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CCBC response to the call for evidence on the Regional Balance Bill

About the Centre

The [Centre for Cross Border Cooperation](#),¹ established in 1999, is an independent think tank with charitable status, based in Armagh. The Centre's work is framed by the commitment to cross-border cooperation that is integral to the Belfast/Good Friday Agreement, and as a result the Centre has a specific and unique role in contributing to increased social, economic and territorial cohesion through North-South and East-West cooperation.

About this response

This response focuses on clauses 1, 2 and 7 in the Bill, and its rationale is based on the Centre's previous response to the consultation on the Private Members Bill proposed by Sinéad McLaughlin MLA.² It is also informed by the Centre's core mission, and therefore restricts itself to issues of most relevance to social, economic and territorial cohesion.

Clause 1

1. The Centre agrees that economic and other regional disparities can be more properly addressed if there is a clear legislative requirement. However, whereas 1(1) states that 'The Executive must develop, adopt, maintain and implement a strategic framework to be known as the Regional Balance Strategic Framework', the face of the Bill and Clause 7 make clear that the legislation confers functions to the Department for the Economy in terms of the preparation of the Framework, reporting to the Assembly, providing guidance and research and for connected purposes. If, therefore, the legislation places the duty on the Executive to develop, adopt and maintain the Regional Balance Strategic Framework, but then delegates this duty to the Department for the Economy, the Framework's effectiveness will depend on its collective ownership by all Executive Ministers, avoiding claiming collective success for good performance but placing sole responsibility on the Minister for the Economy when there is underperformance. There should be no doubt that

¹ Originally established as the Centre for Cross Border Studies, but now operating as the Centre for Cross Border Cooperation.

² See <https://crossborder.ie/reports/response-to-the-private-members-bill-on-regional-economic-imbalance/>.

the legislation places responsibility for the Framework on the Executive, and its success or otherwise is its responsibility and not that of the Department for the Economy, even if it has been conferred functions on behalf of the Executive.

2. The bill states in 1(3) that the Framework must in particular ‘identify the roles of Northern Ireland departments in developing, adopting, implementing and revising policies, strategies and plans so as to reduce regional disparities’ (1(3)(b)). In order to more properly avoid piecemeal approaches, the legislation should be amended by adding ‘in line with the Framework’ at the end of 1(3)(b). Moreover, in interpreting the legislation, it should be clear that whilst the Framework identifies the roles of individual departments in reducing regional disparities rather than departments themselves identifying what their roles will be, it is the Executive that has collectively identified those departmental responsibilities with the Department for the Economy acting on its behalf and with its full backing.

3. The Centre welcomes how 1(3)(e) states that the Framework will ‘include provisions requiring Northern Ireland departments to recognise and consider cross-border economic data in policies, strategies and plans so as to reduce regional disparities’. However, Clause 7 states “‘cross-border economic data’ means data concerning economic activity, labour markets, or service provisions that operate across the border between Northern Ireland and the Republic of Ireland’. Although geographic realities mean that regions of Northern Ireland have significant functional connections to regions in the Republic of Ireland, restricting the interpretation of “cross-border” to a North-South basis risks overlooking other connections that cross administrative boundaries and have the potential to contribute to reducing regional disparities, such as those with Great Britain or further afield. A forward-looking example of this would be the potential for cross-jurisdictional cooperation (both on a North-South and East-West basis) in relation to the blue economy, including opportunities arising from the development of offshore renewable energy. Therefore, consideration should be given to amending this to “‘cross-border economic data’ means **primarily** data concerning economic activity, labour markets, or service provisions that operate across the border between Northern Ireland and the Republic of Ireland **and/or, where relevant, data concerning the same areas operating across other administrative or jurisdictional borders**’.

Clause 2

4. There is a possibility that Clause 2 somewhat undermines Clause 1(3). Clause 2(1) refers to departments needing to have ‘due regard to the need to reduce regional disparity and to the Framework’, whilst 2(2) states that a department ‘must, so far as is reasonably practicable, exercise its functions in a manner calculated to the outcomes and targets set out in the Framework’. However, Clause 1(3)(b) had stated that it would be the Framework that would ‘identify the roles of Northern Ireland departments in developing, adopting, implementing and revising policies, strategies and plans so as to reduce

regional disparities’, therefore there should be no need in Clause 2 for expressions such as having ‘due regard’ or ‘so far as is reasonably practicable’. Consideration should be given to amending 2(1) to ‘A Northern Ireland department, in developing, adopting, implementing or revising any policy, strategy or plan, ***must comply with the need to reduce regional disparity as set out in the Framework where it applies to that department***’. Similarly, consideration should also be given to amending 2(2) to ‘A Northern Ireland department ***must exercise its functions to comply with the relevant outcomes and targets as set out in the Framework***’.

5. Essentially, the nature of Clause 2 will depend on the extent to which Clause 1 intends the Framework to be prescriptive in identifying the roles of departments, setting outcomes and targets at a departmental level, which would imply that departments would be under a legal obligation rather than just having to have ‘due regard’ or acting ‘so far as is reasonably practicable’. If, on the other hand, the intention is for the Framework to set out broad principles, outcomes and targets, and to give departments greater flexibility as to what their contributions to reducing regional disparities would be, then the references in Clause 2 to ‘due regard’ and ‘so far as is reasonably practicable’ would be justified.

Clause 7

8. Having already noted in paragraph 3 above the Centre’s views regarding the meaning of “cross-border economic data”, consideration should also be given to the reference to ‘access to airports’ in interpreting the meaning of “regional disparities”. In order to broaden this category, it may be appropriate to alter this simply to ‘connectivity’.

9. It is also worth reproducing here comments made in the Centre’s earlier response to the proposed Private Members Bill that are relevant to measurements of regional disparity:

The draft proposals for legislation focus on outcome and output indicators,(e.g. relative unemployment rates), which bring together the laudable aim of achieving regional balance, as well as, but beyond regional development. Such outcome/output indicators are lagging indicators and so not guides to action to address underperformance. Closer to such actions are activities and inputs indicators (e.g. the % of Invest NI approvals or roads or other critical infrastructure investments) that are leading indicators that can be used to guide and measure the progress of actions to address imbalances.

Consideration should be given, therefore, as to whether other indicators could be suggested in Clause 8 that would be more useful in providing guides for action to reduce regional disparities.