

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

The 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 this 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 will be considered by NILGA's Executive and Full Members in March 2012, and will be further developed, after corporate deliberations and approval.