building regulations Central procurement European funding Land & Property Services Law reform, review of legal services NICS welfare support service Pensions 	Retain current functions, without civil law and any latent responsibilities for NI Water - to be granted mutual status				

DARD	<ul style="list-style-type: none"> • Food • Farming • Environmental policy • Development of the rural sector in Northern Ireland. 	New Department for Environment and Rural Development – (Current DOE and much of DARD, planning from DRD and waterways from DCAL). **	New Department of Agriculture, Environment and Rural Development (with responsibility for NI Environment Agency)			
DOE	<ul style="list-style-type: none"> • Environment • Planning • Local government • Road safety 					
DCAL	<ul style="list-style-type: none"> • Language/cultural diversity • Arts • Creativity & architecture • Inland waterways • Fisheries • Games legacy • Museums • Libraries and archives. 	** (Split functions between new Environment and Rural Development and DE)	New Department of Economy and Business – all economic issues, skills, sport and culture			
DEL	<ul style="list-style-type: none"> • Learning and skills • Prepare people for work • Support the economy 	New Department of Economy (Current DETI, DEL and some of DARD)		New Department for Learning		
DETI	<ul style="list-style-type: none"> • Economy • Energy • Tourism 			New Department of the Economy		Department of the Economy

DRD	<ul style="list-style-type: none"> • Regional strategic planning and development policy • Transport strategy • Public roads, public transport policy and performance • Policy for air and sea ports • Water and sewerage services and management of the Department's shareholder interest in Northern Ireland Water. 	New Department of Urban and Social Development – (current DSD with urban regeneration better highlighted, with transport from DRD)	Retain, with roads, water, transport, planning and urban regeneration		
DSD	<ul style="list-style-type: none"> • Urban regeneration • Community and voluntary sector development • Social legislation • Housing • Social security benefits • Pensions • Child support. 	New Department of Communities and Social Welfare (local Government, housing, land and property services and the Social Security Agency	New Department for Communities, Housing and Local Government		
DE	<ul style="list-style-type: none"> • 0-4 provision • Primary • Post-primary • Special education • Youth service 	Retain current functions, with much of DCAL	Retain, with young people, schools and higher education	New Department for Learning	

DHSSPS	<ul style="list-style-type: none"> • Hospitals • Family practitioner services • Community health and personal social services • Public safety • Fire and rescue services 	Retain current functions, without public safety, name: Department of Health and Social Services	Retain, rename: Department of Health and Social Services		
DOJ	<ul style="list-style-type: none"> • Prison service • Courts and tribunals • Victims of crime • Forensics • Juveniles 	Retain current functions, with civil law and public safety	Retain		

Reference Paper Highlighting Some Areas of Commonality

Proposals	Alliance	DUP	SDLP	Sinn Féin	UUP
Retain Health	x	x			
Retain Justice	x	x			
Retain Education	x	x	“a new Department for learning”		
New Department of the Economy	“that eight Departments ... could be established as follows: ... Economy”	“In addition there would be seven ordinary Departments: Department of the Economy and Business” – includes all economic issues, skills, sport and culture.	“a single economy Department”		“We note that the independent review of the economic policy highlighted the need to create a department for the Economy to spearhead our recovery. We feel that that should proceed as soon as possible”
New Combined Agriculture, Environment and Rural Development	“that eight Departments ... could be established as follows: ... Agriculture, Environment and Rural Development” – current DOE and much of DARD, planning from DRD and waterways from DCAL	In addition there would be seven ordinary Departments: ... Department of Agriculture, Environment and Rural Development.”			“the Department of the Environment probably merged in with the Department of Agriculture and Rural Development”

Proposals	Alliance	DUP	SDLP	Sinn Féin	UUP
New Department for Urban and Social Development or Department of Communities and Social Welfare	<p>“that eight Departments... could be established as follows: ... Urban and Social Development.”</p> <p>“the urban and social development Department could be split, possibly into something like infrastructure and social development”</p>	<p>“In addition there would be seven ordinary Departments: ... Department of Communities and Social Welfare”</p>	<p>“a community, housing and local government Department”</p>		
Revised/reconstituted OFMDFM	<p>“if the Department of Finance and Personnel (DFP) went to OFMDFM” – OFMDFM to retain much of current functions.</p>	<p>“OFMDFM would be reconstituted as the Executive Office with its concentration on dealing with Executive business and including responsibility for many of the central or cross-Governmental functions”</p>	<p>“We have long believed that a review such as this should deal with the issue of nomenclature in the Office of the First Minister and deputy First Minister. We believe that this is an opportunity to agree to call that office what it is, which is the office of the joint First Ministers”</p>		<p>“open to change, to be convinced by an evidence base.”</p>



Northern Ireland
Assembly

Appendix 6

Assembly Research and Information Service Papers

Appendix 6 – Assembly Research and Information Service Papers

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| 1. The Size of the Assembly and the Number of Government Departments
(including Efficiency Review Panel).
27th August 2010 | 328 |
| 2. Machinery of Government Departmental Arrangements.
4th September 2012 | 335 |
| 3. Estimating the Cost of Machinery of Government Changes
17th October 2012 | 365 |



Northern Ireland
Assembly

Research and Information Service
Briefing Note

27 August 2010

Author: Ray McCaffrey

The size of the Assembly
and number of government
departments (includes
Efficiency Review Panel)

1 Background

This briefing note highlights key issues and developments relating to the number of MLAs in the Assembly, number of government departments and the relevant legislation. It also provides a brief description of the current arrangements in Scotland and Wales and gives an overview of proposals to reduce the number of Parliamentary constituencies, which will impact on the number of Assembly seats.

A potential reduction in the numbers of MLAs and government departments was considered by the Committee on the Preparation for Government which met between June and October 2006. As part of its remit, the Committee considered each element of the institutions arising from the Belfast/Good Friday Agreement. Its report, 'Report on Institutional Issues', was published in September 2006. Furthermore, the Assembly has come under increased scrutiny following the Westminster expenses scandal, particularly from sections of the Northern Ireland press.

2 The size of the Assembly

Section 33 of the Northern Ireland Act 1998 states that six members shall be returned from each of the parliamentary constituencies in Northern Ireland. A 108 member Assembly is more than twice the size of the old Northern Ireland house of commons and 30 more than the 1974 Assembly¹. The 1995 Framework Documents envisaged about 90 members being returned to a local Assembly, equating to five-seat constituencies. Senator George Mitchell and his co-chairmen who chaired the talks that led to the Belfast Agreement recommended increasing the number of seats per constituency from five to six or having a top-up of 10 to 20 seats. The intention behind this was to provide greater opportunities for smaller parties to be represented².

In 2006 Committee on the Preparation for Government "agreed that the number of MLAs should be reduced and that this matter should be subject to mechanism/Institutional review"³. During the discussions, some of the reasons put forward for this included:

- 108 members was too many in light of the RPA recommendations to enhance the role of councils
- The number of MLAs was unwieldy compared to the size of Northern Ireland's population
- Concerns about the high number of elected representatives in Northern Ireland⁴

Speaking in September 2009, the First Minister said that reducing the number of departments and number of MLAs could save millions of pounds. He went on to say that the public would question why cuts to front line services were being made while the political bureaucracy remained intact⁵.

Comparison with Scotland and Wales

In terms of population, the number of MLAs is disproportionately higher when compared to the number of elected representatives in the National Assembly for Wales and the Scottish Parliament. In response to an Assembly question asked in June 2010 regarding the number of Assembly members, the Office of the First and deputy First Minister gave the following response:

In terms of numerical comparison, the people of Northern Ireland have, per capita, more MLAs than their counterparts in Scotland and Wales in respect of their equivalent

1 Austen Morgan *The Belfast Agreement: a practical legal analysis*, Belfast Press 2000

2 As above

3 Committee on the Preparation for Government, 'Report on Institutional Issues', September 2006

4 As above

5 'Robinson plans cull in department numbers', *The Irish News* 18 September 2009

institutions. Scotland, for example, with a population of just over 5 million, elects 129 members to the Scottish Parliament which, if translated to Northern Ireland, would suggest that the Assembly should have around 43 rather than 108 members. Using the Welsh example, the equivalent figure would be 35. Clearly, however, any future consideration of the optimum size of the Northern Ireland Assembly would require consideration of a wide range of issues other than numerical comparisons of this nature. However, the United Kingdom Government has announced its intention to bring forward legislation to provide for a reduction in the number of seats in the House of Commons and more equally sized parliamentary constituencies; and that the Boundary Commission will be empowered to draw up the new constituencies during the current Parliament...any reduction in the number of these constituencies would have a direct impact on the future size of the Assembly⁶.

The cost of the Northern Ireland Assembly compared to the Scottish Parliament and the National Assembly for Wales

The following table compares salaries and other costs of elected representatives in Northern Ireland, Scotland and Wales. The figures for Northern Ireland and Wales are based on accounts for 2009-10 and the figures for Scotland are based on 2008-09.

Table 1: Costs relating to elected representatives in the Northern Ireland Assembly, Scottish Parliament and National Assembly for Wales

	Northern Ireland Assembly ¹	Scottish Parliament ²	National Assembly for Wales ³
Salaries (£m)	6.9	10.4	6.1
Other costs (£m)	9	10.5	7.1
Total (£m)	15.9	20.9	13.2

Notes:

- 1 Northern Ireland Assembly Resource Accounts year ending 31 March 2010
- 2 Scottish Parliamentary Corporate Body Annual Accounts 2008-09
- 3 National Assembly for Wales Annual Report and Statement of Accounts 2009-10

It should be noted that the statements of accounts do not provide the exact same information under 'Other costs'. For example, the Northern Ireland Assembly lists £784,000 for 'Party Allowances' under other costs, which is not included in either the Scottish or Welsh accounts.

The Parliamentary Voting and Constituencies Bill

On 22 July 2010 the coalition government at Westminster introduced a Bill providing for a referendum on the voting system to be used at future Parliamentary elections and a reduction in the number of Parliamentary constituencies to 600. If passed, the legislation will require the four Boundary Commissions in the UK to review the existing arrangements and submit their reports before 1 October 2013. The Bill does not allow for a separate determination of Assembly and Westminster constituencies, so any changes to the number of constituencies in Northern Ireland will automatically impact on the number of MLAs returned to the Assembly. The Bill contains technical arrangements to allow for more variation around the number of electors per constituency, given the relatively small the size of Northern Ireland.

6 Assembly question asked on 10/6/10

During a debate on a Westminster Private Member's Bill introduced in 2006-07 (Parliamentary Constituencies Bill (Amendment) Bill), it was speculated by Lord Baker of Dorking⁷ that Northern Ireland would emerge with 15 Parliamentary constituencies following any future review. This would translate to 90 MLAs.

Scotland and Wales

In 2001 the Scotland Office launched a consultation on the size of the Scottish Parliament. The consultation was a result of a provision contained in the Scotland Act 1998 that any reduction in the number of Scottish constituencies at Westminster would automatically reduce the number of MSPs. In 2002 the Boundary Commission for Scotland published provisional recommendations that would have reduced the number of Scottish Westminster constituencies from 72 to 59. As a consequence, the number of MSPs would have been cut from 129 to 104. During the passage of the Scotland Act 1998, the Government gave a commitment that it would listen to any concerns individuals or organisations may have had about a reduction in the number of MSPs. In a statement on the consultation to the House of Commons, the then Secretary of State for Scotland commented:

Two strands emerge from the consultation. First, there is the need for stability. Among the civic and representative bodies that responded, the overwhelming view was that the Scottish Parliament should continue to operate with the present number of MSPs. The argument was put that a reduction would cause difficulties, especially to the Committee system, and that it would be unwise to destabilise the Parliament so early in its life by reducing its numbers. The respondents stated that a reduction would adversely affect the Parliament's scrutiny of legislation and the Executive's capacity to conduct inquiries or initiate legislation. They claimed that any reduction in the numbers of list MSPs would reduce proportionality and that the current structure should be maintained to give a proper balance of representation. Secondly, it was acknowledged, not least by electoral administrators, that difficulties could arise if the boundaries for Westminster and Holyrood were not coterminous. Confusion could be caused to voters and there would be problems for political parties in relation to their organisation⁸.

With regards to the potential impact on the Committee system, respondents to the consultation had raised the issue that "even given the present number of MSPs, they were under strain to scrutinise, research and legislate"⁹. The Scottish Parliament (Constituencies) Act 2004 removed the link between constituencies for the Scottish Parliament and those for Westminster, meaning that the reduction in Scottish Westminster constituencies to 59 did not affect Scottish Parliament constituencies. A similar decoupling between Westminster and Assembly seats in Northern Ireland would require a change to Section 33 of the Northern Ireland Act 1998.

Furthermore, the findings of the Calman Commission, which was set up to review the workings of Scottish Devolution, reported in 2009 that "although (the Commission) received some representations...suggesting that there are too many MSPs, we have not seen anything to convince us of a case for change"¹⁰.

The Commission on the Powers and Electoral Arrangements of the National Assembly for Wales (the Richard Commission) was appointed in July 2002. Its job was to examine the powers and electoral arrangements of the Assembly and to produce an independent report. One of its recommendations was that the Assembly should receive enhanced law-making powers and that the number of Assembly Members should therefore be increased from 60 to

7 HL Deb 18 May 2007 vol.692 c399

8 Hansard 18 December 2002 c859-60

9 Responses to the 'size of the Scottish Parliament – a consultation', Scotland Office 1 December 2002

10 Serving Scotland Better: Scotland and the United Kingdom in the 21st Century, Commission on Scottish Devolution, final report, June 2009

80 to deal with the anticipated increase in workload. In the event, the Assembly did receive enhanced powers but there was no concurrent increase in the number of AMs.

The Additional Member System (AMS)

Both Scotland and Wales use the Additional Member System to elect their respective institutions. AMS gives voters two votes – one is to elect regional members, the other is for a constituency MSP/AM. The system is designed to ensure that, as far as possible, the share of MSPs/AMs in reflects the share of votes cast for each party.

Table 2: Regional and constituency members in the Scottish Parliament and National Assembly for Wales

	Scottish Parliament	National Assembly for Wales
Number of regional members	56 (8 regions)	20 (5 regions)
Number of constituency members	73	40
Total	129	60

The reviews of devolution and the devolved institutions in Scotland (the Calman Commission) and Wales (the Richard Commission) examined the AMS system. Some of the perceived advantages and disadvantages were similar. AMS was credited as being more proportional than FPTP. However, in both Scotland and Wales there was criticism that AMS created two types of member the single constituency member and the regional member who is one of four representatives covering the region which includes the constituency. The Calman report pointed out that regional MSPs were seen as having less legitimacy and could cherry-pick popular issues without having to carry the burden of constituency work¹¹.

Reducing the number of MLAs – issues to consider

The argument that reducing the number of MLAs would be a good idea is a popular and easy argument to make, especially in terms of the number of MLAs in relation to population size. However, less consideration has been given to the implications a reduction would have on the work of the Assembly. Some of the issues that might potentially arise can be found in responses to the 2001 Scotland Office consultation on the size of the Scottish Parliament, which reflect a number of concerns about a potential reduction in the number of MSPs:

- A smaller Parliament would mean less MSP time available to carry out the busy schedule currently undertaken by MSPs
- MSPs discharge a variety of functions, including constituency business, plenary business in the Chamber, membership of the Parliament's Committees and other commitments such as cross-party groups. The Scottish Parliament being unicameral - with only a single Chamber - meant that the role of MSPs, and in particular the Committees, was crucial in scrutinising and improving the quality of legislation. A reduction in numbers would undermine the ability of MSPs to discharge these various roles effectively¹².

Consideration would also need to be given to the impact a reduction in the number of MLAs would have on the ability of smaller parties to secure representation. However, it could be argued that smaller parties have fared less successfully since the election of the first Assembly in 1998.

11 'Serving Scotland Better: Scotland and the United Kingdom in the 21st Century', June 2009

12 Scotland Office, 'Responses to the 'Size of the Scottish Parliament – a consultation', December 2002

3 Number of government departments

Section 17(4) of the Northern Ireland Act 1998 allows for up to 10 Ministers with Departmental responsibilities, although this can be amended. For example, the Northern Ireland Act 1998 (Amendment of Schedule 3) Order 2010 allowed for the transfer of policing and justice functions. Under section 21(3) of the 1998 Act a department under the First and deputy First Minister is not included in the 'up to 10 Ministers' figure. The current number of government departments was arrived at following inter-party negotiations, primarily between the UUP and SDLP, which were concluded on 18 December 1998¹³. The Departments (Northern Ireland) Order 1999 established new Northern Ireland Departments and renamed some existing departments. The six departments at the time of the Belfast Agreement were agriculture, economic development, environment (Northern Ireland), education, health and social services, finance and personnel.

The Report on Institutional Issues emanating from the Committee on the Preparation for Government agreed that there was a need to re-examine the number of departments to ensure effectiveness and value for money, although it also recognised the benefit of the current arrangement which enabled some issues to receive greater focus that might not otherwise have been possible with a smaller number of larger departments.

Scotland

The Scotland Act 1998 allows for a First Minister who may appoint Ministers following the approval of the Monarch. Following devolution, there were initially 22 Scottish Ministers (of whom eleven were in the Cabinet). However, when the SNP was returned to power in 2007 it sought to reduce the weight of departmentalism and cut the number of Cabinet Ministers to six to provide greater cohesion and strategic direction, with 10 other Ministers below them. The SNP also abolished the old departments and replaced them with directors general in charge of directorates. The directors general have policy responsibilities for specific fields but also a cross-cutting remit in relation to key Government objectives. They are answerable directly to Ministers¹⁴.

Wales

The provisions of the Government of Wales Act 2006 allow up to 12 Welsh Ministers and Deputy Ministers. The Welsh Assembly Government's Departments are arranged under seven Director Generals. Director Generals are members of the Senior Civil Service and are responsible for ensuring joined-up working across Welsh Assembly Government Departments.

4 The Efficiency Review Panel

The St. Andrew's Agreement allowed for the establishment of an Efficiency Review Panel to examine the workings of the Assembly. The Agreement stated that:

The First Minister and Deputy First Minister would appoint an Efficiency Review Panel, to examine efficiency and value for money of aspects of the Strand One institutions. The FM/DFM would put to the Assembly for approval proposals for the panel's remit, which might include the size of the Assembly and the departmental structure. The Panel would take into account as appropriate the work of the Review of Public Administration. The Panel's report would be considered by the Executive and Assembly, and, where agreed changes

13 Statement from the Office of First Minister (Designate) and deputy First Minister (Designate) 18 December 1998

14 Michael Keating, *The Government of Scotland: public policy making after devolution* (2nd edition), Edinburgh University Press 2010

required legislative steps outside the scope of the devolved institutions, by the British Government in consultation as appropriate with the Irish Government¹⁵.

On 9 April 2009 OFMDFM released a statement saying that after Easter of that year it was their intention to bring forward proposals for the creation of an Efficiency Review Panel for approval. It went on to say that the Panel would report later in 2009.

The announcement by OFMDFM on the creation of the Efficiency Review Panel was reported in the press as being likely to lead to a reduction in the number of government departments¹⁶. Furthermore, the Programme for Government 2008-11 promised to review the overall number of Government Departments by 2011.

A number of Assembly questions have been put to OFMDFM on progress in appointing the Efficiency Review Panel and/or its work. In answer to the last question asked on 2 June 2009, OFMDFM repeated that it intended to put forward proposals soon on the creation of the Panel and still expected it to report later in 2009. However, to date the Efficiency Review Panel has not been established. The latest communication from OFMDFM states that “membership, terms of reference and work programme are under consideration”¹⁷.

Efficiency savings in the Republic of Ireland – An Bord Snip Nua

In 2008, the Government in the Republic of Ireland appointed the Special Group on Public Service Numbers and Expenditure Programmes in the Republic of Ireland (commonly known as An Bord Snip Nua) to identify and recommend cuts in public spending. Its report was published in July 2009 and identified savings of approximately €5b across government departments. It further recommended the closure of the Department of Community, Rural and Gaeltacht Affairs, stated that the need for a Department of Arts, Sports & Tourism should be ‘critically examined’. The report was met with substantial criticism from trade union and other representative groups. However, the Taoiseach said that no area could be immune from cuts¹⁸.

15 St. Andrew’s Agreement, October 2006, www.nio.gov.uk/st_andrews_agreement.pdf

16 ‘Stormont Downsize Proposal Mooted’, News Letter 9 April 2009

17 E-mail from OFMDFM 17 August 2010

18 The Irish Times, Cowen: ‘No ‘Bord Snip’ cuts ruled out’, 17 July 2009



Northern Ireland
Assembly

Research and Information Service Research Paper

Paper XXX/XX

4 September 2012

NIAR 592-12

Ray McCaffrey & Tim Moore

Machinery of Government

Departmental Arrangements

NIAR 592-12

The term 'machinery of government' describes a variety of organisational or structural aspects of government, most commonly the number and names of government departments and ministerial portfolios. This research paper outlines the principles upon which machinery of government arrangements are made and addresses the arrangements existing in the UK, Ireland and elsewhere. In particular, the paper examines the move towards a more thematic approach to arrangements in Scotland and Wales and explores the potential for change in Northern Ireland.

Executive Summary

Principles of machinery of government changes

Machinery of government relates to the structural organisation of government, including the allocation of functions and the number of departments and ministerial portfolios. Modern attempts to define how government should be structured in the UK date back to the Haldane Committee in 1918, which recommended that the UK Government should be organised according to the services to be performed, for example separate ministries for health, education defence etc.

The idea that government should be arranged according to the ‘function’ or ‘purpose’ principle became dominant in most central governments – ‘All responsibility for a single function should be placed in a single unit’. In the context of the UK Government, the fundamental structure has remained largely intact despite changes to individual departments. The structure has been criticised for fostering a ‘silo’ mentality within departments at the expense of a joined-up approach that might, it is claimed, lead to the more effective delivery of government services.

Reasons for machinery of government changes

- There are five main reasons why governments might undertake organisational change:
- Enabling a clearer focus on areas of government priority
- Promoting greater coordination between policy areas
- Achieving broader political objectives
- Achieving greater levels of efficiency in the public sector
- Taking action to address underperforming departments

Westminster

The Prime Minister is responsible for the organisation of Government and the allocation of functions between Ministers. A Transfer of Functions Order is usually laid before Parliament to give effect to the changes. However, in many instances the Order is laid after the actual changes have taken place.

The process by which machinery of government changes are made is not without its critics, with three major concerns having been identified:

- No time to plan for changes
- Lack of funding
- Overloaded staff

Republic of Ireland

Article 28 of the Constitution of the Republic of Ireland (Bunreacht Na hÉireann) sets the range of the permissible number of Ministers in the Irish Cabinet, which cannot fall below seven or exceed 15.

In 2003 the All-Party Oireachtas Committee on the Constitution published a series of progress reports looking at various aspects of the Constitution. It recommended no change to the range of Cabinet Ministers and stated that matters such as the allocation of portfolios and relations between departments were matters best left to legislation.

A number of reforms relating to the structure of government have taken place in the Republic in recent years, including the new Department of Public Expenditure and Reform.

Scotland, Wales and Northern Ireland

Devolution has offered the devolved executives an opportunity to move away from the Westminster model, with the Scottish Government in particular attempting to implement a more coordinated, cross-cutting approach to policy delivery.

The current departmental structure in Northern Ireland lies in the inter-party negotiations following the signing of the Belfast (Good Friday) Agreement. As a result, the old six department structure under the Northern Ireland Office was supplemented with a further five¹, with some existing departments being renamed.

The basis for the current devolved administrations lies in the respective legislation establishing each institution: The Scotland Act 1998, the Government of Wales Act 1998 (and later the 2006 Act) and the Northern Ireland Act 1998. The Scottish and Welsh legislation allows the First Ministers relative freedom in choosing ministers, while the consociational nature of the settlement in Northern Ireland is reflected in the use of the D'Hondt mechanism to appoint ministers. The Northern Ireland Act 1998 does allow the First Minister and Deputy First Minister acting jointly to determine the number of Ministerial offices to be held by Northern Ireland Ministers, but this entails re-running the D'Hondt mechanism for all Ministerial offices (the Minister for Justice is currently appointed under a special arrangement which is separate from D'Hondt). The number of departments is set at 10, but the Secretary of State may by Order increase the number of departments. The 1998 Act also allows for the appointment of junior ministers. The source of the current structure of government lies in the interparty negotiations following the signing of the Belfast (Good Friday) Agreement. The result of these negotiations was the old six department structure, under the Northern Ireland Office, being supplemented with a further five departments², with some existing departments being renamed.

In some respects, the administrations in Scotland and in Wales (from 2006) have attempted to depart from the traditional Westminster model by creating cross-cutting or thematic departments. This in part reflects a desire, particularly in Scotland, to deliver a new type of politics distinct from Westminster and create a more focused method for delivering the policies of the Government of the day. It is important, however, not to overstate these changes – both Scotland and Wales still mirror the UK Government in key aspects, such as Cabinet-style administrations and the right of the First Minister to choose ministers.

The Scottish National Party (SNP) undertook a significant reconfiguration of government following the 2007 Scottish Parliamentary election. Departments were replaced with directorates based on five strategic objectives. This not only reflected the priorities of the incoming government but was also motivated by First Minister Alex Salmond's desire for a smaller, more focused Cabinet. Further reform followed in 2011 when the SNP was returned as the majority party and chose to redefine its policy objectives.

Beyond the UK, the Flanders government provides another example of coordination between departments distinct from the Westminster model. There the political responsibility for the functions within one department may lie not only with more than one minister but with ministers from different political parties.

There is no definitive right or wrong way to design an Executive/Cabinet and departments. Often, the key consideration will be political expediency rather than detailed planning as to which arrangement would deliver the most effective method of policy implementation.

1 http://www.legislation.gov.uk/nisi/1999/283/pdfs/ukxi_19990283_en.pdf

2 http://www.legislation.gov.uk/nisi/1999/283/pdfs/ukxi_19990283_en.pdf

Key points

The term Machinery of Government describes a variety of organisational or structural aspects of government, most commonly the number and names of government departments and ministerial portfolios.

Addressing machinery of government change means addressing a number of questions.

- On what principle should the work of government be divided up?
- How many departments should there be?
- What should these departments be called?
- What arrangements for political accountability for the functions of these departments should be in place?

There are no right answers to these questions and it has been argued that if there is an 'iron law' regarding machinery of government change, it is that 'political convenience will override any other consideration'³.

The machinery of government examples identified in this paper are contingent on a range of factors particular to each jurisdiction. The arrangements in Scotland and Wales reflect attempts of recently established modern administrations to move from more traditional arrangements, albeit within the constraints imposed by legislation. The extent to which Northern Ireland can do likewise is constrained by the unique legislative provisions relating to the establishment and operation of government which are contained in the Northern Ireland Act 1998.

Contents

Executive Summary

Key points

- 1 Introduction
- 2 Machinery of Government
- 3 The structure of government at Westminster
- 4 Republic of Ireland
- 5 Scotland, Wales and Northern Ireland
- 6 International examples
- 7 Conclusion

1 Introduction

This research paper was commissioned by the Assembly and Executive Review Committee to inform its work in reviewing the number of Northern Ireland government departments. It provides information on the structures of government in the UK and Republic of Ireland, including the origin of these structures. It also examines how the Scottish and Welsh administrations have evolved to move away from the traditional Westminster structure that existed pre-devolution. Finally, it highlights examples from other jurisdictions outside the UK and Ireland.

The paper begins by addressing the form and function of government, including various models that have been used to describe the relationship between the allocation of functions and organisation of departments.

2 Machinery of Government

Principles for allocating functions

Changes to the allocation of functions or number of government departments are commonly known as changes to the ‘machinery of government’. This term “describes a variety of organisational or structural aspects of government, most commonly the number and names of government departments and ministerial portfolios”⁴.

A commonly accepted feature of organisational design is that form should follow function, and this applies equally to the machinery of government⁵. The first modern attempt to define how government should be structured was the Machinery of Government Committee (also known as the Haldane Committee). The Committee was appointed to “enquire into the responsibilities of the various Departments of the central executive Government and to advise in what manner the exercise and distribution by the Government of its functions should be improved”⁶.

The Haldane Committee attempted to define the principles upon which the functions of departments were to be determined and allocated and proposed two possible methods for achieving this:

1. The principle of allocating functions according to the persons or classes to be dealt with; or
2. Allocation according to the services to be performed.

The Committee’s report rejected the first option on the basis that it would be too difficult to limit the number of individual departments that would be needed to cover all possibilities. In favouring the second option, the Report pre-empted future debates around ‘joined-up’ government when it recognised that a department could not operate in isolation “such was the need for co-operation between Departments in dealing with business of common interest”⁷.

The next notable attempt to define the relationship between functions and departments came in 1937 in the United States. Four categories were put forward:

- Purpose: such as furnishing water, crime control, provision of education
- Process: engineering and medicine
- Clientele served: immigrants, veterans, Indians, forests, mines, parks, orphans, farmers, the poor
- Place where service is rendered: this could be a state, city or other region or it could be a building, such as a school⁸

Grouping functions

According to some observers “The function (or purpose) principle...has become the dominant principle of organisation in most central governments”. Within this principle four criteria⁹ for efficient grouping have been identified:

4 KPMG ‘Machinery of Government: current arrangements of Australian Government’, April 2012

5 Asian Development Bank, ‘To Serve and to Preserve’, 2001

6 Nuffield University ‘Machinery of Government Reform: Principles and Practice, 1992:

7 Haldane Report 1918

8 L Gulick and L Urwick (eds) ‘Papers on the Science of Administration’, Institute of Public Administration, 1937

9 Asian Development Bank, ‘To Serve and to Preserve’, 2001

Table 1: Principles for organisation of government

Principle	Comment
Non-fragmentation	All responsibility for a single function should be placed in a single unit
Non-overlap	No two departments should have the same authority to act in the same circumstance
Span of control	Involves grouping functions in manageable organisational sizes and tailoring the workload to the capacity of the minister and his chief officials
Homogeneity	No single administrative unit should attempt to perform heterogeneous functions or to serve competing purposes (this is related to the principle of non-fragmentation)

Limitations of the function principle

Although reform has taken place and machinery of government changes are fairly regular, pre-devolution there had been no attempt in the UK to move away from the fundamental structure of each department carrying out a distinct set of functions. However, some have argued that “the result has been a culture of thinking and working inside departmental cages and a defensiveness about functional turf which still bedevils British government’s effectiveness despite innumerable efforts to contain, combat or undermine it”¹⁰. This is despite numerous attempts to foster a more coordinated approach among departments. It has been suggested that such efforts are likely to fail because “The system is fundamentally designed to administer discrete functions and that design defends itself against even the most robust attempts to bring functions together”¹¹.

As the paper explores below, devolution has witnessed attempts by the Scottish and Welsh administrations to break with the traditional Westminster model, characterised by function based departments, the political responsibility for which lies with a secretary of state.

Why do machinery of government changes occur?

There are a number of reasons that can be put forward to explain machinery of government changes and in many cases the following factors may overlap to explain a government’s decision to reorganise¹²:

10 Demos, ‘Holistic Government, 1997: www.demos.co.uk/files/holisticgovernment.pdf?1240939425

11 Demos, ‘Holistic Government, 1997: www.demos.co.uk/files/holisticgovernment.pdf?1240939425

12 KPMG ‘Machinery of Government: current arrangements of Australian Government’, April 2012

Table 2: Drivers for change in machinery of government

Driver for Change	Comment
Enabling a clearer focus on areas of government priority	Structures of government change over time as new and emerging policy areas rise to prominence at the expense of others
Promoting greater coordination between policy areas	<p>For example, departments can be merged to deliver a more coordinated approach to complex policy areas. This is a move away from departmental 'silos' towards a more joined-up approach.</p> <p>However, there are drawbacks to this; a large department containing a large number of discrete functions may still contain strong internal silos, which can prove resistant to change and difficult to coordinate</p>
Achieving broader political objectives	<p>This could reflect the dynamics within Cabinet, for example ministerial reshuffles.</p> <p>An Institute for Government study looked at UK machinery of government changes and found that almost half (48%) were attributable to political influences, 29% were driven by service delivery concerns and the remaining 23% were linked to policy decisions.</p>
Achieving greater levels of efficiency in the public sector	This is driven largely by the desire for savings in public finances. Larger but fewer departments result in economies of scale i.e. combining back-office support services, regional offices and call centres previously delivered across multiple separate departments.
Taking action to address underperforming departments	A department that has failed in service delivery may be abolished and a new department with the same functions could be established (albeit with a new leadership team). In doing so, the Government appears to have taken decisive action to address a problem, whether real or perceived.

Framework for machinery of government changes

An analysis of current machinery of government arrangements sets out four main options available to governments engaging in reallocation of functions or reorganisation of departments:

- Establishing a new government department or agency
- Abolishing an existing department or agency
- Changing the name of an existing department or agency
- Moving certain functions between departments or agencies, or amalgamating whole departments or agencies (more common)

Machinery of government changes are more likely to occur in the immediate aftermath of an election or in conjunction with a ministerial reshuffle. They also take place when new arrangements are required to administer new legislation or undertake new functions.

3 The structure of government at Westminster

The UK Government

In a 2007 report on machinery of government changes, the Public Administration Select Committee (PASC) provided a brief overview of the origins of the current structure of government in the UK:

The structure of British government is still shaped by the recommendations of the Haldane Report of 1918. That seminal report set out a basic principle of “defining the field of activity in the case of each Department according to the particular service which it renders to the community as a whole”. It advocated separate ministries for Health, Education, Finance, Foreign Affairs and Defence – all of which essentially remain. No fundamental reshaping has since taken place...¹³

Although the basic structure has remained in place, the report cited two reasons for individual departmental change:

- Administrative efficiency
- Personal chemistry – balancing the Cabinet, matching responsibilities to personalities and their capabilities

The Cabinet Manual

The Cabinet Manual provides information on the structure of the UK Government in relation to the allocation of functions to ministers and government departments:

The Prime Minister is responsible for the overall organisation of the Government and the allocation of functions between ministers. It is a fundamental part of the Prime Minister’s role to ensure that Cabinet and the Government are structured in the most effective way.

As powers generally rest with the Secretary of State and departments do not have their own legal personality, the structure of government departments tends to change to reflect the allocation of functions to ministers.

The Prime Minister has responsibility for machinery of government changes and his/her written approval must be sought where it is proposed by ministers to transfer functions:

- Between ministers in charge of departments, unless the changes are minor and can be made administratively and do not justify public announcement
- Within the field of ministerial responsibility of one minister, when the change is likely to be politically sensitive or to raise wider issues of policy or organisation
- Between junior ministers within a department, when a change in ministerial titles is involved

The Prime Minister’s approval should also be sought for proposals to allocate new functions to a particular minister where the function does not fall wholly within the field of responsibilities of one minister, or there is disagreement about who should be responsible.

A transfer of functions order (an Order in Council under the Ministers of the Crown Act 1975) is likely to be needed for major changes involving ministerial departments. The Cabinet Secretary is responsible for advising the Prime Minister on machinery of government changes.

While the allocation of functions to ministers is a matter for the Prime Minister, the Government informs Parliament of significant machinery of government changes. The Cabinet Office publishes an explanatory document about major changes on the Cabinet Office website and arranges for it to be placed in the libraries of both Houses. This helps explain to Parliament and the public the Prime Minister's reasoning for making the changes. Ministers usually make themselves available to any relevant select committee that wishes to examine the implementation of such changes¹⁴.

The Ministers of the Crown Act 1975 does provide a check on the ability of Governments to re-organise departments. The Act provides that machinery of government changes should be made by Order in Council. However in practice Transfer of Functions Orders are usually laid some time after the changes have been made¹⁵.

Schedule 2 of the House of Commons Disqualification Act 1975 specifies that not more than 95 holders of ministerial offices are entitled to sit and vote in the Commons at any one time. This schedule may be amended by Orders in Council made under the Ministers of Crown Act 1975 in "consequence of a transfer of ministerial function or the dissolution of a Department; but the aggregate number of ministerial offices contained in the schedule may not be increased by such an Order"¹⁶.

Institute for Government research on machinery of government changes

In May 2010 the Institute for Government published a report examining in detail issues around machinery of government changes at Westminster. As part of the work, the Institute conducted interviews with senior and former officials. The main themes to emerge from the interviews included:

- **No time to plan:** new departmental structures are often announced by the Prime Minister with little or no prior planning...in many cases, departments were created over a weekend, and in (one) exceptional case...the team was given only night to prepare
- **Lack of funding:** new departments are allocated insufficient budgets to cover the set-up of corporate overhead functions. This is partly because the treasury insists...that all changes are cost neutral
- **Overloaded staff:** once departments are live, top officials and transition teams find themselves with a double workload, running day-to-day operations while also undertaking the strategic planning needed for new or reorganised departments
- **Little central support:** the Cabinet Office and Treasury do not have the resources to provide effective support to new departments

Furthermore, the report noted:

In some other liberal democratic countries (such as the US) changing national government departments is rarely undertaken and requires Herculean efforts at achieving consensus before reforms can be made. But in the UK the organisation of Whitehall basically stems from Crown prerogative powers – that is from the unremoved autocratic powers of the medieval British monarchy...the ability to re-sculpt Whitehall's departmental structure is fundamentally exercised on the Crown's behalf by government ministers, in this case specifically the Prime Minister, with some subsequent parliamentary scrutiny¹⁷.

14 Cabinet Manual, Cabinet Office

15 As above

16 Erskine May page 42

17 <http://www.instituteforgovernment.org.uk/sites/default/files/publications/A%20game%20of%20two%20halvesv3.pdf>

4 Republic of Ireland

Article 28 of the Constitution of Ireland (Bunreacht Na hÉireann) addresses the composition of the Government.

Article 28(1): The Government shall consist of not less than seven and not more than fifteen members who shall be appointed by the President in accordance with the provisions of this Constitution

28(4): The Government shall meet and act as a collective authority, and shall be collectively responsible for the Departments of State administered by the members of Government

28(7): The Taoiseach, the Tánaiste and the member of the Government who is in charge of the Department of Finance must be members of Dáil Éireann.

The other members of the Government must be members of Dáil Éireann or Seanad Éireann, but not more than two may be members of Seanad Éireann.

28(12): The following matters shall be regulated in accordance with law, namely, the organisation of, and distribution of business amongst, Departments of State, the designation of members of the Government to be the Ministers in charge of the said Departments, the discharge of the functions of the office of a member of the Government during his temporary absence or incapacity, and the remuneration of the members of the Government¹⁸.

Review of Government

In 2003 the All-Party Oireachtas Committee on the Constitution published a series of progress reports looking at various aspects of the Constitution. The eighth report focused on Government. It recommended that the range for the number of Cabinet members (7-15) should remain unchanged. It also noted that: “The Government Chief Whip attends cabinet on an administrative basis, as do some junior ministers from time to time. This system does not have, nor does it seem to require, a constitutional basis”¹⁹.

Furthermore it stated that: “Matters such as the allocation of portfolios, the relations between departments and between ministers and civil servants, and the recruitment, accountability and conduct of civil servants or special advisers are matters best left to legislation”²⁰.

Reform under the Cowen Administration

The then Taoiseach Brian Cowen used a 2010 Cabinet reshuffle as an opportunity to reassign responsibilities between Departments. Outlining the proposed changes the then Taoiseach explained:

As our focus shifts to generating economic growth again, so must Government adapt to the new challenges and sharpen its focus on new tasks. This requires changes in how Government works.

In approaching the re-configuration of Government Departments, the starting point has to be clarity about the objectives to be achieved.

Restructuring of Departments and agencies inevitably entails disruption and costs but I am satisfied that with the changes I am making, the benefits will outweigh the costs, because they will:

18 <http://www.constitution.ie/constitution-of-ireland/default.asp>

19 <http://www.constitution.ie/reports/8th-Report-Government.pdf>

20 <http://www.constitution.ie/reports/crg.pdf>

- group functions whose combination is more appropriate to current priorities than the present arrangements;
- ensure greater coherence and produce more efficient delivery; and
- underline the priority issues for this Government in a way that mobilises a broad response

I propose to sharpen this focus within the Department of Enterprise, Trade and Employment, which will be renamed the Department of Enterprise, Trade and Innovation, by transferring to it funding for the Programme for Research in Third Level Institutions. This will help to bring together a streamlined and focused programme of funding of research and development, aligned with the objectives of enterprise policy.

Responsibility for skills and training policy is being re-allocated to the Department of Education and Science, which will become the Department of Education and Skills²¹.

Reforms under the current Government

Shortly after the election of the Fianna Gael/Labour coalition in the Republic of Ireland, Taoiseach Enda Kenny announced a significant reorganisation of government departments. In June 2011, the Minister for Finance was asked in a parliamentary question to outline the progress made to date in implementing the reforms:

The process of transferring functions from one Department to another is carried out by means of Government Orders under powers contained in section 6(1) of the Ministers and Secretaries (Amendment) Act 1939, while in some cases primary legislation may be needed.

Orders to implement the majority of the changes have already been made. On 29 March the Government made an order transferring responsibility for the functions of the Minister for Community, Equality and Gaeltacht Affairs in relation to Equality, Integration, Disability and Human Rights to the Minister of Justice and Law Reform with effect from 1 April 2011. A second order was made to change the title of the Minister for Justice and Law Reform to the Minister for Justice and Equality — and a similar name change for the Minister's Department, with effect from 2 April 2011²².

The Minister then went on to explain the arrangements for the creation of a new department of Public Expenditure and Reform. This new Department came into existence via the Ministers and Secretaries Act 2011 which at the same time transferred some functions from the Department of Finance²³.

Table 3: List of Irish government departments²⁴

Department of Agriculture, Food and the Marine
Department of Arts, Heritage and the Gaeltacht
Department of Children and Youth Affairs
Department of Communications, Energy and Natural Resources
Department of Defence

21 http://www.taoiseach.gov.ie/eng/News/Archived_Speeches_and_Press_Releases/2010/Taoiseach's_Speeches_2010/Speech_by_the_Taoiseach,_Mr_Brian_Cowen,_TD,_Dáil_Éireann,_Nomination_of_Members_of_Government,_23rd_March,_2010.html

22 <http://debates.oireachtas.ie/dail/2011/06/07/00079.asp>

23 As above and also see Explanatory Note: <http://per.gov.ie/wp-content/uploads/Ministers-and-Secretaries-Amendment-Bill-2011-memo.pdf>

24 <http://www.gov.ie/tag/departments/>

Department of Education and Skills
Department of Environment, Community and Local Government
Department of Finance
Department of Foreign Affairs and Trade
Department of Health
Department of Jobs, Enterprise and Innovation
Department of Justice and Equality
Department of Public Expenditure and Reform
Department of Social Protection
Department of the Taoiseach
Department of Transport, Tourism and Sport

The use of cabinet committees to coordinate policy

Recent research has examined the use of cabinet committees in the Republic of Ireland to address cross-departmental issues. These committees are typically chaired by senior officials from the Department of the Taoiseach²⁵: When the government is committed to a policy priority, the senior official can draw on considerable authority to mobilise resources, coordinate officials in other departments, convene strategy meetings and expedite policy initiatives”²⁶.

25 Eoin O'Malley and Muiris MacCarthaigh, 'Governing Ireland: From Cabinet Government to Delegated Governance, Institute of Public Administration 2012

26 Eoin O'Malley and Muiris MacCarthaigh, 'Governing Ireland: From Cabinet Government to Delegated Governance, Institute of Public Administration 2012

5 Scotland, Wales and Northern Ireland

Background

In Scotland and Wales changes to ministerial portfolios are driven by whichever party or parties are in power. This may be as a result of inter-party negotiations prior to the establishment of a coalition. For example, in 2000 in Wales a Minister of Culture was created as part of an agreement with the Liberal Democrats for them to enter government with Labour.

Much of the change is based on creating new or realigning existing departments to engender a more thematic approach to the delivery of policy. This meant crossing departmental boundaries to address policy in a holistic manner²⁷. In Scotland in particular devolution was seen an opportunity to deliver a new type of politics, distinct from that of Westminster. Nevertheless, the potential for 'joined-up' government should not be overstated: "The potential for coherence is often exaggerated since there are still clear administrative divisions between policy areas regardless of where we put them and who heads up the departments"²⁸.

Therefore in Scotland and Wales the structure of government will change depending on the priorities of the new administration. The consociational nature of government in Northern Ireland and the particular allocation of ministerial portfolios means that such change is much less likely. There is no bargaining or political horse-trading one witnesses prior to the formation of other coalition governments:

The only strategic influence that can be identified with the appointment of a new administration as in 2011 is the order of priority given by each party in selecting their order of preference for departments. Even this is somewhat predetermined with finance seen as the top portfolio, probably culture and leisure with the lowest status, health and social services seen as difficult and unpopular and justice needing cross-community approval. The only major unexpected choice in 2011 was Sinn Féin again selecting education as their own priority ahead of trade and enterprise²⁹.

From direct rule to devolution – what changed?

Scotland, Wales and Northern Ireland were all able to draw on the existing structures in place pre-devolution as a basis for the organisation of devolved government. In Scotland five main departments increased to seven, "the Welsh Assembly Government was set up as a corporate entity and this was readily adapted to the Welsh Office structure and sub-divisions with extensions for a policy office and secretariat"³⁰. The Northern Ireland Office had six departments which became 11 after devolution. However, there was a notable departure from the traditional Westminster model taken by Scotland and Wales, but not Northern Ireland:

A significant difference between Scotland and Wales on the one hand, and Northern Ireland on the other, was the decision in Scotland and Wales not to adopt Whitehall style departments, self-standing with their own finance and personnel functions and dedicated ministers. The decision to avoid creating 'ministries' was taken so that the alignment of ministerial responsibilities was not coterminous with department functions. Welsh ministers were not paired with a department but expected to work across structures and avoid compartmentalisation. The disjunction between departmental organisation and ministerial portfolios was a deliberate attempt to prevent a close linkage between

27 Neil McGarvey and Paul Cairney, 'Scottish Politics: an Introduction', Palgrave Macmillan 2008

28 As above

29 Derek Birrell, 'Comparing Devolved Governance', p.131, Palgrave Macmillan, 2012

30 Derek Birrell, 'Comparing Devolved Governance', p.131, Palgrave Macmillan, 2012

departments and ministers, and not just an incidental consequence of using the territorial office structure in Scotland and Wales.

The chosen configuration was anticipated to achieve joined up decisions, coherence and to counter departmentalism and to stop ministerial ‘silos’. In Northern Ireland however the Whitehall model of ministerial departments, which had existed with the old Stormont Parliament prior to 1971 continued after the Good Friday Agreement. The Agreement meant the sharing of ministers and departments between four parties and the acceptance of the likelihood of departments becoming totally identified with individual ministers³¹.

Scotland

The following table shows the relevant sections of the Scotland Act 1998 in relation to the appointment of Ministers.

Table 4: Legislative provisions re: appointment of ministers in Scotland

<p>Scotland</p> <p>47 Ministers</p> <p>(1) The First Minister may, with the approval of Her Majesty, appoint Ministers from among the members of the Parliament.</p> <p>(2) The First Minister shall not seek Her Majesty’s approval for any appointment under this section without the agreement of the Parliament.</p> <p>(3) A Minister appointed under this section:</p> <p>(a) shall hold office at Her Majesty’s pleasure,</p> <p>(b) may be removed from office by the First Minister,</p> <p>(c) may at any time resign and shall do so if the Parliament resolves that the Scottish Executive no longer enjoys the confidence of the Parliament,</p> <p>(d) if he resigns, shall cease to hold office immediately, and</p> <p>(e) shall cease to hold office if he ceases to be a member of the Parliament otherwise than by virtue of a dissolution.</p>
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Changes in Scotland post-2007

Perhaps the most significant changes in devolved government occurred when the SNP attained power in 2007:

The SNP administration identified five major Cabinet ministerial portfolios which reduced the number of Cabinet portfolios from 11 in the previous 2003-2007 Scottish Government. This was achieved without a major reorganisation of portfolios but with five Cabinet offices reduced in status to being headed by Deputy (non-Cabinet) ministers in areas such as communities, transport and tourism.

Alex Salmond set out the rationale for the reorganisation of Government shortly after the 2007 election in the following statement:

The team that I present to members today is designed to deliver smaller and more effective government. We have slimmed down the Government from nine departments to six, thereby delivering a welcome reduction in the cost of the ministerial team. Government will be strategically focused, with five Cabinet secretaries, supported by 10

31 As above

ministers...Our aim is to break down the boundaries and barriers that exist in government, which can often hinder the most effective strategic outcomes and a focused approach. The realignment of the Cabinet is therefore matched with a restructuring of the senior civil service. Our Cabinet team will work alongside a new strategic board, so that the Government as a whole pulls in the same direction.

I will give two examples of how the new approach will work. The first is in a particular policy area and the second illustrates a cross-Government approach. Nicola Sturgeon will lead on health and well-being, a portfolio that will be expanded to include not only the health service and public health, but wider social policy, sport, deprivation and housing. That will allow a cross-cutting approach, which means that her responsibilities will include creating a healthier Scotland that is about fitness and treatment, good-quality homes and good-quality health care³².

Departments were replaced with directorates based on the five strategic objectives of the Government. Public sector activity was to be re-organised around the five policy outcomes of:

- Wealthier and fairer
- Healthier
- Safer and stronger
- Smarter
- Greener

This largely reflected the major priorities of the new government's programme but also was motivated by Alex Salmond's desire for a smaller, better focused Cabinet³³.

There were 37 directorates aligned to the strategic objectives that were themselves regarded as "flexible building blocks with several of the directorates relating to a number of objectives...thus the Housing and Regeneration Directorate, while mainly located within the 'healthier' grouping was also related to both 'wealthier and fairer' and 'greener' groupings."³⁴

The replacement of departments with directorates was an experiment in horizontal government which would be seen to have succeeded if civil servants could help to solve Scotland's long-term problems:

Our ambition is to establish a smaller, more efficient and more focused government to better meet the needs of the people of Scotland. We want to deliver the best possible value for taxpayers³⁵

In 2008, Sir John Elvidge, Permanent Secretary of the Scottish Government, gave evidence to the House of Commons Justice Committee during its enquiry on devolution. His answers provide an insight into the rationale behind the reorganisation of Government:

Julie Morgan: Are there any other ways in which the Civil Service has changed since 1999?

Sir John Elvidge: We have changed structurally, although I never think that structural change is the most important part of changes. We went through one phase of moulding our structure more closely around the portfolios of individual Cabinet ministers. That phase one would probably be placed in time from 2001 through to 2007. We have recently been through another phase of change where we have made structural changes to emphasise the need for people to work together across the organisation. We have moved

32 <http://www.scottish.parliament.uk/parliamentarybusiness/28862.aspx?r=4724&mode=html>

33 Derek Birrell, 'Comparing Devolved Governance', p.131, Palgrave Macmillan, 2012

34 Derek Birrell, 'Comparing Devolved Governance', p.133, Palgrave Macmillan, 2012

35 Scottish Government News Release, 24 May 2007: <http://www.scotland.gov.uk/News/Releases/2007/05/24143609>

away from having a structure of departments that mirrors the way in which Whitehall is organised to moving our more self-contained units of business one level down to our... directorates and redefining the roles of those whose role was previously as a head of department so that their individual roles run right across the organisation and they are each responsible for driving one of the strategic themes of the new government.

Julie Morgan: That is a change that has been brought in by the SNP Government?

Sir John Elvidge: It is a change which evolved naturally from our thinking about the organisation and which aligned very well with the SNP's own thinking about the way in which they wanted to conduct their government. We had a very early discussion about whether they would support a radical change in the organisation of that nature and they were happy to do that³⁶.

Table 5: Structure of Scottish Government 2010³⁷

Strategic Objective	Cabinet Secretary	Ministers	Directorates
	First Minister	Minister for Culture, External Affairs & the Constitution Minister for Parliamentary Business	<ul style="list-style-type: none"> · Strategy & Ministerial Support · Culture, External Affairs & Tourism · Constitution · Director of Communications · Director of Human Resources & Corporate Governance · Director of Finance · Director of Scottish Procurement
Smarter Scotland	Cabinet Secretary for Education & Lifelong Learning	Minister for Children & Early Years Minister for Skills & Lifelong Learning	<ul style="list-style-type: none"> · Children, Young People & Social Care · Learning · Lifelong learning · Chief Scientific Adviser · Education Analytical Services

36 <http://www.publications.parliament.uk/pa/cm200809/cmselect/cmjust/529/529ii.pdf>

37 <http://wales.gov.uk/docs/caecd/publications/120521orgchart.pdf>

Strategic Objective	Cabinet Secretary	Ministers	Directorates
Wealthier & Fairer Scotland	Cabinet Secretary for Finance & Sustainable Growth	Minister for Enterprise, Energy & Tourism Minister for Transport, Infrastructure & Climate Change	<ul style="list-style-type: none"> · Built Environment · Planning & Environmental Appeals Chief Reporter · Local Govt & Third Sector · Improving Public Services · Chief Scientific Adviser
Healthier Scotland	Deputy First Minister & Cabinet Secretary for Health & Wellbeing	Minister for Public Health & Sport Minister for Housing & Communities	<ul style="list-style-type: none"> · Chief Nursing Officer · Healthcare Policy & Strategy · eHealth · Health Finance · Health Workforce Director · Primary & Community Care · Equalities & Sport · Health Delivery · Chief Medical Officer
Safer & Stronger Scotland	Cabinet Secretary for Justice & Communities	Minister for Community Safety	<ul style="list-style-type: none"> · Housing & Regeneration · Justice Director · Safer Communities Director
Greener Scotland	Cabinet Secretary for Rural Affairs & the Environment	Minister for Environment	<ul style="list-style-type: none"> · Rural & Environment · Rural & Environment Research & Analysis · Rural Payments & Inspections
	Lord Advocate The Rt Hon Elish Angiolini QC	Solicitor General for Scotland	<ul style="list-style-type: none"> · Corporate Services Deputy Chief Executive · Solicitor to the Scottish Government

Following the SNP's victory in 2011, it decided to increase the number of portfolios from six to nine. Finance was split into two offices while the new Cabinet portfolios of infrastructure

and capital investment, Culture and External Affairs and Parliamentary Business and Government Strategy were created³⁸.

Wales

The following table outlines provisions contained within the Government of Wales Act 1998 relating to the appointment of Ministers to the Welsh Government.

Table 6: Section 48 of the Government of Wales Act 1998

Wales
<p>48 Welsh Ministers</p> <p>(1)The First Minister may, with the approval of Her Majesty, appoint Welsh Ministers from among the Assembly members.</p> <p>(2)A Welsh Minister appointed under this section holds office at Her Majesty's pleasure.</p> <p>(3)A Welsh Minister appointed under this section may be removed from office by the First Minister.</p> <p>(4)A Welsh Minister appointed under this section may at any time resign.</p> <p>(5)A Welsh Minister appointed under this section must resign if the Assembly resolves that the Welsh Ministers no longer enjoy the confidence of the Assembly.</p> <p>(6)A Welsh Minister appointed under this section who resigns ceases to hold office immediately.</p> <p>(7)A Welsh Minister appointed under this section ceases to hold office on ceasing to be an Assembly member otherwise than by reason of a dissolution.</p>
<p>51 Limit on number of Ministers</p> <p>(1)No more than twelve persons are to hold a relevant Welsh Ministerial office at any time.</p> <p>(2)A relevant Welsh Ministerial office means the office of Welsh Minister appointed under section 48 or the office of Deputy Welsh Minister.</p>

The Government of Wales Act 2006 extended the potential number of ministers and deputy ministers to a maximum of 12 plus the First Minister and Counsel General, giving a total of 14. In Scotland and Wales the Law Officers (Advocate General in Scotland and Counsel General in Wales) may attend executive meetings.

In Wales the departments are grouped together into subject areas called Directorates. The seven Directorates are each headed by a Director General who leads cross-cutting programmes³⁹.

Following the 2011 National Assembly for Wales' election, First Minister Carwyn Jones outlined the changes to his new Cabinet. The following excerpts from his speech highlight the relative autonomy enjoyed by the Welsh First Minister in reorganising the administration to focus on the priorities of the incoming government:

I have decided to move agriculture and tourism as key business sectors to a refocused economic portfolio under Edwina Hart as Minister for Business, Enterprise, Technology and Science... John Griffiths's portfolio will combine the familiar aspects of environment and sustainable development, such as climate change mitigation and planning and countryside matters, with responsibility for the regulatory aspects of agriculture such as animal health and welfare, including measures to tackle bovine TB. Carl Sargeant continues in

38 P58 Comparing Devolved Governance

39 <http://wales.gov.uk/about/civilservice/directorates/?lang=en>

his previous role as Minister for Local Government and Communities, but also assumes responsibility for transport⁴⁰.

Furthermore, the new administration removed the Rural Affairs portfolio while a Minister of Finance and Minister for Business, Enterprise and Technology replaced the Minister for Business and Budget and Minister for the Economy and Transport.

Table 7: Structure of Welsh Government 2011⁴¹

Ministers/Departments	Directorate
Minister for Environment & Sustainable Development Minister for Housing, Regeneration & Heritage	Sustainable Futures
Minister for Local Government & Communities	Local Government & Communities
Minister for Business, Enterprise, Technology & Science Deputy Minister for Agriculture, Food, Fisheries & European Programme	Business, Enterprise, Technology and Science
Minister for Finance & Leader of the House	Strategic Planning, Finance and Performance
Minister for Education & Skills Deputy Minister for Skills	Education and Skills
Permanent Secretary	People, Places and Corporate Services
Minister for Health & Social Services Deputy Minister for Children & Social Services	Health, Social Services and Children, Chief Executive, NHS Wales

Northern Ireland

Strand One of the Belfast (Good Friday) Agreement provides the broad outline for the design of the Northern Ireland Executive, including the posts of First Minister and Deputy First Minister and the allocation of Ministerial posts according to the D'Hondt mechanism.

The following table contains section 17 of the Northern Ireland Act 1998, relating to ministerial offices.

40 <http://www.assemblywales.org/bus-home/bus-chamber-fourth-assembly-rop/rop20110518qv.pdf?langoption=3&tli=The%20Record%20%28PDF%2C%20463KB%29>

41 <http://wales.gov.uk/about/civilservice/directorates/?lang=en>

Table 8: Section 17 of the Northern Ireland Act 1998

<p>Northern Ireland</p> <p>17 Ministerial offices</p> <p>(1) The First Minister and the deputy First Minister acting jointly may at any time, and shall where subsection (2) applies, determine:</p> <p>(a) the number of Ministerial offices to be held by Northern Ireland Ministers; and</p> <p>(b) the functions to be exercisable by the holder of each such office.</p> <p>(2) This subsection applies where provision is made by an Act of the Assembly for establishing a new Northern Ireland department or dissolving an existing one.</p> <p>(3) In making a determination under subsection (1), the First Minister and the deputy First Minister shall ensure that the functions exercisable by those in charge of the different Northern Ireland departments existing at the date of the determination are exercisable by the holders of different Ministerial offices.</p> <p>(4) The number of Ministerial offices shall not exceed 10 or such greater number as the Secretary of State may by order provide.</p> <p>(5) A determination under subsection (1) shall not have effect unless it is approved by a resolution of the Assembly passed with cross-community support.</p>

The current structure of the Executive and government departments dates from December 1999 when 11 departments were established by the Northern Ireland Act 1998 and the Departments (Northern Ireland) Order 1999, giving legal effect to the relevant sections of the Belfast (Good Friday) Agreement. Section 21(2) of the 1998 Act allowed an Act of the Assembly to establish new Northern Ireland Departments or dissolve existing ones. The Departments (Northern Ireland) Order 1999 states:

- 8.—(1) The First Minister and deputy First Minister acting jointly may by order—
- (a) assign to any department; or
- (b) transfer to any department from any other department, such functions as appear to them to be appropriate for such assignment or transfer⁴².

It has been argued that: “The number of Civil Service departments had nothing to do with administrative criteria deemed necessary to discharge public services but, rather, was the product of political compromise to ensure the main political parties secured ministerial positions”⁴³. The following table outlines the old structure under the Northern Ireland Office compared with the post-devolution landscape.

Table 9: Northern Ireland government department pre-devolution (1982 onwards) and post-devolution (1999 onwards)

Pre-devolution (1982 onwards)	Post-devolution (1999 onwards)
Secretary of State: Northern Ireland Office Central Secretariat	Secretary of State: Northern Ireland Office Office of the First Minister and Deputy First Minister
Finance and Personnel	Finance and Personnel

42 http://www.legislation.gov.uk/nisi/1999/283/pdfs/uksi_19990283_en.pdf

43 Colin Knox, *Devolution and the Governance of Northern Ireland*, Manchester University Press, 2010

Pre-devolution (1982 onwards)	Post-devolution (1999 onwards)
Economic Development	Enterprise, Trade and Investment Regional Development Social Development
Agriculture	Agriculture and Rural Development
Health and Social Services	Health, Social Services and Public Safety
Environment	Environment
Education	Education Employment and Learning
	Culture, Arts and Leisure

In 2010 the Department of Justice was created, which largely involved a direct transfer of existing functions from the Northern Ireland Office. The Department of Justice Act (Northern Ireland) Act 2010 created the new department with the department subsequently inserted into the Departments (Northern Ireland) Order 1999⁴⁴.

In evidence to the A&ERC during Part 1 of its review of Parts 3 and 4 of the 1998 Act, Professor Rick Wilford of Queen's University Belfast explored the possibility of departmental reorganisation in Northern Ireland:

There is no perfect model of Executive design, whether measured in terms of the number of (Departments) or the allocation of services/functions to them and, in the latter regard, idiosyncrasies in terms of their grouping are not uncommon.

...it is apparent that 'where we are' departmentally speaking was not (a) the result of a fully inclusive process & (b) that the allocation of functions was in large measure driven by officials. Pre-Agreement, parties had given little if any thought to Executive design – let alone the idea that such a design should be modelled in part on the principle of 'joined-up' government that was very much the then fashion. Moreover, the suggestion in the 1998 Agreement that there could be up to ten (Departments) became the irreducible minimum, a view that was driven by political rather than administrative criteria: i.e. size mattered⁴⁵.

It should be noted that the Northern Ireland Ministerial Code contains a provision requiring a Minister to bring to the attention of the Executive Committee "Any matter which cuts across the responsibilities of two or more Ministers"⁴⁶. Therefore, the Northern Ireland model recognises to some extent the need for coordination between departments.

Junior Ministers

There are currently two Junior Ministers within OFMDFM. The basis of their appointment lies in section 19 of the Northern Ireland Act 1998, which states:

(1) The First Minister and the deputy First Minister acting jointly may at any time determine:

44 http://www.legislation.gov.uk/nia/2010/3/pdfs/nia_20100003_en.pdf

45 <http://www.niassembly.gov.uk/assembly-business/committees/2016-2017/assembly-and-executive-review/Session-2011-2016/number-of-members-of-the-northern-ireland-legislative-assembly/>

46 http://www.northernireland.gov.uk/pc1952_ni_exec_min_code.pdf

- (a) that a number of members of the Assembly specified in the determination shall be appointed as junior Ministers in accordance with such procedures for their appointment as are so specified; and .
 - (b) that the functions exercisable by virtue of each junior Ministerial office shall be those specified in relation to that office in the determination. .
- (2) Procedures specified in a determination under this section may apply such formulae or other rules as the First Minister and the deputy First Minister consider appropriate.

The determination to appoint ministers must be approved by a resolution of the Assembly. On 14 December 1999 the Assembly approved a determination from the then First Minister and Deputy First Minister to appoint two junior ministers to OFMDFM. At the time, the First Minister outlined the role of the junior ministers:

The functions of these junior Ministers are set out in the determination. They cover the discrete policy areas of the Office of the First Minister and Deputy First Minister but not the responsibility for the institutional elements relating to the Executive Committee, the North/South Ministerial Council, the British-Irish Council or the British-Irish Intergovernmental Conference, which matters fall to the First Minister and Deputy First Minister as of right⁴⁷.

The actual determination lists the role of the two junior ministers as: “Assisting the First Minister and deputy First Minister in the exercise of their functions in relation to the Office of the First Minister and deputy First Minister”⁴⁸.

The First Minister also noted that: “This does not preclude further appointments in the future, but the current ones would be to the Office of the First Minister and the Deputy First Minister”⁴⁹.

The 1999 determination was used as the basis for the appointment of the junior ministers in May 2011⁵⁰.

The statutory relationship between Committees and Departments in Northern Ireland

The current structural relationship between the Northern Ireland Assembly’s statutory (departmental) committees and Northern Ireland departments is relatively straightforward – there is one committee for each Executive department. As a result, any change to the number of departments will have an impact on the committee structure within the Assembly.

Section 29 of the Northern Ireland Act 1998 (as amended by the St. Andrew’s Agreement Act 2006) provides the statutory framework for the operation of these committees:

47 <http://archive.niassembly.gov.uk/record/reports/991214c.htm#3>

48 Determination by the First Minister and the Deputy First Minister under Section 19 of the Northern Ireland Act 1998

49 As above

50 <http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-11-12/16-May-2011/#a17>

Standing orders shall make provision:

- (a) for establishing committees of members of the Assembly (“statutory committees”).
- (i) to advise and assist the First Minister and the deputy First Minister in the formulation of policy with respect to matters within their responsibilities as Ministers jointly in charge of the Office of the First Minister and deputy First Minister, and
- (ii) to advise and assist each Northern Ireland Minister in the formulation of policy with respect to matters within his responsibilities as a Minister;
- (b) for enabling a committee to be so established either in relation to a single Northern Ireland Minister or in relation to more than one; and
- (c) conferring on the committees the powers described in paragraph 9 of Strand One of the Belfast Agreement.

Paragraph 9 of Strand One of the Belfast (Good Friday) Agreement states that:

(Committees) will have a scrutiny, policy development and consultation role with respect to the Department with which each is associated, and will have a role in initiation of legislation. They will have the power to:

- consider and advise on Departmental budgets and Annual plans in the context of the overall budget allocation;
- approve relevant secondary legislation and take the Committee stage of relevant primary legislation;
- call for persons and papers;
- initiate enquiries and make reports;
- consider and advise on matters brought to the Committee by its Minister⁵¹

Standing Order 48(2) of the Assembly confers on statutory committees the powers and responsibilities set out in the Agreement. Since its inception, the Assembly has maintained the one-to-one relationship between statutory committees and Northern Ireland departments. The number of statutory committees has, however, increased.

Initially the role of a statutory committee for the Office of the First Minister and Deputy First Minister was undertaken by a standing committee (the Committee of the Centre) as under the Northern Ireland Act 1998 no provision existed for a statutory committee for OFMDFM. The St. Andrew’s Agreement Act 2006 however amended the 1998 Act and provided for such a statutory committee. On 12th June 2007, the Assembly approved a motion to change the name of the Committee of the Centre to Committee for the Office of the First Minister and Deputy First Minister⁵².

Following the devolution of policing and justice functions and the appointment of a Minister of Justice, the Committee for Justice was established on 12th April 2010.

51 The Belfast Agreement, 1998: <http://www.nio.gov.uk/agreement.pdf/>

52 Official Report 12 June 2007: <http://archive.niassembly.gov.uk/record/reports2007/070612.htm>

Ministerial portfolios in Northern Ireland

Table 11: Current Departments and Ministers⁵³

Minister	Department
Peter Robinson Martin McGuinness Jonathan Bell (Junior Minister) Jennifer McCann (Junior Minister)	Office of the First Minister and deputy First Minister
Michelle O'Neill	Agriculture & Rural Development
Carál Ní Chuilín	Culture, Arts & Leisure
John O'Dowd	Education
Stephen Farry	Employment & Learning
Arlene Foster	Enterprise, Trade & Investment
Alex Attwood	Environment
Sammy Wilson	Finance & Personnel
Edwin Poots	Health, Social Services & Public Safety
David Ford	Justice
Danny Kennedy	Regional Development
Nelson McCausland	Social Development

Review of Northern Ireland Government structures

In January 2012 the Office of the First Minister and Deputy First Minister announced a way forward relating to future arrangements for the Department of Justice and associated matters. OFMDFM stated that it would:

- Seek views from key stakeholders and interested parties on how the functions exercised by the Department of Employment and Learning should be transferred to other departments in the most appropriate manner.
- Ask officials to make arrangements to prepare the necessary Assembly legislation to abolish the Department of Employment and Learning and transfer its functions.

Further to this announcement, on 18 July 2012 the First Minister and deputy First Minister released the following statement:

Ministers have again indicated their desire and willingness to complete the 2012 review of Government structures in a timely manner. Processes are already in place to engage all of the Executive parties.

Constructive engagement has taken place with party leaders relating to the number of government departments, including proposals to reduce their number. The First Minister and the deputy First Minister are content to await the outcome of this process before taking decisions on the future of DEL⁵⁴.

53 <http://www.northernireland.gov.uk/index/work-of-the-executive/ministers-and-their-departments.htm>

54 <http://www.northernireland.gov.uk/index/media-centre/news-departments/news-ofmdfm/news-ofmdfm-180712-statement-by-the.htm>

6 International examples

Differences in the machinery of government arrangements can be found in jurisdictions beyond the UK and Ireland. That said, however, the creation of government departments based upon an allocation of functions between departments appears to be the dominant organisational principle. Political responsibility for these departments may lie with one minister or departments may be the responsibility of multiple government ministers.

The Basque Government and the Catalan Government provide examples of machinery of government arrangements in which individual departments are the political responsibility of a single minister.

Table 11: Departmental structure of the Basque and Catalan Governments

Basque Government ¹	Catalan Government ²
President	President
Home Office	Governance and Institutional Relations
Justice and Public Administration	Home Office
Economy and Treasury	Justice
Education, Universities and Research	Economy and knowledge
Housing, Public Works and Transport	Education
Industry, Innovation, Commerce and Tourism	Social Welfare and Family
Employment and Social Affairs	Health
Health and Consumer Affairs	Agriculture, Livestock, Fisheries, Food and Natural Environment
Environment, Land Use Planning, Agriculture and Fisheries	Planning and Sustainability
Culture	

- 1 Eusko Jurlartitza/Gobierno Vasco website (Aug 2012) http://www.ejgv.euskadi.net/r53-2291/es/contenidos/informacion/equipo_gobierno/es_9456/legislatura_9.shtml
- 2 Generalitat de Catalunya website (Aug 2012) <http://www10.gencat.cat/sac/AppJava/info.jsp?tipus=departaments>

The current Government of Flanders⁵⁵ provides an example of arrangements in which ministers' political responsibilities span functions within a number of departments. As the Flemish government is a coalition, this means that the political responsibility for the functions within one department may lie not only with more than one minister but with ministers from different political parties (e.g. Culture youth sport and media, which is one of the 13 'homogenous policy domains', is the responsibility of four ministers belonging to three different parties). The current Flemish regions machinery of government arrangements are the result of an administrative reform program dating back over a decade and, it is perhaps worth noting, include well developed advisory and consultative mechanisms to support ministers meet their responsibilities for policy making with the specific domains for which they are responsible.

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Vlaamse overheid website (Aug 2012) <http://www.flanders.be/en/authorities>

Table 12: Flemish Region Government and Departmental Structure

Ministerial Portfolios	Department/Policy Domain
Minister-President of the Flemish Government	Services of Minister/President for General Government Policy
Minister for the Economy, Foreign Policy, Agriculture and Rural Policy	Administrative Affairs
Vice Minister-President of the Flemish Government	Finance and Budget
Minister for Innovation, Public Investment, the Media and Poverty Reduction	Flemish Foreign Affairs
Vice-Minister-President of the Flemish Government	Economy, Science and Innovation
Minister for Administrative Affairs, Local Government, Civic Integration, Tourism and the Flemish Periphery of Brussels	Education and Training
Minister for Welfare, Public Health and the Family	Welfare, Public Health and Training
Minister for Mobility and Public Works	Culture, Youth, Sport and Media
Minister for Energy, Housing, Urban Policy and the Social Economy	Work and Social Economy
Minister for Finance, the Budget, Employment, Town and Country Planning and Sport	Agriculture and Fisheries
Minister for the Environment, Nature and Culture	Mobility and Public Works
Minister for Education, Youth, Equal Opportunities and Brussels Affairs	Environment, Nature and Energy
	Town and Country Planning, Housing Policy and Immovable Heritage

One of the most recent and comprehensive studies of machinery of government arrangements examined those currently in place across the Commonwealth Government and each state and territory government in Australia. The report concluded that:

Each Australian government presents a unique set of machinery of government arrangements. While a number of features are relatively consistent across all governments, there are also a number of distinguishing features which are relevant to only one or a small number of jurisdictions.

Differences in approaches to machinery of government can largely be attributed to the five key drivers for machinery of government changes identified in this document. Each government confronts a different set of priority issues, encounters different coordination challenges, faces a different set of political objectives, has different efficiency motivations, and/or experiences different instances of departmental underperformance. The combination of these factors leads to the significant degree of variation between governments explored in this document.

Despite the diversity in approaches to machinery of government, a number of broad trends can be identified. In general, most jurisdictions have moved towards a smaller number of larger departments often answerable to multiple government ministers, though the recently announced machinery of government changes in Queensland run contrary to this trend. There is also an identifiable core group of government functions or policy areas which are present within each jurisdiction, such as health, education, legal affairs and financial management, though nomenclature of departments differs between jurisdictions.⁵⁶

56

KPMG (2012) Machinery of government: current arrangements of Australian Governments <http://www.kpmg.com/au/en/issuesandinsights/articlespublications/pages/machinery-of-government.aspx>

The conclusion to the report also highlighted the challenges which are associated with significant machinery of government change and warned that, whilst on the one hand, well implemented change represents an opportunity to improve, poorly executed change can cause significant disruption and thwart the original objectives of the change.

7 Conclusion

The fundamental structure of the UK Government, which has remained largely unchanged since the recommendations of the Haldane Committee in 1918, can be characterised as one consisting of departments based around functions of government and clear political accountability for each department to a single minister. This Westminster system has clearly influenced the shape of other administrations in the UK, Ireland and elsewhere. The system, however, has been open to criticism with some arguing that whilst ‘...this type of departmental structure has advantages as it allows for specialisation, increased efficiency, easier budgeting and clear lines of accountability to help formulate and deliver policy... it can also encourage departmentalism where policy makers may think sectorally at the expense of cross-cutting objectives, targets and best practice, making complex issues difficult to tackle...’.⁵⁷

Devolution in the UK, however, brought with it the opportunity for the Scottish and Welsh administrations to develop new machinery of government arrangements. While it is important not to overstate the extent of innovation, the current Scottish arrangements in particular represent a move from strictly functional departmental boundaries in an attempt to address policy in a holistic manner. The political accountability arrangements also differ the traditional Westminster arrangements. The potential for development of innovative machinery of government arrangements in Northern Ireland, however, would appear to be constrained by the particular legislative provisions contained within the Northern Ireland Act 1998.

The variety of arrangements suggests that there is no definitive right or wrong way to structure government departments and establish political accountability to ministers. These arrangements are contingent on a number of factors and subject to change over time with incoming administrations creating, renaming, amalgamating departments and ministerial responsibilities for a range of reasons.

One of the reasons for machinery of government change may be to address the problem of departmentalism cited above. The creation of super ministries which incorporate a wide range of interrelated responsibilities that would normally be distributed across a number of departments may be the result of such change.⁵⁸ Other approaches to addressing departmentalism, such the use of use of cabinet and cabinet committees to manage cross-cutting objectives, can also be employed as an alternative to or in conjunction with super ministries.

57 Duncan Russell and Andrew Jordan, ‘Joining-up or Departmentalism? Coordinating Policy for Sustainable Development in the United Kingdom’, Centre for Social and Economic Research, School of Environmental Sciences, University of East Anglia

58 As above



Northern Ireland
Assembly

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Ray McCaffrey

Estimating the Cost
of Machinery of
Government Changes

1 Introduction

This briefing note has been prepared for the Assembly & Executive Review Committee following its meeting on 9th October 2012. At the meeting the Committee requested information on costs of machinery of government changes. The briefing highlights two examples of costing machinery of government changes, including reorganisation of government departments and arms-lengths bodies. It outlines the methodology used by the National Audit Office and Institute for Government in their reports on this issue. Costing machinery of government (MoG) changes is a complex task using cost models and, potentially, externally commissioned specialist advice.

2 National Audit Office report on reorganising central government

In 2010 the National Audit Office (NAO) produced a report on reorganising central government, with a particular focus on arm's length bodies. As part of its report the NAO examined the costings around 51 government reorganisations in the period 2005-2009. As part of the project, NAO commissioned PricewaterhouseCoopers (PWC) to analyse and interpret financial information to estimate total reorganisation costs. The methodology is reproduced in Appendix 1. The NAO report found that:

We estimate the gross cost of the 51 reorganisations covered by our survey to be £780 million, equivalent to £15 million for each reorganisation and just under £200 million a year. Around 85 per cent of the total cost is for establishing and reorganising arm's length bodies. The main cost areas relate to staff, information technology and property.¹

The report admits that this estimate is incomplete and does not cover all direct and indirect costs or all of the reorganisations that took place in the time period. One of the report's conclusions was that:

The value for money of central government reorganisations cannot be demonstrated given the vague objectives of most such reorganisations, the lack of business cases, the failure to track costs and the absence of mechanisms to identify benefits and make sure they materialise. Some arm's length bodies apply sound cost management and systematic benefits measurement, but even they cannot necessarily demonstrate value for money. Overall, the value for money picture is unsatisfactory and the costs are far from negligible².

The NAO recommended that:

- There should be a single team in government with oversight and advance warning of all government reorganisations
- For announcements of significant reorganisations, a statement should be presented to Parliament, quantifying expected costs, demonstrating how benefits justify these costs and showing how both will be measured and controlled
- Intended benefits should be stated in specific measurable terms that enable their later achievement (or otherwise) to be demonstrated
- The planned and actual costs of reorganisations should be separately identified within financial accounting systems so costs can be managed and subsequently reported
- A breakdown of planned and actual costs and financial benefits of every significant central government reorganisation should be reported to Parliament in the organisation's annual report in the year the reorganisation is announced

1 <http://www.nao.org.uk//idoc.ashx?docId=c29af9d8-e22a-499b-bd5f-f31111d0b83f&version=-1>

2 As above

- Each body at the heart of a central government reorganisation should share with the Cabinet Office an analysis of lessons learned within two years of the date of the reorganisation³.

3 Institute for Government: Making and breaking Whitehall departments

A 2010 report from the Institute for Government estimated the cost of “for a new policy department and a mid-sized merger to be representative of the costs incurred in most department changes – roughly in the neighbourhood of £15m”⁴. The report notes that “We believe our costs are pretty conservative since they do not include an estimate of disruption costs resulting from institutional memory loss, delivery risk or stakeholder relationship losses”⁵. This may not be as much of an issue in Northern Ireland, where the departments are still relatively new.

The IFG report posed some interesting questions based on its findings that should be asked before embarking on large-scale change⁶:

Questions to ask before reconfiguring departments		Our analysis shows that:
1.	Have we considered the alternatives to machinery of government change?	Administrative savings and greater policy coordination can often be achieved without reconfiguring departments.
2.	Are we prepared to spend at least £15m on this?	Restructuring costs are at least £15m.
3.	Are there big pay differences between staff in the affected departments? If so, are we prepared to level up salaries or risk industrial action?	Levelling-up differential pay can be a massive cost, exceeding £170m in one case.
4.	Can we afford a productivity dip and to wait for at least two years before realising concrete benefits of this reorganisation?	It takes at least two years for the new organisation to settle and three or more years to start realising expected benefits.
5.	Is this reorganisation really just about the politics of cabinet formation?	Changes undertaken for purely political reasons are the least likely to deliver real benefits.

The report found that “There is currently no regular or systematic information kept in Whitehall on the costs and benefits of departmental reorganisations”⁷.

Furthermore, it criticised the Treasury’s insistence that any reorganisation be ‘cost-neutral’:

The Treasury stance means that no more money is made available to a new or reorganised department than was provided in previous approved expenditures, even if the net effect of a set of changes is to enlarge the overall number of departments, and hence to multiply the number of private office and communications sets-ups providing key services to a secretary of state and a set of junior ministers. In modern terms this departmental core usually numbers around 130 civil service staff, some very senior, and costs around £15m a year to provide. The new department is expected to cover such elements by finding

3 <http://www.nao.org.uk//idoc.ashx?docId=c29af9d8-e22a-499b-bd5f-f31111d0b83f&version=-1>

4 http://eprints.lse.ac.uk/27949/1/Making_and_breaking_Whitehall_departments_%28LSERO%29.pdf

5 As above

6 http://eprints.lse.ac.uk/27949/1/Making_and_breaking_Whitehall_departments_%28LSERO%29.pdf

7 As above

compensating savings from elsewhere within its existing or transferred-in budgets. This is a very difficult thing to do quickly and without much (or indeed any) preparation time⁸.

The Institute devised a Department Change Cost Model based on interviews with senior civil servants, Department annual reports and documentation of change, Civil Service Statistics and Select Committee hearing minutes.

4 Conclusion

Estimating the cost of machinery of government changes retrospectively represents a most challenging task. Nevertheless, the National Audit Office and the Institute for Government have employed complex methodological approaches to attempt to do so.

Based on its methodology, the Institute for Government estimated the cost “for a new policy department and a mid-sized merger to be representative of the costs incurred in most department changes – roughly in the neighbourhood of £15m’ and the NAO report reported a similar average cost for reorganisations. Treasury rules, however, require that any such reorganisations are ‘cost-neutral’ meaning that no more money is made available to a new or reorganised department than was provided in previous approved expenditures.

More accurate assessment of the costs of machinery of government change would, as the NAO highlights, require that: the intended benefits of reorganisation are stated in specific measurable terms so that their later achievement (or otherwise) can be demonstrated; and that the planned and actual costs of reorganisations are separately identified within financial accounting systems so that costs could be managed and subsequently reported.

Whilst retrospective examination of the costs of machinery of government change is challenging, attempts to accurately estimate the costs or savings deriving from future machinery of government changes may be even more difficult. Such estimation would require, at the very least, a plan detailing proposed changes; a statement of intended benefits; and an estimate of predicted savings and costs.

Regarding future machinery of government changes within the Executive, the Minister of Finance told the Assembly in October 2009 that “reducing the number of Departments from 11 to six would save tens of millions of pounds per annum on an on-going basis”.⁹ It is unclear, however, how this estimate was arrived at.

A previous research paper prepared by RaiSe considered the potential savings of reducing the number of Northern Ireland departments and noted that ‘*The NICS (Northern Ireland Civil Service) may have some advantages over their Whitehall counterparts when it comes to reorganisation. Some functions are already delivered as shared services, such as HRConnect, IT Assist and Account NI, for example*’. Whilst factors such as these may make machinery of government changes more straightforward and less costly, the paper also noted that ‘*On the other hand, the fact that some back-office functions are already shared may undermine further the potential for reorganisation to deliver savings. In addition, if the changes require contracts with the shared services partner organisations to be renegotiated, there could be costs in varying those contracts*’¹⁰.

8 http://eprints.lse.ac.uk/27949/1/Making_and_breaking_Whitehall_departments_%28LSERO%29.pdf

9 Official Report 6 October 2009, available online at: <http://archive.niassembly.gov.uk/record/reports2009/091006.htm#AQO168/10>

10 Northern Ireland Assembly Briefing Note, ‘Reducing the number of departments: possible savings’, NIAR 271-11

Appendix 1- Extracts from NAO and Institute for Government reports

The following are extracts from the NAO and IFG reports on machinery of government changes. The reports are based on studies of Whitehall departments, so the scope of such changes would be significantly different to any potential changes made to Northern Ireland departments.

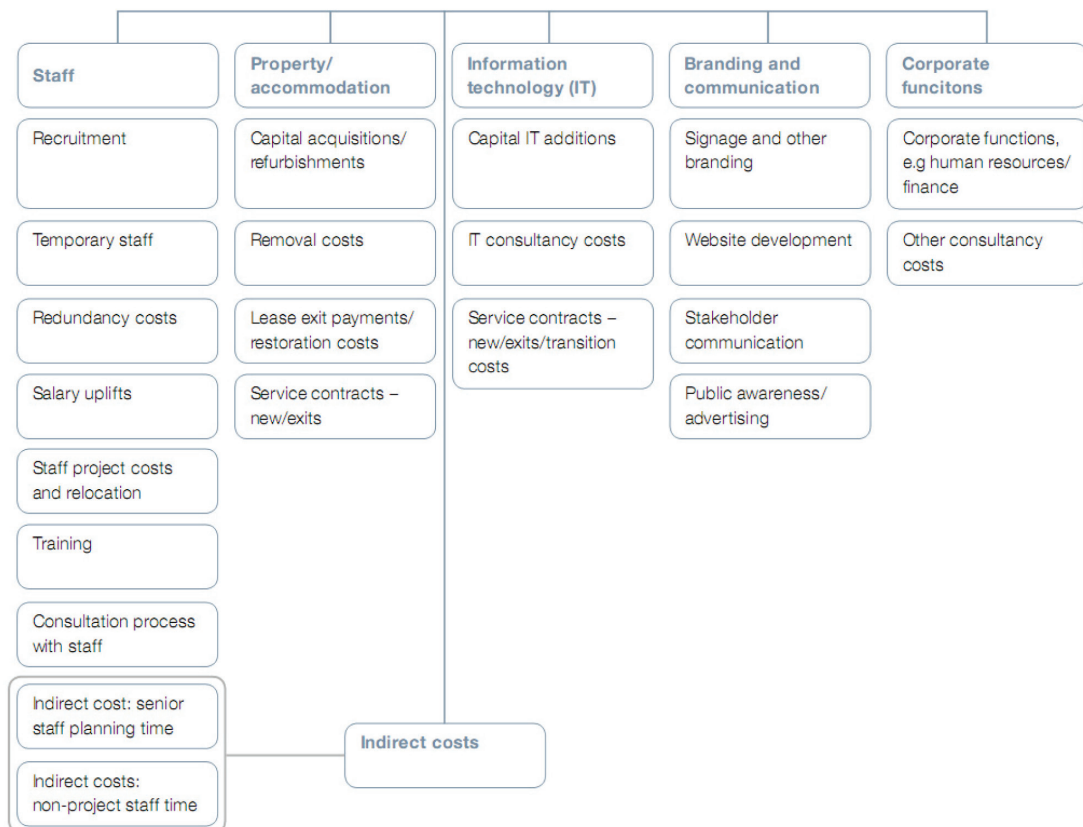
National Audit Office

We commissioned PricewaterhouseCoopers to construct a cost estimation model to determine a reasonable estimate of the total cost of the reorganisations we surveyed. This model comprised four main elements

- A cost framework, to form the basis for questions asked in the survey and data input into the model.
- Typologies of different types of reorganisation
- Assessment of data completeness and quality
- A proxy process to give best estimates for cost data that were missing or of poor quality in the surveys.

PricewaterhouseCoopers used their experience of mergers and acquisitions to develop a cost framework for capturing reorganisation costs. The model comprises six cost categories and 22 cost elements (Figure 1). Our survey asked respondents to rate the impact (no, low, moderate, high) of relevant cost elements on each cost category and to provide their best information on these costs.

Cost framework for central government reorganisations developed by PricewaterhouseCoopers





Based on their experience of mergers and acquisitions and analysis of the survey responses, PricewaterhouseCoopers identified ten broad typologies of central government reorganisation. The typologies reflect the nature of the reorganisation and whether or not the body is standalone or has a parent body

The ten typologies of central government reorganisation

Old organisation was standalone	1 Replacement: An existing body is completely replaced by a new organisation	4 Merger and absorption: Organisation(s) are subsumed into a larger body	Other types
	2 Merger: Two existing organisations are combined into one organisation	5 Carve up and disband: An existing body is divided up, dissolved and its functions absorbed into other organisations	
	3 Multiple merger: Several existing organisations are brought into one organisation		
Old organisation had a parent body	6 Carve out: Part of a larger organisation is removed to stand alone	8 Transfer: Part of one organisation is moved to be part of a new parent organisation	10 Creation: Creation of a completely new organisation
	7 Multiple carve out and merger: Parts of several organisations (in some cases including entire organisations) are removed and combined into a new standalone organisation	9 Multiple transfer: Parts of several organisations are moved to be part of a new organisation	
	New organisation is standalone	New organisation has a parent body	

PricewaterhouseCoopers assigned each reorganisation covered by a survey response to one of these ten typologies, sub-classifying them in terms of the size of the organisation, defined by staff numbers and budgets, and identifying clusters of similar reorganisations according to typology and size (Figure 3).

Survey responses varied in terms of the completeness and quality of the data provided on implementation costs. The time constraints of our fieldwork meant it was impracticable to validate the data directly, so PricewaterhouseCoopers carried out checks on internal consistency and reasonableness, supplemented by cross-checks to annual accounts and to narrative aspects of the survey responses where appropriate. On the basis of these assessments, they assigned quality ratings to the data supplied.

Type of reorganisation	Number of reorganisations ²					Total		
	Small size	←	→	Large size				
Replacement  Organisation completely replaced by new body				2	1	3		
Merger  Two complete organisations become one					3	4		
Multiple merger  Several complete organisations become one					4	9		
Merger and absorption  One or more complete organisation(s) are subsumed into a larger body					1	5		
Carve up and disband  Body divided up, dissolved, and functions absorbed into other organisations				1		1		
Carve out  One aspect removed from larger organisation to stand-alone				4	3	8		
Multiple carve out and merger  See note below ¹				2	2	6	3	13
Transfer  Part of one organisation is moved to be part of a new parent organisation					3	3		
Multiple transfer  Parts of several entities are moved to become part of another existing entity				1		1		
Creation  Completely new organisation				2	2	4		
Total	10	13	7	13	8	51		

PricewaterhouseCoopers developed a proxy analysis approach to determine a best estimate of costs for data that were missing from responses or for responses which were assessed as poor quality. This involved two key stages.

- For each reorganisation typology, PricewaterhouseCoopers used survey data that had been assessed as good quality to develop standard average costs to use as proxies for each cost element.
- PricewaterhouseCoopers then applied these proxies to fill in gaps in the completed returns, scaling-up or down the proxies depending on the size of the change and the body, along with other knowledge of the reorganisation available from the survey return, and drawing on results from other reorganisations in the same clusters.

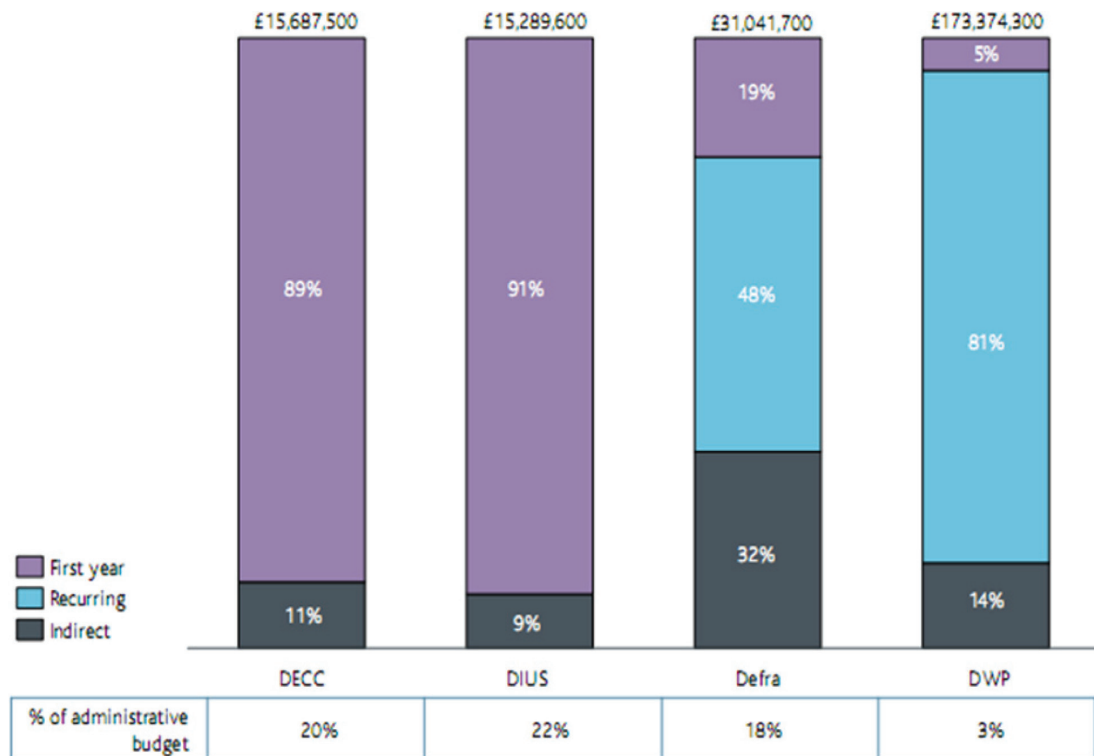
The proxy approach generated, for the 51 surveyed reorganisations, £230 million in costs additional to the £550 million gross costs reported in the survey returns.

Where the type, scale and size of reorganisation were known, PricewaterhouseCoopers' cost estimation model could be used to generate estimates of reorganisation costs for non-surveyed reorganisations. PricewaterhouseCoopers applied the model to 16 of the 42 non-surveyed reorganisations for which we had this information, estimating gross costs of £87 million. We did not include this estimate in our report because this area of estimation,

using full proxies, is subject to a greater degree of uncertainty than the £230 million estimate based on partial proxies.

Institute for Government

First-year costs are tangible costs incurred in the first year of the department's operations. Recurring costs refer to differential pay settlements which were agreed to in the first year of the department's operations as a result of a merger. The settlement may be paid over several years. Increases to salaries as a result of the merger remain for the lifetime of the new organisation and therefore are coded as recurring although we do not attempt to predict how much these cost beyond the settlement payout. Indirect costs refer to productivity losses which we estimate for disruptive changes¹¹.



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http://eprints.lse.ac.uk/27949/1/Making_and_breaking_Whitehall_departments_%28LSERO%29.pdf



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