



Northern Ireland
Assembly

Committee for the Environment

OFFICIAL REPORT (Hansard)

Local Government Bill: Community Places

9 January 2014

NORTHERN IRELAND ASSEMBLY

Committee for the Environment

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Members present for all or part of the proceedings:

Ms Anna Lo (Chairperson)
Mrs Pam Cameron (Deputy Chairperson)
Mr Cathal Boylan
Mr Tom Elliott
Mr Alban Maginness
Mr Ian McCrea
Mr Barry McElduff
Lord Morrow
Mr Peter Weir

Witnesses:

Mr Colm Bradley	Community Places
Ms Clare McGrath	Community Places
Ms Louise McNeill	Community Places

The Chairperson: I welcome Colm Bradley, Louise McNeill and Clare McGrath from Community Places. You are very welcome, and thank you very much for your submission, for attending the stakeholder event and for coming back again. Community planning is obviously a major issue and is very new to us. It is important that we thrash things out. I know that you raised a number of issues. I hand over to you to guide us through your submission.

Mr Colm Bradley (Community Places): I thank the Committee for inviting us along. I will make a few general comments by way of introduction and then hand over to Louise, who will take you through our proposals. We can either do that clause by clause and stop after each one or go all the way through and take questions at the end — whatever you think is best, Chair.

The proposals have been developed over time with the support and involvement of a number of community support networks across the region, and that number has now grown. We now have over 100 community development support organisations, with a membership of over 2,000 local groups. They have been involved and are supportive of what we propose. I will make some general comments about this part of the Bill specifically. Essentially, it does not really do what it sets out to do; it does not really do what it says on the tin. As presented, it does not, and will not, do four essential things. It will not coordinate and join up services. We all want to see this happening, but the Bill does not address it. It will not ensure meaningful community engagement and realistic opportunities for community groups to participate. It will not ensure that we really make a difference and produce real outcomes. It will not create shared responsibility and accountability for delivering the aims across all the partners involved. You have been discussing that issue already. Everyone who speaks about community planning, whether in the Assembly, local government or central government, wants to see those four

core ingredients being delivered by community planning. We cannot find them in the Bill. Our proposals focus on bringing those four key ingredients into the Bill.

As some of you already know, I think, this part of the Bill is lifted largely from the Welsh legislation. I am sure that it works fine in Wales, but this is not Wales.

The Chairperson: They are reviewing it now, too.

Mr C Bradley: They are reviewing it to try to improve it. A crucial difference is that although our new councils will have more responsibilities, they will not have anything like the responsibilities that councils in Wales, England or Scotland have. They will be required to work with a much broader range of partner organisations, many of which will have larger budgets, responsibilities and so on. Getting that mix and those relationships right and getting those partners locked into the community planning process is more crucial here than elsewhere.

I have a couple of final points. Contrary to what some officials said at the stakeholder event, our proposals seek a role for the community sector, but not one that is the same as the statutory partners. All the community groups and community support organisations involved in developing the proposals recognised that we are not statutory. Our role is not the same as that of our statutory partners. However, we are proposing that the community sector should be able to participate fully in developing and delivering community planning as and when it is appropriate and realistic. Departmental officials have also been saying that the four elements that we identified as being missing will all be dealt with through guidance. It seems that a lot of things are going to be dealt with through guidance. However, guidance cannot supplement, substitute or fix poor legislation. This part of the Bill, as it stands, is poor. It does not deliver those four key ingredients. The guidance cannot do that either. Our proposals are to improve the Bill and bring those four key ingredients into it.

I will now hand over to Louise. Would you rather that we go through clause by clause?

The Chairperson: I think so. Members may want to ask you questions after each clause. If there are no questions, we will move on to the next one. It will be easier that way.

Ms Louise McNeill (Community Places): Thank you. I welcome the opportunity to engage with you again today. As Colm said, we have identified a number of areas in which we feel that the Bill could be improved and enhanced. The first relates to clause 69, which sets out the process that describes community planning. One of the main weaknesses is that, as Colm has just said, there is no reference to the improvement of services or service provision at all. One of the most valuable strengths of effective community planning is its ability to improve the coordination and delivery of public services in local areas and constituencies. That has been a fundamental aim of community planning elsewhere, such as in Scotland, Wales and the Republic. However, the Bill makes no reference to that service provision. Clause 69(2)(c) states:

"identify actions to be performed and functions to be exercised".

It should be amended to also state:

"including those related to the planning, provision and improvement of public services by the council and its community planning partners for the purpose of meeting the objectives identified under paragraphs (a) and (b)."

Those paragraphs talk about the improvement of well-being and the achievement of sustainable development. That would be a way to really place that emphasis, rightly, on the improvement of service provision. The Minister's statement and the explanatory note that goes with the legislation emphasise that service provision, but, as Colm said, the legislation does not include it. I think that, by taking it from Wales, that aspect has maybe been missed.

We feel that the community and voluntary bodies should be and are important stakeholders in the delivery of effective community planning. They have experience, knowledge and assets that they can offer. They have access to resources that are not available to statutory agencies and experience in providing local projects and services. So, it is vital that they are active participants from the very outset of the community planning process. The legislation in Scotland uses the term "co-operation" to allow for their inclusion, and we feel that, at clause 69(2)(d), a new clause should be inserted to read:

"and in co-operation and conjunction with community and voluntary bodies from the outset of the process."

That would highlight the important role that the community and voluntary bodies can play in delivering effective community planning.

It is clear that the community plan will provide an overarching framework, and what has been called the "plan of plans" really sets the vision and agenda for the work of the 11 new councils and their community planning partners and representatives from community and voluntary bodies. In order to ensure appropriate commitment to the implementation of the community plan and to achieve those improved outcomes, long-term objectives and actions should be identified and agreed. So, we seek a small amendment there to include the word "agreement". Clause 69(2)(a) and 69(2)(c) would include to:

"identify and agree long-term objectives ... [and] actions to be performed and functions to be exercised".

The amendment would be the inclusion of the requirement to identify and agree.

I will move on to the link between the community plan and the local development plan. We very much welcome that statutory link and feel that it will really enhance both processes. We think that there are a number of benefits from the two processes being aligned, and we want to draw your attention to the example of Fife, where that alignment is utilised very effectively. The community plan sits up with the national planning framework and really sets the strategic aims and outcomes of the land-use plan. In Fife, it is the Fife structure plan, and that is like our local development plan here. That takes that forward in various zonings. It is a very good example that it might be worth looking at.

I will move on to the community planning partners, which is under clause 70, and naming the partners. Suzie has commented on that, and some of the questions that you asked touched on it. In other jurisdictions, the statutory partners are listed in the primary legislation along with provision for changing that list as circumstances require. In light of the fact that our councils will have fewer powers than councils elsewhere and that more statutory partners will be involved, it is all the more important that the primary legislation reflects that, and we feel that the Bill should be amended to include a list of the community planning partners and their duty to participate.

Mr Weir: It is maybe slightly unusual to list names, but I understand the reason why. Would one possible formula be to outline a minimum list and say, for example, that the community planning partners:

"shall include but not necessarily be limited to"?

I am conscious that there may well be, for instance, statutory bodies that may be relatively tangential to the community plan, but it may depend upon what is getting done. On a particular issue, you may want to involve such and such, and there could be a situation in which that is almost ring-fenced, and every time you want to change it, you have to go back to legislation. I think that everybody will accept that the likes of the Housing Executive, Roads Service or whatever should automatically be part of that. There may be a formula that can ensure that particular people are listed but also makes it clear in the legislation that it is not an exhaustive list.

Ms McNeill: I agree with that. It should still be flexible. We were going to recommend a new clause at 70(5) that would allow the Department, by order, to modify subsection (1) by adding a reference to "any eligible body". Although they have not been specifically named, that flexibility could be used, when it is needed, to include the additional partners.

Mr Weir: I am conscious that it is in a format that may allow the body itself to more or less add in somebody if it so desires. I am conscious that that could happen even by way of a departmental order. I appreciate that it may be just to give it flexibility. However, you may have something on a particular net issue and want to involve a particular body for a two- or three-month period. If it is by way of departmental order, by the time that you get something drafted, that two- or three-month period might have passed, the issue has gone away and you do not need it any more.

Even from our experience, if it is tied in with reference to an order from the Department, with the best will in the world, by the time that an order is produced, consulted on and comes to us, the moment

could very easily have gone. If we want a degree of flexibility, there also has to be something that at least allows action to be taken on the ground without it being entirely tied in with requiring legislative approvals.

The Chairperson: I wonder whether there could be a catch-all phrase like "all Departments and statutory bodies are the list of partners" that would capture all —

Mr C Bradley: It might be a very long list. You might need a very big room.

Mr Weir: Moreover, some may not be overly relevant.

The Chairperson: You would not need to call them if they are not relevant.

Mr Weir: There are government bodies, for example, that may be peculiar to Belfast. To have the Omagh or Fermanagh community planning group or a rural development body dealing with inner city transport in Belfast having, by law, to be represented would not appear to be particularly relevant. I think that there is some merit in having a minimum list, but there then at least has to be the flexibility for that to be added to, depending on local circumstances.

Mr Boylan: I was going to come in at the end, but I will come in now. There are two separate issues. One concerns the list of community partners and how you define that. Can we get some idea of who the partners are in the Fife model? Clearly, there are different partners for different things. Can we have that identified?

The other thing that I know everybody is concerned about whether the statutory agencies participate properly. Have you looked at any other models where that is working properly? Who are the statutory agencies? Can you identify them? Do we need to put them in primary legislation, as is indicated in the Scottish model, in secondary legislation or in guidance? Can you talk a wee bit about that and give us a wee bit of information?

Mr C Bradley: We will come back to the second point later. However, I will say generally that it is an ongoing problem in Scotland and Wales. The statement of ambition that Suzie mentioned earlier is a statement from government and the Convention of Scottish Local Authorities (COSLA). One of the key things that it says is that they want to see community engagement improved. However, they also want to see partners taking community planning more seriously and being more accountable. The statement then indicates that they will bring forward legislation to strengthen the accountability of partners in community planning. That is contained, to some extent, in their Community Empowerment (Scotland) Bill, which was released just a couple of months back. One of the ways in which they try to make the partners more accountable is by strengthening the outcomes agreement and strengthening their responsibility for delivering some of the outcomes that clearly sit within their remit.

That is the kind of approach that we have tried to take later in our proposals. We tie them in more with delivering the community planning outcomes. We will also suggest that when the audit process kicks in to look at how the councils are performing, part of that also look at how the partners have performed in helping the council to develop and deliver the community plan. Therefore, an audit would also look at and comment on not just the council's responsibility for the community planning process but the statutory partners' responsibility to see to what extent they have met their responsibilities. We will come to that later.

We have not used the term "community partner", because we do not want to confuse that with "statutory partner". However, as Louise said, we think that there should be something in the legislation that sets out clearly that the community sector has a role to play in developing community planning and delivering some aspects of it. That would be worked out locally in each community planning setting. It would be for the council and the partners in the community sector to work out how they will conduct community engagement in their own community planning process and get different community and voluntary groups to contribute to delivering the community plan. So, we think that the legislation needs to set down the intent of participation in developing and delivering the plan but that the actual practicalities of that should be left to each of the 11 situations.

Ms McNeill: We also welcome the requirement for the Department to consult those whom it considers appropriate when it is determining who the partners should be. We think that, in the interest of certainty, consistency and clarity, the Bill should specify that that will include community and voluntary

bodies, along with, as is currently stated, the community planning partners, district councils and other such bodies.

Again, clause 73 should be amended to include the words, "community and voluntary bodies". In naming the partners, as we suggest, the Bill should also allow for additional partners to be identified and added as required. We talked about that briefly, and again, it goes back to the point about flexibility in enabling additional partners to take part.

Moving on to the production of the community plan, which relates to clause 71, we feel that a specified time frame should be set for when the first community plan must be published. It will be important that councils and community planning partners are given the necessary time to produce a robust and quality community plan. The first community plan from each of the 11 councils will provide the blueprint for further community planning in the councils' own districts. As such, it is essential that all those involved will have the time to produce a robust and comprehensive community plan.

At the same time, it is also important to ensure that the community plan is produced without unnecessary delay and in a timely fashion. So, the introduction of a timescale has a twofold role. We recommend that a community plan be published no later than within three years of the formation of the new councils. Therefore, clause 71(4)(a) should be amended to read:

"and no later than within three years of the formation of the new councils;"

Clause 73 deals with the review of community plans, and we welcome the Bill's provision at clause 76 for community involvement in the review of the community plan. It is widely recognised that good practice in consultation includes the provision of feedback that indicates how people's views have been considered. Thus the council and its community planning partners should also report on the means of that consultation, including providing a summary of its outcomes. It will be essential for community involvement to be consistent and robust across the 11 new council areas. So, we recommend the inclusion of new subsection 73(2)(a)(iii) that reads:

"report on means of consultation with the persons listed in 76 (2) including a summary of the outcomes of consultation."

To ensure that a timely review of the community plan is conducted, a timescale of six months should be introduced for when the plan should be published after review. We therefore recommend amending clause 73(6) to read:

"The council must, as soon as is reasonably practicable after becoming subject to the duty under subsection (4) and within six months, publish an amended community plan."

Clause 74, which deals with monitoring, looks at making a difference in the outcomes aspect, which we talked about. Elected representatives, councils, communities and ratepayers will all wish to ensure that community planning is having —

Mr Weir: May we just briefly go back?

Ms McNeill: Yes.

Mr Weir: The draft amendment that you talked about uses the words "publish an amended community plan". However, it may well be that the feedback will mean that there needs to be an amendment. Does that make any provision for the group, having looked at it, saying, "To be honest, listening to what has been said; we actually think that we got it right. We do not want to amend"?

Ms McNeill: Yes. They also have to produce a statement showing progress, so it would be only if an amendment were required.

Mr Weir: OK.

Ms McNeill: To go back to clause 74 and the discussion on really making a difference, monitoring progress in delivering the community plan and reporting on its impacts will be important to all those who will be involved in the community planning process. That should be reflected in the Bill. There is a focus on community planning in Scotland, and that is also increasingly the case in the Republic of

Ireland. An outcomes-based approach provides councils and their community planning partners with a framework to identify and to measure the progress made towards the community plan's objectives. However, it also helps with the better alignment of regional council and local priorities. A focus on outcomes should, therefore, be explicit in the Bill. We feel that clause 74(3)(a) should be amended to read:

"progress made towards meeting the community plan objectives and outcomes for its district;"

so that there is more emphasis on outcomes in community planning.

The Chairperson: When you say outcomes, you mean the result, not the output. Is that right?

Ms McNeill: Yes, it is the difference.

I will move on to clause 76, which is "Community involvement". Community involvement and effective engagement is a key ingredient in community planning. It is crucial that it reaches out to everyone living in a council area, including those who are often described as hard to reach. Legislative provision elsewhere seeks to ensure that by encouraging a proactive approach to engagement. However, at clause 76(1), the Bill simply requires a council and its community planning partners to:

"ensure that arrangements are made so that ... persons ... have the opportunity to express their views, and have them taken into account".

That is very passive and overly bureaucratic language, which is unlikely to encourage good practice. More active language should be used to ensure that councils and their partners actively seek and encourage participation in the process of community planning. In Scotland, for example, the legislation uses the words "take suitable action to encourage" and in England, the phrase "seek the participation" is used. In Wales, the same wording that we are proposing here is being used — "arrangements are made" — and we feel that that will not encourage good practice.

We would like to amend clause 76(1) to read:

"A council and its community planning partners must seek the participation of and encourage persons mentioned in subsection (2) to express their views".

Mr Weir: That is a reasonable point. The only issue is if you are going to follow through a wee bit of consistency with the other bits. Mention was made earlier of the community and voluntary groups, many of which do a good job. However, I wonder if a different phraseology may need to be used when we are talking about the community including community and voluntary groups. There is also the fact that, if we are looking at inputs, there are a lot of people who are not members of groups, who, in many ways, simply because they are not a member of one of those groups, at times do not feel — and there is also the fact that, even from the view of the community partners, you may find that it may be helpful, at times, for the local group to put someone forward who has no direct connection with any groups but who may be able to bring a certain level of expertise in the field. There may need to be language that is phrased in such a way that it is, at an earlier stage, more widely drawn and inclusive and which, perhaps, talks about the community including community and voluntary groups but does not necessarily exclude someone who is not within that ambit.

Mr C Bradley: To be fair, the Bill does refer to persons who are "resident in the district".

Mr Weir: I understand that, but specifically it is with regard to some of your earlier proposed amendments, which mention specifically community and voluntary groups. Perhaps there should be a different phraseology that includes those groups but is more widely drawn, whoever it is that you are involving. That might be helpful in that regard.

Mr Boylan: It is grand saying "persons resident in the district". The likes of yourselves and community and voluntary groups will be there and will understand that they can contribute. How do you reach that individual out there who may have a contribution to make? How do you encourage those individuals? It is all right saying it in the Bill. Are there any ideas or anything going forward in any other legislation or community plans that you have gone through in your own research?

Ms McNeill: Certainly, when we get to the guidance sections, when it comes to quality standards for engagement, it is likely that, given the alignment with the land use plan or local development plans

and the community plans, we may even see councils trying to develop a specific engagement plan for their areas, which, rather than having one for land use planning, it would also be there for community planning. We would like to see quality standards for engagement to ensure consistency across the 11 council areas. You might have one council that is already ahead of the game and working very well on community planning and another council that maybe is not as proactive. It would ensure that there is consistency in quality standards in engaging with everyone. That would go right down to persons, not just necessarily those who represent groups and, particularly, to harder-to-reach groups. We have also developed, along with funding from the Big Lottery fund, a community planning toolkit. One of the themes of that looks at engagement and is specifically about trying to engage in innovative methods of reaching out to those who are often harder to reach.

Mr Weir: Maybe it is drawing things too widely, but it occurs to me that, if we are talking about the issue of residency, there is an argument that that also should include people who are employed in that area.

Ms McNeill: There are number of people who are included, such as persons who are resident and persons who are not resident but who receive services. It is quite broad. It includes representatives of voluntary bodies, representatives of persons who are carrying out business and other persons who the council considers appropriate. So, it is very broad.

Lord Morrow: My point is on the definition of a hard-to-reach group. Sometimes, I think that we can maybe overdo these things in trying to get to those who do not want to be got to. *[Laughter.]*

Mr Weir: "Can you leave us alone?"

Lord Morrow: Exactly. Are we going take 10 bloodhounds with us and seek these people to organise people in particular who say, "Hold on a moment. Just let me get on with my life, please". Somehow we have to respect that, but, if there were groups, people and organisations that are being deliberately missed, obviously that would cause concern. I do not think that we are talking about that. For me, people who are hard to reach are people who very often decide, "Hold on a moment. This is the way I live my life. Just let me get on with it".

The Chairperson: I agree with you to a certain extent, but the term "hard-to-reach groups" quite often refers to ethnic minority communities that comprise very new or new immigrants who may have a language barrier. It is really about overcoming those barriers to facilitate them to be able to participate. The term also refers to young people or older people or people with a disability. It is about how you get over the barrier to bring them in. That is what this means usually.

Lord Morrow: Yes, but does that have to be set in legislation?

Ms McNeill: No. I think that you would probably see that in the statutory guidance. Also, if you have quality standards for community engagement that are there for everyone, it ensures that people who are harder to reach are included. So, it is about ensuring that you get the engagement process correct at the outset. It does not necessarily mean that you have to specifically try to target and go beyond, particularly, as you said, with people who maybe just want to get on with their lives and not be hounded.

The Chairperson: "Leave us alone".

Ms McNeill: If you have those quality standards for engagement, it ensures that fewer people are excluded and that there is an opportunity to be included.

Mr McElduff: Is Community Places not offering more than that by way of addressing hard-to-reach groups? Are you just leaving it with quality-type engagement? Have you anything else to offer in that area that might strengthen it?

Mr C Bradley: Do you mean strengthening the legislation?

Mr McElduff: Yes.

Mr C Bradley: We are not sure that it can be done on a legislative basis, to be honest. We think that it can be done in the guidance, and we are absolutely convinced that our community planning toolkit provides a whole range of methods of engaging with people around different issues and different needs. It provides a whole suite of methods that have been tried and tested elsewhere.

Mr McElduff: Can we receive some details of those methods of how to reach according to your toolkit?

Mr C Bradley: Absolutely.

The Chairperson: I think that your point is that, in primary legislation, we need to strengthen the wording that is in the Bill currently to actively seek participation rather than to leave it in guidance. Other minor details can be put in guidance.

Ms McNeill: Currently, the arrangements that are made could just be an advertisement in a local paper or something that people would completely miss. So, at least, if the legislation could say to seek and be much more proactive and if the guidance could follow that up, it would probably be much more effective.

Mr McElduff: I think that it was Leonard Cohen who said:

"If you want to reach me, leave me alone"

[Laughter.]

The Chairperson: I do not know the logic of it.

Mr McElduff: I do. I know it well.

Mr Elliott: Are you planning to have that inserted in the legislation?

Mr McElduff: I can think of a gentleman in Omagh who is very good at lobbying, but he is very much an individual.

The Chairperson: There are no more questions, so we will move on to the next clause.

Ms McNeill: Clause 77 relates to guidance, which we have covered in a few of the other comments. We very much welcome that the Department will issue that guidance, and it will be essential in ensuring that effective and consistent processes are developed across the 11 new council areas. We feel that the guidance could cover a broad range of things, as included in our submission, but I would just like to highlight a few of those now.

It should cover the aims and principles of community planning; how the community plan will fit with other plans, and that really relates back to plan alignment and the community plan being the plan of plans; quality engagement standards for community planning; and, in line with the councils' new role as a facilitator of community planning, proactive approaches to engaging and reaching out to those harder to reach groups that we were just talking about, including low-income groups, rural communities and lesbian, gay, bisexual or transgendered (LGBT) communities.

Also, there should be guidance on the implementation of the statutory link between the community plan and the local development plan and provision for developing thematic and local community plans. There should be guidance, potentially, on the outcomes-based approach to measuring progress and improvement and also aspects around the general power of competence; good practice examples of its use; and details of how it can be implemented to respond to the needs identified through community planning processes and how it can effectively respond to previously unidentified needs or gaps in the community plan.

We also feel that additional advice notes may be required because a broad range of aspects has been identified. It would be a very large guidance document if it were to cover all of those; so, perhaps it would be useful to see additional advice notes on specific areas there. Again, we highlighted our own community planning toolkit and, if that would be useful, we are happy to share it.

Also, the Bill requires the Department to issue guidance and consult a number of different bodies; for example, associations or bodies representative of officers or councillors and so on. We think that, again, specific references to consulting with community and voluntary bodies should be included here so that they have an opportunity to shape and influence the process of community planning. That would amend clause 77(2) to include the wording:

"including community and voluntary bodies as appear to the Department to be appropriate".

Moving on to the duties of —

The Chairperson: Clause 77(1) states that the Department "may" issue guidance: should that not read "must" issue guidance? That has been raised by NILGA.

Ms McNeill: We definitely think that it should.

Mr McElduff: Chair, what is the difference between "must" and "shall" on this matter?

The Chairperson: They are the same: "must" and "shall" are the same. Is that right, Peter? They have the same weight?

Mr Weir: There is a difference between "shall" and "may". Barry, the bill is in the post.

Ms McNeill: Moving on to clause 78, which covers the duties of Departments in relation to community planning; Departments will play an important role in the success of community planning. They will wish to be active and positive contributors to the implementation of community plans that have been developed by locally elected representatives and others. The wording in the Bill states that each Department must:

"aim to promote and encourage community planning;".

Again, this is quite passive and conditional language. It is unnecessary and unhelpful and we feel that the phrase "aim to" should be removed. It should read that Departments:

"will promote and encourage community planning".

Ministers will also wish to play an active role in ensuring that the public services they are responsible for are, through the community planning process, improving and addressing the priorities of each council areas. Like their counterparts in Scotland, England and Wales, they will also wish to promote and encourage community planning as legislation in these jurisdictions allows. However, the Bill does not make any reference to the Ministers' role in encouraging and promoting community planning. We feel that clause 78 should be amended to read:

"So far as is reasonably practicable to do so, every Northern Ireland Department and Minister must, in exercising any function which might affect its community planning, promote and encourage community planning."

We would like to remove the term "aim to". We also propose —

The Chairperson: So, in other jurisdictions in the UK, the Minister is always mentioned in primary legislation?

Ms McNeill: The Minister is mentioned.

Mr Weir: Chair, there may be a difference between the Department and the Minister here because of the way that power is devolved. I think that power might rest with the Department. There is some technical difficulty, so there may be some slight variation of terminology here.

The Chairperson: Perhaps we could find out the difference.

Mr Weir: I might be wrong on this, but I think that there is some provision under the Northern Ireland Act, which established the Assembly and the power devolution side of it, on where the exercise of

ministerial power lies. It is phrased slightly differently from the norm across the water. However, I cannot remember what the differences are. I suppose that is more of a technical issue.

Ms McNeill: In relation to Departments' additional roles, they must have regard to the content of the community plan in relation to the exercise of that Department's functions. We also feel that that should be furthered so that they will actually agree with councils and their community planning partners on how the Department can assist in implementation of the community plan. That would require an amendment to clause 78 to state that Departments must have regard to the content of the community plan and also agree with councils and their community planning partners on how the Department can assist in the implementation of the plan.

Clause 81, which deals with interpretation, allows for community plans to be referred to by alternative names. We feel that, if utilised, the provision will undoubtedly lead to confusion and loss of identity of the new process. We think that is it unhelpful and unnecessary, that the Bill should aim for simplicity and avoidance of confusion and that clause 81(4) should be deleted.

Mr Weir: I understand where you are coming from in relation to that. A thought just occurred to me when you said that though. Is there not an argument that allowing some level of flexibility could be interpreted as trying to promote a community plan, sometimes from a sort of marketing point of view? For the sake of argument, maybe you are working on a community plan, and you want to call it Belfast 2020 or some sort of slick name. To some extent, if you do not allow some flexibility in the naming of the plan, you are slightly straitjacketing it. Maybe the concern is that, because of the name, it is seen as something that is a little bit boring or whatever. I have an open mind in relation to it, but I could see some advantages in some level of flexibility. I appreciate your point that there is also a danger of confusion. I do not know how you crack that, but it might be a bit prescriptive simply to say that there shall be no alternative name.

Mr C Bradley: I think we would be OK if it was something like Belfast 2025: the community plan for Belfast, as long as the term is always consistently used so that everyone knows that that is the community plan, and people are not asking, "Belfast 2025? What is that?"

Mr Weir: One thing we can look at is whether there is a way of squaring the circle so that you have provision of an official title but there can also be some flexibility. We may have to tease out with the departmental officials what the thinking behind that is, but I think that might be to allow a little bit of local opportunity for whatever they want to do in connection with that. I do not think we should preclude that either.

Mr C Bradley: That is not our intention.

Mr Weir: I understand that.

Mr C Bradley: Our intention is that, if you search on a Belfast website for the community plan, it will just pop up and you will know that it is the community plan. It might be branded as something else, but as long as that is in the title, you would know that it is the community plan for Belfast.

Mr Weir: There are advantages to consistency on things, whether it is in reference to the community plan or domain names of websites, for instance.

The Chairperson: The 36 neighbourhood renewal partnerships each produce a plan. Do they all call it the same thing— neighbourhood renewal plan? Is that right?

Mr C Bradley: Yes.

The Chairperson: Once you call it that, everybody knows what it is.

Ms McNeill: Also, if there is provision for thematic and local plans, it could get quite confusing if you do not know what the overarching plan is for a particular area.

I will move on to clause 82, on the general power of competence, in Part 11. We support the introduction of the general power of competence, and recommend, as I have already mentioned, that guidance should be provided to aid the understanding of the scope and implementation of the power.

That should include the contribution that the new power can make to achieving the objectives and outcomes set out in the community plan.

We have looked at some areas where the general power of competence has been used well. We know that it has been used in Oxford, for example, to address underachievement in primary schools. In Sherwood it has been used to support local small businesses, and in Richmond it has been used to address things like empty shops and trying to promote civic pride, so we have some documents where the general power of competence has been used. Again, we would be happy to share those if that would be useful. Clause 90 deals with consultation on improvement duties and relates to the contributions of partners. The Bill requires councils to secure continuous improvements across all their functions, including community planning, and we welcome that. However, the Bill does not recognise that improvements in community planning can be achieved only if the statutory partners also play a full and meaningful role. The Bill should enable partners to do so in relation to two aspects of improvement: consultation with service users; and the provision of information to councils on progress from partners.

The Bill requires councils to consult their service users when reporting on improvements in community planning. However, in a context of community planning, this should be extended to the statutory community planning partners who would also be involved in community planning. We feel that clause 90(1)(b) which states:

"persons who use or are likely to use services provided by the council",

should be amended to add "and its community planning partners". That would emphasise the role that the statutory community planning partners will play.

In assessing and reporting on improvement issues, councils will wish to consider the views of residents and communities. That will ensure that the views of all those who are essential to the practice and implementation of community planning have an opportunity to shape and improve the process. We feel that clause 90(c), which states that:

"persons appearing to the council to have an interest in the district",

should be amended to add:

"including those who are specified under section 76(2)".

The Chairperson: It is just clause 90(b). There are no subsections 1, 2 or 3.

Ms McNeill: We recommend that there be a new clause 90(2). That would change it to clause 90(1), clause 90(1)(c) and then clause 90(2). You are right, though.

Mr Elliott: Clause 90(c) states:

"persons appearing to the council to have an interest".

How would you define "appearing to the council"?

Ms McNeill: That is the phrase in the legislation.

Mr Elliott: Yes. I just wonder what your view is on that.

Ms McNeill: I think that it would probably go back to the persons at clause 76(2) such as "persons resident in the district". It would probably fall under that. It is very broad and basically includes everybody.

Mr Elliott: Yes. I want to know what your view is on that.

Ms McNeill: It is very broad, but we think that it should also include that definition.

Mr Elliott: Are you reasonably content with the wording "persons appearing to the council"?

Ms McNeill: Yes, provided that it is in the context of —

Mr C Bradley: Provided that:

"including those who are specified under section 76(2)"

is added.

Mr Elliott: If your extra bit was not included, what would you see as a reason?

Mr C Bradley: If that was not added, we would not be content.

Mr Weir: On that wording —

Lord Morrow: Does "appearing" need to be in it?

Mr Weir: Yes, in one sense, it is meant to go beyond clause 76(2). To my mind, the use of "including those" means that you have to tick the box and that anyone who is in clause 76(2) is included, but it can go wider than that. I am not sure who is intended. Maybe we are making a mountain out of a molehill, but it would be interesting to probe the Department on what its thinking was behind that.

Ms McNeill: OK. To enable councils to assess the improvements in community planning, which is required by the Bill in clauses 87 and 89, councils' community planning partners will need to play a supportive role and to provide inputs. That should be enabled in the Bill through the insertion of an appropriate new clause 90(2). That would change the numbering.

It is the duty of each planning partner of a council to provide such information as a council may reasonably require to enable it to comply with its duty under clause 93, which relates to the collection of information for its performance. That highlights the fact that the Bill is placing the emphasis on councils to show how they are improving. However, given that the statutory partners will play a huge role in community planning, they should also be required to provide information to councils to enable them to do that appropriately.

Clause 92 deals with performance indicators and performance standards and enables the Department to specify performance indicators and standards, and, before doing so, it requires that the Department will wish to ensure that stakeholders such as community and voluntary bodies are consulted. Again, we would like to see the amendment of clause 92 to include community and voluntary bodies as appear to the Department to be appropriate.

Clause 93 relates to the collection of information relating to performance. In the Minister's statement to the Assembly when presenting the Bill, he confirmed the Executive's view that council-led community planning would provide a statutory framework to deliver on the objective of improving outcomes for everyone. Thus, it is important that that is explicit in the Bill, as an outcomes-based approach will help councils and all other partners to set clear goals and milestones in order to make a difference. It will also provide the framework to measure progress and to join up regional, council and local priorities. It is placing the emphasis more on outcomes in the Bill. Clause 93(1)(c)(i) could be amended to read:

"to measure the improvement in the outcomes of its performance".

That would include the term "improvement in the outcomes" rather than just the performance during the financial year. Again, that relates to the fact that, currently, the Bill relates to only councils. It highlights the important role of the other partners in providing that information to councils.

Clause 98 concerns audit and assessment reports. Although the new power of community planning will be led and facilitated by the local councils, its effectiveness is the responsibility of all the community planning partners designated under clause 70. Departments will also play an important supportive role. All will wish to play their role in achieving successful implementation and in contributing to the work of the local government auditor, as set out in clause 98. The Bill should be amended to facilitate that, with the insertion of a new subparagraph to clause 98, 98(1)(b)(iii), that states:

"that the community planning partners and Departments have discharged their duties under Part 10 Community Planning."

Again, that is another way in which primary legislation could ensure that the statutory partners are participating in community planning.

Finally, clause 106 concerns the partnership panel. We support the introduction of a partnership panel consisting of Ministers and elected representatives to discuss matters of mutual interest and concern. That will provide an important mechanism for the discussion of community planning issues, including the interdependency of local and regional issues. The panel could be enriched by extending the membership to include people from local community and voluntary groups who are active participants in community planning at a council level. Clause 106(3)(a) in Part 13 could be amended to read:

"councillors appointed by the Department; and representatives appointed by the Department of community and voluntary bodies, as defined by section 76(3)."

Those are our comments and recommendations. We are broadly supportive of the Bill. There are a few areas in which it can be improved and enhanced.

Mr Weir: I appreciate that this is a comment more generally, but, with the best will in the world, the partnership panel falls outside the community planning bit. The partnership panel is meant to be something very different from community planning. That is not what really is intended. Whatever about the arguments on other bits, having representatives of community and voluntary bodies on that is not really appropriate. It is meant to be interaction purely between local and central government rather than a community planning tool. Maybe that is more of a comment than a question.

Mr Boylan: Thanks very much for your presentation. There were some useful and valid points about the community planning element. We had a meeting the other day with NILGA. It has some concerns, in particular about Part 12, which concerns performance improvement. It had concerns about how that is all measured. You talked about outcomes, targets and everything else. There will be a lot of expectation from communities in particular. How do we get something through community planning that will be achievable? How do you measure the expectation and realisation of what we are actually trying to achieve? Will you comment on the Fife plan or any others? That will be an issue. There is an improvement duty on councils and measurements and everything else, which will concern them. We should be realistic about what we are trying to achieve and what the Bill sets out to achieve.

Mr C Bradley: In Scotland, you cannot really look at or talk about community planning without also talking about their outcomes agreements. In fact, many would say that the outcomes agreements are almost now more important. Community planning is the process that gets you to the outcomes that you want, and then the outcomes agreement — and tying everybody into that outcomes agreement, and everybody signing off on it — in practice becomes the method of implementing the community plan. So the outcomes agreement implements the community plan. The community plan sets out the broad vision, what you want to try to achieve, and what the outcomes should be. In Scotland, all the partners sign up to the outcomes agreement.

The Chairperson: Can you give an example of what you mean by an outcomes agreement?

Mr C Bradley: The outcomes agreement will go through all the issues that are in the community plan.

The Chairperson: Give us an example, so that it is easier for people to grasp that.

Mr C Bradley: If the plan is to improve provision for young people, there would then be specific targets, like building a new youth facility in this area, extending a youth facility somewhere else, increasing the number of young people participating in youth clubs by a percentage. It is that specific. Then it would, in some cases — such as in Fife or Dundee — it will actually name the officer who is responsible for that outcome and that target. Then, that officer has to report. If an outside or external partner is responsible for the outcome or target, that partner is also named in the outcomes agreement. It is a table of outcomes and targets. The last column names who is responsible for delivering each and every one of those. We suggest that we use the same broad approach here.

The Chairperson: The position of the officer, rather than the name of the officer?

Mr C Bradley: Yes, seriously, they are there. The position is always there, but sometimes they actually put the name in.

The Chairperson: OK.

Mr C Bradley: Yes, I know.

Lord Morrow: When it is good news he stands up, and when it is not good news he sits down.
[Laughter.]

The Chairperson: So he is named and shamed if he does not do it. *[Laughter.]*

Mr Boylan: I have one other point. I addressed an issue earlier, during Suzie's presentation. I think it a reasonable suggestion, and I just want your views on it. This statement of ambition in the Scottish model — is that something that we would consider here?

Mr C Bradley: As your question hinted at, it is what it says it is. It is a statement of ambition. It looks critically at the practice of community planning across the whole of Scotland, and it identifies some things that need to be improved. One of them is this issue that we are talking about: how external partners are made to take the whole thing seriously and how they can be made more accountable. That is one of the key weaknesses. It is a key area that they want to see strengthened, because there are inconsistencies across Scotland in how effective the external partners are in delivering the community plan. The statement of ambition addresses that. It sets out the ambition that they will introduce legislation to strengthen that. To some extent, they have done that in this new Community Empowerment and Renewal Bill, which tries to strengthen the partners' responsibility for delivering the outcomes and making that much more of a legislative requirement than it has been previously. Our proposals learn from that, and say that it needs to be on the face of the legislation here. That is what they are now doing in Scotland to try to retrospectively fix a problem. It is not across all the local authorities in Scotland, but some of them have experienced situations where partners have not been as cooperative as they would have liked. So they are now bringing in what we are suggesting, to strengthen the partners' responsibility and accountability.

The Chairperson: That has been a big concern of lots of people in the submissions to us.

Mr Boylan: Following on from that, the overall idea of the community plan is that outcomes can be measured. Is there an opportunity to hold people to account, or is there some other piece of legislation that holds statutory agencies to account with respect to those outcomes? Do you know what I mean? Is a certain target set, or is that —

Ms McNeill: Those agencies sign up to them so, in their own performance improvement, they will have to show how they have done. If they sign up to it, they then have to report on their own performance.

Mr Boylan: I agree with you, but then that could be them auditing themselves. Do you know what I mean? It is like councils doing their own audits and everything else. That could be a part of the problem; and that is why we look to the Commissioner for Complaints for an independent challenge to ensure that they are achieving that. That is the question.

Mr C Bradley: The Bill requires the local government auditor to come in and, among other things, look at the council's performance in its community planning function. The council's performance in its community planning function is heavily reliant on its partners' contribution to that. Therefore, we propose that the auditor, when they look at community planning performance in a council area, also looks to see whether the partners did what they said they would do, and reports on the performance of the partners as well as that of the council in delivering the community plan. So, you would, then, have an audit report that states, for example, "This is how Omagh and Fermanagh developed and delivered its community plan. This is how the council performed. This is how the Housing Executive performed. This is how health and social services performed". It would look right across the board at how everyone did what they said they would do and to what extent they achieved it.

The Chairperson: I think that that is only fair.

Mr Boylan: I want to make one final point about the community and voluntary sector. I know that you have not mentioned the capacity-building element of that. It is a key element in examples of how it has been done elsewhere. Can you comment? Have you any knowledge on that?

Mr C Bradley: One example from the best local authorities in Scotland is that of Strathclyde police. The chief officer of Strathclyde police told all of his senior officers that they were now community planners. Fife began its community planning two years before the legislation came in. The first thing that the chief executive did was to rewrite the job descriptions of all of his senior staff to include community planning. So, it is not as though a few people in Fife are responsible for community planning: as far as the chief executive, directors and councillors are concerned, everybody is responsible for community planning. Everybody has to do it within their own remit.

Lord Morrow: Did he retain them as police officers?

Mr C Bradley: Yes.

The Chairperson: I suppose that we have police officers who are community support officers.

Mr C Bradley: Yes. So, the delivery of community planning is part of the capacity building that everyone sees as part of their responsibilities. However, there is, clearly, a need for the community sector to have some support to become engaged in community planning. That is the missing ingredient here at present.

The Chairperson: I support that. I think that the community and voluntary sector has the expertise and on-the-ground knowledge of the community's needs. However, it is a big sector. What mechanism do you suggest to extend the membership to include the voluntary and community sector in every panel?

Mr C Bradley: I think that it would have to be worked out at each council level. We are talking to the Department. We are offering to work with statutory transition committees to begin to design how they would do community engagement and look at issues of representation of the community and voluntary sector in the community planning process. Certainly, outside Belfast, structures in the community and voluntary sector have kind of been evolving towards fitting in with the new council structures and community planning. So, the rural networks and the major town-based networks are working together to see how they can help community groups in their area to fit in with the new community planning structures. They are certainly doing that outside Belfast. It is probably happening to a lesser extent in Belfast because it is dominated by neighbourhood renewal partnerships, which are probably looking to be the lead representation for the community sector in the city. However, outside Belfast, both the urban and rural networks have, slowly but surely, been developing new ways of working together and ensuring that their membership will be able to engage with the community-planning processes. However, they are not resourced for that new responsibility, so they are drawing on other resources to try to make it happen. They are very stretched.

The Chairperson: Obviously, there is the need for capacity building and for the community and voluntary sector to have meaningful engagement. There is no point putting them in the partnership to just sit there and nod their head.

Good work was done there. I thought that you would also think about good examples which, if we like, we could visit in Scotland and Wales. Is that right?

Ms McNeill: We have looked at some examples of good practice. Some plans will have certain aspects that are better than others. For example, Newport in Wales has a specific engagement and participation strategy that puts quite a lot of emphasis on including its young people. Pembrokeshire also has an engagement strategy. Wales has moved towards having single integrated plans. It has local service boards. Wales has quite a lot of new plans that came out last year and some that are still being developed this year. Cardiff's is quite a good example of one of the single integrated plans in Wales. That is the good practice that we have looked at in Wales and are continuing to look at. We also wanted to speak to some of the voluntary organisations in particular there, because, although some of the plans can look great, we want to see how, in their implementation, they have been accepted by and have evolved with local people and groups and whether they have actually tackled issues. In Scotland, I guess that some of the good practice would be in Fife, Aberdeen and Dundee.

The Chairperson: Fife was mentioned in Suzie's research paper.

Mr C Bradley: As Louise says, good examples in Scotland are Dundee, Fife and Aberdeen.

The Chairperson: We cannot go to too many places. We will have to pick one, subject to agreement from all members.

Thank you very much, indeed. That has been very useful and constructive.