

Department for
**Social
Development**

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03 April 2015

Dear Kevin

REGENERATION BILL – DSD’s COMMENTS ON RESPONSES TO THE SDC CALL FOR EVIDENCE

Following a number of evidence sessions on the Regeneration Bill, officials are now due to brief the Committee on the issues raised on 16 April. The Department has prepared some detailed briefing to cover the main points raised in the response to the calls for evidence. In addition the Committee has asked the Department to provide detail and/or answers to a number of key issues discussed during the oral evidence sessions.

For ease of reference, I have included the Department’s response against each issue as listed in the e-mail from the Committee:

1. The definition of ‘Social Need’ – what is the definition of ‘Social Need’ and why can’t it be defined in the Bill?

Social Need is a term which is used to capture a wide range of societal issues and problems being experienced by a population. Differing needs in relation to employment, education, housing, health or environment are experienced by individuals, groups and areas. Our understanding of social need can also change over time. For example, the impact of migration into Northern Ireland and the needs of migrant communities have only emerged as significant issues in Northern Ireland over the past 15 to 20 years. In addition, the most appropriate means of judging or measuring social need will depend upon the issue being

addressed or the service to be delivered by a particular Government Department. For example, a measurement used in education could relate to attainment levels or the numbers in receipt of free school meals, while in economic development, economic inactivity or unemployment figures may be the most suitable measurement tool. Given the fluid nature of social needs, the Department considers that a definition set out in legislation would not be helpful as it would inevitably constrain the new Councils' ability to deal effectively with the range of issues that may emerge in its area.

In DSD we have, over a number of years, used multiple deprivation indicators to determine which areas we will prioritise for support under the Neighbourhood Renewal programme. From 2016, it will be up to the new local councils, in the context of Community Planning, to identify which social needs within their districts they wish to prioritise and which measurement tools they wish to adopt.

2. *What role will the Department have in monitoring programmes being taken forward by councils?*

The Regeneration Bill will confer powers on councils to enable them to take forward regeneration and community development in their areas. The Department will not be transferring an obligation to continue delivering any existing DSD programmes to councils. It will be up to the Councils to decide how to exercise their new powers and responsibilities. As such, it is not intended that the Department will have a role in monitoring the Councils' delivery of their own programmes.

However, the Department will provide guidance to which Councils shall have regard when exercising their new powers. There also are a number of powers in the Local Government Act (Northern Ireland) 2014 which Departments including DSD can use to require councils to make reports and provide information regarding the exercise of its role, cause local inquiries and other investigations to be held, concerning any matter relating to the councils exercise of their new regeneration and community development responsibilities. Where it has been found that a council has failed to discharge any of its new responsibilities, the Department can make an order declaring the council to be in default and direct them to take action to remedy the default. The Department is currently considering options on how best to use the oversight powers provided by the Local Government Act.

3. *Why does the Bill not refer to Community Development? In particular, Part 1 of the Bill.*

Although not specifically referenced in the Bill, the power to support community development is already contained in the social need provisions.

The Department notes that some of the submissions made to the Committee suggested this inclusion in clauses describing the ways in which a council should go about promoting and delivering community development – for example, “by engaging local people and communities in improving neighbourhoods and communities they live and work in”. The Department considers that the approach to be taken to community development is a matter for the council to decide and that it would not be appropriate to prescribe this in legislation.

4. *Can the Bill be standardised by suggesting or listing the ways and limits in which councils can spend on Regeneration?*

The whole purpose of Local Government Reform and the transfer of a number of functions and powers to the new councils is to allow decisions on key local issues such as planning and regeneration to be made locally. We have not sought to be definitive in the Bill as to what constitutes regeneration as this will differ for different councils, in different circumstances and at different times. Rigidly defining the type of regeneration activity that councils can take forward would inevitably constrain the action of the new Councils in taking decisions regarding improvements that are needed in their particular areas.

5. *Can you provide more detail on the apparent lack of a joined up Government approach given that DARD is not transferring any of its Rural and Social inclusion budget?*

The NI Executive has decided that from 1 April 2016 responsibility for urban regeneration and community development at local level will transfer to the new Councils established as part of the Reform of Local Government. The Regeneration Bill has been drafted to give effect to that decision by transferring DSD’s current range of powers to local government. Unlike the DSD programmes, DARD’s Rural Development Programme is funded by the European Structural Funds through multi-annual programmes. As a result, the rural expenditure is not part of the DARD budget baseline and the DARD Minister has decided that she is not in a position to transfer it to the new Councils.

Councils have been given more power at a local level to lead and facilitate the community planning process and this should ensure co-ordination between the full range of urban and rural regeneration and community development functions. This will enable councils to influence how and where services are provided, allowing for a more flexible approach to meet local needs without duplication. Community planning will also place a duty on key departments (including DARD) and agencies to be engaged in the community planning process and to have regard for the community plan when considering how best to deliver services locally. For this reason, Community Planning will be the forum for achieving the proper integration of urban and rural support programmes.

6. Has any consideration been given to ring-fencing CIF for an extended period while councils realise their budgets and imbed their programmes?

The whole purpose of Local Government Reform, including the transfer of regeneration and community development functions and powers to the new councils, is to allow decisions on key local issues to be made locally. If the Department were to require the Councils to deliver particular programmes in defined ways or to ring-fence the use to which the transferred budget could be used, the purpose of the transfer would be seriously undermined.

The Department retains the view that local councils are best placed to determine which local community networks are needed to support community development in their areas, taking account of local priorities and potential overlaps and duplication. It would be inappropriate, therefore, for central Government to ring-fence part of the funding transferring to local councils.

CIF funding is targeted towards community development activity with an emphasis on building more cohesive and sustainable communities. The Department considers that this will continue to be an important policy objective in all areas. Consequently, we have included it with the Regeneration and Community Development Policy Framework as one of the four main objectives. The Framework will be the most important piece of strategic guidance that the Department will issue to the new Councils and Councils will be required to have regard to that advice when exercising their new responsibilities. However, it will remain a matter for the Councils to decide how they exercise those responsibilities in practice

The Department will work with local councils up to the transfer date to ensure smooth transition.

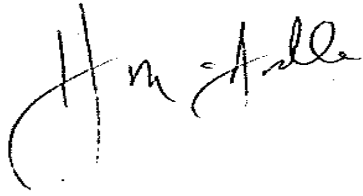
7. Can you provide a list of the groups and organisations the Department consulted with on the Bill?

The Department consulted on a draft Regeneration and Housing Bill in March 2010. A list of the groups and organisations the Department consulted with is attached at **Appendix I**.

In addition we have considered each of the written submissions received by the Committee during its call for evidence and have provided a response to the main points raised in the tables attached at **Annex 2 & 3**. Annex 2 covers issues raised about individual clauses in the Bill and Annex 3 covers issues which have been raised about the operational outworking of the Bill.

Officials are scheduled to brief Members on its call for evidence on 16 April and will be available to assist the Committee in its clause-by-clause scrutiny in due course.

Yours sincerely

A handwritten signature in black ink, appearing to read "H McArdle". The signature is written in a cursive style with a large initial 'H' and a distinct 'Ardle' at the end.

Henry McArdle
Head of Bill Team

**Public consultation on the draft Regeneration and Housing Bill
(1st March – 26th April 2010).**

List of Consultees

Active Community Unit, Home Office	The Community Relations Council
Advice Services Alliance	Community Relations Training/Learning Consortium
Age Concern (NI)	Community Places
Help the Aged (NI)	Concordia
a2b (Access to Benefits)	Confederation of British Industry
An Munia Tober	Confederation of Community Groups
Archbishop of Armagh and Primate of All Ireland	Co-operation Ireland
Armagh Travellers Support Group	CORI NI Office
Association of Chief Officers of Voluntary Organisations	Council for the Homeless (Northern Ireland)
Association of Independent Advice Centres	Counteract
Autism NI (PAPA)	COUNCILS
Barnardos	Craigavon Traveller's Support Committee
Belfast Healthy Cities	Cruse Bereavement Care (NI)
Baha'i Office for Northern Ireland	Democratic Dialogue
Belfast Jewish Community	Departmental Solicitor's Office
Belfast Unemployment Resource Centre	Derry Well Woman
Bishop of Down & Connor	Disability Action
Belfast Partnership Boards	District Councils
The Blind Centre (NI)	Down and Connor Family Ministry Commission
British Deaf Association	Down's Syndrome Association
NI Dyslexia Association	East Belfast Community Development Agency
Bryson Charitable Group	Education and Library Boards
Business in the Community	Employers' Forum on Disability
Cara-friend	Equality Coalition
CARE in Northern Ireland	Equality Commission
Carers Northern Ireland	Economic Research Institute of Northern Ireland
The Cedar Foundation	Falls Community Council
Centre for Voluntary Action Studies, University of Ulster	Falls Women's Centre
"Challenge"	Family Planning Association NI
Chartered Institute of Housing	Fermanagh Women's Network
Child Poverty Action Group	First Division Association
Children in Northern Ireland (CiNI)	First Key (NI)
Children's Law Centre	Foyle Friend
Chinese Chamber of Commerce	Foyle Friend Women's Group
Chinese Welfare Association	Foyle Women's Information Network
Chrysalis Women's Centre	

<p> Citizens Advice Clerk to the Committee of the Centre Coalition on Sexual Orientation Coiste na n-iarchimi Committee on the Administration of Justice Community Development and Health Network (NI) Community Foundation for Northern Ireland Invest (NI) Irish Congress of Trade Unions Knights of Columbanus The Law Centre (NI) The Law Society of NI The Community and Leisure Services Section Lesbian Line Library, Parliament Buildings The Local Government Staff Commission for Northern Ireland (LGSC) Magherafelt Women's Group Members of the Northern Ireland Assembly Men's Action Network (MAN) Mencap Methodist Church in Ireland Mid-Ulster Women's Network Multi-Cultural Resource Centre National Association of Pension Funds National Children's Bureau NI Newry and Mourne Senior Citizen's Consortium Newry and Mourne Women Ltd Newtownabbey Senior Citizen's Forum Neighbourhood Partnerships NI African Cultural Centre NI Anti-Poverty Network NI Commissioner for Children and Young People NI Federation of Housing Associations NI Islamic Centre NIACRO NICVA NIGRA (NI Gay Rights Association) Northern Ireland Association for Mental Health Northern Ireland Committee, Irish Congress of Trade Unions </p>	<p> Foyle Women's Aid Gay and Lesbian Youth NI GEMS Northern Ireland Limited General Consumer Council Gingerbread NI The Guide Dogs for the Blind Association Health and Social Services Boards Housing Rights Service Indian Community Centre Information Commissioner's Office North West Forum of People with Disabilities NUS/USI Northern Ireland Student Centre Northern Ireland MPs and MEPs Northern Ireland Political Parties Northern Ireland Spokespersons in House of Lords and House of Commons NIO Human Rights and Equality Unit OFREG Omagh Women's Area Network Parents Advice Centre PlayBoard POBAL Polish Association NI Presbyterian Church in Ireland PSNI The Rainbow Project Relate NI Rent Officer for Northern Ireland Royal National Institute for the Blind Royal National Institute for the Deaf Rural Community Network Rural Development Council Rural Support Sai Pak Chinese Community Association Save the Children Sense NI Shelter (Northern Ireland) Sikh Cultural Centre Simon Community (Northern Ireland) Social Economy Agency STEP (South Tyrone Empowerment Project) South West Belfast Community Forum Sperrin Lakeland Senior Citizens' Consortium Staff Commission for Education and Library Boards </p>
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<p>Northern Ireland Council for Ethnic Minorities Northern Ireland Government Departments Northern Ireland Housing Council Northern Ireland Housing Executive NI Human Rights Commission (NIHRC) NIPSA NI Statistics & Research Agency (NISRA) Northern Ireland Tenants Action Project NI Union of Supported Employment NI Volunteer Development Agency NI Women's Aid Federation NI Women's European Platform (NIWEP) NSPCC North West Community Network</p>	<p>Training for Women Network Ltd Traveller Movement Northern Ireland Ulster Architectural Heritage Society Ulster People's College Ulster Scots Heritage Council ULTACH Trust UNISON Volunteer Development Agency West Belfast Economic Forum Women into Politics The Women's Centre Women's Forum Northern Ireland Women's Information Group Women's Resource and Development Agency Women's Support Network Workers Educational Association Youth Council for NI</p>
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DSD RESPONSE TO STAKEHOLDERS' COMMENTS

Regeneration Bill – Clause by Clause Scrutiny Table

PART 1: POWERS IN RELATION TO SOCIAL NEED

Clause 1	Financial assistance to address social need
Explanation	This Clause makes provision for councils to provide financial assistance to third parties which it considers will benefit (directly or indirectly) areas of social need in its district. A list of examples of the types of activities which a council may fund is given but this list is not prescriptive and councils will have wide discretion about what they decide to fund. Financial assistance may take the form of grants, loans, guarantees or the taking of any interest in property or in a body corporate. In recognition of the Department's and the Northern Ireland Housing Executive's wider housing functions, any financial assistance a council wishes to provide for the provision of housing will require prior approval of the Department. This Clause will not empower councils to build social housing.

Summary of Comments and Proposed Amendments	Departmental Response
<p><u>Fermanagh and Omagh District Council</u></p> <ul style="list-style-type: none"> With regard to Part 1, Powers in Relation to Social Need, to avoid ambiguity, the Council suggests that Para 1.2.(a) line 10, is expanded to include the social economy within the definition of other economic activity. 	<ul style="list-style-type: none"> The term 'other economic activity' would include the social economy. Also, including a specific reference to 'social economy' would require it to be defined in the legislation or explanatory memorandum in some way and that might be difficult and the definition might become out of date over time.
<p><u>JUNO Planning</u></p> <ul style="list-style-type: none"> JUNO notes the potential role for both Councils and the Department in addressing social need at a local and regional level respectively. We recommend that streamlined processes are put in place to prevent duplication of roles and minimise unnecessary bureaucracy 	<ul style="list-style-type: none"> Agreed. This will be included in guidance to be developed by the Department in consultation with councils.
<p><u>Mid & East Antrim Council</u></p> <ul style="list-style-type: none"> Council note that clause 1 affords discretion to Councils to provide financial assistance to third parties which it considers will benefit (directly or indirectly) areas of social need in the district. The level of discretion contained within this clause is very much in the spirit of the 	<ul style="list-style-type: none"> Agreed. This will be included in guidance to be developed by the Department in consultation with councils.

<p style="text-align: center;">Summary of Comments and Proposed Amendments</p>	<p style="text-align: center;">Departmental Response</p>
<p>general power of competence. However, as with the general power of competence Council urges clear and detailed guidance, developed in partnership with local government, that provides clarity and protection for councils and local people, is made available. Council believe that this area should be strengthened.</p>	
<p><u>NILGA</u></p> <ul style="list-style-type: none"> NILGA, is supportive of the discretion that has been afforded to councils in Clause 1, which makes provision for councils to provide financial assistance to third parties which it considers will benefit (directly or indirectly) areas of social need in the district. It is the Association’s view that the level of discretion contained within this clause is very much in the spirit of the general power of competence. However, as with the general power of competence NILGA urges clear and detailed guidance, developed in partnership with local government, that provides clarity and protection for councils and local people, is made available. 	<ul style="list-style-type: none"> Agreed. This will be included in guidance to be developed by the Department in consultation with councils.
<p><u>Volunteer Now</u></p> <ul style="list-style-type: none"> In relation to Part 1: Powers in Relation to Social Need I would suggest the following amendments to the wording contained in the Bill. I have highlighted suggested wording changes and additions. <p>1. (1) A council may provide financial assistance to any person/organisation (Note: conditions at section 2; the wording would require amendment to include reference to organisations as well as ‘any person’) doing or intending to do, anything falling within Subsection (2) which benefits one or more areas of social need in its district.</p> <p>(2) Financial assistance may be provided under this section for –</p> <p>(a) the promotion, development or regeneration of commercial, industrial or other economic activity;</p> <p>(b) the promotion and delivery of community development to address social need by engaging local people and communities in improving the neighbourhoods and communities they live and work in;</p> <p>(c) the improvement of the environment;</p> <p>(d) the provision of housing;</p> <p>(e) the provision of social or community facilities;</p> <p>(f) the refurbishment or restructuring of buildings,</p> <p>or for anything not falling within paragraphs (a) to (f) which the council considers will benefit the district.</p>	<ul style="list-style-type: none"> Not accepted. The term ‘person’ can also be applied to cover ‘organisation’. Section 37(1) of the Interpretation Act (NI) 1954 refers. The power to support community development is already contained in the Bill so this amendment is unnecessary. The ways in which a council should go about promoting and delivering community development eg “by engaging local people and communities in improving neighbourhoods and communities they live and work in” is a matter for the council to decide and not for legislation.

Clause 2	Conditions attaching to financial assistance under section 1
Explanation	This Clause will enable a council to attach such conditions as it thinks fit to the provision of financial assistance and failure to comply with certain conditions may be an offence. For the purposes of determining whether a condition has been complied with or whether financial assistance has become repayable a council may by notice require a person to give information or produce books, records or other documents. Failure to comply with such a notice or providing false information in response to such a notice will be an offence.

Summary of Comments and Proposed Amendments	Departmental Response
<p><u>Fermanagh and Omagh District Council</u></p> <ul style="list-style-type: none"> With regard to Part 1, Powers in Relation to Social Need, to avoid ambiguity, the Council suggests that Para 1.2.(a) line 10, is expanded to include the social economy within the definition of other economic activity. 	<ul style="list-style-type: none"> The term 'other economic activity' would include the social economy.

Clause 3	Power to carry out works for the improvement of the environment
Explanation	This Clause allows a council to carry out works for the improvement of the environment which it considers will benefit an area of social need in its district. Certain works require the consent of the Department for Regional Development.

Summary of Comments and Proposed Amendments	Departmental Response
<p><u>Fermanagh and Omagh District Council</u></p> <ul style="list-style-type: none"> Recommended that Para 3.2 line 12 is amended to: "...with the consent of the Department for Regional Development, which shall not be unreasonably withheld..." A similar amendment should be made in para 3.3, line 21 (sale or disposal of structures). 	<ul style="list-style-type: none"> As powers exercised by Government departments are subject to Judicial Review, and as one key test of decisions in exercising those powers is that they are reasonable, the suggested amendments are considered unnecessary.
<p><u>JUNO Planning</u></p> <ul style="list-style-type: none"> JUNO suggests that proposed works for the improvement of the environment must have regard to Councils Local Development Plan and Community Plans 	<ul style="list-style-type: none"> Noted. However, most environmental improvement schemes will require planning permission and therefore will have to be consistent with the local development plan. In relation to the second point, it is difficult to envisage a Council working up a proposal for and agreeing to fund an environmental improvement scheme that was not in keeping with its own Community Plan.

Clause 4	Power of Department to provide financial assistance
Explanation	This Clause amends Article 3 of the Social Need (Northern Ireland) Order 1986 by removing reference to districts in defining the focus of the Department's financial assistance. This is consistent with the Reform of Local Government in which the Department will adopt a more regional focus and work in partnership with the new Councils who will take the decisions on local projects needed to bring about real improvements for their people.

Summary of Comments and Proposed Amendments	Departmental Response
<p><u>JUNO Planning</u></p> <ul style="list-style-type: none"> JUNO notes that Part 1 Clause 4 of the Regeneration Bill amends Article 3 of the Social Need (Northern Ireland) Order 1986 by removing reference to districts in defining the focus of the Department's financial assistance. JUNO recommends that DSD has regard to the (i) Community Plan; and (ii) Local Development Plan prepared by the respective local councils in the provision of financial assistance. 	<ul style="list-style-type: none"> Not accepted. Section 75 of the Local Government Act (Northern Ireland) 2014 places a duty on every Northern Ireland Department to promote, encourage and have regard to the Community Plan in delivering its functions, which will include the provision of any financial assistance under Clause 4. Consequently part (i) of the suggestion would duplicate an existing provision in legislation. The reference to the local development plan in part (ii) of the suggested clause is largely irrelevant. Revenue grants to community and voluntary organisations would not engage the local development plan in any way since they do not result in physical development. Capital grants would be subject to the project securing planning permission, so would have to be consistent with the local development plan.

PART 2: DEVELOPMENT POWERS AND OTHER POWERS FOR PLANNING PURPOSES

Clause 5	Development schemes of councils
Explanation	This Clause allows a council to prepare a development scheme for an area in its district which it considers should be developed, redeveloped or improved as a whole. Development schemes must be defined by a map and set out in general terms the intentions for land use and layout. The Department will be able to direct a council to prepare a development scheme where it considers that the regeneration of an area is required and likely to be of significance to the whole or a substantial part of Northern Ireland and the council is best placed to take this forward. This provision is related to clause 9 and the ability of the Department to make regulations requiring councils to provide information in relation to certain types of development proposals.

Summary of Comments and Proposed Amendments	Departmental Response
<p><u>CHARTERED INSTITUTE OF HOUSING NORTHERN IRELAND</u></p> <ul style="list-style-type: none"> As per our response to the strategic planning policy statement (SPPS) consultation, we strongly support the ‘plan-led system’. Both the Department and local councils must have regard to the councils’ new local development plans (LDPs) in the preparation of their ‘development schemes’, else risk the LDPs being bypassed which runs counter to the principles of reform. As such CIH recommends the following: <ul style="list-style-type: none"> ➤ Part 2 Clause 5 Subclause 4 “In preparing a development scheme a council must have regard to— Add “(c) local development plans within the meaning of the Planning Act (Northern Ireland) 2011” 	<ul style="list-style-type: none"> Not accepted. A development scheme is a statutory amendment to the area plan (or local development plan as it will be called from 1 April). For example, the Victoria Square development scheme changed the policies in the Belfast Urban Area Plan on the boundary of the primary retail area in Belfast City Centre in order to allow a retail based development at that location.
<p><u>Fermanagh and Omagh District Council</u></p> <ul style="list-style-type: none"> Part 2 deals with Development Powers and Other Powers for Planning Purposes. In this section it is stated (page 4, line 7) that the Department may direct the Council to prepare a development scheme for the area. No reference is made to ensuring appropriate financial provision is allocated for such a scheme, and the Council would therefore propose that this reference is amended to “the Department may direct the Council to assess the feasibility of preparing a development scheme...” 	<ul style="list-style-type: none"> Not accepted. The purpose of the clause is to allow the Department to direct a Council to make a development scheme which would be necessary to permit a development that would be in the public interest to proceed. An example of this would be where it had been established that Belfast’s retail offer needed to be improved substantially and that in order to do that a development scheme was needed to create the planning context that would allow for a new retail led development in a particular place. If the Council declined to make that development scheme for whatever reason, a development which would be in the

<p style="text-align: center;">Summary of Comments and Proposed Amendments</p>	<p style="text-align: center;">Departmental Response</p>
<ul style="list-style-type: none"> • While the legislation states that in preparing a development scheme a Council must have due regard to its community plan, no such requirement is made of the Department, and it is recommended the Committee ensures such a requirement is included in the final legislation. 	<p>wider public interest could not proceed. In these circumstances, the Department could direct the Council to make the scheme. The proposed change would remove that power from the Department.</p> <ul style="list-style-type: none"> • The Department’s direction could be challenged legally by a Council and therefore it would have to be carefully considered first. One of the possible grounds for a challenge would be unreasonableness. Clearly, it would be unreasonable for the Department to direct a Council to make a development scheme if it had not first assessed the feasibility of the scheme it wished to see prepared. The same would apply to the affordability aspects. Therefore, there is adequate legal protection for the new Councils. • On a more practical point, making a development scheme in itself does not usually require very large expenditure. Most of the costs would be in the form of professional advice on the content of the scheme and (if necessary) the public enquiry. Major expenditure would only follow if land acquisition is needed, in which case the relevant Council would acquire an asset in return for its expenditure. If the land is subsequently sold on to a developer, the scheme should be cost neutral. • As with the comments for clause 4, this amendment is not considered necessary. The Department will already be required by the Local Government Act (NI) 2014 to promote, encourage and have regard to the Community Plan in delivering its functions, which will include the ability to make regionally significant development schemes. Consequently, this suggestion would duplicate an existing provision in legislation.
<p><u>JUNO Planning</u></p> <ul style="list-style-type: none"> • JUNO wishes to highlight the importance of both the Department and local Councils having regard to the Council’s current (i) Community Plans; and (ii) Local Development Plans in the preparation of ‘Development Schemes.’ Part 2 Clause 5 of the Bill does not require both parties to have regard to council’s ‘Local Development Plans’ and therefore the potential exists for the ‘plan-led system’ that is at the heart of the reform of planning to be by-passed. • If the Department directs Councils to prepare ‘development Schemes’. 	<ul style="list-style-type: none"> • As above

<p style="text-align: center;">Summary of Comments and Proposed Amendments</p>	<p style="text-align: center;">Departmental Response</p>
<p>Legislation should state which party will pay for the Development Scheme. If DSD is directing the Councils to prepare a Development Scheme, we suggest that DSD is responsible for financing it.</p>	
<p><u>Mid & East Antrim Council</u></p> <ul style="list-style-type: none"> • The Department is proposing to retain significant regeneration powers under Clause 5, which would enable them to direct a council to prepare a development scheme in certain circumstances, i.e. where it considers that the regeneration of an area is required and likely to be of regional significance and the council is best placed to take this forward. The terminology used ('the Department may direct') could serve to undermine local government; additionally the use of the criteria of 'regional significance' is expressed in quite vague terms and could lead to inconsistency in how it is applied. • Council would raise a concern at the retention of this level of potential intervention by the Department. It is difficult to envisage a circumstance that would arise when a council would not identify a significant area of land or place where there needs to be regeneration or a development scheme, working in partnership with the Department on regionally significant schemes. Mid and East Antrim believe that, as the locally elected representatives, they are best placed to ensure that opportunities for regeneration and development schemes are fully exploited. Guidance on what would be deemed 'regionally significant' would be helpful. 	<ul style="list-style-type: none"> • The Department expects that projects of regional significance will arise very rarely. The presumption in the legislation is that the local council is best placed to take forward regeneration schemes and that the Department will become directly involved very much by exception. The Department is committed to working in partnership with local councils and will seek to maximise their involvement in any scheme considered to be of regional significance. • The Department has carried out very few formal "comprehensive" development schemes over the last 10 years. Victoria Square would have been the last major Development Scheme. • Our situation does not compare with the position in planning where thousands of applications are received annually and councils need clarity on which type of applications may need to be considered by the Department (as potentially of significance to the whole or a substantial part of Northern Ireland) rather than councils. Examples of regionally significant planning applications could include development of airports or off-shore generating stations. On that basis DSD does not consider it appropriate to be prescriptive in legislation around the circumstances when a development scheme might be of significance to the whole or a substantial part of Northern Ireland. Each case will be considered on its merits. This will be covered in guidance from the Department.
<p><u>NILGA</u></p> <ul style="list-style-type: none"> • NILGA notes that the Department is proposing to retain significant regeneration powers under Clause 5, which enables the Department to direct a council to prepare a development scheme in certain circumstances, i.e. where it considers that the regeneration of an area is required and likely to be of regional significance and the council is best placed to take this forward. The terminology used (the Department may direct) could serve to undermine local government; additionally the use of the criteria of 'regional significance' is expressed in quite vague terms and could lead to inconsistency in how 	<ul style="list-style-type: none"> • As above. The Department expects that projects of regional significance will arise very rarely. The presumption in the legislation is that the local council is best placed to take forward regeneration schemes and that the Department will become directly involved very much by exception. The Department is committed to working in partnership with local councils and will seek to maximise their involvement in any scheme considered to be of regional significance.

Summary of Comments and Proposed Amendments	Departmental Response
<p>it is applied.</p> <ul style="list-style-type: none">• We are deeply concerned by the retention of this level of potential intervention by the Department. It is difficult to envisage a circumstance that would arise when a council would not identify a significant area of land or place where there needs to be regeneration or a development scheme, working in partnership with the Department on regionally significant schemes. NILGA members would emphasise that post-reform local government is best placed to ensure that opportunities for regeneration and development schemes are fully exploited. Guidance on what would be deemed 'regionally significant' would be helpful.	<ul style="list-style-type: none">• Our situation does not compare with the position in planning where thousands of applications are received annually and councils need clarity on which type of applications may need to be considered by the Department (as potentially of significance to the whole or a substantial part of Northern Ireland) rather than councils. Examples of regionally significant planning applications could include development of airports or off-shore generating stations. On that basis DSD does not consider it appropriate to be prescriptive in legislation around the circumstances when a development scheme might be of significance to the whole or a substantial part of Northern Ireland. Each case will be considered on its merits. This will be covered in guidance from the Department.

Clause 6	Adoption of development schemes by councils
Explanation	This Clause specifies the procedure for consulting on development schemes and considering objections. Councils will be required to consult with the Department for Social Development in the preparation of development schemes and will also have to publicly advertise their draft schemes. As part of this consultation the Department will consider any scheme with a housing element in light of the Northern Ireland Housing Executive's wider housing functions. Any relevant objections to a draft scheme which cannot be resolved must be considered by the planning appeals commission at public local inquiry. The Department will have the final decision on a development scheme as it cannot be formally adopted by a council without the approval of the Department.

Summary of Comments and Proposed Amendments	Departmental Response
<p><u>JUNO Planning</u></p> <ul style="list-style-type: none"> JUNO notes that the statutory process outlined for preparation of Development Schemes by Council could be considered onerous and bureaucratic as it will require input from three statutory bodies, namely (i) Council; (ii) Department (DSD); and (iii) the PAC. This will have implications for staffing arrangements of the statutory bodies highlighted and it will be essential that all bodies are adequately staffed or there may be potential for delays in the delivery of 'Development Schemes' and subsequent regeneration proposals. 	<ul style="list-style-type: none"> The statutory process for development schemes is the same for councils as it currently is for the Department. The process is there to ensure that the use of development schemes is done properly and comprehensively – this is very important as they are then used as a basis for vesting. (It should be noted that the process is the same as for local development plans). There should be no significant staffing implications as development schemes are very rare.
<p><u>Mid and East Antrim Council</u></p> <ul style="list-style-type: none"> In conjunction with our Planning powers, the power to prepare development schemes provides Council with the opportunity to really tackle issues, like economic growth, our tourism potential and the health and wellbeing of our communities. We note, however, that clause 6(1) of the Bill requires Council to submit the Plan to the Department for comment for a period of at least 28 days, prior to publishing the scheme for public consultation for a further 28 days (at least). Given that Council is not obligated to amend the scheme following consideration of Departmental comments, it is suggested that the Department, along with all other stakeholders provide comment during the public consultation period, thus shortening the timeframe by at least a month, and allowing Council to act promptly if necessary. Council note at clause 6(2) provisions are set out for publishing a notice in newspaper circulating in the locality. Council would encourage the inclusion of additional forms of notification, such as social media. 	<ul style="list-style-type: none"> Not accepted. The Department is not a consultee in the process. It has a statutory approval role. There is no point in the council going out to public consultation on a scheme that the Department would not agree to adopt. A development scheme can take a number of years to take forward, so a period of 28 days to seek comment from the Department will make little material impact on the overall timescales. The requirement to consult the Department is a reversal of the current position where the Department has to consult the relevant local council before making a development scheme; and no major problems have been encountered with that arrangement. As a statutory minimum, adverts must be published in one or more local papers as laid out in 6.2. However, there is no restriction on also using social media, for example, should the council so wish.

<p style="text-align: center;">Summary of Comments and Proposed Amendments</p>	<p style="text-align: center;">Departmental Response</p>
<ul style="list-style-type: none"> • Clause 6(5) outlines that a scheme must be approved by the Department. We understand this is a senior civil servant within the department and seek clarification on this. Council also note that there is no provision for council to appeal changes made by the department. Further clarification is sought in relation to this. 	<ul style="list-style-type: none"> • Development schemes are currently approved by a senior civil servant within the Department and this is likely to continue to be the case. In relation to appeals it should be noted that there is always the route of Judicial Review if a council is not satisfied with the Department's decision.
<p><u>NILGA</u></p> <ul style="list-style-type: none"> • Clause 6, which makes provision for the requirement for the Department's approval in the adoption of a development scheme, is also of concern. Clause 6 specifies that any relevant objections to a draft scheme which cannot be resolved must be considered by the planning appeals commission at public local inquiry. It further specifies that the Department will have the final decision on a development scheme as it cannot be formally adopted by a council without the approval of the Department. Again, NILGA questions the level of decision making being devolved to local government in relation to regeneration and community development given the Department's ability to veto. • NILGA considers this level of potential intervention contrary to the Executive's vision for local government and in particular the objective of bringing decision-making closer to communities and citizens, creating a stronger more effective local democracy and improving service delivery by influencing place-shaping and facilitating greater integration. • Further, NILGA considers this approach inconsistent with the approach taken by e.g. the Department for Regional Development to the transfer of off street car parking. DRD have transferred all powers and assets relating to off street car parking to local government. 	<ul style="list-style-type: none"> • It should be noted that the use of development scheme powers over the last 10 years has been very infrequent and it is expected that this situation will not change significantly when the powers are conferred on councils in 2016. That said it is important to ensure that there is some oversight over what are far reaching powers. The Department will have a role in approving development schemes and vesting proposals. This is similar to the current role which DOE has in relation to local councils. • There is no reason why this arrangement should have a negative impact on the ability of the new Councils to deliver the Executive's vision. The Councils will still be responsible for deciding when and where to make schemes (subject to the Department's power to direct) and preparing the content of such schemes. • The analogy is not relevant. DSD is also transferring all its existing powers, assets and budgets in relation to the delivery of local regeneration and community development. The freedom over those assets will be the same as granted for the car parks. However, the development scheme provisions are something different entirely as they relate to changes to the planning context for an area. Therefore, the comparison that should be made is with the arrangements on the transfer of planning powers to Councils.

Clause 7	Acquisition of land by councils for planning purposes
Explanation	<p>A council will be able to acquire land, by agreement or compulsorily, for certain planning purposes. For compulsorily purchases, the procedure for acquisition of land by vesting order is set out in Schedule 6 of the Local Government Act (Northern Ireland) 1972. Councils must apply to the Department to make a vesting order if they wish to compulsorily acquire land. Councils are required to publicly advertise their intention to vest and consider and resolve any objections received. If the objections cannot be resolved the Department will cause a local inquiry to be held by the planning appeals commission and will consider their report before deciding on whether to make the vesting order.</p> <p>Proceedings for the acquisition of land in connection with a development scheme and proceedings in connection with the adoption of a development scheme can be taken concurrently up to a point but a vesting order cannot be made until the development scheme has been adopted.</p>

Summary of Comments and Proposed Amendments	Departmental Response
<p><u>Fermanagh and Omagh District Council</u></p> <ul style="list-style-type: none"> There is considerable detail in relation to lands matters including the approaches to acquisitions and disposals. The Council would recommend that some consideration should be given to reducing the timescales associated with the vesting processes to enable schemes to progress in a timely fashion. It is acknowledged that cross Departmental work may be required to fully achieve this. 	<ul style="list-style-type: none"> The vesting process is in line with those used by all Government Departments.
<p><u>JUNO Planning</u></p> <ul style="list-style-type: none"> Sub-section (4) states that the vesting of land cannot be made until 'Development Schemes' have been adopted. We have concerns regarding the potential length of time it could take to prepare 'development Schemes' and then vest land. It is imperative that efficient and streamlined processes are put in place so that lengthy delays are not allowed to occur. 	<ul style="list-style-type: none"> Again, the vesting process is in line with those used by all Government Departments. This provision only relates to land vested in connection with a development scheme. It does not affect other situations in which the new Councils may choose to use the compulsory purchase powers. However, in all cases it has to be acknowledged that these are not quick and straightforward procedures to work through as exercising the power to compulsory purchase land involves depriving people of their property and their rights to due process need to be respected.
<p><u>NILGA</u></p> <ul style="list-style-type: none"> Clause 7 provides for the acquisition of land by councils for planning purposes. The Clause specifies that a council will be able to acquire land, by agreement or compulsorily, for certain planning purposes and lists four criteria, which includes: 	<ul style="list-style-type: none"> The Department has stated in a number of published documents that its statutory powers in relation to development schemes, land acquisition and disposal and road extinguishment "are exercised in the public interest by the Department to assist in the assembly and vesting

<p style="text-align: center;">Summary of Comments and Proposed Amendments</p>	<p style="text-align: center;">Departmental Response</p>
<p>“7(1)(b)That it is expedient in the public interest that the land should be held together with land so required;”</p> <p>The term public interest is used extensively across various local government reform statutory and policy instruments, including the DOENI Single Strategic Planning Policy Statement (SPPS) and the Northern Ireland Local Government Code of Conduct for Councillors. In relation to these documents, NILGA suggested the inclusion of criteria for determining what is in the public interest (e.g. a rule of thumb based on the number of people likely to benefit) and we would suggest to the Committee that they give consideration as to how best to define public interest in this case; either within the Bill or by requiring accompanying guidance on this issue.</p> <ul style="list-style-type: none"> Concerns have also been raised whereby land was purchased some time ago and therefore would be vested and taken into public ownership at a loss to the individual. Also, situations have also been cited where developers could “hold to ransom” people who would like to develop an area in the public interest. NILGA considers that the proposed Bill will have little impact on this situation as it contains no provisions that could assist in addressing these barriers. 	<p>of lands for the purpose of comprehensive development”. The Department has never explicitly defined what constitutes “the public interest” in these circumstances. However, it does imply, at minimum, that there is a need to demonstrate that the scheme will deliver tangible economic, social or environmental benefits that are significant enough to outweigh the rights of those who would be affected by the intervention. It is difficult to identify how the public interest could be defined in legislation in a way that would be precise enough to be understandable while not overly prescriptive and could continue to be relevant in all time periods if societal priorities change.</p> <ul style="list-style-type: none"> A balance has to be struck between providing councils with the means to acquire land which is considered essential for the regeneration of their areas, whilst having checks and balances in place to ensure that an individual can challenge a council’s proposals to take his property through compulsory purchase. In the Departments view, the balance is about right. If necessary these issues can be addressed in any public enquiry.

Clause 8	Disposal of land held by councils for planning purposes
Explanation	A council will be able to dispose of land which it holds for planning purposes in order to secure the best use of land or buildings or to secure the erection or construction of buildings or carrying out of works which the council considers are needed for the proper planning of the area in which the land is situated.

Summary of Comments and Proposed Amendments	Departmental Response
<p><u>NILGA</u></p> <ul style="list-style-type: none"> NILGA considers that this clause presents an opportunity to further enhance support for the process of community asset transfer. In our response to Department for Social Development's proposed community asset transfer policy framework we raised concerns that it would not go far enough to address the barriers that exist to enable the practice to be used more extensively and creatively. NILGA pointed to the widespread view that Northern Ireland lags behind the rest of the UK in terms of policy, legislation and dedicated finance. It is our view that the Regeneration Bill is an opportunity to bridge the gap that exists. 	<ul style="list-style-type: none"> This response is welcomed. In May 2014, the Department published a new policy framework for 'Community Asset Transfer in Northern Ireland'. This important policy framework aims to create an enabling environment for community asset transfer.

Clause 9	Development of land held by councils for planning purposes
Explanation	<p>A council will be able to develop land which it holds for planning purposes by erecting or constructing buildings or carrying out works or entering into agreements with any person for the development of land. A council will also be able to maintain, repair and generally manage buildings or works on land which is being held for development purposes.</p> <p>The Department will have the power to make regulations which would: require councils to provide the Department with specific information about their plans to develop land in particular circumstances, and, enable the Department to delay the council from using its development powers in those circumstances for a specified period of time. The detail of any such regulations will be developed and consulted upon separately. The purpose of such regulations will be to ensure that the Department is kept informed of any proposed development which is likely to be of significance to the whole or a substantial part of Northern Ireland. It is intended that such regulations would be used to inform the Department's decision about whether to direct a council to prepare a development scheme under clause 5.</p>

Summary of Comments and Proposed Amendments	Departmental Response
<p><u>JUNO Planning</u></p> <ul style="list-style-type: none"> We request the opportunity to review and comment on the referenced regulations. 	<ul style="list-style-type: none"> Agreed. Any subsequent draft regulations will be subject to public consultation.
<p><u>NILGA</u></p> <ul style="list-style-type: none"> Clause 9 specifies the development of land held by councils for planning purposes. It further specifies that the Department will have the power to make regulations which would require councils to provide the Department with specific information about their plans to develop land in particular circumstances, and enable the Department to delay the council from using its development powers in those circumstances for a specified period of time. The detail of such regulations, it is specified, will be developed and consulted upon separately. NILGA has already expressed concern regarding the level of control that the Department will retain. NILGA considers this level of interference contrary to the Executive's vision for local government and in particular the objective of bringing decision-making closer to communities and citizens, creating a stronger more effective local democracy and improving service delivery by influencing place shaping and facilitating greater integration. The development of regulations relating to the proposed Regeneration Bill must be done in partnership with local government, particularly because these regulations would be used to inform the Department's decision about whether to direct a council to prepare a development scheme under Clause 5. 	<ul style="list-style-type: none"> These provisions allow the Department to make regulations, if required, to ensure that councils notify it of their plans in relation to certain types of development. This would allow the Department, if it considered it appropriate, to set out in Regulations a requirement for Councils to provide early advance notice of certain types of development schemes which might be considered to be regionally significant. This is in line with the position on planning applications. Any subsequent draft regulations will be subject to public consultation.

Clause 10	Powers of council before acquisition of land for planning purposes
Explanation	A council will be able to enter into agreements for the development or disposal of land which it intends to acquire compulsorily, at any time after it has published notice of the application for a vesting order.

Summary of Comments and Proposed Amendments	Departmental Response
No stakeholder comments were received and no amendments proposed.	

Clause 11	Extinguishment by council of right of way
Explanation	A council will be able to extinguish by order public right of way over land which it holds for planning purposes if it considers that this is necessary for the proper development of the land. A council will have to publicise its intentions and serve notice on any affected statutory undertakers and electronic communications operators, for example NIE or Northern Ireland Water. Councils may cause a public local inquiry to be held by the planning appeals commission to hear objections to the proposed order. Sub-sections (7)–(11) contain a number of safeguards for operators of electronic communications networks in the event of an extinguishment order being made.

Summary of Comments and Proposed Amendments	Departmental Response
<p><u>Fermanagh and Omagh District Council</u></p> <ul style="list-style-type: none"> Specific reference is made (pages 8 and 9) to the entitlement for electronic communications code network operators to recover expenses from the Council in specific circumstances. No comparable provision is made for Councils to claim costs from utility providers or equivalent, who refuse to align their work programmes with capital improvement schemes and which often result in loss or damage to the finished product. Committee members may be aware of the increasing occurrences of completed environmental improvement schemes being “disturbed” even during the defects liability period, by utility companies, and it would be particularly helpful if some legislative provision is made to reduce and ideally, prevent such incidents. 	<ul style="list-style-type: none"> Not accepted. Utilities are required under The Street Works (Northern Ireland) Order 1995 to reinstate streets, roads etc that have been disturbed as a result of their operations. Public realm schemes are included in that. It is therefore in their interests to mesh their work with DSD’s now and Councils in the future and this is set out in a number of Codes of Practice. Responsibility for managing this element rests with DRD. Utility companies do work with DSD at present to align their planned work programmes with public realm schemes where possible. However, much utility company work is reactive in response to equipment failure or customer requests, including requests from new customers who may have been attracted to the area by the public realm improvements.
<p><u>NILGA</u></p> <ul style="list-style-type: none"> Clause 11 allows for a council to extinguish by order, public right of way over land which it holds for planning purposes if it considers that this is necessary for the proper development of the land. NILGA is concerned that disability and physical accessibility issues have not been dealt with and considers that due regard must be given to the impact that this Clause may have on these particular groups. 	<ul style="list-style-type: none"> Proposals to extinguish a public right of way will be subject to a number of safeguards such as public consultation, and consideration of objections, including, where necessary, public local enquiry by the Planning Appeals Commission (PAC). This is considered to be sufficient to ensure that all issues, including those related to disability and physical accessibility are fully considered.

Clause 12	Power of council to require information as to estates in land
Explanation	A council will be able to issue a notice requiring the occupier of any premises, or a person receiving rent for any premises, to provide certain information to enable the council to make an order or issue or serve notice. Failure to comply with such a notice or providing false information in response to such a notice will be an offence.

Summary of Comments and Proposed Amendments	Departmental Response
<p><u>Mid and East Antrim Council</u></p> <ul style="list-style-type: none"> • Clause 12(3) states a time limit of 21 days to provide information of ownership of land. It is suggested that a 14 day time limit would allow for a quicker turnaround of information. 	<ul style="list-style-type: none"> • Noted. 21 days is in line with the current position in legislation under which the Department operates. The Department does not consider that a reduction from 21 days to 14 days would make a material difference to the time it would take to deliver a scheme.
<p><u>NILGA</u></p> <ul style="list-style-type: none"> • NILGA welcomes the scope that this will provide to address barriers that exist to accessing information and the subsequent penalties for non-compliance. However, NILGA is acutely aware of the prevalence across Northern Ireland of premises where there is no way of identifying anybody with an estate in land. As a result they are left in a state of disrepair which causes serious blight to the communities in which they are located. NILGA urges that more is done to address this serious issue. 	<ul style="list-style-type: none"> • Noted. This is a wider issue than simply regeneration and is therefore not appropriate for this Bill.

Clause 13	Development schemes made by the Department
Explanation	This Clause amends Article 85 of the Planning (Northern Ireland) Order 1991 by restricting the ability of the Department to make development schemes. In order for the Department to make a development scheme, it must be satisfied that the development, redevelopment or improvement of an area will be of significance to the whole or a substantial part of Northern Ireland and that the relevant district council is not best placed to carry this out.

Summary of Comments and Proposed Amendments	Departmental Response
<p><u>CHARTERED INSTITUTE OF HOUSING NORTHERN IRELAND</u></p> <ul style="list-style-type: none"> As per our response to the strategic planning policy statement (SPPS) consultation, we strongly support the ‘plan-led system’. Both the Department and local councils must have regard to the councils’ new local development plans (LDPs) in the preparation of their ‘development schemes’, else risk the LDPs being bypassed which runs counter to the principles of reform. As such CIH recommends the following: <ul style="list-style-type: none"> ➤ Part 2 Clause 13 “For Article 85 of the Planning Order substitute—“ <ul style="list-style-type: none"> ○ Add “85. (2) (c) have regard to community plans within the meaning of the Planning Act (Northern Ireland) 2011” ○ Add “85. (2) (d) have regard to local development plans within the meaning of the Planning Act (Northern Ireland) 2011” 	<ul style="list-style-type: none"> In relation to point 1, there is already an obligation on the Department under Section 75 of the Local Government Act (NI) 2014 to have due regard to the community plan in the discharge of its functions. A development scheme is a statutory amendment to the area plan (or local development plan as it will be called from 1 April). For example, the Victoria Square development scheme changed the policies in the Belfast Urban Area Plan on the boundary of the primary retail area in Belfast City Centre in order to allow a retail based development at that location.
<p><u>JUNO Planning</u></p> <ul style="list-style-type: none"> JUNO wishes to highlight the importance of the Department and local Councils having regard to the Council’s (i) Community plans; and (ii) Local Area Plans in their preparation of ‘Development Schemes’. Currently the Bill does not make provision for this important issue. Consequently, the Department would have the ability to by-pass the ‘plan-led system’ that is at the heart of the Reform of planning. 	<ul style="list-style-type: none"> As above
<p><u>Mid and East Antrim Council</u></p> <ul style="list-style-type: none"> Clause 13 relates to development schemes made by the Department and details the criteria under which this is applicable. Mid and East Antrim would be concerned that this has the potential to undermine local government and is not in the spirit of the Executive’s vision for 	<ul style="list-style-type: none"> The Department expects that projects of regional significance will arise very rarely. The presumption in the legislation is that the local council is best placed to take forward regeneration schemes and that the Department will become directly involved very much by exception.

Summary of Comments and Proposed Amendments	Departmental Response
<p>local government. Further, it is concerning that in stepping in to direct a council, on the basis that the council is not best placed to carry this out, that there is no reflection of where the financial burden will lay.</p>	<p>The Department is committed to working in partnership with local councils and will seek to maximise their involvement in any scheme considered to be of regional significance.</p>
<p><u>NILGA</u></p> <ul style="list-style-type: none">• Clause 13 relates to development schemes made by the Department and details the criteria under which this is applicable. Again, NILGA is of the view that this level of interference only serves to undermine local government and is not in the spirit of the Executive’s vision for local government. Further, it is concerning that in stepping in to direct a council; on the basis that the council is not best placed to carry this out, that there is no reflection of where the financial burden will lay.	<ul style="list-style-type: none">• As above

Clause 14	Interpretation of this Part
Explanation	This Clause defines a number of the terms used in PART 2 of the Bill.

Summary of Comments and Proposed Amendments	Departmental Response
No stakeholder comments were received and no amendments proposed.	

PART 3: LAGANSIDE

Clause 15	Transfer to council of certain functions in relation to Lagside
Explanation	This Clause provides for the repeal of the Lagside Development (Northern Ireland) Order 1989 (“the Lagside Order”) and Schedule 1 sets out the powers which the Council for the district of Belfast will be able to exercise in relation to part of the River Lagan. These powers will enable the Council to safeguard the legacy of the work done by the Lagside Corporation and include: the power to execute works to facilitate access to the river or promote recreational use; power to construct bridges and weirs (subject to all necessary permissions); power to make byelaws regulating e.g. fishing or the use of the river by vessels.

Summary of Comments and Proposed Amendments	Departmental Response
No stakeholder comments were received and no amendments proposed.	

PART 4: GENERAL AND SUPPLEMENTARY

Clause 16	Surveys, studies, etc.
Explanation	A council will be able to conduct or fund studies, investigations or research related to the exercise of its functions under Part 1 of the Bill e.g. social need in its district; development or redevelopment of its area etc.

Summary of Comments and Proposed Amendments	Departmental Response
No stakeholder comments were received and no amendments proposed.	

Clause 17	Guidance
Explanation	Following consultation with councils, the Department will be able to issue guidance in relation to regeneration. Councils shall have regard to any guidance issued by the Department.

Summary of Comments and Proposed Amendments	Departmental Response
<p><u>Mid and East Antrim Council</u></p> <ul style="list-style-type: none"> • Clause 17(1) of the Bill states that “The Department may, after consulting councils, issue guidance as to the exercise by councils of their functions under this Act”. We would strongly advocate a partnership approach between the Department and local government in the development of this guidance to ensure that it is fit for purpose, clear and robust whilst providing Councils with the flexibility they need to interpret how best to address social need in their area. This partnership relationship, rather than “command and control”, will promote a joined up approach between central and local government in tackling social need at a regional and local level. • This joined up approach will be essential in situations where the Department considers it necessary either to instruct Council to prepare a development scheme, as per clause 5(2) of the Bill, or to prepare a development scheme themselves as per clause 13. Mid and East Antrim Council believe that by working together and continuous dialogue, the requirement for the Department to be involved in the preparation of development schemes would be negated. 	<ul style="list-style-type: none"> • Accepted. The Department will develop guidance in consultation with local councils. • The Urban Regeneration and Community Development Policy Framework, which was published in July 2013, provide the strategic direction for regeneration and community development policy. Indicative outcomes have been provided in the Policy Framework against each of the Department’s four policy objectives. Further guidance on regional outcomes will be issued in due course. Following discussion, and with the agreement of Councils, guidance on intervention best practice, inclusive of guidance on how to deliver value for money, will be produced. Councils will have a statutory duty to have regard to any strategic guidance issued by the Department in exercising regeneration and community development functions. • The presumption in the legislation is that the local council is best placed to take forward regeneration in its area and that the Department will become involved very much by exception.

Clause 18	Powers to make orders under the Local Government Act in connection with this Act
Explanation	This Clause provides an amendment to the Local Government Act (Northern Ireland) 2014 which will allow the Department to make a scheme for the transfer of designated assets and liabilities from the Department to the new Councils.

Summary of Comments and Proposed Amendments	Departmental Response
No stakeholder comments were received and no amendments proposed.	

Clause 19	Regulations and orders
Explanation	This Clause details the Assembly controls which will apply to regulations and orders under the Bill.

Summary of Comments and Proposed Amendments	Departmental Response
No stakeholder comments were received and no amendments proposed.	

Clause 20	Interpretation
Explanation	This Clause provides definitions of terms used in the Bill.

Summary of Comments and Proposed Amendments	Departmental Response
No stakeholder comments were received and no amendments proposed.	

Clause 21	Minor and consequential amendments and repeals
Explanation	This Clause provides for the amendments set out in Schedule 2 and the repeals set out in Schedule 3 to have effect.

Summary of Comments and Proposed Amendments	Departmental Response
No stakeholder comments were received and no amendments proposed.	

Clause 22	Commencement
Explanation	This Clause provides that Clauses 1 to 17 and 21 come into operation on 1 April 2016.

Summary of Comments and Proposed Amendments	Departmental Response
No stakeholder comments were received and no amendments proposed.	

Clause 23	Short title
Explanation	This Clause provides that the Act shall be known as the Regeneration Act (Northern Ireland) 2015.

Summary of Comments and Proposed Amendments	Departmental Response
No stakeholder comments were received and no amendments proposed.	

DSD RESPONSE TO STAKEHOLDERS' COMMENTS

Regeneration Bill – General Comments Table

GENERAL COMMENTS

Stakeholder Comments	Departmental Response
<p><u>General Comments</u></p> <ul style="list-style-type: none"> • We would like to highlight the threats looming due to the possible loss of core funding (via the Community Investment Fund) to independent Community Development practitioners such as ourselves and others responsible for the infrastructural delivery of CD. This infrastructure has been built over many years in partnership with DSD who have provided the core funding throughout. In these times of severe austerity, and when our services are in greatest need, we now find ourselves in a precarious position due to the possible loss of this core funding. • We have met as part of the Community Development Network Forum and with other CIF funded organisation (see details below) and have advised DSD of the possible outcomes of transferring mainstream CD finances to Councils under RPA without at least ring-fencing this funding for independent CD organisations. • The impact on service provision will be significant. Training, advice, support, information provision, community relations work, support for Women, BME families and others will all be severely affected as will the Independent voices and advocates on behalf of the sector : • Current CIF infrastructure should therefore be maintained. 	<ul style="list-style-type: none"> • The Executive has decided that from 1 April 2016 responsibility for urban regeneration and community development will transfer to the new Councils established as part of the Reform of Local Government. • Councils are to be given more power at a local level, as they will lead and facilitate the community planning process. • The new Councils will consider what longer term arrangements it wants to put in place to support the full range of regeneration and community development functions. • This will enable councils, in partnership with other public service providers and departments, to influence how and where services are provided, allowing for a more flexible approach to meet local needs without duplication. • Importantly, community planning will also place a duty on key departments and agencies to be engaged in the community planning process and to have regard for the community plan when considering how best to deliver services locally. • The community Investment Fund (CIF) is targeted towards community development activity with an emphasis on building more cohesive and sustainable communities. It includes support for core costs of local community development groups, particularly where this leads to improved services to local communities.

Stakeholder Comments	Departmental Response
	<ul style="list-style-type: none"> Given the strong linkages between CIF and Community Planning, and given the sub regional nature of this programme, transfer to local councils at April 2016 remains appropriate. Local councils are best placed to determine which local community organisations should receive funding, taking account of local priorities and potential overlaps and duplication. Accordingly, it would be inappropriate to exclude CIF from the community development/planning process, particularly given that local councils will have responsibility to plan, cost and resource their community plans. A de-coupling of CIF from RLG at this late stage could place other elements of transfer programme at risk.
<p><u>Key Issues which we encourage the committee to consider:</u></p> <p>1. The Bill fails to honour the Government’s commitment to work together as social partners to build a participative, peaceful and inclusive community in NI. Examining the Concordat between the Voluntary and Community Sector and the NI it is clear the development of the Regeneration Bill and its implications does not meet the Concordat principals of Partnership working.</p>	<ul style="list-style-type: none"> The shared vision between Government and the Voluntary and Community Sector, as set out in the Concordat, is to work together as social partners to build a participative, peaceful, equitable and inclusive community in Northern Ireland. The Concordat creates a framework which supports opportunities for greater co-operation and joined up action. Under arrangements for the Reform of Local Government (RLG) local councils are being given new responsibilities and a broader range of powers. They will be citizen focused, responding to the needs, aspirations and concerns of their communities. In partnership with others, they will guide the future development of their areas. In March 2010 the Department consulted with a wide group of organisations on a draft Regeneration and Housing Bill. This approach is entirely consistent with the shared vision and partnership working principles as set out in the Concordat. The Regeneration Bill is an important part of the reform agenda.
<p>2. Lack of information – There is a significant lack of information on the proposed transfer of resources between DSD and the new Councils –</p> <ul style="list-style-type: none"> How much is being transferred? For what purposes? etc What is critical in this process is any transfer documents (between DSD and Councils). Have Transfer Documents been developed by DSD which are integral to the agreement on what will be transferred to councils from DSD including budget lines? Have these Transfer Documents become the discussion tool for the meetings with councils to agree, disagree or otherwise, on the contents? 	<ul style="list-style-type: none"> The Minister has written to each of the new Chief Executives setting out the amount transferring to the respective Council in respect of their new regeneration and community development responsibilities. The total budget to transfer to Councils from 1st April 2016 will be £56.5m. Under section 122 of the Local Government Act (NI) 2014 the Department has the power to make schemes for the transfer of designated assets and liabilities to councils.

Stakeholder Comments	Departmental Response
<ul style="list-style-type: none"> ○ Are the transfer documents the legal document for councils - containing all the detail as to what elements from Government Departments would transfer? ○ Do these documents exist? Are they available for scrutiny? ○ Have these been discussed with the Community and Voluntary Sector in an open and transparent process? If not - why not? 	<ul style="list-style-type: none"> ● Work is underway to develop the transfer schemes in consultation with the new councils.
<p>3. No joined up thinking – this was addressed in a letter the Fermanagh Trust sent to the Committee on behalf of CIF funded organisations. What has become even clearer in recent weeks is how the lack of connectedness in terms of regeneration that exists within the Assembly. A recent exchange at the Social Development Committee made this very clear. (see Fermanagh Trust response)</p>	<ul style="list-style-type: none"> ● The NI Executive has decided that from 1 April 2016 responsibility for urban regeneration and community development will transfer to the new Councils established as part of the Reform of Local Government. Councils are to be given more power at a local level, as they will lead and facilitate the community planning process. The new Councils will consider what longer term arrangements it wants to put in place to support the full range of regeneration and community development functions. This will enable councils to influence how and where services are provided, allowing for a more flexible approach to meet local needs without duplication. Community planning will also place a duty on key departments (including DARD) and agencies to be engaged in the community planning process and to have regard for the community plan when considering how best to deliver services locally. For this reason, Community Planning will be the forum for achieving the proper integration of urban and rural support programmes.
<p>4. Timing – new Councils are not ready and in many instances will not be ready to fulfil the role and outcomes currently undertaken by the CIF funded organisations. Why risk so much without having a clear understanding of the implications? The Confederation of Community Groups recommends the Transfer of resources only takes place if and when there is a clear direction of travel which honours the Concordat both in spirit and action. The approach which is currently planned is totally unacceptable and will have major repercussions on the services and support provided.</p>	<ul style="list-style-type: none"> ● DSD will work with local councils over the next year to ensure smooth transition. DSD will also provide support to local councils in the area of economic appraisals etc,
<p>5. What are the implications if the Community Investment Fund is transferred in April 2016? A comprehensive survey of the impact on the work of 26 CIF funded organisations was recently undertaken asking:</p> <ul style="list-style-type: none"> ○ What services will be lost if CIF funding is transferred to Councils; ○ What are the implications for organisations across NI? <p>(NB. The key finding of the survey are contained in the Fermanagh Trust submission attached above)</p>	<ul style="list-style-type: none"> ● This important report reflects the positive contribution the CIF has made in terms of local service delivery and local community development. Going forward, under the arrangements for RLG, local councils will take responsibility for local service delivery and community development in their areas. In doing so councils will want to take cognisance of this report and of the services delivered under the CIF. DSD officials will work with local councils to help ensure a smooth transition

Stakeholder Comments	Departmental Response
<p><u>CHARTERED INSTITUTE OF HOUSING NORTHERN IRELAND</u></p> <ul style="list-style-type: none"> CIH is broadly supportive of the aim in the draft Bill to decentralise government functions and empower local councils to make decisions about what happens in their communities. However, we feel that the Bill could go further to achieve this aim. As it stands, it seems that a substantial amount of power remains with central government and there is a lack of clarity around responsibility for strategy. In the context of local councils adapting rapidly to the ambitious transfer of responsibilities to them, we can see why central government is afforded this power. Therefore, CIH recommends that the Department functions as proposed be maintained for a transition period of two to three years only, whereupon the regeneration function is entrenched and central government input is reduced. 	<ul style="list-style-type: none"> The Executive agreed the range of powers to go to local government. The Minister has agreed a deferral of one year to allow local government to be prepared for their new responsibilities. There is still a clear need for the Department to continue to have an over-arching regional role A large degree of power and autonomy has been devolved to the new Councils (which has drawn some criticism or expressions of concern from other stakeholders). The development powers retained by the Department are mainly those which are necessary for oversight of the use of the vesting and development scheme powers and are broadly in line with the arrangements for the transfer of planning powers. This also reflects the current arrangements between DOE as the “parent” Department and 26 existing local councils where any proposal to vest requires the Departments approval. The Department has also retained powers to intervene in a limited set of circumstances where intervention by central government may be justified. We would expect that this would be by exception. As with all reform arrangements the position can be reviewed in a number of years time
<p><u>Fermanagh and Omagh District Council</u></p> <ul style="list-style-type: none"> Fermanagh and Omagh District Council notes that while the financial effects of the legislation, that is the budget, are not detailed within the Bill they are referenced in the accompanying explanatory and financial memorandum. The Council is unaware what, if any briefing, Members of the Committee have had in relation to the proposed financial model for the allocation of funds associated with the transfer of the regeneration function to local Councils. The model is fundamentally flawed and is particularly disadvantaging to council areas west of the Bann, including Fermanagh and Omagh District Council. In addition, no effort has been made to redress the imbalance between those council areas which have benefited disproportionately from previous Department for Social Development funding, against those areas which have had lesser benefits. The Council would therefore strongly recommend that the Committee urges the Department to review its 	<ul style="list-style-type: none"> A funding allocation model, which was consulted upon with councils, has been agreed as the most equitable way to distribute funding to the new councils. As it is based on population size as well as levels of deprivation, there has been some distribution of monies away from councils which have historically been extremely well funded, towards those which have not received so much funding from DSD in the past. Given that this funding is transferring in perpetuity, it is important that the distribution of available funding across each council is based on its needs, rather than on historical patterns of funding, in which some areas may have been overlooked.

Stakeholder Comments	Departmental Response
<p>proposed allocation model in advance of the transfer of the regeneration function on 1 April 2016.</p>	
<p><u>Mid and East Antrim Council</u></p> <ul style="list-style-type: none"> Mid and East Antrim Council welcome the Regeneration Bill, and with it the conferring of powers which strengthen Council's ability to shape our local communities, enable a more joined up approach in undertaking regeneration and community development, and tackling social deprivation. We welcome the breadth of powers the Bill grants, providing our Council with strong and effective tools to complement and link to our other functions, such as planning, the implementation of Mid and East Antrim's Community Plan and Local Development Plan. Mid and East Antrim would like to note our desire to ensure adequate resourcing for this transferring function, and encourage the Department to be mindful of this. 	<ul style="list-style-type: none"> A funding allocation model, which was consulted upon with councils, has been agreed as the most equitable way to distribute funding to the new councils. As it is based on population size as well as levels of deprivation, there has been some distribution of monies away from councils which have historically been extremely well funded, towards those which have not received so much funding from DSD in the past. Given that this funding is transferring in perpetuity, it is important that the distribution of available funding across each council is based on its needs, rather than on historical patterns of funding, in which some areas may have been overlooked.
<p><u>NICVA</u></p> <ul style="list-style-type: none"> We recognise that the reform of local government allows new super councils the opportunity to set policies and make decisions directly applicable to their locality. However, in relation to "social need," "deprivation" and "regeneration" NICVA is concerned that there is no definition of these terms to give all councils a standard measure to work towards. Currently there is uniformity from the Department in relation to the neighbourhood renewal criteria: under these proposals we could end up with 11 different interpretations of an area of deprivation. Without a standardised definition, the aims and, more importantly, outcomes could be wildly different across council areas. Additionally a shared definition would allow for shared aims across council areas and potential cross council working. It would also ensure that aims and outcomes are robustly monitored and any underperforming councils could easily be recognised. As we noted in our response to the draft budget, NICVA has concerns around the transfer of the budget for Neighbourhood Renewal to Councils not being ring-fenced for this purpose. Again this raises the issue of potential wide differentials in activities and outcomes across council areas. 	<ul style="list-style-type: none"> <u>Definitions</u> The Social Need (Northern Ireland) Order 1986 does not define social need. DSD has not sought to be definitive in this Bill either as to what constitutes social need as this will differ for different groups, in different circumstances and at different times. Rigidly defining social need would inevitably constrain the action of the new Councils in taking decisions regarding improvements that are needed in their particular areas. The Regeneration Bill will confer powers on councils to allow them to regenerate their areas, support community development and tackle deprivation. It will not tell them how to do that. It will be up to each of the new councils to work out the priorities for their area. That is the whole point of devolving these responsibilities. The Department will issue guidance, to which councils shall have regard, on tackling deprivation and supporting community development, but, within that they will have the flexibility to decide what is best for their areas and their communities. <u>Neighbourhood Renewal Budget</u> DSD is conferring powers on Councils in relation to urban regeneration and community development and transferring the associated budgets and assets. It will be for Councils to decide how they are going to exercise those powers and allocate the budgets within the context of any guidance that DSD issues. There is no requirement for any

Stakeholder Comments	Departmental Response
<ul style="list-style-type: none"> The delay in progressing this Bill and the budget issues that are entwined with that has led to a great deal of uncertainty in the voluntary and community sector. We would prefer to see Neighbourhood Renewal Funding ring-fenced when it is transferred to Councils to allow this important work to continue unaffected and uninterrupted. Again with robust oversight to ensure all Councils are performing on this important work. It is essential that should this money be ring-fenced it is used in partnership with the voluntary and community sector to deliver services and not just taken in-house by the council. This is important as over years the voluntary and community sector have built up knowledge and the ability to tackle these issues, to lose this expertise would undoubtedly have a detrimental impact on the ability of councils to tackle deprivation. Ideally NICVA would like the Committee to retain a scrutiny role in this, taking an overview of who is delivering services in an area, where anti-poverty money is going and the outcomes/impacts of this work. NICVA would also concur with the query from Mickey Brady on funding for advice centres, during the Committee Briefing on the Bill from Departmental Official. As the changes implemented by the roll out of the Welfare Reform Bill begin to take hold, more and more pressure will be placed on advice centres. Ideally NICVA would like to have had a statutory right to advice contained the Welfare Reform Bill. In the absence of this we believe it is essential that funding for advice centres is ring-fenced when this power is passed to councils. NICVA would note concern that currently within the Bill there is no commitment to promote shared space as a part of a council's regeneration responsibility. Shared space and inclusive communities have a key role to play in the regeneration of an area and a commitment to this would send a strong message across all council areas. 	<p>Council to continue to support Neighbourhood Renewal projects from 2015; any decision to do so is a matter for them.</p> <ul style="list-style-type: none"> <u>Funding for Advice Centres</u> The new Councils will be free to decide how best to deploy the powers and budgets transferred to them within the context of strategic guidance that my Department will issue, including the strategy for the provision of voluntary advice services to the community. Within this Councils will be free to determine their arrangements for independent advice services and ring fencing of advice or other funding would not be consistent with this approach. It is important to note that local councils already take responsibility for commissioning front line advice services in their areas and in addition to the funding provided by DSD, local councils make a substantial investment of their own funding to support local advice services. <u>Promotion of Shared Space</u> The promotion of shared spaces is an important feature within DSD's city and town centre master-planning programme and the work that it has been doing to improve the public realm in partnership with local government. Wherever possible, DSD has sought to develop the public realm with the objective of addressing the legacy of the Troubles by removing physical evidence of the conflict, such as redundant security measures, and reducing elements of division. In doing this our aim is to create shared spaces in which all traditions can be reflected and expressed in ways that do not alienate, intimidate or repel others.

Stakeholder Comments	Departmental Response
	<ul style="list-style-type: none"> Section 75(2) of the Northern Ireland Act 1998 already places an obligation on district councils, as public authorities, to have regard to the desirability of promoting good relations between persons of different religious belief; persons of different political opinion; and persons of different racial group. The Equality Commission advises that the good relations duty requires public authorities to be proactive about promoting good relations. In the context of our town and city centres, this can involve tackling difficult issues such as the display of aggressive and intimidating flags and emblems and taking steps to create safe and shared spaces in towns and cities that can be accessed and used by all sections of all communities. This kind of action would be of particular relevance to the regeneration responsibilities which DSD will be transferring to local government in April 2016. Secondly, the regeneration Bill places an obligation on district councils to have regard to the guidance issued by the Department in carrying out its regeneration responsibilities. The main guidance will be the Urban Regeneration and Community Development Policy Framework, which makes specific references to 'Supporting the development of shared and safely accessible commercial centres and development sites' (pages 15 and 16). Since Section 75(2) already places a duty on district councils to be proactive about promoting good relations, DSD does not consider that it is necessary to create an overlapping obligation in the Regeneration Bill to promote shared space. The Department will also have the ability to issue supplementary guidance to councils on the issue if the failure of local government to deal with the need to create shared spaces emerges as a problem after 1 April 2016.
<p><u>NILGA</u></p> <ul style="list-style-type: none"> Vital to the success of the legislation is the need to ensure its adequate resourcing. NILGA has voiced strong concerns regarding the continued delay in obtaining final and fair budgets for transferring functions in general. Whilst appreciating the issues surrounding the finalisation of the NI Executive budget for 2015/16, nonetheless councils are being put in an unacceptable position by having to work in the dark. In terms of Executive budgeting for 2016/17 NILGA is opposed to any further cuts being applied to regeneration and fully expects that the figure agreed for 2015/16 is reflected in the 2016/17 	<p><u>Budget</u></p> <ul style="list-style-type: none"> It is anticipated that the level of spending across the Department during 2015/16 for those services for which responsibility will transfer to Local Government will be in the region of £56.5m. Therefore the budget to transfer to Councils from 1st April 2016 will be £56.5m. The Minister has written to each of the new Chief Executives setting out the amount transferring to the respective Council. As previously declared Minister has given a commitment to protect the overall budget to transfer from further cuts in 2016/17. This will enable Councils to

Stakeholder Comments	Departmental Response
<p>budget calculations.</p> <ul style="list-style-type: none"> Further, it is concerning that no references are made in the proposed bill to resources or financial instruments to assist in the implementation of this legislation. <p>Additional Comments in relation to the original ‘draft Regeneration and Housing Bill’</p> <ul style="list-style-type: none"> NILGA is grateful to the Minister for progressing the parts of the original draft Bill that the NI Executive were happy to agree, as this will enable local government to move forward with the bulk of the powers it needs to make a real difference to their citizens. We would like to take this opportunity to ask the Committee to note a number of proposed items that were removed from the Bill and to seek the Committee’s assistance in liaising with the NI Executive to ascertain if and when these functions might transfer to councils. This will assist councils in forward planning, and could influence decisions that e.g. community planning partnerships might make. The concerns around perceived partial transfer of housing provision are well understood by local government and NILGA has stood against previous moves of this kind, e.g. proposals to move the responsibility of provision of traveller sites into local government. It is noted however, that some of the provisions of the original Bill related to housing, weren’t particularly contentious and were an extension of what councils were already doing. <p>Unfitness</p> <ul style="list-style-type: none"> In relation to housing unfitness, although the NI Housing Executive currently has the statutory obligation to identify and address unfitness in both social and private housing, it has traditionally relied on district council staff to provide the evidence for unfitness. In addition, powers under the Private Tenancies (NI) Order 2006 allow district councils to deal with unfitness specifically in the private rented sector. NILGA remains of the view that the intention of the original draft Bill to extend powers for councils to intervene generally in respect of unfit dwellings was merely a formalisation of current working practice. We would also be grateful for an opportunity to discuss the potential inclusion of a more general provision in relation to the ability to secure the improvement of a property that would be considered detrimental to the environmental amenity of regeneration areas by virtue of its condition. NILGA is of the view that this could supplement the current powers or responsibility to take action where properties are in a dangerous or 	<p>effectively plan for and deliver regeneration and community development from April 2016</p> <p><u>Removal of Housing Functions</u></p> <ul style="list-style-type: none"> In response to concerns raised by Executive colleagues, the Minister decided to remove from the Bill the transfer of some Housing functions to local government. The Minister brought a paper on a proposed new regulatory regime for Houses in Multiple Occupation to the Executive which was agreed, and in the Housing Strategy 2012-17, there is a commitment to review the statutory fitness standard across all tenures over the lifeline of the Housing Strategy Action Plan. <p><u>Unfitness</u></p> <ul style="list-style-type: none"> The Department is currently reviewing the statutory housing fitness standard across all tenures, and intends to publish proposals for consultation during 2015. The potential for the enforcement of any new standard by Councils will be examined as part of these wider proposals. The Department would welcome NILGA’s views on the proposals and the wider provisions to tackle unfitness.

Stakeholder Comments	Departmental Response
<p>unfit condition.</p> <p>Houses in Multiple Occupation (HMOs)</p> <ul style="list-style-type: none"> As an extension to the existing council activity in improving the standard of and addressing unfitness in the private rented sector, it had been proposed that the responsibility for regulation of HMOs would transfer to councils. NILGA remains of the view that the intention of the original draft Bill to extend powers for councils to regulate HMO accommodation would be complementary to existing council responsibilities and skills. We would therefore welcome some clarity as to if/when this area of work may transfer. <p>Energy Efficiency</p> <ul style="list-style-type: none"> Councils currently have a civic leadership role in energy efficiency, and are involved in bulk fuel buying schemes and the sales of fuel stamps. While recognising and supporting the Housing Executive's role in improving the energy efficiency of the entire housing stock, NILGA would be keen to explore with the Committee, how the original proposals, providing councils with powers to promote domestic energy efficiency as part of the drive to address fuel poverty, might be taken forward. <p>Housing Council</p> <ul style="list-style-type: none"> NILGA notes that there is no mention in the Regeneration Bill of the necessary changes to the Housing Council, although this was included in the original draft Bill. It would be helpful if the Committee could establish some clarity on this issue as NILGA is given to understand that a change in Statute is required to change the composition of the Housing Council to reflect membership from 11 councils rather than 26. It would be undesirable for the Housing Council to operate for an uncertain period of time without the necessary legislative framework. 	<p><u>HMO's</u></p> <ul style="list-style-type: none"> Officials continue to work with the Office of the Legislative Counsel to complete the legislative provisions required for the new HMO Bill. Minister previously indicated in his statement last November, when removing the housing functions from the R & H Bill, that it would be more appropriate to allow this work to complete before any decisions are taken on the future of these functions. <p><u>Energy Efficiency</u></p> <ul style="list-style-type: none"> This power is already transferred to councils. Section 23 of the Housing (Amendment) Act (NI) 2011 provides for the functions of district councils in relation to energy efficiency. This Section was commenced on 30 June 2011. <p><u>Housing Council</u></p> <ul style="list-style-type: none"> The arrangements for future engagement on social housing with local government, including the Housing Council, are being considered as part of the Social Housing Reform Programme. No decisions have been taken to date and therefore the Housing Council, in the absence of any new detailed proposals, shall continue to exercise its current statutory role taking account of new council structures. There is no requirement to change or clarify the legislative provision. Schedule 2 of the Housing (NI) Order 1981 provides that the Housing Council shall consist of the chairman of each district council, or a member of the council in their place.

Stakeholder Comments	Departmental Response
<p><u>Supporting Communities NI</u></p> <ul style="list-style-type: none"> We note that the Minister has offered some reassurance to the Assembly that it is not his intention to give Councils additional powers without providing some resource allocation to support these added responsibilities. We welcome this but we would suspect that the Committee would like some clarity as to exactly how much support will be given to Councils and if this support will include additional technical support and expertise in regeneration. A further consideration is worth noting; the status of existing and ongoing regeneration programmes and activities could be described as fragile. The uncertainty which has surrounded the immediate and long term future of regeneration policy has had a negative impact on the confidence and energy of regeneration processes; this has been unhelpful. Whilst we hope that the transfer of responsibilities will provide renewed impetus and encouragement to regeneration processes we would urge the Committee to ensure that the Department provides guidance and support to Councils to safeguard existing processes and ensure that progress gained to date is not lost. 	<ul style="list-style-type: none"> The Urban Regeneration and Community Development Policy Framework published in July 2013, provides guidance on the strategic direction for regeneration and community development policy. Councils will have a statutory duty to have due regard to the Policy Framework and any other strategic guidance issued by the Department. As detailed in the Framework, DSD will assist Councils with research and statistics to allow decisions to be based on strong evidence; help with financial expertise in finding funding opportunities from a range of sources; help support regeneration and community development practitioners to develop their knowledge and skills; and, continue to work with the voluntary and community sector to improve its effectiveness. DSD will provide guidance to the Councils on good practice learning from the Programmes and interventions that it has carried out. In addition Arrangements are in place to allow the new Councils access, on a voluntary secondment basis, to staff from within the Department with regeneration and community development experience.
<p><u>Volunteer Now</u></p> <ul style="list-style-type: none"> It is my understanding that this Regeneration Bill has relevance with regard to the strategic direction for regeneration and community development policy as set out in the DSD's Urban Regeneration and Community Development Policy Framework. I was disappointed to see that the Bill makes no reference in any of its sections to community development; this omission should be reviewed by the Social Development Committee. 	<ul style="list-style-type: none"> The power to support community development is already contained in the Bill so this amendment is unnecessary. The ways in which a council should go about promoting and delivering community development e.g. "by engaging local people and communities in improving neighbourhoods and communities they live and work in" is a matter for the council to decide and not for legislation.