

RURAL NEEDS BILL

EXPLANATORY AND FINANCIAL MEMORANDUM

INTRODUCTION

1. This Explanatory and Financial memorandum has been prepared by the Department of Agriculture and Rural Development (“the Department”) in order to assist the reader of the Bill and to help inform debate on it. It does not form part of the Bill and has not been endorsed by the Assembly.
2. The Memorandum needs to be read in conjunction with the Bill. It is not, and is not meant to be, a comprehensive description of the Bill. So where a clause or part of a clause does not seem to require an explanation or comment, none is given.

BACKGROUND AND POLICY OBJECTIVES

3. The Northern Ireland Executive has been committed to undertaking rural proofing of all its strategies and policies since 2002. This commitment was reaffirmed in 2009. As part of the Rural White Paper Action Plan, the Executive included a commitment to strive for a fair and inclusive rural society where rural dwellers enjoy the same quality of life as all others in the region. It sought to do this by supporting the implementation of an enhanced rural proofing process across government to ensure that all major policies and strategies are assessed to determine whether they have a differential impact on rural areas and, where appropriate, make adjustments to take account of particular rural circumstances.
4. The policy objectives of the Rural Needs Bill are to require the effective implementation of rural proofing across central and local government and such other public authorities as may be specified; establish the role of the Department in providing advice and guidance on rural proofing; require information and data on rural proofing to be made available in a transparent way in a report to be laid before the Assembly; and put in place effective arrangements for co-operation and sharing best practice between all public authorities covered by the Bill.

CONSULTATION

5. In developing the policy proposals for this Bill, the Department engaged with a number of key stakeholders during November and December 2014, prior to conducting a public consultation from 3 February 2015 to 16 March 2015. As part of the public consultation process, a series of nine public meetings were held across Northern Ireland. The Department also engaged with the other government departments through the Inter-Departmental Committee on Rural Policy and with other key stakeholders, including

the Northern Ireland Local Government Association, through the establishment of a stakeholder forum.

6. The response to the public consultation has shown that there is broad support for the need for change and putting rural proofing on a statutory footing; a consistent approach to rural proofing across central and local government; extending the statutory duty to rural proof to non-departmental public bodies; enhancing the Department's role in the rural proofing process and strengthening its role to provide support for rural proofing; producing a report on rural proofing to help improve the transparency and availability of information; and the need to increase co-operation and collaboration between the Department and other government departments, district councils and other public bodies on matters concerning the rural proofing of their strategies and policies.

OPTIONS CONSIDERED

7. The public consultation set out a number of policy proposals aimed at ensuring that rural issues are considered as an integral part of the development and delivery of policy and public services.
8. The proposals included the introduction of a duty on departments, local councils and other public authorities to consider rural needs when developing new policies, strategies and plans, or revising existing ones, and when designing and delivering public services or making changes to the way in which they are delivered; a requirement for the Department to produce monitoring reports to be laid before the Assembly; arrangements for co-operation and collaboration between public authorities to help ensure a more consistent and cohesive approach to addressing the needs of rural dwellers; and power for the Department to support the implementation of the Bill through the provision of guidance, advice and information.
9. The response from both the initial stakeholder engagement and the public consultation have indicated widespread support for the proposal to introduce a statutory duty on all departments, district councils and other public authorities (as may be specified) to consider rural needs. It is considered that this will assist in the wider and more effective application of rural proofing across government and other public authorities and increasing the awareness of the need to rural proof, thereby leading to better outcomes for rural dwellers.

OVERVIEW

10. This is a Bill to impose a duty on certain public authorities to have due regard to rural needs; and for connected purposes.
11. The Bill has 7 clauses and 1 Schedule.

COMMENTARY ON CLAUSES

Clause 1: Duty of public authorities to have regard to rural needs

Clause 1 imposes a statutory duty on those public authorities listed in the Schedule to have due regard to rural needs when developing, adopting, implementing or revising policies, strategies and plans and designing and delivering public services. This clause also makes provision for the Department to review the list of bodies and persons set out in the Schedule and amend the list to add or remove a body or person exercising functions of a public nature to the Schedule or to modify any entry in the Schedule (by way of an order laid before, and approved by resolution of, the Assembly).

Clause 2: Guidance, advice and information, etc.

Clause 2 provides an enabling power for the Department to provide guidance, advice and information about issues connected with rural needs or ways of meeting those needs. It also provides the Department with the power to undertake, commission or support (by financial means or otherwise) research into any matter relating to rural needs.

Clause 3: Monitoring and reporting

Clause 3 imposes a statutory duty on public authorities to compile information on the exercise of its functions under Clause 1 of the Bill, to include that information in its annual report and to provide that information to the Department. Clause 3 further imposes a statutory duty on the Department to publish an annual report on both the information sent to it by the other public authorities and information on the exercise of its own functions under the Bill, and for that report to be laid before the Assembly. Clause 3 places a requirement on the Minister of Agriculture and Rural Development to make a statement to the Assembly on the content of the annual report.

Clause 4: Co-operation with other bodies

Clause 4 makes provision for the Department to make arrangements with other public authorities with a view to securing co-operation and the exchange of information.

Schedule: Public Authorities for the purposes of this Act

The Schedule lists the bodies and persons who are public authorities for the purposes of the Act.

FINANCIAL EFFECTS OF THE BILL

12. Rural proofing is an existing Executive commitment with an established procedure in place. This Bill places that commitment on a statutory footing and would put in place new monitoring and reporting arrangements. The requirement across government to report on their functions under this Bill will require some additional administrative resource. However, it is not envisaged that this would be significant.

HUMAN RIGHTS ISSUES

13. The provisions of this Bill are compatible with the provisions of the Human Rights Act 1998.

EQUALITY IMPACT ASSESSMENT

14. In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department conducted an Equality Impact Assessment on the policy proposals for this Bill. The consultation period ran from 3 February 2015 to 16 March 2015. It concluded that the policy proposals for this Bill have no differential impact on any of the specified groups.
15. Copies of this Assessment have been laid in the Northern Ireland Assembly Business Office and placed in the Library of the Northern Ireland Assembly and can also be accessed at www.dardni.gov.uk/consultations.

SUMMARY OF THE REGULATORY IMPACT ASSESSMENT

16. A partial Regulatory Impact Assessment accompanied the public consultation proposals and copies are available by the same means as the Equality Impact Assessment.
17. The Regulatory Impact Assessment found that there were no direct or substantial financial implications from the policy proposals on small businesses, charities or the voluntary sector.

LEGISLATIVE COMPETENCE

18. The Minister of Agriculture and Rural Development has made the following statement under section 9 of the Northern Ireland Act 1998:

“In my view the Rural Needs Bill would be within the legislative competence of the Northern Ireland Assembly.”