

Department for  
**Social  
Development**

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Your Ref:

Our Ref:

Dr Kevin Pelan  
Clerk, Committee for Social Development  
Room 412  
Parliament Buildings  
BELFAST  
BT4 3XX

13 May 2015

Dear Kevin

## **REGENERATION BILL**

Following the meeting of the SDC on 28 April at which officials sat in on the informal clause by clause consideration of the Regeneration Bill, you wrote on behalf of the Committee proposing a number of amendments and seeking further information on a couple of issues. The Minister has carefully considered the proposals from the Committee and the Department's response is as follows:

For ease of reference, I have included the Department's response against each issue as detailed in the letter from the Committee:

## 1. Proposed amendments to Clause 1

a) The Minister has not accepted the first proposed amendment to Clause 1 as he feels that this would have the effect of ruling out Council's involvement in tackling social need and would leave this responsibility with the Department. It would also be out of step with the Executive's decision to pass these responsibilities over to local government. He has however decided to propose an alternative amendment to Clause 1 as follows:

### PART 1

#### POWERS IN RELATION TO ECONOMIC OR SOCIAL REGENERATION

##### *Powers of council to address economic or social regeneration*

#### **Financial assistance to promote economic or social regeneration**

1.—(1) A council may provide financial assistance to any person doing, or intending to do, anything which the council considers will promote economic or social regeneration in an area in its district.

(2) In particular financial assistance may be provided under this section for—

- (a) the promotion, development or regeneration of commercial, industrial or other economic activity,
- (b) the improvement of the environment,
- (c) the provision of housing,
- (d) the provision of social or community facilities,
- (e) the refurbishment or restructuring of buildings, or
- (f) addressing social need.

(3) Financial assistance under this section may include—

- (a) grants;
- (b) loans;
- (c) guarantees;
- (d) the taking of any interest in property or in a body corporate.

(4) Financial assistance under this section for the provision of housing requires the approval of the Department.

The Minister feels that his proposed amendment offers a compromise which focuses Clause 1 more on regeneration which is what the Bill is about, gives due prominence to economic and social regeneration with addressing social need as one of a number of areas which can be financially supported in that wider context. While this is a change in emphasis it is still in line with what the Executive agreed but takes account of the concerns of some members that the whole first part of the Bill was about social need.

b) The Minister has carefully considered the concerns raised by members of the Committee in relation to the potential for decisions taken by the new Councils to be politically contentious or divisive. The Minister is aware of a number of occasions where controversy has arisen around decisions by Councils to name projects or facilities after an individual, family, event or organisation that is politically significant to only one section of the community or has clear party political affiliations.

However, he has decided not to accept the second proposed amendment in relation to the naming of projects as he has concerns about the explicit linking of the provision to another piece of legislation which may in the future be repealed or amended in a way which has unintended effects on the Regeneration Bill. The Minister wishes to consider the matter further and will revert to the Committee with his decision.

## **2. Publication of Notices**

The Minister has accepted the Committee's recommendation to amend Clauses 6(2), 11(2) and 11(6) to include a requirement that councils also publish this information on their websites. This will also be made clear in guidance from the Department. He proposes to put the following forward as an amendment at Consideration Stage:

Regeneration Bill  
Amendments to be moved at Consideration Stage  
By the Minister for Social Development

**Clause 6, Page 4, Line 29**

After 'publish' insert 'on its website and'

**Clause 11, Page 7, Line 37**

After 'publish' insert 'on its website and'

**Clause 11, Page 8, Line 3**

Leave out 'so published' and insert 'first published'

**3. Councils working together on development schemes.**

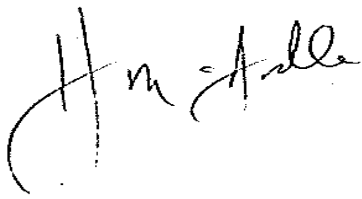
The Department expects that development schemes of regional significance will arise very rarely. It should be noted that only one development scheme, Victoria Square, has been taken forward by the Department in the last 10 years. The presumption in the legislation is that the local council is best placed to take this work forward and that the Department will become directly involved very much by exception. Clause 13 makes it clear that the Department's first consideration will be whether it is "appropriate or expedient for the development, redevelopment or improvement to be carried out" by the council. This will involve discussions with the council and it will only be after that consideration that it may be decided that the Department needs to be involved.

The Regeneration Bill does not preclude councils working together on schemes and the Department would actively encourage this. This will be made clear in guidance. Section 9 of the Local Government (Northern Ireland) Act 2014 also provides for two or more councils to discharge any of their functions jointly

#### **4. Monitoring arrangements**

The Minister has noted the concerns of the Committee and wishes to assure the Committee that he will put in place appropriate and proportionate arrangements for monitoring how councils carry out their new responsibilities under the Regeneration Bill.

Yours sincerely

A handwritten signature in black ink, appearing to read 'H McArdle', written in a cursive style.

**Henry McArdle**



**Northern Ireland  
Assembly**

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29 April 2015

Our Ref: CSD/003/2015/SK

Mr Billy Crawford  
Department for Social Development  
Lighthouse Building  
1 Cromac Place  
Ormeau Road  
Belfast BT7 2JB

Dear Billy

**Regeneration Bill**

At its meeting on 28 April 2015, the Committee for Social Development considered the clauses of the Regeneration Bill with the aim of identifying amendments and recommendations.

During its consideration, the Committee agreed to ask the Department to amend clause 1 as follows:

Clause 1

- (1) A council may provide financial assistance to any person doing, or intending to do, anything which promotes economic regeneration in its district.*
- (2) Financial assistance may be provided under this section for -  
(a) to (e).*

- At end of Clause 1(2) insert

*"or for anything not falling within paragraphs (a) to (e) which directly contributes to economic regeneration within the district."*

- At the end of Clause 1 insert

*No assisted project may promote or denote, by title or content or in any way, the actions of anyone convicted of a serious criminal offence, as defined in Section 5 of the Civil Service (Special Advisers) Act (Northern Ireland) 2013.*

- The Committee noted that as a statutory minimum, adverts must be published in one or more local papers as laid out in clauses 6(2), 11(2) and 11(6). However, the Committee recommends that the Department:
  - amends these clauses to include a requirement that councils also publish this information on their websites; and
  - sets out in guidance other methods that councils should consider using to publicise schemes.
- Also, in respect of development schemes under clause 13, members voiced concerns that, should the Department retain powers to take forward such schemes, this could lead to duplication and that a council alone, or in conjunction with another council, should be able to take forward such schemes themselves. Related to this, the Committee was concerned that the Department did not use Clause 13 of the Bill as an opportunity to encourage councils to work together on regionally important schemes and recommends that Department considers promoting this to councils.
- The Committee also notes from a previous evidence session that the Bill confers powers on councils to enable them to carry out regeneration and community development but it doesn't transfer departmental programmes. It appears to be the rationale of the department that because any programmes to address social need will be the council's *own* programmes it would be inappropriate for the Department to monitor these. The Committee also notes that should the Department feel that a council is not living up to its responsibilities in respect of the transferred powers it can intervene using powers under the Local Government Act. Notwithstanding the Committee's comments on clause 1, the Committee is concerned that the lack of monitoring will lead to an inconsistent approach by councils in how they address social need. The Committee is also unsure how the Department will determine that a council is living up to its responsibilities if it is not monitoring the programmes. The Committee is seeking clarity on this and an explanation of how this will be addressed in accompanying guidance.

I would be grateful if you could provide this information as soon as possible in order to assist the Committee in its scrutiny of the Bill.

Yours sincerely

*Kevin Pelan*  
Dr Kevin Pelan

**Clerk, Committee for Social Development**