



Northern Ireland  
Assembly

**Assembly and Executive Review  
Committee**

**OFFICIAL REPORT  
(Hansard)**

**Northern Ireland Act 1998: Review of  
Parts III and IV**

**13 March 2012**

# NORTHERN IRELAND ASSEMBLY

## Assembly and Executive Review Committee

### Northern Ireland Act 1998: Review of Parts III and IV

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**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:**

Mr Derek McCallan	Northern Ireland Local Government Association
Councillor Evelyne Robinson	Northern Ireland Local Government Association

**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.

**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.

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.

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.

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)."*

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.

**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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

**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.

**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?

**Mr Dickson:** Yes; I am a member of Carrickfergus Borough Council.

**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?

**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.

**The Chairperson:** If the alignment were to be between the Assembly and the new councils, have you any thought around the numbers?

**Mr McCallan:** In terms of numbers of —

**The Chairperson:** Of Members of the Assembly: six per constituency at the moment.

**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.

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.

**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?

**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.

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.

**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?

**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.

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.

**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."*

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?

**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.

**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.

**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.

**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?

**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?

**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.

**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?

**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.

**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?

**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.

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.

**Mr Beggs:** Are you advocating it in certain areas, or for the complete current departmental structure?

**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.

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.

**The Chairperson:** I do not see any indication of further questions. Thank you for coming before us this morning.

**Mr McCallan:** Thank you very much.

**Councillor E Robinson:** Thank you very much.