

# Mid and East Antrim Council

---

## Written evidence to Committee for Social Development on the Regeneration Bill

### Introduction

1. 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.
2. 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.
3. 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.
4. Mid and East Antrim Council are pleased to have an opportunity to comment on the proposed bill. Council would be happy to discuss our views on the Bill with the Committee, should an oral evidence session be planned in the future.

### Part 1 – Powers Relating to Social Need

#### **Clause 1 – financial assistance to address social need**

5. 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 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.

#### **Clause 4 – functions relating to Housing**

6. Council note that since first presented as the Regeneration and Housing Bill in Spring 2014, a number of changes have been made to the Bill currently being considered. As well as removing the transfer of housing functions such as Houses of Multiple Occupation inspections, a further provision has been inserted into the Bill, requiring departmental approval for any proposed financial assistance for housing from a council. (Clause 1 (4) Regeneration Bill 2015).
7. We also note that there has been some concern from other parties about local government taking any responsibility for housing functions. Mid and East Antrim Council seek to assure the Committee that, should this provision be enacted, we will put in place robust and vigorous governance arrangements to ensure that

financial assistance is provided legally, fairly and to provide maximum impact to those areas of social need in our community.

8. Council would welcome closer cooperation with the Department in relation to the development of Social Housing projects as a means of targeting social need, as currently funding can only be accessed by Housing Associations. By way of example, Ballymena Borough Council has been working in partnership with the Department, Development Trust NI, Northern Ireland Housing Executive, Triangle Housing Association, and the Broughshane Community as part of the Executive's Community Asset Transfer pilot programme to inform the future roll out of the policy throughout Northern Ireland.
9. Learning to date would indicate that social housing is likely to be an integral part of future community asset transfers - this is currently the case in the Broughshane example. Due to current policy restrictions, the community of Broughshane have no ability to directly develop, own or benefit from the revenue streams associated with the social housing aspect of their project, thus limiting their ability to become self-sustaining. The scope to work closely with Department to further define our respective roles in relation to the provision of housing under this Bill (clause 1(2)(c)) is welcome.
10. Additionally, we hope, as has been indicated by the Department, that further legislation will be introduced which will transfer those functions removed from the Bill i.e. HMO inspections, unfitness inspections and energy efficiency. This will complement local government's new powers in relation to Planning and well-being, along with the existing provision of Environmental Health and Building Control Services.
11. Mid and East Antrim Council also query if the requirement for Departmental approval for proposed financial assistance for housing will have any impact on the funding transferring, especially in light of the cuts to budget already indicated.

## **Part 2 - Development Powers and other Powers for Planning Purposes**

12. Mid and East Antrim welcome the transfer of Planning to local government and believe this presents an excellent opportunity to stimulate economic regeneration across our district.

### **Clause 5 – Development Schemes of Councils**

13. 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.
14. 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.

#### **Clause 6 – Adoption of Development Schemes by Council**

15. 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.
16. 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.
17. 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.

#### **Clause 12 - Power of council to require information as to estates in land**

18. 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.

#### **Clause 13 – Development Schemes made by the Department**

19. 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 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.

#### **Clause 17 - Guidance**

20. 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.

21. 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.

## **Conclusion**

22. Mid and East Antrim Council would like to thank the Committee for the opportunity to submit written evidence on the Regeneration Bill. Council would be happy to discuss the comments further, should the Committee wish to hold an oral evidence session.

23. Council look forward to engaging further with the Committee and Department for Social Development in order to ensure fit of purpose transfer of regeneration functions through sufficient legislative provision, guidance and funding.

<b>Prepared By:</b>	Anne Donaghy, Chief Executive, Mid and East Antrim Council
<b>Approved by:</b>	Planning Committee, 10 February 2015
<b>Contact Officer:</b>	Louise Kennedy, Change Manager, 02825635983