

**Committee for Social Development**

# **Report on the Regeneration Bill (NIA Bill 43/11-16)**

**Together with the Minutes of Proceeding of the Committee relating to the Report  
and the Minutes of Evidence**

**Ordered by the Committee for Social Development to be printed on 28 May 2015**



# Membership and Powers

The Committee for Social Development is a Statutory Departmental Committee established in accordance with paragraphs 8 and 9 of the Belfast Agreement, section 29 of the Northern Ireland Act 1998 and under Standing Order 48.

The Committee has power to:

- consider and advise on Departmental budgets and annual plans in the context of the overall budget allocation;
- consider relevant secondary legislation and take the Committee stage of primary legislation;
- call for persons and papers;
- initiate inquiries and make reports; and
- consider and advise on any matters brought to the Committee by the Minister for Social Development.

The Committee has 11 members including a Chairperson and Deputy Chairperson and a quorum of 5.

The membership of the Committee since 23 May 2011 has been as follows:

Mr Alex Maskey (Chairperson)

Mr Mickey Brady (Deputy Chairperson)

Mr Jim Allister <sup>7</sup>

Mr Roy Beggs <sup>14</sup>

Ms Paula Bradley <sup>1</sup>

Mr Gregory Campbell <sup>3</sup>

Mr Stewart Dickson <sup>11</sup>

Mr Sammy Douglas <sup>8,12,13, 15,16,17</sup>

Mrs Dolores Kelly <sup>10</sup>

Mr Fra McCann

Mr Sammy Wilson <sup>2,4,5,6,9</sup>

- 1 With effect from 20 February 2012 Ms Paula Bradley replaced Mr Gregory Campbell
- 2 With effect from 26 March 2012 Mr Alastair Ross replaced Mr Sammy Douglas
- 3 With effect from 01 October 2012 Mr Gregory Campbell replaced Mr Alex Easton
- 4 With effect from 01 October 2012 Mr Sammy Douglas replaced Mr Alastair Ross
- 5 With effect from 11 February 2013 Mr Sydney Anderson replaced Mr Sammy Douglas
- 6 With effect from 07 May 2013 Mr Sammy Douglas replaced Mr Sydney Anderson
- 7 With effect from 09 September 2013 Mr Jim Allister replaced Mr David McClarty
- 8 With effect from 16 September 2013 Mr Trevor Clarke replaced Ms Pam Cameron
- 9 With effect from 16 September 2013 Mr Sammy Wilson replaced Mr Sammy Douglas
- 10 With effect from 30 September 2013 Mrs Dolores Kelly replaced Mr Mark H Durkan
- 11 With effect from 01 October 2013 Mr Stewart Dickson replaced Mrs Judith Cochrane
- 12 With effect from 06 October 2014 Mr Sammy Douglas replaced Mr Trevor Clarke
- 13 With effect from 17 November 2014 Mr Maurice Devenney replaced Mr Sammy Douglas
- 14 With effect from 09 February 2015 Mr Roy Beggs replaced Mr Michael Copeland
- 15 With effect from 25 March 2015 Mr Maurice Devenney retired as a Member
- 16 With effect from 20 April 2015 Mr Gary Middleton was appointed as a Member to the committee
- 17 With effect from 18 May 2015 Mr Sammy Douglas replaced Mr Gary Middleton





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## List of Abbreviations Used in the Report

CIF	Community Investment Fund
DARD	Department of Agriculture and Rural Development
DCAL	Department of Culture, Arts and Leisure
DOE	Department of the Environment
DSD	Department for Social Development
HMO	Houses in Multiple Occupation
NICVA	Northern Ireland Council for Voluntary Action
NIHE	Northern Ireland Housing Executive
NILGA	Northern Ireland Local Government Association

# Executive Summary

The Regeneration Bill confers certain regeneration and community development powers on, and transfer of certain functions relating to Laganside, to the new district councils. The Department will continue to exercise policy responsibility for the powers and functions that are proposed to be transferred. Councils will have a statutory duty to have regard to guidance issued by the Department in respect of these powers and functions. The Bill does not confer an obligation on councils to continue delivering any existing DSD programmes.

Central to the Committee's consideration and which became a critical issue, were concerns raised by some members that regeneration should be centered on economic regeneration rather than social need. The Committee divided on a motion but ultimately agreed to ask the Department to amend clause 1 by removing reference to 'social need' and replacing it with 'economic regeneration'.

The Minister subsequently responded to the Committee rejecting the proposed amendment as he believed it *"would have the effect of ruling out Council's involvement in tackling social need and would leave this responsibility with the Department"*. The Minister proposed an amendment which included reference to economic regeneration. The Minister's amendment can be found on page 9 of this report.

The Committee rejected the Minister's amendment and agreed, by majority, the following amended clause:

## **Clause 1: Financial assistance to address social need**

*1.-(1) A council may provide financial assistance to any person doing or intending to do, anything which the council considers will promote economic and/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 or social regeneration activities,*

*(b) the improvement of the environment,*

*(c) the provision of housing,*

*(d) the provision of social or community facilities, or*

*(e) the refurbishment or restructuring of buildings.*

*(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.*

*Financial assistance under this section for the provision of housing requires the approval of the Department.*

The Committee also discussed whether clause 1 should be amended to prevent a council from assisting a project that sought to promote or refer to an individual with a serious criminal conviction as defined in Section 5 of the Civil Service (Special Advisers) Act (Northern Ireland) 2013.

The Committee proposed an amendment to this effect which the Minister subsequently rejected on the basis that he was concerned 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”*.

However, the Committee subsequently agreed, by majority, the following amendment:

*At end of Clause 1 insert:*

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

The Committee welcomed the Minister’s acceptance of the Committee’s recommendation to amend clauses 6(2), 11(2) and 11(6) to include a requirement that councils also publish notices on their websites and that this will also be made clear in guidance from the Department.

The Committee noted that the Department did not provide a delegated powers memorandum and therefore the Examiner of Statutory Rules did not have the opportunity to examine this.

## Recommendations

The Committee recommends that the Department provides guidance to councils in order to encourage them to work together on regionally important schemes rather than the approach, detailed in clause 5(2), of having the Department direct a council to prepare such a development scheme or the Department prepare a development scheme as per clause 13.

That the Department for Social Development establishes a permanent mechanism to discuss with the Department for Agriculture and Rural Development how they can implement a consistent approach to tackle social need across all council areas taking into account the policy objectives projects of both departments in respect of social deprivation.

The Committee recommends that the Minister gives further consideration to introducing a qualified majority voting clause to the Bill to ensure that controversial decisions, which could adversely affect community relations, are not made.

The Committee recommends that the Minister considers ways in which timely information can be provided to investors which sets out the critical steps to be taken, how long they might take and the impact on the timescales of a live development project.

## Introduction

1. On 12 May 2014, the Department of the Environment's Local Government Act (Northern Ireland) 2014 received Royal Assent. In order to prepare for the Department for Social Development's (DSD) legislation in relation to the Reform of Local Government, it was the Minister's intention to bring the Regeneration and Housing Bill to the Assembly.
2. In June 2014, the Department for Social Development provided the Committee with a pre-introduction briefing on the Regeneration and Housing Bill.
3. Subsequently, the Minister for Social Development wrote to the Committee on 7 November 2014 to advise that, following useful discussions with the DCAL Minister and other Executive colleagues, the Minister agreed to remove the provisions within the Bill relating to housing.
4. The provisions relating to housing were to transfer functions from the NIHE to councils relating to Houses in Multiple Occupation (HMOs) and responsibility for unfitness. As the Department was undertaking a review of the NIHE as part of the Social Housing Reform Programme and given that the Executive had agreed a departmental paper on a proposed new regulatory regime for HMOs, the Minister felt that it was *'more appropriate to allow this work to complete before any decisions are taken on the future of these functions'*.
5. With the removal of the housing functions, the Bill was renamed the Regeneration Bill.
6. As well as removing the transfer of housing functions, the Department inserted an additional provision in the Bill, requiring departmental approval for any proposed financial assistance for housing.
7. The Department informed the Committee that it was retaining this provision as it can, under the Social Need (Northern Ireland) Order 1986, provide financial assistance which could be for housing. For example, an urban development grant could be given to a private developer who is planning an urban development that has a mix of commercial and residential.
8. At the introduction of the Regeneration Bill to the Assembly on 8 December 2014, the Minister made the following statement under section 9 of the Northern Ireland Act 1998:  
  

*"In my view the Regeneration Bill would be within the legislative competence of the Northern Ireland Assembly".*
9. The Bill, as introduced by the Minister, contains 4 parts, 23 clauses and 3 schedules.
10. The purpose of the Bill is to confer certain regeneration and community development powers on, and transfer of certain functions relating to Laganside, to the new district councils.
11. The Department will continue to exercise policy responsibility for the powers and functions transferring and councils will have a statutory duty to have regard to guidance issued by the Department.
12. The Bill does *not* confer an obligation to continue delivering any existing DSD programmes to councils.
13. Second stage of the Bill was agreed by the Assembly on 20 January 2015, after which it was referred to the Committee for consideration in accordance with Standing Order 33(1).
14. On 10 February 2015, the Committee brought a motion to the Assembly to extend the committee stage of the Bill to 28 May 2015 in order to allow for the possibility of any delays due to conflicting committee business.
15. The Committee wrote to key stakeholders on 23 January 2015. On 26 January 2015 advertisements were placed in the Belfast Telegraph, Newsletter and Irish News seeking written evidence on the Bill.

16. The Committee received 13 written submissions to the call for evidence.
17. During the period covered by this report, the Committee considered the Bill and related issues at its meetings on 8 January 2015; 12, 19 and 26 March 2015; 16, 23, 28 April 2015; and 14, 19, 21 and 28 May 2015.
18. As part of its consideration, the Committee took oral evidence from four of the stakeholders that provided written submissions. As a number of submissions received were from councils, the Committee agreed to invite the Northern Ireland Local Government Association (NILGA) as the overarching body that represents the interests of local councils rather than each individual council.
19. The Committee also agreed to invite the umbrella body for the voluntary and community sector - the Northern Ireland Council for Voluntary Action (NICVA).
20. The Committee also received a written submission from the Fermanagh Trust which included signatories from 30 organisations across Northern Ireland (NI). The Committee agreed to invite a delegation from the Fermanagh Trust which would represent those signatories to their submission.
21. The Fermanagh Trust delegation included:
  - Ards Community Network;
  - Ballymoney Community Resource Centre; and
  - Women's Support Network.
22. In addition, the Committee agreed to hear evidence from Juno Planning and Environmental Ltd who provided evidence on the Bill from a planning perspective.
23. The sessions held in March, April and May 2015 included discussions with officials from the Department, evidence from stakeholders and consideration of the Bill by committee members. The relevant extracts from the minutes of proceedings are included in appendix 1.
24. Minutes of evidence from the oral evidence sessions, together with minutes of the committee meetings with the departmental officials, are included at appendix 2.
25. Written submissions received by the Committee are included at appendix 3.
26. As well as attending meetings with the Committee, the Department addressed concerns and queries of the Committee by correspondence. These items of correspondence are included at appendix 4 along with correspondence from the Minister.
27. The Committee conducted its clause-by-clause consideration on 21 May 2015.

## Consideration of the Bill

### **Regeneration Bill**

28. Prior to the second stage of the Bill, the Committee took evidence from the Department on 8 January 2015. Departmental officials provided further details on the policy background and the main provisions of the Bill.
29. The Bill will primarily confer powers on councils to tackle deprivation and to undertake regeneration and community development.
30. The Bill will also provide for the repeal of the Lagside Order and set out the powers which Belfast City Council will be able to exercise in relation to part of the River Lagan.
31. In addition, the Bill will give powers to councils to conduct or fund studies, investigations or research related to the exercise of its functions in respect of social need in its district; development or redevelopment of its area etc.

### **Call for Evidence**

32. In response to its call for evidence the Committee received 13 written submissions. All the written submissions received by the Committee are included in appendix 3.
33. The Committee received oral briefings from stakeholders at meetings on 12, 19 and 26 March 2015. Representatives from the following organisations gave evidence:
- Fermanagh Trust (Delegation comprised of: Ards Community Network, Ballymoney Community Resource Centre, Women's Support Network);
  - Juno Planning and Environmental Ltd;
  - Northern Ireland Council for Voluntary Action (NICVA); and
  - Northern Ireland Local Government Association (NILGA).
34. The Department provided the Committee with a written response to the issues raised by stakeholders in written and oral evidence. A copy of the Department's response is included at appendix 4.
35. Following consideration of stakeholders' evidence, written and oral, the Committee met on 16, 23 and 28 April 2015; 14, 19, 21 and 28 May 2015. The aim of these sessions was to understand the concerns raised by stakeholders, to consider the Department's response to these concerns and to identify any additional information or clarification required from the Department.
36. On the 28 April 2015 the Committee agreed to ask the Department to amend clauses 1 and 6. The Committee also made recommendations in respect of clause 13; and in relation to monitoring of council programmes aimed at addressing social need.

### **Key Issues**

37. Over the course of discussion and evidence sessions, a number of issues were raised in relation to the Bill, both by stakeholders and by members of the Committee. Most of these related to Part 1 and 2 of the Bill while others related indirectly to the Bill.
38. Some of the key issues raised throughout consideration were:
- The lack of definition of 'social need' in the Bill;
  - Whether economic regeneration should be given greater emphasis rather than social need;
  - Retention of powers by the Department in relation to development schemes;



- Preventing a council from assisting a project which promoted the actions of a person with a serious criminal conviction;
- Vesting powers;
- The Department's role in monitoring council programmes to address social need post-2016;
- The Community Investment Fund; and
- Joined-up working between DARD and DSD.

## Part 1: Social Need

39. Part 1 of the Bill 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.
40. It 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.
41. Part 1 also 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.
42. In addition, Part 1 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.
43. Throughout the consideration process, concerns were raised by both stakeholders and members regarding why 'social need' is not more tightly defined in the Bill particularly as it transfers functions, powers and the associated budget to address social need.
44. The Committee, and stakeholders from the community and voluntary sector, argued that without a tighter definition the 11 councils could potentially have different views on what social need is and therefore how to address it.
45. At the evidence session on 12 March 2015, members asked NILGA whether the lack of a definition of social need caused concern among councils.
46. In a follow-up written response to the Committee's query, NILGA stated that it wrote to all 11 Chief Executives (designate) to see if there were any strong views in relation to the definition of social need. As no strong views were received, NILGA concluded that 'the current wording is viewed as satisfactory'. A copy of NILGA's response is included at appendix 3.
47. However, during its evidence to the Committee on 12 March 2015, NICVA were of the view that a common definition would:
- "stop 11 different council areas working to 11 different levels and, most importantly, leading to 11 varying outcomes across Northern Ireland for people who are affected by this".*
48. NICVA agreed that in order to maintain a programme that would deliver in the same way across Northern Ireland then a common term across all councils would be helpful.
49. Members discussed this issue with departmental officials on a number of occasions and in a written response to the Committee, the Department stated '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'. A copy of the Department's response is included at appendix 4.
50. Discussions with the Department also centred on whether there were sufficient checks and balances in place to ensure that councils would use the social need powers correctly. The Committee was concerned that when these functions are transferred then councils may fail to deliver on this post-2016.

51. The Committee noted the Department's response that there is a framework by which the councils will operate which includes the urban regeneration and community development policy framework that requires effective engagement with the community in order to reach a consensus on priorities and actions to achieve them.

**Economic regeneration versus social need**

52. During consideration of clause 1, some members were of the view that regeneration should be centered on economic regeneration rather than social need and that the Bill, in some respects, was attempting to bring these two separate issues together under a single legislative framework.
53. Other committee members argued that economic regeneration is simply one aspect of regeneration and that the development of capacity building and 'soft' skills in communities is important. On this point, NICVA highlighted the importance of investing in programmes that improve the soft skills of people in disadvantaged areas in order to increase their employment opportunities.
54. Some members raised concerns that removing reference to social need from the bill could negatively impact on communities that suffer from social deprivation, high unemployment and poor health as councils chose to spend funds on other programmes.
55. Other members argued that economic regeneration does in fact address social need by creating jobs and a better environment for those living in socially deprived areas.
56. In its evidence to the Committee on 26 March 2015, NICVA agreed that:
- "improving the fabric and the general health and well-being of people in the area is all part of the regeneration and renewal of an area."*
57. NILGA also indicated that the community planning process would allow councils and their partners to consider what is necessary in their areas and this may answer many of the questions regarding what type of regeneration approach is required in a specific area.
58. In relation to this and in response to a Committee query as to whether the Bill should be definitive about how transferred funds should be spent on regeneration, the Department stated that what constitutes regeneration will differ for different councils in different circumstances and at different times. Because of this, defining in the Bill the type of regeneration activities that councils can take forward would potentially restrain them in taking decisions regarding improvements in their particular areas.
59. At its meeting on 28 April 2015, the Committee held further in-depth discussions with the Department on whether the Bill should be more explicitly about economic regeneration.
60. Following discussion, an amendment was proposed to clause 1 on this issue. The Committee divided on the motion but ultimately agreed to ask the Department to amend clause 1 by removing reference to 'social need' and replacing it with 'economic regeneration'.
61. The Minister subsequently responded to the Committee rejecting this proposed amendment to clause 1 as he believed this *"would have the effect of ruling out Council's involvement in tackling social need and would leave this responsibility with the Department"*.
62. The Minister also noted that this would be out of step with the Executive's decision to pass these responsibilities over to local government.
63. However, in an attempt to address the Committee's concerns he proposed another amendment which included reference to economic regeneration. This is detailed below

## *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.*

64. The Committee initially considered the Minister's response on Thursday 14 May but agreed to reconvene on Tuesday 19 May to decide on a way forward.

65. At the meeting on 19 May the Minister's alternative amendment was put to the Committee. Following further discussions, it was evident that the Minister's amendment would not receive support and members agreed to bring forward any further proposed amendments to the meeting on 21 May.

66. At the meeting on 21 May the following amendment, which was provided by Mr Jim Allister and Mr Sammy Wilson, was put to the Committee:

*1.-(1) A council may provide financial assistance to any person doing or intending to do, anything which the council considers will promote economic and/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 or social regeneration activities,*

*(b) the improvement of the environment,*

*(c) the provision of housing,*

*(d) the provision of social or community facilities, or*

*(e) the refurbishment or restructuring of buildings.*

*(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.*

*Financial assistance under this section for the provision of housing requires the approval of the Department.*

67. The Committee divided as follows:

**Ayes 6:** Mr Roy Beggs, Ms Paula Bradley, Mr Gregory Campbell, Mr Stewart Dickson, Mr Sammy Douglas and Mr Sammy Wilson.

**Noes 4:** Mr Mickey Brady, Mrs Dolores Kelly, Mr Fra McCann and Mr Alex Maskey.

68. The Committee accepted the amendment as proposed by Mr Sammy Wilson.

**Preventing an assisted project, promoting the actions of anyone with a serious criminal conviction**

69. During the Committee's consideration, members of the Committee discussed whether clause 1 should be amended to prevent a council from assisting a project that sought to promote or refer to an individual with a serious criminal conviction as defined in Section 5 of the Civil Service (Special Advisers) Act (Northern Ireland) 2013.

70. The Committee divided on a proposal to ask the Minister to amend the Bill in this way. This was agreed by a majority of the Committee and forwarded to the Minister for his consideration.

71. The Minister subsequently wrote to the Committee rejecting this amendment stating that he had 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"*.

72. The Minister also advised that he would consider the matter further and come back to the Committee on this.

73. The Committee discussed this matter at its meeting of 19 May and the following amendment was provided by Mr Jim Allister:

*At end of Clause 1 insert:*

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

74. At its meeting on 21 May, Mr Sammy Wilson proposed the above amendment. The Committee divided as follows:

**Ayes 5:** Mr Roy Beggs, Ms Paula Bradley, Mr Gregory Campbell, Mr Stewart Dickson and Mr Sammy Wilson.

**Noes 4:** Mr Mickey Brady, Mrs Dolores Kelly, Mr Fra McCann and Mr Alex Maskey

75. The Committee accepted the amendment as proposed by Mr Sammy Wilson.

## Part 2: Retention of powers by the Department in relation to development schemes

76. Part 2 of the Bill provides development powers and other powers for planning purposes, including the power to acquire land, either by agreement or through vesting; the power to develop and dispose of land; and the power to prepare formal development schemes.
77. Clause 5 enables the Department 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.
78. While the Committee noted that clause 13 amends Article 85 of the Planning (Northern Ireland) Order 1991 to restrict the ability of the Department to make development schemes, except in those circumstances detailed in clause 5, both it and stakeholders expressed concerns about the Department's retention of these powers.
79. NILGA, in particular, expressed deep concern with the potential for greater and more frequent interference in council activities and that this could counter the Executive's aim to develop strong local government.
80. They emphasized the need to have an 'outcomes focused' approach based on a more effective partnership relationship between councils and the Department for Social Development. In particular, NILGA drew the Committee's attention to clause 5(2) and their concern that the Department can direct a council to prepare a development scheme for an area with no reference to the financial provision for such a scheme.
81. The Committee noted the Department's response that it expects that projects of regional significance will arise very rarely and that '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'.
82. Some committee members raised concerns that duplication or even conflict could arise if both the Department and the council brought forward development plans for a specific area.
83. Members also suggested where it was feasible a council alone, or in conjunction with another council, should be able to take forward such schemes.
84. The Committee was concerned that the Department did not use the Bill, specifically clause 13, to encourage councils to work together on regionally important schemes and recommends that Department considers promoting this to councils.
85. In its response, the Department noted that the Bill did not preclude councils from working together on schemes and the Department would actively encourage this. The Department also stated that this would be made clear in guidance and noted that Section 9 of the Local Government (Northern Ireland) Act 2014 also provides for two or more councils to discharge any of their functions jointly.
86. In its evidence to the Committee on 19 March 2015, Juno Planning and Environmental Ltd highlighted the importance of the development schemes referred to in the Bill to be planning-led.
87. They noted that in the development of local development plans councils have to take account of the regional development strategy, the single planning policy statement and other documents referred to in guidance by the DoE including neighbourhood plans and regeneration plans.
88. They also highlighted the new community planning approach that all councils will have to engage in to develop and implement a shared vision for promoting economic, social and environmental well-being.

89. They noted that the local development plan and the community plan have an important relationship to the development schemes listed in the Bill but while councils are required to have regard to the regional development strategy and the community plan under clause 5(4) there is no such requirement on councils to have regard to the local development plan.
90. They advocated for this to be included in the bill.
91. The Committee noted the Department's response that it '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'.

#### **The role of the Department in monitoring councils**

92. The Committee noted that the Bill confers powers on councils to enable them to carry out regeneration and community development but it doesn't transfer departmental programmes.
93. It appeared to be the rationale of the Department that, because any programmes to address social need will be the council's own programmes based on local priorities, it would be inappropriate for the Department to monitor these.
94. The Committee also noted 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.
95. The Committee was unsure how the Department will determine that a council is living up to its responsibilities if it is not monitoring the programmes.
96. The Committee was therefore concerned that the lack of monitoring would lead to an inconsistent approach by councils in how they address social need.
97. The Committee sought clarity from the Department on this issue and an explanation of how this will be addressed in accompanying guidance.
98. The Committee noted the Department's response that the Minister would put in appropriate and proportionate arrangements for monitoring how councils carry out their new responsibilities under the Regeneration Bill.
99. The Committee maintained its concerns that the lack of monitoring could potentially lead to an inconsistent approach by councils in how they address social need. The Committee sought assurance that the Department not only puts in place appropriate and proportionate arrangements for monitoring but that it also addresses this issue in accompanying guidance.

#### **Vesting Powers**

100. A council will be able to acquire land, by agreement or compulsorily, for certain planning purposes.
101. At its initial briefing to the Committee on 9 January 2015, the Committee sought clarification on the circumstances in which councils will have the ability to vest.
102. The Committee questioned whether councils might be under the illusion that they will be able to use vesting powers more freely than under the current system.
103. However, the Department noted that councils have to apply to the Department to make a vesting order if they wish to compulsorily acquire land.
104. It also noted that where there are objections to a vesting order and these remain unresolved, the Department could cause a local inquiry to be held by the Planning Appeals Commission.

A report from such an inquiry would then be considered by the Department before deciding whether to make the vesting order.

105. Given the potential difficulties faced during the vesting process and given the Department's experience of these difficulties, the Committee questioned whether the Department could have used this Bill as an opportunity to try and strengthen the vesting powers in order to facilitate development plans.
106. The Committee noted the Department's view that it would be difficult to identify legislative steps because most of the obstacles relate to the processes by which any public authority can be challenged legally and it is most always on the grounds of 'reasonableness'.
107. In its evidence to the Committee on 19 March 2015, Juno Planning and Environmental Ltd acknowledged that there is a requirement for vesting and that it was not opposed to it. However, Juno Planning and Environmental Ltd believe that a more streamlined process is required.
108. The Committee noted their suggestion that a diagram or flow chart be made available to investors showing the critical steps to be taken, how long they might take and the impact to the timescales on a live development project.

## Other Issues

**A number of other issues not specifically related to the content of the Bill were raised with the Committee. These are outlined below.**

### **Transfer of Neighbourhood Renewal budget**

109. The Department is conferring powers on councils in relation to urban regeneration and community development and transferring the associated budgets and assets.
110. Stakeholders and some committee members have raised concerns that the budget allocated for neighbourhood renewal has not been ring-fenced for addressing social need.
111. NICVA believes that this lack of control could lead to wide differentials in activities and outcomes across 11 council areas and this has caused great uncertainty in the voluntary and community sector.
112. The Committee acknowledged that over years the voluntary and community sector have built up knowledge and the ability to tackle these issues and to lose this expertise could potentially have a detrimental impact on the ability of councils to tackle deprivation.
113. Some committee members also shared the concerns that, if the current departmental criteria for a neighbourhood renewal area are not transferred to councils, then it could potentially lead to 11 different interpretations of an area of deprivation.
114. The Committee noted in the Department's response to NICVA's concerns that 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.
115. The Department also advised that there is no requirement for any council to continue to support neighbourhood renewal projects from 2016 and any decision to do so is a matter for them.
116. The Committee noted NICVA's recommendation that the Committee should retain a scrutiny role by taking an overview of who is delivering services in an area, where 'anti-poverty money' is going and the outcomes/impacts of this work.
117. The Committee acknowledged the importance of getting the balance right with local government and the Department needing to work together constructively. Given that the Department will still have a role by retaining some responsibilities in high-level



policy decisions, the Committee will therefore continue to have a role in scrutinising the Department.

#### **Transfer of Community Investment Fund**

118. Another area of concern raised by stakeholders was the transfer of the Community Investment Fund (CIF) to councils.
119. 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.
120. On the 26 March 2015, the Committee heard evidence from representatives of the Fermanagh Trust. Fermanagh Trust expressed concern regarding the potential impact the transfer might have on CIF funded organisations and the impact to jobs and services in the community, for example, community development and infrastructure.
121. Fermanagh Trust is concerned that the potential loss of funding to organisations will have a detrimental impact on service provisions for training, advice, support, information provision, community relations work, and support for women etc.
122. Of key concern to the Committee and Fermanagh Trust was the potential loss of skills and relationships which have been built up at a community level over years should councils decide to deliver these services in-house.
123. Both the Committee and the representatives of Fermanagh Trust acknowledged that the Department has built up a very good infrastructure over the years in the form of the 'Urban Regeneration and Policy Framework'.
124. Given that such a good infrastructure already exists, Fermanagh Trust recommends that this infrastructure and CIF should be protected for at least three years until councils have had sufficient time to prioritise and create community plans in association with infrastructure organisations.
125. The Committee noted the Department's response that local councils are best placed to determine which local community organisations should receive funding, taking account of local priorities and potential overlaps and duplication.
126. In written correspondence to the Department, the Committee asked whether any consideration had been given to ring-fencing CIF for an extended period while councils realise their budgets and imbed their programmes.
127. The Committee noted the Department's response that the purpose of the transfer (to allow decisions to be made on key local issues to be made locally) would be seriously undermined 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 Department's response is included at appendix 4.

#### **Joined up working between DSD and the Department for Agriculture and Rural Development**

128. The Committee was of the view that there is an expectation in rural and urban areas that work will be done around tackling social deprivation.
129. During exchanges with the Department it came apparent that the Department for Agriculture and Rural Development (DARD) is not transferring any of its rural development functions nor is it transferring its programmes.
130. The Committee was concerned that that this could potentially lead to the running of two parallel processes with possible duplication.



131. In its evidence to the Committee on 26 March 2015, Fermanagh Trust expressed concern that rural development will receive only half the infrastructure given that only powers in relation to urban development are being transferred to councils.
132. Furthermore, Fermanagh Trust raised concern around its rural and urban strategy. Currently rural and urban networks across Northern Ireland work together and meet regularly. Fermanagh Trust is concerned that the networks will no longer be working together which will make it difficult when it comes to bid for funding.
133. At present, some rural and urban networks jointly bid to councils for funding but this will no longer be the case if the rural network continues to get its core funding from DARD while urban networks are required to seek its core funding from councils.
134. The Committee wrote to the Department to seek 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 budgets.
135. The Committee noted the Department's response that *'unlike the DSD's 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 not in a position to transfer it to new councils'*.
136. The Committee strongly believes that there needs to be proper joined-up thinking and linkages between the two Departments if both Departments are to discharge their policies and Executive commitments to tackle disadvantage.

#### **Staff Transfer Scheme**

137. The Department has put in place arrangements that staff will transfer from the Department to a new council if the council needs those people.
138. The Committee questioned the Department on these arrangements. In particular, the Committee wanted to know how many staff the transfer would effect and how many were transferring.
139. The Department advised that approximately 180 people work in the functions being transferred but there is no obligation for the councils to take the staff nor is there an obligation for a member of staff to accept a transfer to a council.
140. The Department informed the Committee that it expects about 50 members of staff to transfer out and the remaining posts will be declared surplus and staff redeployed to other posts in the Civil Service.
141. Members of the Committee acknowledged that members of staff within the Department are highly skilled to deliver the functions being transferred. They have built up years of experience and have come to know organisations and communities over those years.
142. The Committee voiced concerns that councils could potentially make the determination that staff they currently have could be redeployed to discharge the functions being transferred and not necessarily have the skills and knowledge of the staff in the Department.
143. In a written response to the Committee's queries on what arrangements have been put in place, the Committee noted the document *'Future Delivery Arrangements for Urban Regeneration/Community Development'* which was issued by the former Minister, Nelson McCausland. A copy of this document is included at appendix 4.
144. The Committee also noted a letter issued by the Deputy Secretary, Tracy Meharg, to the new Council Chief Executives which advised that councils can access DSD staff for a period of time on secondment, should they wish to do so. A copy of this letter is also included at appendix 4.

**Qualified Majority Voting**

145. In discussions with the Department, committee members raised concerns that there could be potential for an adverse effect on community relations if a controlling group on a council decided to use public funding on a contentious issue.
146. The Committee asked the Department whether it should have considered introducing a qualified majority voting clause to the Bill to ensure that controversial decisions, which could adversely affect community relations, are not made.
147. The Committee noted the Department's response that Sections 39 – 41 of the Local Government Act (Northern Ireland) 2014 covers decision making by councils. However, the only decisions that are specified in the 2014 Act as being required to be taken by a qualified majority are decisions in connection with the political governance arrangements of a council.
148. The Committee noted the Minister's indication that he would like to consider this issue further and would respond to the Committee in due course.
149. A further response from the Minister was not received before the end of the committee stage and therefore the Committee recommends that the Minister gives further consideration to this issue and responds to the Committee in due course.

# Clause-by-clause Scrutiny

150. The Committee undertook its clause-by-clause scrutiny of the Regeneration Bill on 21 May 2015.
151. Prior to the Committee's clause-by-clause consideration of the Bill, the Minister wrote to the Committee addressing some of the proposed amendments and recommendations. The Minister's response is included at appendix 4.
152. The Committee's clause-by-clause scrutiny of the Bill proceeded as follows:

## Part 1: Powers in Relation to Social Need

### **Clause 1: Financial assistance to address social need**

153. 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.
154. Some members were of the view that regeneration should be centered on economic regeneration and that reference to social need should be removed from the Bill.
155. Other members raised concerns that removing reference to social need from the Bill could negatively impact on communities that suffer from social deprivation, high unemployment and poor health.
156. A consensus could not be reached on whether to accept clause 1 as drafted.
157. The Committee considered the following amendment provided by Mr Jim Allister and Mr Sammy Wilson:

*1.-(1) A council may provide financial assistance to any person doing or intending to do, anything which the council considers will promote economic and/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 or social regeneration activities,*

*(b) the improvement of the environment,*

*(c) the provision of housing,*

*(d) the provision of social or community facilities, or*

*(e) the refurbishment or restructuring of buildings.*

*(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.*

*Financial assistance under this section for the provision of housing requires the approval of the Department.*

158. Mr Sammy Wilson proposed the above amendment.

159. The Committee divided on the following question:

*“Is the Committee content with the amendment as proposed by Mr Wilson?”*

**Ayes 6:** Mr Roy Beggs, Ms Paula Bradley, Mr Gregory Campbell, Mr Stewart Dickson, Mr Sammy Douglas and Mr Sammy Wilson.

**Noes 4:** Mr Mickey Brady, Mrs Dolores Kelly, Mr Fra McCann and Mr Alex Maskey

160. The Committee accepted the amendment to clause 1 proposed by Mr Wilson.

161. Some members were of the view that clause 1 should also be amended to prevent a council from assisting a project that sought to promote or refer to an individual with a serious criminal conviction as defined in Section 5 of the Civil Service (Special Advisers) Act (Northern Ireland) 2013.

162. The Committee considered the following amendment which was provided by Mr Jim Allister:

*Clause 1, Page 2, line 4*

*At end insert – ‘(5) No assisted project may, by title or content or in any way, promote or refer to anyone with a serious criminal conviction, as defined in section 5 of the Civil Service (Special Advisers Act (Northern Ireland) 2013’*

163. Mr Sammy Wilson proposed the above amendment.

164. The Committee divided on the following question:

*“Is the Committee content with the proposed amendment as tabled?”*

**Ayes 5:** Mr Roy Beggs, Ms Paula Bradley, Mr Gregory Campbell, Mr Stewart Dickson and Mr Sammy Wilson.

**Noes 4:** Mr Mickey Brady, Mrs Dolores Kelly, Mr Fra McCann and Mr Alex Maskey

165. The Committee accepted the amendment to clause 1 proposed by Mr Wilson

166. The Committee accepted clause 1 as amended.

**Clause 2: Conditions attaching to financial assistance under section 1**

167. 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.

168. The Committee accepted clause 2 as drafted.

**Clause 3: Power to carry out works for the improvement of the environment**

169. 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.

170. The Committee accepted clause 3 as drafted

**Clause 4: Power of Department to provide financial assistance**

171. 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.

172. The Committee accepted clause 4 as drafted.

## Part 2: Development Powers and Other Powers for Planning Purposes

### **Clause 5: Development schemes of councils**

173. 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. 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.
174. The Committee accepted clause 5 as drafted.

### **Clause 6: Adoption of development schemes by councils**

175. 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.
176. The Committee noted that as a statutory minimum, adverts must be published in one or more local newspapers as laid out in clause 6(2). However, the Committee recommended that the Department:
- Amends this clause 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.
177. The Committee welcomed the Minister's proposal to put the following forward as an amendment at Consideration Stage:

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

After 'publish' insert 'on its website and'

The Committee accepted clause 6 subject to amendment as proposed by the Department.

### **Clause 7: Acquisition of land by councils for planning purposes**

178. 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.
179. The Committee accepted clause 7 as drafted.

### **Clause 8: Disposal of land held by councils for planning purposes**

180. 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.
181. The Committee accepted clause 8 as drafted.

### **Clause 9: Development of land held by councils for planning purposes**

182. 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.
183. The Committee accepted clause 9 as drafted.

**Clause 10: Powers of council before acquisition of land for planning purposes**

184. 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.
185. The Committee accepted clause 10 as drafted.

**Clause 11: Extinguishment by council of right of way**

186. 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.
187. The Committee noted that as a statutory minimum, a notice must be published in one or more local newspapers as laid out in clause 11(2) and 11(6). However, the Committee recommended that the Department:
- Amends this clause 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.
188. The Committee welcomed the Minister's proposal to put the following forward as an amendment at Consideration Stage:

**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'

189. The Committee accepted clause 11 subject to amendment as proposed by the Department.

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

190. 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.
191. The Committee accepted clause 12 as drafted.

**Clause 13: Development schemes made by the Department**

192. 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.
193. The Committee accepted clause 13 as drafted.

**Clause 14: Interpretation of this Part**

194. This clause defines a number of the terms used in Part 2 of the Bill.
195. The Committee accepted clause 14 as drafted.

## Part 3: Laganside

### **Clause 15: Transfer to council of certain functions in relation to Laganside**

196. This clause provides for the repeal of the Laganside Development (Northern Ireland) Order 1989 (“the Laganside 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.
197. The Committee accepted clause 15 as drafted.

## Part 4: General and Supplementary

### **Clause 16: Surveys, studies, etc.**

198. 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.
199. The Committee accepted clause 16 as drafted.

### **Clause 17: Guidance**

200. 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.
201. The Committee accepted clause 17 as drafted.

### **Clause 18: Powers to make orders under the Local Government Act in connection with this Act**

202. 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.
203. The Committee accepted clause 18 as drafted.

### **Clause 19: Regulations and orders**

204. This clause details the Assembly controls which will apply to regulations and orders under the Bill.
205. The Committee accepted clause 19 as drafted.

### **Clause 20: Interpretation**

206. This clause provides definitions of terms used in the Bill.
207. The Committee accepted clause 20 as drafted.

### **Clause 21: Minor and consequential amendments and repeals**

208. This clause provides for the amendments set out in Schedule 2 and the repeals set out in Schedule 3 to have effect.
209. The Committee accepted clause 21 as drafted.

### **Clause 22: Commencement**

210. This clause provides that clauses 1 to 17 and 21 come into operation on 1 April 2016.
211. The Committee accepted clause 22 as drafted.

**Clause 23: Short title**

212. This clause provides that the Act shall be known as the Regeneration Act (Northern Ireland) 2015.

213. The Committee accepted clause 23 as drafted.

**Schedule 1: Powers of Council in relation to the River Lagan**

214. The Committee accepted Schedule 1 as drafted.

**Schedule 2: Minor and Consequential Amendments**

215. The Committee accepted Schedule 2 as drafted.

**Schedule 3: Repeals**

216. The Committee accepted Schedule 3 as drafted.





Northern Ireland  
Assembly

Appendix 1

# Minutes of Proceedings Relating to the Report



## Thursday 8 January 2015

### Room 29, Parliament Buildings

**Present:** Mr Alex Maskey MLA (Chairperson)  
Mr Mickey Brady MLA (Deputy Chairperson)  
Mr Jim Allister MLA  
Ms Paula Bradley MLA  
Mr Gregory Campbell MLA  
Mr Maurice Devenney MLA  
Mr Stewart Dickson MLA  
Mr Fra McCann MLA  
Mr Sammy Wilson MLA

**In Attendance:** Dr Kevin Pelan (Assembly Clerk)  
Mrs Ashleigh Mitford (Assistant Assembly Clerk)  
Mr Stephen Todd (Assistant Assembly Clerk)  
Mr Stewart Kennedy (Clerical Supervisor)  
Mr Richard Reid (Clerical Officer)

**Apologies:** Mr Michael Copeland MLA  
Mrs Dolores Kelly MLA

**10.02am** The Chairperson declared the meeting open to the public.

#### **Apologies**

Apologies were as noted above.

#### **1. Regeneration Bill – Departmental Briefing**

**1.42pm.** The following officials joined the meeting.

- Henry McArdle, Bill Team Leader, DSD
- Ian Snowden, Business Continuity Lead, DSD
- Antony McDaid, Bill Team, DSD

The officials briefed the Committee on the Regeneration Bill, which is scheduled to reach Second Stage on 20 January 2015.

The officials took questions from the Committee.

**2.23pm** Sammy Wilson MLA left the meeting.

**2.42pm** The officials left the meeting.

This session was recorded by Hansard.

**[EXTRACT]**

## Thursday 12 March 2015

### Room 29, Parliament Buildings

**Present:** Mr Mickey Brady MLA (Deputy Chairperson)  
Mr Jim Allister MLA  
Mr Roy Beggs MLA  
Ms Paula Bradley MLA  
Mr Gregory Campbell MLA  
Mr Maurice Devenney MLA  
Mr Stewart Dickson MLA

**In Attendance:** Dr Kevin Pelan (Assembly Clerk)  
Mrs Ashleigh Mitford (Assistant Assembly Clerk)  
Mr Stewart Kennedy (Assistant Assembly Clerk)  
Mr Richard Reid (Clerical Officer)

**Apologies:** Mr Alex Maskey MLA (Chairperson)  
Mr Fra McCann MLA  
Mr Sammy Wilson MLA  
Mrs Dolores Kelly

**10:06am** The Deputy Chairperson declared the meeting open.

#### **Apologies**

Apologies were as noted above.

#### **1. Regeneration Bill – Briefing by NILGA**

**10:14am** The following representatives joined the meeting:

- Karen Smyth – Head of Policy, NILGA
- Cllr Dermot Nicholl, Limavady Borough Council

The representatives briefed the Committee on a number of key issues relating to several clauses of the Regeneration Bill. This was followed by a question and answer session.

**Agreed:** The representatives of NILGA agreed to respond to the Committee with its views on the definition of ‘Social Need’ within the Bill. The representatives also agreed to provide the Committee with the detail of a resolution made at a recent Political Partnership meeting regarding the disparity of funding in the West.

This session was recorded by Hansard.

**10:39am** The representatives left the meeting.

**[EXTRACT]**

## Thursday 19 March 2015

### Room 29, Parliament Buildings

**Present:** Mr Alex Maskey MLA (Chairperson)  
Mr Mickey Brady MLA (Deputy Chairperson)  
Mr Jim Allister MLA  
Mr Roy Beggs MLA  
Ms Paula Bradley MLA  
Mr Gregory Campbell MLA  
Mr Maurice Devenney MLA  
Mrs Dolores Kelly MLA  
Mr Fra McCann MLA  
Mr Sammy Wilson MLA

**In Attendance:** Dr Kevin Pelan (Assembly Clerk)  
Mrs Ashleigh Mitford (Assistant Assembly Clerk)  
Mr Stewart Kennedy (Assistant Assembly Clerk)  
Mr Richard Reid (Clerical Officer)

**Apologies:** Mr Stewart Dickson MLA

**10:04am** The Chairperson declared the meeting open.

#### **Apologies**

Apologies were as noted above.

## **2. Regeneration Bill – Briefing by JUNO**

**10:08am** The following representatives from Juno Planning and Environmental Ltd joined the meeting.

- Helen Harrison – Director;
- Andrew Heasley – Senior Planner; and
- Orlaith Kirk – Senior Planner.

**10:16am** Mr Sammy Wilson MLA joined the meeting.

The representatives briefed the Committee on a number of key issues relating to several clauses of the Regeneration Bill. The key issues addressed were local development plans and community development plans. This was followed by a question and answer session.

This session was recorded by Hansard.

**10:50am** The representatives left the meeting.

**[EXTRACT]**

## Thursday 26 March 2015

### Room 29, Parliament Buildings

**Present:** Mr Alex Maskey MLA (Chairperson)  
Mr Mickey Brady MLA (Deputy Chairperson)  
Mr Jim Allister MLA  
Mr Roy Beggs MLA  
Mr Gregory Campbell MLA  
Mr Fra McCann MLA  
Mr Sammy Wilson MLA

**In Attendance:** Dr Kevin Pelan (Assembly Clerk)  
Mrs Ashleigh Mitford (Assistant Assembly Clerk)  
Mr Stewart Kennedy (Assistant Assembly Clerk)  
Mr Jonathan McMillen (Legal Services)  
Mr Richard Reid (Clerical Officer)

**Apologies:** Ms Paula Bradley MLA  
Mrs Dolores Kelly MLA

**10:08am** The Chairperson declared the meeting open.

**1. Apologies**

Apologies were as noted above.

**2. Regeneration Bill – Evidence by NICVA**

**10:12am** The following representatives from NICVA joined the meeting:

- Seamus McAleavey – Chief Executive
- Jenna Maghie – Policy Development Officer

The representatives briefed the Committee on a number of key issues relating to the Regeneration Bill. The key issues addressed included the lack of definition in the Bill regarding “social need”, “deprivation”, and “regeneration” and the transfer of budget to councils for Neighbourhood Renewal. This was followed by a question and answer session.

This session was recorded by Hansard.

**10:51am** The representatives left the meeting.

**3. Regeneration Bill – Evidence by The Fermanagh Trust**

**10:52am** The following officials joined the meeting:

- Lauri McCusker - The Fermanagh Trust
- Karen Sweeney - Women’s Support Network
- Lynn Moffett - Ballymoney Community Resource
- Cathy Polley – Ards Community Network

The representatives briefed the Committee on a number of key issues relating to the Regeneration Bill. The key issues addressed included local development plans, community development plans and concerns regarding the uncertainty of the Community Investment Fund. This was followed by a question and answer session.

This session was recorded by Hansard.

**12:08pm** The representatives left the meeting.

**[EXTRACT]**

## Thursday 16 April 2015

### Room 29, Parliament Buildings

**Present:** Mr Alex Maskey MLA (Chairperson)  
Mr Mickey Brady MLA (Deputy Chairperson)  
Mr Jim Allister MLA  
Mr Roy Beggs MLA  
Ms Paula Bradley MLA  
Mr Gregory Campbell MLA  
Mrs Dolores Kelly MLA  
Mr Fra McCann MLA

**In Attendance:** Dr Kevin Pelan (Assembly Clerk)  
Mrs Ashleigh Mitford (Assistant Assembly Clerk)  
Mr Stewart Kennedy (Assistant Assembly Clerk)  
Mr Richard Reid (Clerical Officer)

**Apologies:** Mr Sammy Wilson MLA

**10:04am** The Deputy Chairperson declared the meeting open.

#### **Apologies**

Apologies were noted as above.

#### **4. Regeneration Bill – Departmental Briefing**

**10:07am** The following Departmental officials joined the meeting:

- Henry McArdle
- Anthony McDaid
- Ian Snowden
- Peter Toner

The officials briefed the Committee on some of the main issues raised by stakeholders in written evidence to the Committee on the Regeneration Bill. Officials also addressed key issues raised by members and stakeholders during oral evidence sessions.

**10:11am** Mr Alex Maskey MLA took the Chair.

Members discussed the Department's response to some of the key issues which included the lack of definition in the Bill regarding "social need", and "deprivation".

Given the absence of a code of conduct for local government, the Committee queried whether the Department should have considered introducing a qualified majority voting clause to the Bill to address controversial issues requiring a council decision which could adversely affect community relations.

**Agreed:** The Department agreed to consult with the Office of Legislative Council on this issue and respond to the Committee.

The Committee also queried what arrangements have been put in place for Departmental employees who will transfer to local councils.

**Agreed:** The Departmental officials agreed to provide the Committee with the scheme relating to the transfer of Departmental employees.

*Agreed:* The Committee agreed to cancel its meeting on 7 May 2015 due to the forthcoming election and to hold an additional meeting on Tuesday 28 April 2015 to consider the Regeneration Bill.

This session was recorded by Hansard.

**10:46am** The representatives left the meeting.

**[EXTRACT]**



## Thursday 23 April 2015

### Room 29, Parliament Buildings

**Present:** Mr Alex Maskey MLA (Chairperson)  
Mr Jim Allister MLA  
Mr Roy Beggs MLA  
Ms Paula Bradley MLA  
Mr Gregory Campbell MLA  
Mr Stewart Dickson MLA  
Mr Fra McCann MLA  
Mr Gary Middleton MLA  
Mr Sammy Wilson MLA

**In Attendance:** Dr Kevin Pelan (Assembly Clerk)  
Mrs Ashleigh Mitford (Assistant Assembly Clerk)  
Mr Stewart Kennedy (Assistant Assembly Clerk)  
Mr Richard Reid (Clerical Officer)

**Apologies:** Mr Mickey Brady MLA (Deputy Chairperson)  
Mrs Dolores Kelly MLA

**10:04am** The Chairperson declared the meeting open.

#### **Apologies**

Apologies were noted as above.

#### **5. Regeneration Bill – Departmental Briefing**

**10:12am** The following Departmental officials joined the meeting:

- Henry McArdle
- Anthony McDaid
- Ian Snowden

The Committee noted a written response from the Department in relation to the staff transfer scheme and a qualified majority voting clause.

**10.44am** Mr Stewart Dickson MLA left the meeting.

The Committee continued its consideration of the Regeneration Bill and held discussions with the officials on a number of issues. These issues included the definition of 'social need' within the Bill, the role of the Department in monitoring local government once regeneration powers have been devolved and the staff transfer scheme.

**Agreed:** The Committee agreed to write to the Department to seek a list of organisations supported by the Community Investment Fund and a list of regional organisations funded by the 1986 Social Need Order.

This session was recorded by Hansard.

**11:13am** The representatives left the meeting.

**[EXTRACT]**

## Tuesday 28 April 2015

### Room 30, Parliament Buildings

**Present:**

- Mr Alex Maskey MLA (Chairperson)
- Mr Mickey Brady MLA (Deputy Chairperson)
- Mr Jim Allister MLA
- Ms Paula Bradley MLA
- Mr Gregory Campbell MLA
- Mr Stewart Dickson MLA
- Mr Fra McCann MLA
- Mr Gary Middleton MLA
- Mr Sammy Wilson MLA

**In Attendance:**

- Dr Kevin Pelan (Assembly Clerk)
- Mrs Ashleigh Mitford (Assistant Assembly Clerk)
- Mr Stewart Kennedy (Assistant Assembly Clerk)
- Mr Richard Reid (Clerical Officer)

**Apologies:** Mr Roy Beggs MLA

**12:38am** The Chairperson declared the meeting open.

**1. Apologies**

Apologies were noted as above.

**2. Regeneration Bill – Departmental Briefing**

**12:40am** The following Departmental officials joined the meeting:

- Henry McArdle
- Anthony McDaid
- Ian Snowden

The Committee discussed issues with the aim of identifying potential amendments and recommendations to be submitted to the Minister for consideration.

Mr Allister proposed amendments to 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.”

The Committee divided on the proposed amendment:

Ayes; 5  
Noes; 3  
Abstentions; 0  
Non-voting; 1

**AYES:**

Mr Jim Allister MLA  
Ms Paula Bradley MLA  
Mr Gregory Campbell MLA  
Mr Gary Middleton MLA  
Mr Sammy Wilson MLA

**NOES:**

Mr Alex Maskey MLA (Chairperson)  
Mr Mickey Brady MLA (Deputy Chairperson)  
Mr Fra McCann MLA

**NON-VOTING:**

Mr Stewart Dickson MLA

The Committee agreed the proposed amendment.

Mr Allister proposed an amendment Clause 1 as follows:

Add at 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.*

Ayes; 5

Noes; 3

Abstentions; 0

Non-voting; 1

**AYES:**

Mr Jim Allister MLA  
Ms Paula Bradley MLA  
Mr Gregory Campbell MLA  
Mr Gary Middleton MLA  
Mr Sammy Wilson MLA

**NOES:**

Mr Alex Maskey MLA (Chairperson)  
Mr Mickey Brady MLA (Deputy Chairperson)  
Mr Fra McCann MLA

**NON-VOTING:**

Mr Stewart Dickson MLA

The Committee agreed the proposed amendment.

*Agreed:* The Committee agreed a number of recommendations for the Department to consider.

*Agreed:* The Committee agreed to postpone the formal clause-by-clause until 14 May 2015 to give the Department sufficient time to consider the proposed amendments and recommendations.

This session was recorded by Hansard.

**13:31am** The representatives left the meeting.

**[EXTRACT]**

## Thursday 14 May 2015

### Room 29, Parliament Buildings

**Present:** Mr Alex Maskey MLA (Chairperson)  
Mr Mickey Brady MLA (Deputy Chairperson)  
Mr Jim Allister MLA  
Mr Roy Beggs MLA  
Ms Paula Bradley MLA  
Mr Gregory Campbell MLA  
Mr Stewart Dickson MLA  
Mrs Dolores Kelly MLA  
Mr Fra McCann MLA  
Mr Gary Middleton MLA  
Mr Sammy Wilson MLA

**In Attendance:** Dr Kevin Pelan (Assembly Clerk)  
Ms Patricia Casey (Assembly Bill Clerk)  
Mrs Ashleigh Mitford (Assistant Assembly Clerk)  
Mr Stewart Kennedy (Assistant Assembly Clerk)  
Mr Richard Reid (Clerical Officer)

**Apologies:** None

**10.06am** The meeting commenced.

**1. Apologies**

Apologies were noted as above.

**2. Regeneration Bill – Clause by Clause**

The Committee noted a summary table, a revised draft amendment and correspondence from the Minister.

**11.30a.m** The following officials joined the meeting.:

- Henry McArdle;
- Ian Snowden; and
- Antony McDaid

The officials briefed the Committee on the Minister's response to its proposed amendments.

Members agreed that they needed time to consider the Minister's response and also noted that the Minister wished to give further consideration to one of the issues raised by the Committee.

**11.46am** Dolores Kelly MLA left the meeting

**Agreed:** The Committee agreed to postpone its clause-by-clause consideration of the Bill until Tuesday 19 May 2015.

This session was recorded by Hansard.

**11.55am** The officials left the meeting.

**[EXTRACT]**

## Tuesday 19 May 2015

### Room 30, Parliament Buildings

**Present:** Mr Alex Maskey MLA (Chairperson)  
Mr Mickey Brady MLA (Deputy Chairperson)  
Mr Jim Allister MLA  
Mr Roy Beggs MLA  
Ms Paula Bradley MLA  
Mr Gregory Campbell MLA  
Mr Stewart Dickson MLA  
Mr Sammy Douglas MLA  
Mrs Dolores Kelly MLA  
Mr Fra McCann MLA  
Mr Sammy Wilson MLA

**In Attendance:** Dr Kevin Pelan (Assembly Clerk)  
Ms Patricia Casey (Assembly Bill Clerk)  
Mrs Ashleigh Mitford (Assistant Assembly Clerk)  
Mr Stewart Kennedy (Assistant Assembly Clerk)  
Mr Richard Reid (Clerical Officer)

**Apologies:** None

10:39am The meeting commenced.

**1. Apologies**

Apologies were noted as above.

**2. Regeneration Bill – Clause by Clause**

**10:40am** The following officials joined the meeting:

- Henry McArdle;
- Ian Snowden; and
- Antony McDaid

**10:40am** Paula Bradley joined the meeting.

The officials updated the Committee on the Minister's position in relation to proposed amendments to the Bill.

The Committee discussed outstanding issues in relation to proposed amendments to the Bill.

**10:43am** Dolores Kelly joined the meeting

**11:07am** Sammy Douglas joined the meeting

**Agreed:** The Committee agreed to defer its clause-by-clause consideration of the Bill until Thursday 21 May 2015.

**Agreed:** The Committee agreed to provide the Clerk with any proposed amendments by 5PM 20 May 2015.

**11:17am** The officials left the meeting.

**[EXTRACT]**

## Thursday 21 May 2015

### Room 29, Parliament Buildings

**Present:** Mr Alex Maskey MLA (Chairperson)  
Mr Mickey Brady MLA (Deputy Chairperson)  
Mr Roy Beggs MLA  
Ms Paula Bradley MLA  
Mr Gregory Campbell MLA  
Mr Stewart Dickson MLA  
Mr Sammy Douglas MLA  
Mrs Dolores Kelly MLA  
Mr Fra McCann MLA  
Mr Sammy Wilson MLA

**In Attendance:** Dr Kevin Pelan (Assembly Clerk)  
Ms Patricia Casey (Assembly Bill Clerk)  
Mrs Ashleigh Mitford (Assistant Assembly Clerk)  
Mr Stewart Kennedy (Assistant Assembly Clerk)  
Mr Richard Reid (Clerical Officer)

**Apologies:** Mr Jim Allister MLA

**10:05am** The Deputy Chairperson commenced the meeting.

**1. Apologies**

Apologies were noted as above.

**2. Regeneration Bill – Clause by Clause**

The Committee noted a late submission in relation the Regeneration Bill from the North West Community Network.

**Agreed:** the Committee agreed to include the submission in the appendices of its Report.

The Committee noted a summary table, a copy of the Bill and various proposed amendments.

**11:40am** The following officials joined the meeting.

- Henry McArdle
- Ian Snowden
- Antony McDaid

The Committee considered the first proposed amendment to the Bill which had been submitted by Mr Allister and Mr Wilson.

**11:42am:** Roy Beggs declared an interest, Sammy Douglas declared an interest.

Sammy Wilson proposed the following amendment to clause 1:

**Clause 1**

*1.-(1) A council may provide financial assistance to any person doing or intending to do, anything which the council considers will promote economic and/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 or social regeneration activities,
- (b) the improvement of the environment,
- (c) the provision of housing,
- (d) the provision of social or community facilities, or
- (e) the refurbishment or restructuring of buildings.

(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.

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

Question put:

That the Committee is content with the amendment to clause 1 as proposed by Mr Wilson

The Committee divided

Ayes	Noes	Abstained	Not voting
Roy Beggs	Alex Maskey		
Paula Bradley	Mickey Brady		
Gregory Campbell	Dolores Kelly		
Stewart Dickson	Fra McCann		
Sammy Douglas			
Sammy Wilson			

The amendment was agreed.

Sammy Wilson also proposed the following amendment to clause 1 which had been submitted by Mr Allister:

Clause 1, Page 2, line 4

At end insert – ‘(5) No assisted project may, by title or content or in any way, promote or refer to anyone with a serious criminal conviction, as defined in section 5 of the Civil Service (Special Advisers Act (Northern Ireland) 2013’

Question put:

That the Committee is content with the amendment to clause 1 as proposed by Mr Wilson

The Committee divided

Ayes	Noes	Abstained	Not voting
Roy Beggs	Alex Maskey		
Paula Bradley	Mickey Brady		
Gregory Campbell	Dolores Kelly		
Stewart Dickson	Fra McCann		
Sammy Douglas			
Sammy Wilson			

The amendment was agreed.

Clause- by- Clause Consideration of the Bill

The Committee conducted its clause-by-clause consideration of the Bill. The Committee noted that should the amendments be agreed by the Assembly during Consideration Stage and there were consequential amendments as a result then these would be identified and taken forward by the Department.

**12:47pm** Sammy Douglas left the meeting.

Question Put by the Chairperson:

That the Committee is content with Clause 1 subject to the agreed amendments.

The Committee divided

<b>Ayes</b>	<b>Noes</b>	<b>Abstained</b>	<b>Not voting</b>
Roy Beggs	Alex Maskey		
Paula Bradley	Mickey Brady		
Gregory Campbell	Dolores Kelly		
Stewart Dickson	Fra McCann		
Sammy Wilson			

The amendment was agreed.

*Agreed:* Clauses 2 - 5 were accepted by the Committee as drafted.

*Agreed:* Clause 6 was accepted by the Committee as amended by the Department.

*Agreed:* Clauses 7 - 10 were accepted by the Committee as drafted.

*Agreed:* Clause 11 was accepted by the Committee as amended by the Department.

*Agreed:* Clauses 12 – 23 were accepted by the Committee as drafted.

*Agreed:* Schedules 1 to 3 were accepted as drafted.

*Agreed:* The long title of the Bill was accepted as drafted.

**11:59am** The officials left the meeting.

*Agreed:* The Committee will agree its final report on the Committee Stage of the Regeneration Bill at its meeting on 28 May 2015.

This session was recorded by Hansard.

**[EXTRACT]**



## Thursday 28 May 2015

### Room 29, Parliament Buildings

- Present:** Mr Alex Maskey MLA (Chairperson)  
Mr Jim Allister MLA  
Mr Roy Beggs MLA  
Ms Paula Bradley MLA  
Mr Gregory Campbell MLA  
Mr Stewart Dickson MLA  
Mr Sammy Douglas MLA  
Mr Fra McCann MLA  
Mr Sammy Wilson MLA
- In Attendance:** Dr Kevin Pelan (Assembly Clerk)  
Mrs Ashleigh Mitford (Assistant Assembly Clerk)  
Mr Stewart Kennedy (Assistant Assembly Clerk)  
Mr Richard Reid (Clerical Officer)
- Apologies:** Mr Mickey Brady MLA (Deputy Chairperson)  
Mrs Dolores Kelly MLA

#### 6. **Regeneration Bill – Committee Report**

The Committee noted its draft Report.

- Agreed:* The Committee agreed the Table of Contents of the Report.
- Agreed:* The Committee agreed the List of Appendices of the Report.
- Agreed:* The Committee agreed the Recommendations of the Report.
- Agreed:* The Committee agreed the Introduction of the Report.
- Agreed:* The Committee agreed the Consideration of the Bill section of the Report.
- Agreed:* The Committee agreed the Clause-by-Clause Scrutiny section of the Report.
- Agreed:* The Committee agreed the Executive Summary of the Report.
- Agreed:* The Committee agreed a draft extract of Minutes of Proceedings for 28 May 2015 be included in the appendices of the Report as amended.
- Agreed:* The Committee agreed that the Report be the 13th Report of the Committee for Social Development.
- Agreed:* The Committee ordered its Report to be printed.

#### **Alex Maskey**

Chairperson, Committee for Social Development

**[EXTRACT]**





Northern Ireland  
Assembly

Appendix 2

# Minutes of Evidence



## 8 January 2015

### Members present for all or part of the proceedings:

Mr Alex Maskey (Chairperson)  
 Mr Mickey Brady (Deputy Chairperson)  
 Ms Paula Bradley  
 Mr Maurice Devenney  
 Mr Fra McCann  
 Mr Sammy Wilson

### Witnesses:

Mr Henry McArdle	<i>Department for</i>
Mr Antony McDaid	<i>Social Development</i>
Mr Ian Snowden	

1. **The Chairperson (Mr Maskey):** I welcome from the Department Henry McArdle, Ian Snowden and Antony McDaid. I apologise to you, as I have to other officials, for the inordinate delay that we have had today. I know that you were waiting for a long time. On behalf of the Committee, I very much appreciate your patience. Unfortunately, we had a fairly lengthy session on the inquiry.
2. The Department has provided a briefing, and that is in members' packs. Without further ado, I will leave it to you to brief the Committee. The Bill is expected to have its Second Stage in the Assembly on 20 January, so you might speak to that and to what the time frame means.
3. **Mr Henry McArdle (Department for Social Development):** Thanks very much, Mr Chairman, and thanks to the Committee for giving us the opportunity to brief it on the Department's contribution to the reform of local government and the Regeneration Bill. To give some background, the DOE's Local Government Bill received Royal Assent on 12 May last year, becoming the Local Government Act (Northern Ireland) 2014. The Act sets out the context and environment for reformed and strengthened local government, in which DSD will be conferring powers to tackle deprivation and to undertake regeneration and community development on local government,

as well as transferring responsibility for Laganside to the new Belfast City Council.

4. The Committee will have noted that there have been some changes to the then draft Regeneration and Housing Bill since we last briefed it in June last year. The housing elements — namely, the regulation of houses in multiple occupation (HMOs) and responsibility for unfitness — have now been removed from the Bill following discussions between the Minister and some of his Executive colleagues. As well as removing the transfer of those specific housing functions, an additional provision has been inserted in the Bill, requiring departmental approval for any proposed financial assistance for housing from a council.
5. The Bill has been renamed the Regeneration Bill, and the Executive have decided that responsibilities will be conferred on councils a year later than planned — from April 2016. The Bill now contains 23 clauses, with three schedules to it, and it will enable councils to make decisions for their local areas to address social need and promote well-being through the powers that have been conferred on them.
6. Specifically, the Bill will confer the following powers on councils. There are four Parts to the Bill. Part 1 covers powers relating to social need, and those include the power to provide financial assistance to third parties, which will benefit areas of social need; the power to carry out works for the improvement of the environment, such as public realm schemes; and the power to support community development. Part 2 of the Bill provides development powers and other powers for planning purposes, including the power to acquire land, either by agreement or through vesting; the power to develop and dispose of land; and the power to

- prepare formal development schemes. Part 3 provides for the transfer of responsibility for Laganside to the new Belfast City Council. The Bill provides for the repeal of the Laganside Development (Northern Ireland) Order and sets out the powers that Belfast City Council will be able to exercise for part of the River Lagan. Those powers will enable the council to safeguard the legacy of the work of the Laganside Corporation and include, for example, the power to execute works to facilitate access to the river or promote recreational use; the power to construct bridges and weirs, subject to the necessary permissions; and the power to make by-laws regulating, for example, fishing or the use of the river by vessels.
7. The last Part of the Bill is miscellaneous. The Bill provides councils with a range of powers to allow them to conduct or fund studies, investigations or research relating to the exercise of their functions, relating to social need in their districts or the development or redevelopment of their areas.
  8. As a result of the Bill, DSD will continue to exercise policy responsibility for the powers and functions transferring, and councils will have a statutory duty placed on them by the Bill to have due regard to guidance issued by the Department. The transfer of assets and liabilities connected with those powers from DSD will be covered by the Local Government Act (Northern Ireland) 2014. The Department has worked closely with councils and has built up good working relationships with them over the last 12 months or so, and it will continue with that approach between now and April 2016 to ensure a smooth transition to the new councils.
  9. Ian has been heavily involved in the operational and business continuity elements of the reform programme and can provide more detail, if required, on contacts with councils and plans to transfer the work over. I can address any issues about the policy or the legislation more broadly. The Committee will, of course, have further opportunities to scrutinise the Bill in more detail. My colleagues and I are happy to take any questions at this stage.
  10. **The Chairperson (Mr Maskey):** Thank you for that, Henry.
  11. **Mr F McCann:** There are two things. You said that, after discussions with Executive colleagues, the issue of HMOs and unfitness was removed. I thought that, in some of those discussions, there was general support for HMOs and unfitness, but that, given their nature, they had to be removed. Are they being taken under a different Bill?
  12. **Mr McArdle:** That is possible, but the Minister proposed and the Executive agreed that the Bill would go ahead as a Regeneration Bill at this stage. Some work is going on to modify the approach to regulating houses in multiple occupation, and it is possible that that will feature in a subsequent Bill. It will be the same with unfitness.
  13. **Mr F McCann:** Thanks, Henry.
  14. In clause 1, “Financial assistance to address social need”, what does “the provision of housing” in clause 1(2)(c) mean?
  15. **Mr McArdle:** At the minute, the Department can, under the Social Need (Northern Ireland) Order, provide financial assistance for a range of things, one of which could be housing. An urban development grant, for example, could include a development that has a mix of commercial and residential and could include some element of housing. That is why that provision is retained in the Bill.
  16. **Mr F McCann:** My understanding is that housing in its entirety was to be removed from the Bill, and this keeps it in and opens up the possibility of councils —
  17. **Mr McArdle:** It does not, because, if you remove it, you remove a council’s flexibility to provide assistance. However, we are not talking about social housing here. We are talking about a private developer planning a development in an area where there is market failure, and

- he could apply for an urban development grant. That urban development grant could cover that development, which could include some elements of housing.
18. **Mr Antony McDaid (Department for Social Development):** To cover that element, we added in that extra provision that states that, if they were to use financial assistance for the provision of housing, they would require approval from the Department. That is an additional provision to cover the issue that you raise.
19. **Mr Wilson:** Fra, you can envisage a situation, for example, in which there is a row that is particularly run down and maybe commercial shops or something are to be put on the ground floor, but there will be flats above that, which would all be part of the development. It is really to facilitate those kinds of developments, for which there will be grants available, otherwise the sites would be left derelict. Indeed, some councils may wish to vest land and then open it up for development, which might be a mixed development — that is all you might get on it. On arterial routes into the city, for example, one of the things we suggested to put a bit of invigoration into them was to put flats for single people above shops etc. If you have a development proposal, and the council decides that it is a good idea, then this provision is about providing grant aid to spark that kind of development and bring in private money.
20. **Mr F McCann:** You are talking about flats over the shops.
21. **Mr McArdle:** As Antony said, because of the concerns that councils, on their own, might build houses, any proposal to provide financial assistance or housing of any description has to come to the Department for approval.
22. **The Chairperson (Mr Maskey):** OK. Sammy, you wanted in.
23. **Mr Wilson:** Yes. Can I ask two questions? First, this transfer will take place in 2016. Of the staff who will transfer, will any be transferring with these functions from the Department to councils?
24. **Mr Ian Snowden (Department for Social Development):** There will be no obligatory transfer. There are about 170 people working in these functions in the Department. In our engagement with the councils, one of the things they identified was that they did not expect to need all 170 people, but that they may need some of them. So, there will be a scheme whereby councils will identify how many people they might need. They will approach the Department to seek that number, and there will then be a selection process and staff will transfer on that basis. Those who do not transfer out in that arrangement will be absorbed into the Civil Service in other roles.
25. **Mr Wilson:** Secondly, when we were looking at the Budget proposals here, the regeneration budget was being hit quite hard, and this function will transfer after the reduction in the budget takes place.
26. **Mr Snowden:** It will transfer on the basis of the budget agreed for 2016-17, so there is another Budget process to be gone through. The transfer will not necessarily be with the budget we have in the current year or the coming year; there will be another process to be worked through regarding how much money is available.
27. **Mr Wilson:** But, it will be significantly less than the budget that would have been transferred had it been transferred this year. Is that right?
28. **Mr Snowden:** That assumes that the budget for 2014-15 would have been carried over. Given the scale of the cut applied to the Department and the fact that the transferring budget had to be worked out from within the Department's allocation as opposed to having been ring-fenced beforehand, there probably would have been a reduction in any event. So, as it stands, it is something in the region of £60 million or thereabouts, although that is still to be finalised. There will be a transferring budget from DSD.

29. **Mr Wilson:** What was it when the Bill was first drafted?
30. **Mr Snowden:** There were a number of different calculations, but it ended up at between £65 million and £66 million by the time we had applied a 4% reduction, anticipating that there would be some cut. The cut ended up being much bigger than that, so the budget is less than that.
31. **Mr Wilson:** Are councils aware that this is probably coming to them with significantly less resources than were available to the Department when it carried out these functions?
32. **Mr Snowden:** They are aware that our budget has been reduced. They have not been specifically told individually of how that may work out, because we still do not know exactly what our budget will be. They have not yet been advised of the implications for their individual allocations, but they know that there has been a cut.
33. **Mr Wilson:** I want to ask about one other issue, namely the powers of vesting. I am sure it is in the Bill, but I have not had a chance to read it. Maybe, you could outline to us the circumstances in which councils will have the ability to vest.
34. **Mr Snowden:** There are four specific reasons why you would want to vest land. Three of them are in clause 7, which states that a council may acquire land where:  
  
*"the land is required in connection with a development scheme".*
35. That relates to the previous two clauses. So, if a development scheme is passed by a council, it can vest land in order to implement that.
36. The following two are connected to development schemes. If it is expedient to hold the land that you would acquire for the purposes of a development scheme, either because of the nature of the layout of the land or the ownership of it, you can do that. If you have to move somebody off the land that you want to vest and relocate them, you can vest land to allow you to do that, too.
37. The fourth area is slightly more general. This is where the council considers that it is expedient to acquire the land for a purpose that is in the best interests of the proper planning of the area — essentially, where it is decided that a particular use on that site is the most appropriate. If the only way to achieve that use would be to acquire the land compulsorily or by agreement, that would be the process by which it would do it. What you have to do, if you are to use that power, is to be able to demonstrate that it is, in fact, in the interests of the proper planning of the area. It cannot be an arbitrary decision; there is a process to be worked through. Clearly, it would have to be something in line with the development plan for the area and not an improper use for that particular location.
38. **Mr Wilson:** Does that vesting proposal have to be initiated by the council? I am trying to think of some examples. Let us say that a developer comes in with a specific proposal for the bottom end of Larne, where there is a fair amount of dereliction, and says, "Look, I could develop that in keeping with what the council would like to be done at that end of the town, but here are three landowners whom I cannot convince." Can the developer ask the council to initiate that, or is it a case of the council looking at its overall development plan and saying, "We may do it", and then looking for a developer?
39. **Mr Snowden:** Legally, the powers can be used only in the public interest. The council would have to establish that the proposed development on that site would be in the public interest. The council could not respond to a request from a developer to use powers for its benefit. There are a number of safeguards that would have to be applied in that case, which would, essentially, mean that, once the land was acquired, there would have to be some kind of open process by which any interested developer might be able to get access to land and make use of it. As with a lot of these things, it really



- depends on what the proposal is for and what the proposed use of the land is. There would be quite a process to work through. It would not be a simple case of someone coming and asking for land to be vested. However, it is often the case that somebody having an idea for a portion of land is what initiates or sparks off the interest.
40. **Mr Wilson:** The reason why I ask this is because I can think of examples. One is of a developer who owns most of the land already and is not likely to hand it over to go out to public tender. He owns 75% of the land, but 25% is being held. He has made his best efforts to purchase that land but cannot. You are saying that, in a case like that, it would not be proper for the council to be approached by a developer who says, "Look, I have a plan for that area in which you, as a council, have an interest in getting redevelopment, but I cannot get hold of the remaining 25%, 10% or whatever. Can you vest it for my scheme?" That cannot be done.
41. **Mr Snowden:** Not without running into tremendous legal difficulties that would probably shoot it out of the water. There are schemes for which that has been attempted in the past, including one in the centre of Ballymena and one in Bangor. Several have run into a lot of difficulties with that. The council, as a public authority, has to start from first principles and ask, "Is this the location in the town that we should be focusing our attention on? Is this the process by which we should take it forward?" It should then go through a development brief arrangement. It could well be that the developer who owns that land is the one who comes out —
42. **Mr Wilson:** He is in the strongest position.
43. **Mr Snowden:** Yes, because he is in a strong position. However, you have to make sure that what you want to get out of it at the end is in the public interest as opposed to the best interests of the landowner or developer who approaches you first.
44. **The Chairperson (Mr Maskey):** The fact that it comes from a developer who owns a big portion of the land does not mean that it is precluded.
45. **Mr Snowden:** No, it is not precluded, but —
46. **The Chairperson (Mr Maskey):** They would have to satisfy the public interest and all the rest of that. In my view, that would end up in a negotiation, or whatever else, about who owns the land or who might own the land. Is that a call to ransom on behalf of the council? I do not know. However, it does not exclude somebody who happens to own the land.
47. **Mr Snowden:** No.
48. **The Chairperson (Mr Maskey):** As you said earlier, these things tend to be initiated by somebody having a good idea — it might be a good idea, or it might not be — but it would still have to satisfy all the big interest matters.
49. **Mr Snowden:** Yes.
50. **Mr F McCann:** On the back of what Sammy said, there are many towns, such as Larne, in which there have been, over the past number of years, parcels of land liable to end up in dereliction. However, there are a couple of other scenarios. One is if, for talk's sake, Larne council were to draw up a master plan to take in the future development of the town, and the developers would not let go of the land, because they believed that the longer they held onto it, the greater the likelihood that they would get back the price that they paid for the land initially. Under those circumstances, because it is probably for the greater good of the town, would that allow you to use vesting orders to ensure that the town might buy it?
51. **Mr Snowden:** I think that, in that situation, the developer or owner of the land would probably challenge the council, as it would challenge the Department under the current arrangements, to demonstrate that that was the only way that the development was going to take place. So the developer might say: "I have plans for

- it, and I just have to wait until they are financially viable. You cannot take my land from me arbitrarily." So the council will have to be able to demonstrate that what it proposes to do is the only course of action which will allow the development to take place. That is quite a steep obstacle to overcome in any kind of court proceedings, if the vesting order is contested.
52. **Mr Wilson:** The reason I ask is that many councils with this power coming to them, or many councillors, are under the illusion that, where they have areas which are scabs on their towns, they will now be able to intervene and do so fairly rapidly. From what you say, these vesting powers do not open the door all that wide.
53. **Mr McDaid:** Councils have to come to the Department to make the vesting order. They cannot make it themselves.
54. **Mr Wilson:** Yes, I understand.
55. **Mr Snowden:** Part of that assumption is that the Department has been inactive, whereas, if things have not been done, it is not because they are easily done and nobody has bothered; it is because they are actually quite difficult to work your way through. With compulsory purchase orders, we are actually talking about a fairly draconian power, in the sense that the public authority can just come in and take your property from you, with appropriate compensation of course. That tends to get people quite agitated. Quite often, vesting orders are opposed and contested, so there is a public inquiry process to be gone through and there are many opportunities for legal challenge. Any local authority that wants to do anything in any of its towns can take any course of action that it sees as appropriate to it, within the bounds that the powers allow, but it would have to be clear that it would be able to sustain that in the face of legal challenge, and that is where the correct procedure comes into play. That is why it is very important to be clear about what you are trying to achieve and the process that you work through.
56. **Mr Wilson:** Ian, that is the point that I was trying to get at. The Department has tried on occasions, within towns, to do this and has found itself running foul of the law. The question is has the opportunity not been taken in this Bill to strengthen those powers where it is quite clear, as Fra said, that it might well be in the interests of somebody who has stacks of money and holds key pieces of land to say that he is not too worried about the social impact of dereliction in that part of the town and wants — understandably — to get the maximum return, and, if he has to wait 10 years for it, he will wait? In the meantime, the greater regeneration plan which the council might have for the area is held up. That is an obstacle at present, and I am just wondering whether any steps have been taken in this legislation to try to ease the way through what are known to be obstacles, albeit in a small number of cases.
57. **Mr Snowden:** It is difficult to see what legislative steps you could take to do that, because most of the obstacles relate to the processes by which any public authority may be challenged legally on any decision that it takes. Very seldom does anybody fall foul, in relation to a challenge to a vesting order, on the grounds of lawfulness; it is almost always on the grounds of reasonableness. And I suppose the question then becomes whether the course of action that you have taken is reasonable in the circumstances that are there. And this is where questions come in as to whether you can stand over and demonstrate that the rationale that you are relying on to take the course of action of vesting property is going to be sustainable against a legal challenge. That is where the difficulty comes in. It is hard to see how, in a legislative proposal, you could overcome that, except by going so far as to exempt any compulsory purchase from judicial review challenges and so forth, and I do not think that that is really a course of action.
58. **Mr McArdle:** There is a balance to be struck between allowing a Department, as the case is at the moment, and

- councils, in the future, to do something like that. It is pretty draconian to take somebody's property from them, and there have to be checks and balances. The balance is probably right. It has worked. It might not have worked wonderfully in that there may have been frustration in getting regeneration schemes through, but better that than having something that is pretty cast iron in favour of the Department or a council and gives the person who owns the property fewer rights. I think that the balance is probably right.
59. **Mr Snowden:** Essentially, part of the problem in the circumstances that you described and the ones that Fra described is that a council, or the Department, if we are still doing it, will have to take the side of one individual or interest over another. If somebody owns a 95% portion of land and somebody else is holding out with their 5%, we essentially have to take the side of one party in that dispute or go against a party that owns land and is not developing when we think it should be brought forward more quickly.
60. One of the difficulties of the situation that Fra described is that you crystallise a loss for an individual. They may have paid, for the sake of argument, £10 million at the height of the market for a property that is now worth only £4 million. Once you force them to sell the land to you, they have to realise a loss of £6 million. That is one of the issues that cropped up in relation to regeneration schemes like the one in the Village, with housing-related issues about negative equity and so forth.
61. There is a complicated set of issues to tackle here. It can be done, of course, because Victoria Square was a case of contested vesting and it was achieved, although it did take several years to work through all the processes. It is doable.
62. **Mr F McCann:** A number of sites are lying in Belfast that contractors got planning permission for at the height of the property boom. Then, when the crash came, they delayed building on those pieces of land. That has been running for years now, but it is having a direct impact on communities that live beside them. It also impacts on plans for the city centre. Surely there must be something that allows you to deal with that situation and vest land under those circumstances.
63. **Mr Snowden:** You could attempt to. There is nothing in this legislation to prevent that. It is actually allowed under clause 7(d), but if a person decides to oppose that course of action, you would need to have done plenty of advance groundwork to make sure that you could sustain that because, again, they will suffer a financial loss.
64. There are also things that the new councils will have control over under the planning legislation. There was a case a couple of years ago in Portstewart on the Strand where a half-built property had sat in some degree of dereliction for several years. Eventually, the DOE Minister decided to take action against the individual concerned and forced them to demolish the eyesore. So, there are other courses of action to deal with some issues of blight, but land ownership is a fairly fundamental right; you cannot have your property taken without due cause and there have to be proper reasons for doing it.
65. **The Chairperson (Mr Maskey):** Following on from the previous line of questioning, two issues have jumped out at me over the years when dealing with some cases. You mentioned the test of reasonableness, which is really a judicial determination, but the question that Sammy asked, and I think Fra alluded to, is around a borough council vesting land. At what point can you look at the question of reasonableness and what are the criteria?
66. I think that, at this stage of the game, the issue of reasonableness really prevents councils in this case, or the Department previously, from being able to vest more easily. That would, of course, have to be balanced against the need for proper compensation if land were vested.

67. You mentioned the Village, where I have dealt with issues over a number of years. Quite a number of families there were left very badly hurt by having their property vested. They were in negative equity and lost thousands of pounds. Will this Bill do anything to help in such a situation? In other words, is this Bill just transferring power from the Department to councils, as opposed to taking the opportunity to do anything to fix what I and some other members think are flaws in the system in the test for reasonableness for councils to be able to vest, and the need for proper compensation, which prevents a situation where families buy a home in good faith and end up having it vested? I think that more of this applies to a small person like that as opposed to a big business. Big businesspeople can sit on the land for ever; a homeowner really has no voice. Are you saying that the Bill is not taking the opportunity to address the questions of reasonableness and compensation?
68. **Mr Snowden:** I will take the issue of reasonableness first. Very simply, the test for reasonableness is that you have taken into account all the things that you should have taken into account and that you have not taken into account things that are not relevant to the decision that you have to take. That is an easy thing to say, but you end up having to consider a very long list. In the case of a commercial development scheme of the kind that we are talking about using these powers for, it boils down to whether the scheme is viable, whether it is in the proper interests of the planning of the area, and whether you have considered all reasonable alternatives and have looked at all the issues that are relevant to the proposal and not taken into account things like who owns it, which are not directly relevant to it. Of course, once you get into a legal dispute, the distinctions can become much finer and much more difficult to navigate, but that is essentially a list of things that you need to look at, as well as considerations such as human rights law and so forth.
69. On the question of the compensation that is payable, I understand that separate work is going on in DFP on compensation for landowners in the event of compulsory purchase, and that is to introduce changes to the legislation in Great Britain to bring it into line with what we have here, which includes issues such as supplements and how to deal with negative equity. I do not know exactly what the detail is; I only know that is being dealt with by DFP at the minute. With the land tribunal, questions of compensation are dealt with separately from this legislation and are not dealt with by DSD at the minute under *[Inaudible.]* They are referred to the Lands Tribunal. So, any question about the amount of compensation that should be payable is dealt with under the Lands Tribunal legislation.
70. **The Chairperson (Mr Maskey):** Does that cater for homeowners as well? You are talking about land. What about people who own a house in The Village, for example, or the New Lodge Road, which is another case in point?
71. **Mr Snowden:** It is any property owner. I stand to be corrected on this because I am not directly involved in looking at it, but I think that, essentially, you are proposing some kind of supplement to the value of the property to accommodate things like disruption and so forth, which might be up to an additional 10% or more of the value of the property.
72. **The Chairperson (Mr Maskey):** You said that DFP is doing work on that, but is there any possibility of getting an update on that as part of our consideration?
73. **Mr McArdle:** We are only one of a number of Departments with powers to acquire land compulsorily. Our Regeneration Bill does not actually talk about what you do when you go to vest; the procedure for that is set out in existing planning legislation. Compensation is not covered in this because it is covered for all Departments in a central piece of legislation. This work might throw some light on that.

74. **Mr McDaid:** The process for vesting is set out in schedule 6 to the 1972 Local Government Act.
75. **The Chairperson (Mr Maskey):** A number of us have dealt with cases of families who have been left disadvantaged and seriously damaged.
76. **Mr Brady:** Thanks for the presentation. Henry, you mentioned finance being available to third parties. Will that include independent advice?
77. **Mr McArdle:** Sorry?
78. **Mr Brady:** You were saying that there will finance available for — it says here —
79. **Mr McArdle:** It says financial assistance for the Social Need Order, yes.
80. **Mr Brady:** At the moment, some advice centres get matched funding from DSD through councils. It is a sort of cocktail of funding. Is it possible that, within the concept of advice centres, councils will take on responsibility for funding citizens advice bureaux or independent advice centres?
81. **Mr McArdle:** My understanding is that councils will take on responsibility for funding at a local level. If there are regional advice centres, DSD will retain that responsibility.
82. **Mr Brady:** Our council, Newry and Mourne, will be put in with Down; we will have a huge area from Cullaville to Strangford. So, it might make sense for some independent advice centres — CAB is regional — to come to an agreement on coming together. There was talk years ago of hubs, which, I suppose, at the time, made sense, but, like everything else, unless mainstream funding is available, it becomes more difficult. The other question is about schemes like neighbourhood renewal, which are currently administered by *[Inaudible.]* councils, presumably. Is there any redefinition? Areas of deprivation were designated under the Noble indices. Are there any plans to possibly redesignate areas? We have neighbourhood renewal areas in my constituency. I am talking about the Camlough Road and the Egyptian Arch. Derrybeg is on one side and Carnagat on the other could be a neighbourhood renewal area. Then there is Cloughreagh, which is not far up the road. They are not neighbourhood renewal areas.
83. **Mr McArdle:** Ian will come in with more detail. In terms of the neighbourhood renewal scheme, we are conferring powers on councils to tackle deprivation, do regeneration work and support community development. Ultimately, it will be for councils to decide how they go about that and where.
84. **Mr Brady:** Yes, I understand that. Sammy talked about the transfer of staff, and there are DSD staff who deal specifically with neighbourhood renewal schemes and who, on the whole, do a good job. Will there be a transfer from DSD to the councils?
85. **Mr Wilson:** I think I know what Mickey is getting at. The Department has criteria for neighbourhood renewal, which they apply. Will councils be able to decide, within the limits of their own resources and budgets, on criteria for neighbourhood renewal schemes, which might be different from those used at present, and which, therefore, might have the effect of including additional areas, or excluding areas that are currently included? Or, will the criteria also be transferred, so that councils cannot deviate from the current criteria for a neighbourhood renewal area? I imagine that is not the case; otherwise, what is the point in giving the councils the power?
86. **Mr Snowden:** Just indulge me, and I will explain what is going on with some history. The powers in the legislation are the same that DSD has had since about 1985, when it was the old DOE. They have been used as the legislative basis for a number of funding schemes over the past 25 years or so, starting with Making Belfast Work and the Belfast Action Teams, the Londonderry Regeneration Initiative, the community regeneration and improvement special programme (CRISP) and the community economic regeneration scheme (CERS).



- In the early 2000s, neighbourhood renewal was the latest iteration. They also use it to fund areas at risk. Essentially, the Department could change the basis of neighbourhood renewal without having to go through any legislative process. The current strategy for neighbourhood renewal and the approach that is adopted are more or less administrative policy decisions, as opposed to having a legislative basis.
87. **Mr Brady:** I think Sammy is making the point that, at the moment, there is uniformity to the neighbourhood renewal criteria. You may get 11 different interpretations of an area of deprivation. That is the fear that people have, certainly in my own constituency, in the voluntary sector and on the neighbourhood renewal teams. They fear that there could be a whole redefinition of deprivation. There were changes with the Noble indices in our area, where a residential area was put in with an estate that was not as well off. They worked it out by the average number of cars. One house might have had three cars, and another none, but because they were in the same area, they worked out an average. So, there is fear about the redefinition of the criteria.
88. **Mr Snowden:** Yes, they will be able to do just that. To put it simply: that is the point of devolving these responsibilities to local government.
89. **Mr Brady:** It may well be the point, but it may not be the result you are looking for.
90. **Mr Snowden:** Some councils have indicated that they will probably continue with neighbourhood renewal as it exists for a couple of years at least. Others have decided already that they will do something entirely different. I know that Antrim and Newtownabbey have already fairly well-advanced plans for an alternative kind of spatial disadvantage scheme, which will have a different set of criteria. It is up to each local authority to work out the main social needs for their area. They may decide that they are to do with health, crime or education.
91. **Mr Brady:** I understand, but the lack of uniformity may well give rise to a perception that people in areas of deprivation in other council areas are much better off because the council has taken a different view on what constitutes an area of deprivation or social need. It is a very broad church.
92. **Mr McDaid:** The Department will be issuing guidance, will it not?
93. **Mr Snowden:** Yes. We will issue guidance, which the councils will have to have regard to, but, within that, they will have fairly broad latitude to decide what they want to do. All the powers are discretionary, so it could be that a new council could decide to do nothing at all, having had regard to and thought about it, because that is all that “have regard to” means. They could think about what they need to do in their area and decide that they do not need to do anything. They could take that decision. Alternatively, they could decide to keep things pretty much as DSD has done them or to go down an entirely different route. I expect that some changes will happen, but those will be fairly evolutionary, as opposed to revolutionary. Over time, you will see all the areas diverge in the approaches that they take, because their circumstances are different.
94. **Mr Wilson:** Anyway, the constraint would be dependent on what budget the councils have.
95. Following on from Mickey’s point, when the money is devolved, will it be done on the basis of where you currently have neighbourhood renewal areas? If, for example, one council has three neighbourhood renewal areas at present and another council has none — I know that that is an extreme example — that council will get devolved the amount of money for three neighbourhood renewal areas while the other one will get devolved no money? If the latter then wants to introduce neighbourhood renewal areas, it will have to raise additional funds from its own resources. Could the other area decide, because it has money for three neighbourhood

- renewal areas, not to use it for that and use it for something else?
96. **Mr Snowden:** No, we are not doing that. A budget allocation formula has been worked out that has attempted to deal with that issue from first principles, by looking at what the whole purpose of the reform of local government is and saying that we want to start from a position of wanting to equip the new councils with enough resources for them to be able to deliver against the regeneration and community development policy framework. That means not looking back at what has been done in the past, either to try to replicate it, continuing going forward, or to correct previous perceived imbalances, whatever they might be. Each council area will get an allocation that has been calculated on the basis of the urban population of its area and the level of deprivation there. An allocation has been worked out accordingly for each one. That has resulted in some money moving out of Belfast into other districts and in the north-west seeing more or less the same current expenditure levels. That, broadly speaking, is what the impact of that has been.
97. **The Chairperson (Mr Maskey):** OK. In a way, this is a follow-on from the previous question. When it comes to funding allocated to councils, the Committee has already decided that, in the context of the current draft Budget, it wants to see, for example, the like of neighbourhood renewal funding ring-fenced. Will you be putting any of that to local government in the Bill, or is that necessary?
98. **Mr Snowden:** The budget allocation formula has three component parts. It is about tackling deprivation, the physical regeneration of town centres and community development. There are specialised amounts for Laganside. Some of the councils are choosing to use their allocation on those three packets and pretty much direct it in those ways, while others are just lumping the whole lot together and making decisions in the round about how they would like to use the budget.
- We would not propose to direct any council to spend any portion of its money in any particular way; otherwise, to manage that kind of relationship, we would have to get into quite a heavy-handed oversight arrangement.
99. **The Chairperson (Mr Maskey):** In the context of where organisations in, for example, Belfast are saying that — you have already alluded to this — there are defined areas of need and that there is a defined need that has been quantified, probably over a long number of years, whatever about the particular iteration, if there is now a new funding formula that, in effect, is going to transfer money out of Belfast to compensate other, rural areas, is that simply because of the level of budgets currently available to DSD? I ask that because, if there is a determination that there is already a need in, say, Belfast that has not been met — I am reversing the logic of this — and you have to transfer money from a budget from Belfast to somewhere else, that tells me that the other area had not been getting what it should have been getting. Why would the budget not be increased to meet that need, as opposed to somewhere else's money being taken off it? That defeats the purpose of tackling disadvantage.
100. **Mr Snowden:** The budget allocation formula has worked out a percentage of available budget for each council area. What you end up with, specifically with the amount of money, will depend on how much you have available to allocate. As long as DSD has to make the transferring budget available out of its allocation as part of the budget process, it and the Minister will have to take decisions based on the different priorities. If we try to protect any one part of the budget — for example, the transferring part to go to local authorities — that would mean that some other part of the Department's budget would have to take a disproportionately larger hit and a decreasing budget position. We might have to make quite a substantial reduction in the coming financial year, so

- it is very difficult to go past any part of the urban budget.
101. **The Chairperson (Mr Maskey):** I am not querying that element of it, but it seems to me that there is an additional problem now. We are being told, in effect, that rural areas, or areas outside of Belfast, have not been receiving what they need. I am asking why you do not increase that portion of the budget rather than taking it off somebody else. You are taking it off someone, where there is a clearly defined, quantifiable need, to give it somebody else. Why not increase it to meet the needs of the other people, who obviously have not been given their share and what they should have been getting? Do you know what I mean? It is not about cutting the current reduced cake, which is what you are doing, but meeting greater needs.
102. **Mr Snowden:** Again, I go back to the point about where the money comes from in the first place. We have only a particular size of cake. We have to work out the most equitable way, because this transfer will effectively be in perpetuity. It will be an allocation that will not be revisited regularly. Whatever amount of money is transferred to Belfast City Council or any other council as part of this process will become part of its transferred budget forever afterwards. To base it on an existing funding allocation because of a former programme — at the minute, that is neighbourhood renewal — and what the Department currently does will inevitably skew the resources in one way or another. In the budget allocation formula, we have tried to come out with something that is rational and equitable across the piece. The cumulative result of all that is that, proportionately, a bit less is going to Belfast than has been going to other areas in the past. That is what the formula produces. If we are going to manage the transitional problem that that will create for Belfast — I suppose that you are suggesting that it may put a budget pressure on that council — we would have to find additional money from some location. In our circumstances at the minute, and with the Department's decreasing budget, we do not have much to do that with.
103. **The Chairperson (Mr Maskey):** In the context of transferring staff to councils, if a council decides — it may never happen — that it does not need to deal with that and will deal with it in some other way, what happens to those staff?
104. **Mr Snowden:** They will have to be absorbed into the Civil Service in another role, and there is a process through which we are trying to do that. If they become designated as officially surplus, they are found alternative postings as those become available. They are first and top of the list to be posted to vacant posts. Normally, it would not be a particular problem, because the numbers that we are talking about are fewer than the annual staffing turnover in DSD, but, in the context of trying to decrease our staffing numbers at the same time, it could be challenging enough. We have to retain some of them for a period because there will be some residual work to be done around the accounts for the end of the year and to finish off payments and do post- *[Inaudible.]* evaluations, but that work will run out over six to nine months. After that, they would have to be found alternative work.
105. **The Chairperson (Mr Maskey):** Obviously, all decisions of that nature would appear to be fundamentally important in changing the nature of defining social need in a particular area and how a council might meet that need. That would all be subject to council governance regulations, corporate plan votes, call-in votes and all the rest. We have to try to look at safeguards being built in to protect the best of what is already there, rather than opening the door to having an area where the council may decide that it is not going to do that because it does not like it. When we looked at the initial RPA deliberations, we did it council by council. Very few councils were even relating to the arts world, for example, which understandably led to some regional bodies being fearful of the transfer of powers to local government. They



- said that the history had not been very good in some cases in which councils were not interested in doing work to tackle disadvantage, embrace the arts or other things. You will know all the regional bodies well. All of them were heart scared of some of the powers being transferred to local government, because they said that the history of some of it has not been terribly edifying. That is why we are saying that we need to look at the safeguards that are built in, as well as welcoming the transfer of powers to local government.
106. **Mr Brady:** There may have always been a perception that rural areas have been underfunded. I am not suggesting that Newry is a rural area, but there was a perception that it was underfunded. Ultimately, councils will look at areas of deprivation and social need in terms of objective need. If they do that, there might be less of a fear that the funding will not be distributed by councils in the way that it should because, ultimately, objective need is what is important.
107. **Mr McArdle:** You would have to expect that councils would deal with that properly —
108. **Mr Brady:** Well, you would hope so.
109. **Mr McArdle:** — and base their decisions on objective need. The Department will provide ongoing guidance on the type of things that it takes into account in making decisions on where to target resources. So, you would expect councils to do something similar. You have to bear in mind that this will all be in the context of an evolving community planning process that councils will have to —
110. **Mr Brady:** Will there be a monitoring process or will the Department have a light-touch monitoring process? Is that a possibility?
111. **Mr McArdle:** It has not all been worked out yet, but as I said the last time, the intention is that it will be a light touch. There is no point in us devolving this and then clamping down on councils every five minutes.
112. **Mr Brady:** I understand that, but if there are blatant examples of funding not being used in the way envisaged by the legislation, then that is the worst-case scenario.
113. **Mr McArdle:** I think that if there were serious concerns, there are powers in the Local Government Act that allow any Department to ask for a report from councils on any individual function that has been transferred and call them to account. Those powers would be some way down the line. You would not want to be using them from the outset. You would give them an opportunity.
114. **Mr Brady:** I am probably the only member of the Committee who has not been a councillor, so I am trying to be objective here. It is just to make that point.
115. **The Chairperson (Mr Maskey):** That is a lesson that has been wasted on you, but go ahead.
116. **Mr Snowden:** To clarify what the Local Government Act allows the Department to do in relation to regeneration and community development roles of the new councils; it could require councils to make reports and provide information regarding the exercise of that role; cause local or other inquiries to be held or investigations to be made concerning any matter relating to the council's exercise of its regeneration and community and voluntary role; and, finally, take action where a council has failed to discharge any of its functions, including making an order declaring the council to be in default.
117. As Henry said, by the time you get to that point, you would need to go as far as you possibly could. As far as I am aware, the only time that particular power has ever been used in relation to a local authority in Northern Ireland was when Belfast City Council refused to build an air-raid shelter in 1943.
118. **Mr Brady:** I almost feel encouraged.
119. **The Chairperson (Mr Maskey):** It is almost complete now.

120. Thankfully, Belfast City Council has moved forward considerably since that.
121. **Mr F McCann:** It goes back to the question that Alex asked. There are two elements. First, were councils involved in drawing up the formula? Secondly, in dealing with social or generational deprivation, there are areas across Belfast that will be directly impacted on because of the reduction of the resources going in. That will have a detrimental impact and could set you back 15 or 20 years. Why would you come to a decision like that when you know that it is going to have that effect?
122. **Mr Snowden:** I will take the first question. We started a process of engaging with councils in September 2012. The budget allocation model was published for consultation to the local authorities in February 2014, which is just short of 12 months ago. So, we had gone through a significant process of consulting and engaging with local authorities about what they thought about the transfer of DSD's powers to them and took account of all the issues that they had raised.
123. We came to the point of trying to come up with a system that started from scratch essentially and worked out how to transfer the money because that, broadly speaking, is what covered most of the concerns that were raised by local authorities. When the budget model was produced and put through the then Minister, he agreed it, and it was issued for consultation. We then took account of some of the comments that came back from local government in the spring of last year, before the final version was published. That is the process through which the budget allocation model was worked out. Councils have been involved quite a lot. Most councils, but not all, are content with it. Belfast City Council has concerns about the amount that will go to it, not because it is not sufficient to keep funding neighbourhood renewal but because it is not sufficient to do that as well as the scale of capital works that it will want to do on top of that. That is the position. I hope that I am not misrepresenting anyone, but that is, more or less, the position that it has made to us.
124. The second question was on the nature of deprivation in parts of Belfast. I am well familiar with that having worked in the Belfast regeneration office (BRO) for a number of years. It will be up to the new council to work out the best way of tackling that, but there will be sufficient money in the budget transferring to Belfast City Council to meet all the current obligations that we have under neighbourhood renewal, and there will be more money on top of that. It is the scale of what else it can do in capital investment that concerns the council
125. **Mr F McCann:** There must be a difference of opinion: when we speak to city councillors, their interpretation of what is on offer and the impact that it will have is completely different from what you are saying. I remember you working in the BRO and Making Belfast Work (MBW), and I remember dealing with you. I have always said that one of the lifelines in many communities across the city was the formation of BRO and MBW and the fact that they started to deal directly with some of the serious problems that arose. You say that sufficient money will transfer to the council to allow it to do this. However, there must be misinformation somewhere, because that is not the picture that we are getting. It is certainly not the picture that many of the groups out there are getting. They are already being told to tighten their belt because this is coming down the road at them. Somebody needs to clarify the position because many of the decisions being made now could be a matter of life or death in some communities, and that needs to be taken on board.
126. **The Chairperson (Mr Maskey):** In a way, that is beyond the conversation today, because you are getting a presentation on the Regeneration Bill.
127. **Mr F McCann:** It drifted earlier.
128. **The Chairperson (Mr Maskey):** I understand that. It is important to highlight the concerns that you have,

- which I think that everyone shares. My understanding is exactly the same as yours: there certainly is a different understanding of what way this will work. I have no doubt that some of it will need a bit of negotiation, which is fair enough. Maybe councils are portraying a higher level of difficulty. Some councillors whom I have spoken to told me, as they told Fra, that the indication that they are getting is that there will be cuts as a result of the transfer as opposed to overall cuts in the funds, but I do not know whether there will be.
129. **Mr Snowden:** A lot of this is going on in the context of the current discussions about the Budget for 2015-16 and the reductions in that. There is no question about it: savings will have to be made against what we currently spend on neighbourhood renewal across all neighbourhood renewal areas in Northern Ireland, and they will be fairly substantial.
130. **The Chairperson (Mr Maskey):** I appreciate that this is not part of the discussion today, but I presume that we would like some differential or some attempt made by the Department. I do not know whether we can ask you to take that back today or will, as a Committee, deal directly with the Department. I do not want to confuse the two issues today, but one impinges on the other because there is a lack of clarity around the fact that we are dealing with the 2015-16 Budget and Budgets beyond that. So, I think that some clarification needs to be given to communities. I am not sure how best that can be done. Maybe we should write to the Minister; I do not know. You may have a view on that.
131. **Mr Snowden:** It will be difficult for the Department's officials or the Minister to give a view on that, because we are talking about the implications of the Budget for 2016-17 and subsequent years. That is really what will drive how much money is available to be transferred, and, if the money is made available by the Executive to increase the transferring amount, it will go up. If we have to make further reductions
- against the Department's budget, some difficult decisions will have to be taken by the Minister at that time.
132. **The Chairperson (Mr Maskey):** OK. Ian, my final point is this: because some of this will now transfer to the councils, there will be an expectation in rural and urban areas that work will be done around tackling social deprivation and how that may be defined. What kind of liaison is going on with, for example, DARD? I imagine that some work is being done through that Department as well in terms of rural development.
133. **Mr Snowden:** DARD is not actually transferring any of its rural development functions at the minute, except in so far as it would spend its money through local authorities and local action groups. Its money is all Europe-sourced, so it is not really suitable to be devolved. Those powers are specifically limited to urban areas. Because the remit of DSD is defined as being urban regeneration, we are able to spend money only in what are defined as urban areas. The Northern Ireland Statistics and Research Agency (NISRA) has defined that for the Executive. The new councils will be able to spend money wherever they like in relation to those powers as they see fit; there will be no geographical reduction to it. It will be up to the new councils to work through all that. We do not have particularly close links with DARD, although we meet officials occasionally to talk about the urban and rural interface and how things link up and where there may be gaps between the two. Over the coming 12 months, we will have to work quite closely with the new councils to work out how all that will be worked through and delivered.
134. **The Chairperson (Mr Maskey):** Would it not be appropriate to have a better relationship with DARD? I am thinking of some of that work.
135. **Mr Snowden:** It is always something that we strive for. I was in DARD before I came to DSD. Since 1999, it has been something that the two Departments have been attempting to come to a clear understanding on. The nature of what

DARD funds under rural development with the European funding is quite a bit different from what we do with DSD's funding. We made several attempts to try to link the two, including coming up with a common approach to dealing with the settlements that tend to fall into the gaps. It has been a difficult enough process, but we attempt to work together as best we can.

136. **The Chairperson (Mr Maskey):** OK, Ian. Thank you for that. No other members have indicated. Thank you, gentlemen. Again, I apologise for your lengthy delay this morning and thank you very much for your patience. No doubt we will discuss these matters again.

## 12 March 2015

### Members present for all or part of the proceedings:

Mr Mickey Brady (Deputy Chairperson)  
 Mr Jim Allister  
 Mr Roy Beggs  
 Mr Gregory Campbell  
 Mr Maurice Devenney  
 Mr Stewart Dickson

### Witnesses:

Councillor Dermot Nicholl *Limavady Borough Council*  
 Ms Karen Smyth *Northern Ireland Local Government Association*

#### 137. **The Deputy Chairperson (Mr Brady):**

I welcome Councillor Dermot Nicholl from Limavady Borough Council and Ms Karen Smyth, who is NILGA's head of policy. Thank you very much for coming. Go ahead and give us your briefing, and members may want to ask questions after that.

138. **Councillor Dermot Nicholl (Limavady Borough Council):** I thank the Committee for giving us the opportunity to give evidence here today. This is a hugely challenging time for local government and members and officers of councils. That may have limited the number of responses that the Committee received about the Regeneration Bill, but that does not mean that councils do not view the Bill as critical. The Regeneration Bill is the last major piece of the jigsaw that councils require to bring to life the Executive's vision for strong local government and to fully implement this tranche of local government reform within the wider review of public administration.

139. Regeneration, particularly when combined with our new responsibilities for community planning, development planning and economic development, will begin to drive the change that our citizens so badly need and will

enable councils to improve our new council areas' social, economic and environmental well-being. The Northern Ireland Local Government Association (NILGA) welcomes the Bill and is keen to see its efficient passage through the Assembly's mechanisms. However, we need to highlight a number of issues to the Committee to ensure that what is finally enacted is the best version of the legislation.

140. **Ms Karen Smyth (Northern Ireland Local Government Association):** We have already provided the Committee with a detailed paper and a synopsis of key issues. Those can be broadly summarised into three groups. The first is the potential for the Department to exert an unnecessarily high level of control over councils or to over-interfere in council activities. Until now, the parent Department for councils has been the Department of the Environment, which has historically held powers of intervention over councils. Those powers are used only as powers of last resort. For instance, the last example that we are aware of was during the Ulster Says No campaign in the late 80s, following the signing of the Anglo-Irish Agreement. The powers are used only in very extreme situations.

141. The Local Government (Northern Ireland) Act 2014 and related legislation, particularly the Planning Act and this Bill, have introduced a more complex system of powers of intervention. NILGA is deeply concerned that there is potential for greater and more frequent interference in the councils' activities, which would counter the Executive's intent to develop strong local government. It is vital that, with councils being given greater powers and responsibilities, they are given the necessary freedom to use them without being tied up in bureaucracy or controlled by Departments. This is about devolution of decision-making



- to councils in line with the European Charter of Local Self-Government. In the context of the Regeneration Bill, that is particularly important when considering clauses 5, 6, 9 and 13. Councils, in partnership with Departments, will be developing a new performance management and improvement system that will be linked to community planning and the Programme for Government, but that will take at least a year to bed in and develop. We are keen that, in the interim, Departments take a light-touch approach as new partnership working relationships develop.
142. The second issue is the implementation difficulties that may arise from the current fiscal environment. Another of the initial principles on which the reform of local government was based was that of ensuring that changes to the system and transfers of functions were rates neutral to ratepayers. Local government has been doing all it can to ensure that that continues to be the case, although the situation has been complicated by rates differentials between merging council areas and the recent revaluation of the non-domestic rate. We are grateful to the Finance Minister for providing support to assist those councils with rates figures that are particularly badly impacted by reform and to his officials for developing appropriate financial mechanisms to support the transfers.
143. The delay in the Regeneration Bill, although to some degree unavoidable, has complicated this picture further. That, in tandem with the current budgetary situation, has led to real fear in councils that an acceptable budget will not follow the transfer of this function as previously agreed. That fear has now become a reality, with councils receiving letters yesterday notifying them of a £10 million, or 15%, cut in the budget transferring from DSD additional to the 4% cut to the budget initially intended to be passed to councils this year. Thus, councils are faced with a cut of almost 20% to what they originally hoped to receive from DSD. That is in direct contrast with other Departments,
- such as DOE in the case of planning, which transferred ring-fenced budgets and did not apply government cuts to moneys coming across to councils.
144. We are extremely alarmed by the inconsistency in policy being applied across Departments, and we urge the Committee to ask the Minister and his Department to rethink their application of cuts to councils. NILGA emphasises both the opposition in local government to any further cuts being applied to regeneration budgets and our expectation that the figure agreed for 2015-16 be reflected in the 2016-17 budgets. Additionally, we again draw the Committee's attention to clause 5(2), as there is a great deal of concern in the sector that the Department can direct a council to prepare a development scheme for an area with no reference to the provision of adequate financial provision for such a scheme. NILGA is also aware that councils in the west are particularly concerned by what they see as disadvantage and imbalance in comparison with eastern councils. We encourage the Committee to explore that.
145. The third key issue is the examination of aspects of the Bill that were removed. NILGA accepts that it was expedient to remove some aspects that the Bill had initially been intended to cover, but we encourage the Committee to take some time to fully explore those issues, why they were removed and whether they should be reinstated. It is noted that some of the original proposals were not particularly contentious in local government's view and were related to existing council operation. We would value the Committee's consideration of issues surrounding housing unfitness, houses in multiple occupation and energy efficiency. We are extremely keen to highlight the potential need for the reintroduction of a clause to provide a revised statutory footing for the Housing Council. NILGA seeks to assure the Committee that, should the provisions be restored, councils will put in place vigorous and robust governance arrangements to ensure that services are delivered fairly while targeting those in greatest need. We again highlight the

- new requirements being put in place in relation to council performance, improvements and audit.
146. Last but not least, we highlight that the current membership of the Housing Council is made up of one member per council, as per the Housing (Northern Ireland) Order 1981. The 11 councils are holding their first AGMs in March, and several have already taken place. It is our understanding that a number are appointing on the basis of one person per council, whereas the initial draft of the Bill suggested two members from each of the 11 councils. In discussion with Housing Council members, we understand that their view was that a membership of 22 would enable a more inclusive spread of parties within the new council membership. NILGA encourages the Committee to clarify the Housing Council's needs and the Minister's intent in that regard, particularly since the Housing Executive's political board members are drawn from the wider Housing Council membership.
147. Thank you for listening. We are happy to take any questions. If there are any queries we cannot answer today, we will note the question and come back to you with an answer as quickly as possible.
148. **The Deputy Chairperson (Mr Brady):** Thanks very much for that. I have a couple of questions before I bring members in.
149. Clause 7 deals with the acquisition of land by councils for planning purposes. You mentioned that there is no provision to address concerns that have been raised about land ownership and resulting perceived profits or losses. Could you provide a bit more information about the concerns that you raised?
150. **Ms Smyth:** That was in response to conversations we have been following in the Committee and the Assembly. We understand that some Members raised issues about the costs and benefits that apply when ownership changes. It is my understanding that we do not have any particular view on what should go into the Bill, if the Committee wanted to address the situation. We are just pointing out that the Bill does not provide a provision to deal with that issue.
151. **The Deputy Chairperson (Mr Brady):** Thank you. You already addressed some of this in your presentation. NILGA appears to have a number of concerns about the level of control that the Department will retain. You talked about it being a partnership from your point of view. Where do you think the decision for power should lie? Should it be a joint arrangement, or should the Department retain overall control?
152. **Ms Smyth:** Local government's past experience has largely been to deal with DOE, and there are obviously issues we do not agree with DOE on. However, there is a relationship that has developed over many years through which we can negotiate with it and work in partnership with it to a large extent. That relationship has expanded via the Local Government Act to the partnership panel, where Ministers work closely with council representatives on issues of strategic importance. That provides political leadership for that partnership relationship.
153. Practically and operationally, I think that we need to develop a more effective partnership relationship with DSD, particularly on regeneration issues, to make sure that we are all working in the same direction and that everybody is looking for the same outcomes. What we would like to do is move within the Programme for Government to having a more outcomes-focused approach to everybody's work so that we are not at sixes and sevens whenever we are trying to make arrangements or provide schemes at a local level.
154. **Mr Allister:** I do not understand. Is your presentation today the product of a considered view by NILGA, where all the council representatives have considered the Bill and reported back on their own councils' views, or is it something short of that?
155. **Ms Smyth:** The response that was developed and that came to the

- Committee was based on responses that have previously been provided. This is building on an ongoing discussion within local government. It has been an evolving process.
156. On the issues that developed yesterday, for example, as a result of the letters that councils received, I have been in contact with all the chief executives since it was received, and I have received communications from three of the councils highlighting their concern about the change to funding arrangements.
157. It is hard to pinpoint a specific response that has come back from any council at any point in time, because it has been an evolving situation. I have papers with me in which we have looked at consultations from the Department in 2013, the Deloitte paper in 2014, the regeneration—
158. **Mr Allister:** That was all in the original Bill.
159. **Ms Smyth:** Yes, but we know that there have been changes and that a number of issues have been taken out of the Bill. We know that you received a communication from Mid and East Antrim Council that supports the re-introduction of those functions. Without wanting to express a view that particular things should come in, we have requested that the Committee looks at the issue again.
160. **Mr Allister:** I am asking whether there has been an up-to-date discussion within NILGA and its councillor representatives on the Bill as it now stands.
161. **Ms Smyth:** The evidence that we provided on the Regeneration Bill, which was provided to the Committee in February, went to the NILGA executive on 13 February for consideration and agreement.
162. **Mr Allister:** Part of the reason I ask that is that I am aware of views expressed in some councils that do not seem to be reflected in your submission. There has been some concern raised, as there was in the Assembly, about what the definition of social need is meant to be in the Bill. It is not defined anywhere, yet, strangely, your submission passes over that, even though it seems to be the fundamental starting point. If you have a Bill that talks about addressing areas of social need but does not define what qualifies as an area of social need, it is a pretty poor starting point, is it not?
163. **Ms Smyth:** NILGA did not consider that issue.
164. **Mr Allister:** What do you understand an area of social need to be?
165. **Ms Smyth:** There are a number of different views about that. It is a political decision.
166. **Councillor Nicholl:** From being an elected member looking at Bills like this coming forward, I think that the reform of public administration is to be welcomed, and the general feeling of councils and councillors is that it is welcomed and that powers and things are coming over that mean that local communities can address each within their area. Not every area is the same geographically, and every mix-up is different. There are different needs, and the local representatives that I speak to in each area sometimes feel that, whilst we are getting certain things in one hand, they are being taken away by the other. We are supposed to be more joined up within community planning and have a more cohesive way of working, but sometimes that does not come across.
167. **Mr Allister:** I am not sure that that addresses the point that I am trying to make. Here we have a Bill that supposedly gives powers to councils to deal with issues of social need, yet, spectacularly, it makes no effort to define social need. Social need is something that has been variously defined. Under neighbourhood renewal, it is informed by the Noble indices. Is that your perception of what social need means here? I would have thought that councils would be most anxious to nail this down and to find out what the Bill means when it talks about social need, yet there seems to be a total absence



- of any consideration of it in your submission.
168. **Ms Smyth:** That would probably go into the category of questions that we cannot answer at this moment in time. We will come back to the Committee on that as a matter of urgency.
169. **Mr Allister:** In some councils, I have heard it said that they really want to see a focus on the economic needs of their district and that regeneration should be about economic regeneration above everything else. Therefore, instead of having fluffy language about social need, we need to nail that down. Is that not a view amongst many councillors?
170. **Ms Smyth:** The upcoming community planning regime will answer many of those questions. It may be that a more flexible approach to certain issues will be helpful. Councillor Nicholl said that areas look very different locally, so through the partnership approach of the community planning process, councils and their partners can look at what is necessary in their area. It is not something that I have specifically spoken to councils about, but it is certainly something I will get back to you on.
171. **The Deputy Chairperson (Mr Brady):** I attended a community planning event in my area recently, and social need and economic development were two of the main issues discussed. So, those issues are still very much under discussion in my area, where Newry and Mourne District Council is joining up with Down District Council. I would imagine that, in other councils, those are matters for discussion as well.
172. **Mr Dickson:** Thank you for your presentation. I have a couple of questions. First of all, when you said that the NILGA executive has discussed this, do you mean the shadow executive for the new shadow councils or the former executive of the outgoing councils?
173. **Ms Smyth:** If I could explain, at the moment, NILGA is representative of the 26 councils, but there is an element of continuity in the contact that we have, because quite a number of the existing NILGA executive members are key members of the new councils. NILGA is in the process of reconstituting. We have membership agreed by all 11 new councils, and we will be reconstituting the executive in the next month or two and will have an AGM in June. As I said, there is an element of continuity between the two.
174. **Mr Dickson:** The review will be of the 26 rather than the —
175. **Ms Smyth:** At the executive, yes, but there is a combination of both because we are liaising closely with the new councils, particularly the chief executives.
176. **Mr Dickson:** More importantly, going back to the discussion about the balance in regeneration, Mr Allister referred to some people seeing economic regeneration as the primary focus of regeneration, whereas others will see it as social deprivation. How are you or your members going to achieve a balance? Do you share with me the serious concern that, in considering development schemes, there is no reference or requirement in the Bill to take account of shared space?
177. **Ms Smyth:** Again, if you look at the Local Government Act and its requirements for community planning, you see that the basis of community planning is an area's social, economic and environmental well-being. There is a balance to be struck, and that may look different in different areas for different purposes.
178. Where shared space is concerned, councils have a number of responsibilities under community planning and the T:BUC document that we need to incorporate into the guidance for community planning. We need to look at how we do development planning as a result of that, because obviously community planning is the overarching policy for the new councils.
179. We recently spoke to the OFMDFM Committee about good relations and how to build those issues into community planning and development planning, and the guidance document that should be coming out to councils very soon — the

- consultation closed on 9 March — will incorporate fully the requirements on councils on those issues.
180. **Mr Dickson:** Finally, clause 11 gives you the right to extinguish rights of way, which is a right that councils ultimately have but have failed to use, either because of the inadequacy of the legislation or because local government was incapable of dealing with the matter. Do you believe that the new power that you have to extinguish rights of way will actually work this time?
181. **Ms Smyth:** As we said in our response, we are slightly concerned that disability and physical accessibility issues have not been taken into account in the context of rights of way. A lot of what is in the Bill will become much clearer in subordinate legislation and guidance, but having the principle in the clause is useful, and we can work that out with the Department.
182. **Mr Dickson:** Once again, councils will recognise the balance between the desire to sustain rights of way and the communities' complaints about antisocial behaviour and the need to have those closed. Will this power stop you being moribund and allow you to make decisions?
183. **Ms Smyth:** Certainly, there is an ability to make decisions, and I think that it will help us to do that. However, the requirement that there now is for councils to actively engage more with communities, again through community planning and the community involvement aspects of the development plans system, will allow for that bottom-up approach. The community's capacity will need to be developed, and we are working with various voluntary and community sector bodies to make sure that that happens to ensure that we can manage expectations in the whole process. But, it will be for local agreement.
184. **Councillor Nicholl:** I agree. I keep talking about community planning, because, at the end of the day, that is what a lot of this is about. It is about moving forward and communities. Hopefully, there will be a better understanding of what is happening on the ground and it can be concluded satisfactorily for everyone involved, with nobody is trying railroad something down one way or another, because, at the end of the day, it is about the community.
185. You were talking about looking at the social and economic issues, which, as I said to Mr Allister, all come under the umbrella of community planning and the new councils' corporate plans. This is all starting to *[Inaudible.]* starting to look, and councils will be looking for social and economic issues in each area, because that all has to feed in to the bigger picture.
186. **Mr Campbell:** My apologies: I have a sore throat today. You mentioned the disparity of funding in the west of the Province. I have been approached by some councillors in Londonderry and Strabane, because they felt that they were particularly affected. There seemed to be a concern that it was a DFP issue rather than a DOE issue. I facilitated a meeting with the Finance Minister. Was there any feedback to provide clarity that, whatever the issue was, it was primarily a DOE function, rather than one for DFP?
187. **Ms Smyth:** I know that, at the recent political partnership panel meeting, the representative from Derry City Council had an opportunity to address those issues face-to-face with the Finance Minister. I believe that some resolution was achieved as a result. As to the detail of it, I would need to check and come back to you.
188. **Mr Campbell:** That is OK.
189. **The Deputy Chairperson (Mr Brady):** No other members have indicated a desire to ask a question. Karen and Dermot, thanks very much for your evidence. You said you would get back to the Committee on social need.
190. **Ms Smyth:** Yes, absolutely. Also, I will get back on Mr Campbell's issue about Derry City Council.
191. **The Deputy Chairperson (Mr Brady):** Thanks very much.

# 19 March 2015

## Members present for all or part of the proceedings:

Mr Alex Maskey (Chairperson)  
 Mr Mickey Brady (Deputy Chairperson)  
 Mr Jim Allister  
 Mr Roy Beggs  
 Ms Paula Bradley  
 Mr Gregory Campbell  
 Mr Maurice Devenney  
 Mrs Dolores Kelly  
 Mr Fra McCann  
 Mr Sammy Wilson

## Witnesses:

Ms Helen Harrison *Juno Planning*  
 Mr Andrew Heasley  
 Ms Orlaith Kirk

192. **The Chairperson (Mr Maskey):** We have a briefing this morning from Juno Planning & Environmental Ltd. We have the following representatives from Juno Planning: Helen Harrison, Andrew Heasley and Orlaith Kirk. I formally welcome the three of you here this morning. Thank you for your submission and your attendance and for assisting the Committee in its deliberation of the Bill that we are dealing with this morning. Without further ado, if you are happy enough, you can make your presentation to the members, and then we will take questions.

193. **Ms Helen Harrison (Juno Planning):** First of all, thank you for inviting us to participate in this session discussing the Regeneration Bill. We have prepared a short presentation, which summarises our submission and, more particularly, the context for our submission, with particular reference to the statutory documents that we have talked about, namely, the local development plan under the provisions of the Planning Act (Northern Ireland) 2011 and the community plan under the provisions of the Local Government Act (Northern Ireland) 2014. If the Committee is agreeable, we will provide a quick

summary background of those two documents, because they really provide the context of our submission in relation to the Regeneration Bill.

194. In terms of local development plans, the Planning Act 2011 transfers responsibility for planning powers to local councils, and that includes the preparation of development plans. That establishes a plan-led system whereby the determination of planning applications is referred directly to the development plan and policies therein. The purpose of that plan is to guide future land use to those areas that have been designated for particular uses and, importantly, to inform investors, developers, members of the public, community and government public bodies and the wider representative organisations of the framework that will be used for decision-making within those council areas. It will also be a tool for translating down to a local level wider government policies on land-use planning.

195. In the preparation of local development plans, the councils have to take account of the regional development strategy, the single planning policy statement and other documents as they are referred to in guidance by DOE; for example, neighbourhood plans and regeneration plans. The local development plan itself comprises two stages. There is the plan strategy, which is formulated, goes through a public consultation process and has strategic objectives. Those are then taken up through the local policies plan, which seeks to identify actions for delivering those objectives. The policies are subject to public consultation at a number of stages, and there is a statutory requirement for councils to prepare and monitor local development plans on an annual and five-yearly basis.

196. The stakeholder engagement process in local development plans is critical. It is one of the new areas of the legislation. Councils must publish a statement of

- community involvement (SCI) that sets out their policy for involving interested parties in the preparation of the plan. Councils, interestingly, have to attempt to agree the terms of the SCI with the Department. Coming out of that is the preferred options paper that sets out the pattern of new development through the council area, the options for the growth of main settlements and options for major infrastructure. The timescale for that — I am sure that the Committee has looked at this previously — is not set. However, the single planning policy statement suggests an indicative time frame of 40 months, which is three years and four months, for the preparation of local development plans. We see them as being critical to the development that takes place in the council areas.
197. The second type of document that we refer to is the community plans. They are prepared under the provisions of Part 10 of the Local Government Act (Northern Ireland) 2014. DOE advice on community planning is that it will provide a framework within which councils, Departments, statutory bodies and other relevant agencies and sectors will work together to develop and implement a shared vision for promoting economic, social and environmental well-being based on effective engagement with the community. In simple terms, the information contained in the community plan is intended to include the plan objectives that the council considers appropriate, following consensus through the community consultation process, and the actions to be performed to deliver those objectives. Section 68 of the legislation requires that a community plan must be produced as soon as is reasonably practicable after the community planning process has been undertaken.
198. This is a new area for all councils in Northern Ireland; indeed, for councils across the UK and the island of Ireland. Community planning is new for everyone. In that context, DOE issued a community planning foundation programme in October 2013, which provided non-statutory guidance to councils on the preparations that they could make for preparing community plans. It actually provided tailor-made capacity-building support to council officers in preparation for them preparing community plans. You may be aware that DOE has recently published the draft statutory guidance on the operation of community planning, with submissions closing recently, on 9 March. The time frame for the community plans, again, is not set, but draft guidance indicates that they should be published within one year of the commencement of the community planning duty, which would be one year from the commencement of the transfer of powers, as we would see it.
199. The reason we have referred to both of those documents is that we believe that they have an important relationship to the development schemes that are listed as being part of the Regeneration Bill. In our evidence, initially we suggested that there should be a stronger relationship, particularly between the development schemes and the development plans. We note that, under the heading “Development schemes of councils”, clause 5(4) of the Regeneration Bill requires that councils should have regard to the regional development strategy and the current community plan, but no reference is made at that point to local development plans. In effect, we feel that there should be an additional paragraph (c), which would mean that, in preparing development schemes, the councils should also have regard to the local development plan under the meaning of the Planning Act 2011.
200. The context for that, briefly — I am almost finished — is that development schemes are such an important tool that councils will have in order to take forward development that we believe that it is important that they have regard to the wider development plans for the area. We would particularly use the words “have regard to” rather than “take account of” or “must be in compliance with”, because that means that there is an element of flexibility.

- You have to have regard to them, but you do not necessarily have to slavishly follow them. There may be good reasons not to do that; for example, if the local development plan is out of date — indeed, all but one of the existing development plans in place will be out of date by the end of 2015 — or it may be that the development that is the subject of the development scheme is contrary to the development plan but is of such public interest for other reasons that it may need to go ahead anyway. There are provisions in the Planning Act 2011, at section 14(2), that allow councils to make revisions to local development plans. That would be in the instance where a development scheme is not foreseen or accounted for in the development plan, and a change would need to be made to the development plan to take account of it.
201. As a final point, we note that councils will have the powers to take forward development schemes and that the Department will also retain powers to take forward development schemes. We suggest that, by the same token, when the Department is taking forward a development scheme, it too should have regard to community plans, which the council is required to have regard to, but which the Department, under legislation, is not. Similarly, the Department should have regard to local development plans under the meaning of the Planning Act 2011.
202. Those are the main points that we picked out for our presentation this morning. I have alluded to another couple of matters in our letter, but we thought that those would be the most relevant ones today. That brings me to the end of our presentation. Thank you very much for inviting us to take part in the discussion.
203. **The Chairperson (Mr Maskey):** Thank you. Does anybody else want to make any opening remarks?
204. **Ms Harrison:** No.
205. **The Chairperson (Mr Maskey):** You are happy enough. Thank you very much.
206. I read in your report that you had concerns around the process of vesting land. I am trying to find that in my notes. You had concerns that the vesting of land was only possible after the development of a development scheme.
207. **Mrs D Kelly:** It is at clause 7.
208. **Ms Harrison:** Through our involvement in the Victoria Square regeneration project, we are aware of development schemes that have taken place. We wanted to draw the Committee's attention to the timescales required to effectively take forward a development scheme and the legal aspects of doing that. With that point, we are trying to highlight the importance of having a streamlined process, in which we fully acknowledge the consideration and consultation that needs to be undertaken. We suggest that the Committee needs to be aware of all those steps and how long it might take and of the impact that that timescale will have on live development projects and on the ability to make it investor-ready. It may be helpful to have a diagram that shows the process, to understand better where the logjams in that process might be. That was the main point.
209. **The Chairperson (Mr Maskey):** The Department made the argument, and we all probably agree, that the power to vest is a strong power. Most people would therefore presume that you would need to have a strong argument if you are going to vest property. On that basis, you would need to have a specific idea or plan in mind, rather than just vesting the land and working it out afterwards. That is the responsibility put on that.
210. **Ms Harrison:** We would agree with that point. It is a very serious power and has huge implications, so it needs to be used wisely, in a considered manner.
211. **Mrs D Kelly:** My question is on the same point, particularly in the case where land has a plan that has been passed by the planning authority but was not developed because of the property crash, and where the plan that the developers pursued was in keeping with the needs of the area and its environs.



- I have a particular site in mind in my constituency, which is a trouble spot. How does that sit with the power to vest? If there is an existing development plan, albeit that the council has a plan, how would you see arguments being constructed by which the council could approve, in principle, and pursue the development that is already approved, when the developers have scattered and are hard to pursue?
212. **Ms Harrison:** That would, most likely, come down to the detail of the legal agreement that exists between the Department and the developers. Using Victoria Square as an example again, as I understand it, there was an agreement there between the developers and the Department of Social Development. I do not know what the terms of that agreement were, but no doubt there would be something written into it that would create opportunities to review the agreement, were the situation to change.
213. **Mrs D Kelly:** This is not council-owned land or publicly owned land. It is only privately owned land.
214. **Ms Harrison:** Which the Department vested.
215. **Mrs D Kelly:** In the place in Lurgan that I am thinking of there is a lot of alcohol and drug abuse, and there was a riot near it the other night. It is derelict land that the developer will not take responsibility for but has approval on. It is creating huge concerns in the local community. It is an area of high social need. I wonder how the vesting power could be used by the council in its community planning.
216. **Ms Harrison:** As I understand it, under the terms of the Regeneration Bill, the council — or indeed the Department, but we will say the council — could, or should, as you may see it, identify that site as part of the development scheme. It would need to be part of a development scheme that fulfils the requirements under the legislation of meeting the wider public interest and benefit. Under those terms, there is an opportunity for the council to vest it as part of the development scheme, which would doubtless have other aspects including regeneration, redevelopment, community facilities or whatever it may be. Under this Bill, councils will have the power to do that.
217. **The Chairperson (Mr Maskey):** It is probably a question for the Department, but you gave a good answer.
218. **Mr Wilson:** First of all, sorry I arrived late in the middle of your presentation.
219. Development schemes can be put forward by councils and by the Department. Do you see any need for both the Department and the council to put forward development schemes? If so, in what circumstances do you think it would be appropriate for the Department to put forward a scheme, rather than a council, or vice versa?
220. **Ms Harrison:** That is an interesting question, and one that we actually posed to ourselves when we were looking at the Bill. Our initial reaction was that the Department should not need to take forward development schemes itself, for the reason that you have suggested, which is that the councils are in charge of local planning; development planning and community planning. However, on reflection, we thought that the councils, at this stage, are coming into a situation where they are only fledgling councils. There is a huge amount of responsibility, as a result not just of this but of all the other legislation related to planning. It is not beyond the realms of possibility that there would be instances where a project may be of significance to the whole of Northern Ireland, or it may be something that the council is struggling with at a local level because of the capability or expertise needed to take it forward. We felt, on reflection, that the provision should be included in the Bill; certainly in the short term.
221. **Mr Wilson:** So you would see it as an interim arrangement, rather than a permanent arrangement.
222. **Ms Harrison:** Possibly, although it may be something that could be reviewed

- after a period. There will always be projects of regional significance that will require councils to work together. That is something that will be new to some degree, in terms of major development projects and attracting investment. Rather than an interim measure, maybe it is something that could be reviewed.
223. **Mr Wilson:** The legislation does not actually refer to development schemes that may cross council boundaries; it simply refers to development schemes that are contained within existing council boundaries. Even from that point of view, when you talk about “strategic in nature”, they are strategic within the confines of the council.
224. **Ms Harrison:** Yes, I acknowledge that. On reflection, we felt that it may be helpful, for both the councils and the Department, if that section was in the Bill in its first form.
225. **Mr Wilson:** On Part 1 — I was not in for that, so you may have touched on this — you talk about finance to address social need. One of the issues that concerns a lot of people is that sometimes regeneration plans are only concentrated in areas where there is a huge concentration of social need, whereas regeneration is sometimes required in areas that might be surrounded by areas of prosperity, and indeed some of the better-off areas may be affected by the fact that there are small areas of deprivation in the middle of them. Have you any thoughts on how that social need provision might be applied? Do you think that the current way in which it is applied facilitates regeneration sufficiently, or should there be some change in the application of the social need criteria?
226. **Ms Harrison:** Thank you for the question. It is a very valid point. Being from a planning background, we are probably not best placed to answer it, to be honest. I acknowledge that regeneration is often needed in areas that are not necessarily identified as having social need, but they have a much wider stimulus that will ultimately trickle down to areas that do have social need.
227. **Mr Wilson:** That is the point that I wanted to get at. Sometimes, it is easier to start regeneration in areas where there is a chance of the regeneration working, rather than jumping right into the middle of an area that is badly run down. Starting at the periphery and working in is sometimes more effective. I am interested in your view on this from a planning background. Simply saying that there has to be a huge concentration of social need may lead to missing an opportunity to have effective regeneration.
228. **Ms Orlaith Kirk (Juno Planning):** We are conscious that we would like everything to be plan-led when identifying areas of social need. It should be identified in the community plan, addressed in a holistic manner by the council and its community planning partners and, in addition, reflected in the local development plan. With our expertise in planning, we would like it to be addressed in a more holistic fashion.
229. **Ms Harrison:** It is also important to consider that, in regeneration, you are relying on public-sector finance but sometimes on private-sector finance also. The community plan and local development plan should provide the framework that will give investors an idea of where investment will succeed and where their investment will be matched and supported by other investment, be it public or private.
230. **Mr Wilson:** That is helpful. I have one last question. I know that you are probably more interested in the physical planning side of the equation, but do you see a role in the regeneration process and in the Regeneration Bill for the provision of finance for things that do not do physical regeneration but regenerate an area in other ways such as, for example, support for community organisations or training organisations? How important do you think it is to have provision in the Bill for that? If you think that it is important, what limits would you place on that kind of finance?

231. **Ms Harrison:** It might be difficult to include that aspect in the Bill as we see it now. I refer to what my colleague Orlaith said. The community planning process is new for everybody, and we maybe have not quite grappled with what exactly it is. It should provide an opportunity for that type of funding and the need for that funding, as you have described, to be identified as part of the community plan. That community plan will include actions to deliver objectives, which could include the provision of funding for community projects.
232. **Mr Wilson:** Do you think that there should be any limit to the projects that that money should apply to?
233. **Ms Harrison:** That will be for the councils to determine through their community planning exercise and through engagement with the local community, local businesses and the community planning partners.
234. **Mr Wilson:** There is, of course, provision in the Bill for that at present. There is a catch-all clause. I am not sure of the clause because I do not have the Bill in front of me. I am trying to find out about it from a planner's point of view.
235. **Mr Allister:** It is at the end of clause 1(2).
236. **Mr Wilson:** Yes, it is at the end of clause 1(2). Paragraphs (a), (b), (c), (d) and (e) of that subsection refer mostly to physical regeneration, but the catch-all at the end opens the door for all other kinds of finance. It may be an unfair question because you are probably more interested in the physical aspect, but are you saying that, from a planning point of view or from your knowledge of the regeneration of areas, there is scope for money to be spent on non-physical aspects of regeneration? What about limits? Would you leave it as open-ended as it is here?
237. **Ms Harrison:** On reading it, we felt that it read as very open-ended. It is difficult. Regeneration can be social, community, economic or physical, and, in that sense, it is extremely difficult, if not impossible, to define whether something is a regeneration benefit. That is why we keep going back and saying that, if the guide is linked to other strategies and policies that the council has prepared for the community plan and development plan, the council's priorities for those aspects, which are not physical, should be picked up through the community plan. That might give some direction to what is, at the minute, quite open-ended, as you say.
238. **Mr Wilson:** Can I take you back to the first point that I asked you about? I am a bit unclear in my mind about where the boundaries between the Department and the council might be. Do you see potential for confusion, or, indeed, conflict, if the Department brought forward a development plan and the council brought one forward, with each thinking that it should be the other's responsibility? I am a bit concerned. I really wanted to hear about it from your point of view with the expertise that you bring to it. I am a bit concerned that either thing could fall between two stools, you could have conflicts between the two or you could simply finish up with duplication.
239. **Ms Harrison:** As I said, we considered that point. On reflection, we felt that, particularly in the interim, it would be useful for the Department to retain some level of influence in undertaking its own development schemes. The legislation uses the words, "consulting the appropriate district council", but it does not say that the council has to agree or that it needs to be involved in the process. The terminology just says, "consulting". Clarification on that would be helpful to understand the role that the council will have in influencing the development scheme that the Department has the power to prepare. That is something that we questioned. You might ask why a council would prepare a development scheme on one site and the Department would do one on another. The guidance is that that can be the case, particularly if it is something of significance to the whole of Northern Ireland or, as the terminology says, it is "not appropriate or expedient" for it to be undertaken



- under the Regeneration Act. We took that to mean that the council would, for whatever reason, have a difficulty doing it itself and would therefore look to the Department to assist it with it. Rather than the Department instigating it and imposing it on the council, the Department would be there to assist the council if it was not able to do it itself.
240. **Mr Wilson:** The Bill indicates that the initiative would be with the Department, which would then consult with the council. That is not really your interpretation of it.
241. **Ms Harrison:** That is at the final paragraph, yes. That is why I think that clarification on the term “consulting with” would be helpful; otherwise, as you said, I can see that the Department could progress it and consult with the council as an afterthought, if you like. The first part of clause 13 implies that it would be of assistance to the council, rather than this being something that was imposed on the council.
242. **Ms Kirk:** In addition to what Helen said, we recommend that the Committee consider suggesting that the Department must have regard to the council’s local development plan and community plan to cut down the opportunity for the Department to come in and do something that is completely different or materially different to what the council had considered for its own area. That is something that we think the Committee should give regard to.
243. **Mr F McCann:** Thanks for the presentation. I think that everybody you speak to has a different definition of community planning. It is probably a catch-all term for everything that may go in new councils. I understand that Sammy is saying that there may be a difficulty, at some stage, between what the developer sees as a regeneration plan and what the council sees. At the end of the day, it will probably take something like that to work out what ground either of them is on. I think that that will proceed once the new plans start to bed in.
244. In one way Sammy is right, in that there are regeneration plans that are outside areas. Areas like Belfast city centre could have a knock-on effect for areas of high social deprivation. There are areas of high social deprivation with some dereliction, where a factory or something similar can bring jobs, which could have an immense impact on the local population and turn around a fortune. That always needs to be taken into consideration, and I think that one of the beauties of community planning is that it allows you to look at the wider picture.
245. To go back to one of the first questions that Dolores, I think, asked about vesting, when you were speaking about the timeline and blockages, were you asking for a speedier way of bringing vesting through, or are you opposed to it? I was not sure.
246. **Ms Harrison:** No, we are not opposed to it at all. There is a requirement for vesting, and there are good examples of where it has worked. Our concern would be that, whenever there is an opportunity to develop a piece of land and an investor wants to develop it, they will be interested only for so long. They will have a timeline for when they need to become operational. Victoria Square can again be used as an example of that. We need to be careful that the legislation includes provision for that process, which has to go through a number of important steps, to be as effective as possible. For example, the Department requires a council to consult it prior to the preparation of a development scheme. The council then has to go back to the Department prior to the adoption of the scheme. We ask that the Department be fully resourced so that, when it receives the draft development schemes from the councils, it knows who will look at them, how long will it take and what process it will follow. That is not clear in the legislation. An investor, working with the Department or a council, will need an understanding of how long that process is likely to take, particularly as it can potentially include a public inquiry, which is time-consuming and expensive. It

- would help, from an investor's point of view, to understand clearly the start and end of the process, how long it would take and what the critical steps are that they have to be involved in as they go through it.
247. Using Victoria Square as an example, that process took upwards of two years. That can happen before the planning application, the environmental impact assessment (EIA) or any of the other bits that we would be familiar with go in. It is quite time-consuming, and when an investor is looking at the very beginning and thinking of investing, they need to add that time on to their longer development programme and to think of the day when they open, become operational and start to get their money back. That is where we were coming from in understanding the vesting process and making it as streamlined as possible whilst having regard to the important steps that need to be followed.
248. **Mr F McCann:** Thank you for that. That certainly explains it, and again Dolores touched on the fact that there are quite a number — I have heard colleagues raise it before — of classifications of land. You might have departmental land, council land or private land sitting in the middle of what you may see as a major development area, and the developer who owns that land plays hardball. Do you think that, at times like that, the Department or the council should move in speedily and vest the land?
249. **Ms Harrison:** In effect, that is what the development scheme and the Regeneration Bill will allow the councils to do, as the Department has been doing. So, yes, following the criteria set out here, the point is to make the process as transparent and fair as it can be.
250. **Mr Beggs:** Thank you for your presentation. Do you see the format of the Bill and the proposed legislation modelled on legislation elsewhere? If so, are there suggested changes that should be made from experience to make it better?
251. **Ms Harrison:** Recently, we looked at the equivalent in the South of Ireland. Orlaith may want to comment on its format, because it is different.
252. **Ms Kirk:** It is different. It is in the local government legislation and is driven by residential development. That is distinct from the Regeneration Bill, so you are not comparing like with like. It is hard, on the back of that, to make recommendations for improvement. You find that a lot of the regeneration schemes in the Republic of Ireland are driven by housing and the provision of social housing development. Councils are behind it, but the housing section of councils is involved. Key members of Republic of Ireland councils are in charge of regeneration, but it is primarily about a housing function. We are not comparing like with like.
253. **Mr Beggs:** Is this modelled on Scottish, English or Welsh legislation?
254. **Ms Harrison:** Elements of it would be very similar to the English legislation through the compulsory purchase powers that councils have for similar types of projects.
255. **Mr Beggs:** In some town centre areas in my constituency there are derelict buildings that may have sat for 20 years or more, even through the boom time, because the owner, for whatever reason, did not progress them. One of the issues that can cause difficulty is conservation areas and the difficulty in having an economic proposal that will provide all the protections that may be imposed while being economically viable. Do you see the legislation being able to allow such sites to be moved forward, whether by compulsory purchase or perhaps by some form of grant, if councils are demanding high levels of conservation to enable economic development?
256. **Ms Harrison:** The really important aspect of the Regeneration Bill as we have been talking about it is that the majority of it is geared towards councils preparing development schemes. In the example that you gave, the

council would be concerned about a piece of land. That land may be in a conservation area, but the council will be establishing a planning policy that affects that conservation area, and it will also be responsible for taking forward the development scheme. It is the decision maker and the policymaker. It will have the powers itself to do as you described and to make a judgement on the basis of the policy that protects the conservation area and the desire to improve the derelict site. It will have the powers under this legislation to take forward improvements on that site, and it can choose to do that either in complete compliance or to some degree in contravention of its development plan policies.

257. **Mr Beggs:** It may just be one or two properties in the middle of a street. Do you believe that that is a big enough critical mass to warrant a plan under this legislation? It may be down to one or two owners.
258. **Ms Harrison:** I think that it is important to understand that, as we talked about, the development scheme is a really powerful tool. Traditionally, in the Department it would have been used not on a very regular basis and probably not on a building-by-building basis but more where there was redevelopment and regeneration of a wider area to give a wider-spread benefit. Part of that might be because it is quite a complicated legal process to go through. Traditionally, it would have been more for the benefit of a wider area, rather than just one or two units. There may be some development schemes that are for two or three units. I am not familiar with that, but it would usually be for an area larger than that.
259. **The Chairperson (Mr Maskey):** No other members indicated that they wish to ask a question. Having read your submission and listened to the discussion this morning, I think that a couple of key themes are coming through. Obviously, there is the clarity of any process and a need to resource the Department or the councils to make sure that they are responding in a timely fashion and in

an appropriate way so that there is no prolonging of any kind of process. Central to your submission is the contention that there is a need for people to have due regard to all the other plans around them. I do not think that we mentioned business improvement districts (BIDs) this morning, but they are another key tool that people in council areas have. Am I right, then, that you are basically saying that the centrality of all this has to be the community plan? I think that most people accept community planning, or some variation or definition of it, but it is a very central plank of local government reform. Am I am right in saying that your key point this morning is that all plans that are on the table and are relevant, whether at Department level, regional level or council level, have to be taken into regard when developing any plan? That makes sense, but you are making the point that it is not nailed down properly

260. **Ms Harrison:** Yes. In essence, Chair, we focused on the plans that the council is required to make under legislation. You are right about BIDs, but we focused on the regional development strategy, which already required the development plans and community plans. It is important, though, to note that we understand that there may have to be flexibility, because it may be that the development scheme cannot be in accordance with those plans. That is why we suggest the words, "to have regard to" on the understanding that it may not be able to be in accordance with them.
261. **The Chairperson (Mr Maskey):** I note that you are not making the point that one has to trump the other, but you are saying that they need to have proper regard. I want us to take this up with the Department to see how we can square these circles, so to speak.
262. **Mr Wilson:** Just on that, because it is an interesting point. Obviously, you deal with people who are putting in planning applications. We now seem to be adding layers of new information. I am not saying that it will all be regulation, but there seem to be layers of new things that people have to take into consideration when putting

- forward a planning application, whether it is the area plan, community plan, development scheme or a Department or a council development scheme, not to mention the regional strategic plan. Do you see this as adding unnecessary complications for people trying to get a development going in what is already an overcrowded regulatory field?
263. **Ms Harrison:** We focused our discussion in our submission on the development scheme aspect of the Regeneration Bill. I think that there is a need for provision in a piece of legislation — in this case, the Regeneration Bill — to allow councils, certainly, and possibly the Department, to be more proactive in facilitating development. I do not think that people will be expected to be overly familiar with the terms of the Regeneration Bill, but they need to understand that provision exists to allow development schemes to be taken forward where councils feel it necessary.
264. We said previously in information we provided relating to the Local Government Bill that we feel that the community planning process and the development planning process should run in parallel. Otherwise, there is a danger that communities will be asked to comment on something, and then six months later they will be asked to comment on something else that seems quite similar. We feel, and this is certainly in our submission, that there needs to be a really strong relationship between the community plan and the development plan and that the public needs to be aware of what is in those because it has been part of their formulation. The development scheme might come along before the development plan or in between, when the plan is about to be reviewed and is not quite up to date. It is more of a one-off, rather than something people could necessarily foresee when preparing the development plan.
265. I think that that is needed, but there also needs to be really clear referencing on the relationship between the Regeneration Bill and, in particular, development schemes, community plans and development plans so that everybody knows that they have to look at them. They should all, however, say the same thing insofar as they can, subject to them being out of date.
266. **Mr Andrew Heasley (Juno Planning):** The main message for your councillor colleagues is that we need the area planning process rolled out. Once all the plans are up to date, everything else can follow, giving developers and everyone else confidence that land zoned for a particular use should get planning on that basis. It is important to get that back to your councillors.
267. **The Chairperson (Mr Maskey):** That starts with the community planning process.
268. Are there any other remarks that you want to make this morning, Helen or Andrew?
269. **Ms Harrison:** No.
270. **The Chairperson (Mr Maskey):** I thank you again for coming this morning, making your submission and dealing with members' queries. We will follow up on a number of the concerns you raised with us in our deliberations. Thank you very much for helping us.

## 26 March 2015

### Members present for all or part of the proceedings:

Mr Alex Maskey (Chairperson)  
 Mr Mickey Brady (Deputy Chairperson)  
 Mr Jim Allister  
 Mr Roy Beggs  
 Mr Gregory Campbell  
 Mr Fra McCann  
 Mr Sammy Wilson

### Witnesses:

Ms Jenna Maghie	<i>Northern Ireland</i>
Mr Seamus McAleavey	<i>Council for Voluntary Action</i>

271. **The Chairperson (Mr Maskey):** This morning, we have Seamus McAleavey and Jenna Maghie from the Northern Ireland Council for Voluntary Action (NICVA). You are both very welcome to the Committee. I refer members to page 17 of their meeting pack. Seamus and Jenna, without any further ado, are you happy enough to give your presentation?

272. **Mr Seamus McAleavey (Northern Ireland Council for Voluntary Action):** Yes. Thank you very much, Chair and members, for your invitation to come along. Jenna will make our introductory comments. Then, obviously, we will be happy to take questions from the Committee.

273. **Ms Jenna Maghie (Northern Ireland Council for Voluntary Action):** I echo Seamus's thanks for having us here today. You will already have received our note. I do not intend to talk through all of it. It will come as no surprise to the Committee that our main focus in the Bill is neighbourhood renewal. NICVA has been supportive of the Bill as a whole, which is part of the wider local government reform process. We are really happy for regeneration powers to transfer as part of this. We think that councils are closest to their communities and therefore really well placed to use these powers. We think that the delay to 2016 is welcome if

this will allow the extra time for proper scrutiny and to ensure that the process runs smoothly. I think that it is important to recognise that this has led to some concern and uncertainty for voluntary and community sector organisations. Change does this, and we just hope that councils are mindful of this throughout the rest of the process.

274. In the paper, we have noted our concerns regarding funding for regeneration and neighbourhood renewal. Whilst we recognise perhaps that hypothecation runs contrary to the idea of devolving these powers to councils, we feel that any money that is transferred for anti-poverty measures, social need etc should be used for this purpose. You will also see that our key concern is round the definition of "social need", "regeneration" etc. We feel that a common term across all councils would be helpful. It would stop 11 different council areas working to 11 different levels and, most importantly, leading to 11 varying outcomes across Northern Ireland for people who are affected by this. We think that a common definition would assist those voluntary and community sector groups and others who seek funding in more than one council area. It reduces bureaucracy and admin. It also increases the opportunity for cross-council cooperation and allows for better and easier best-practice sharing. It will make it much easier for councils to work together across their areas. It also makes it really easy to see those areas that are underperforming against targets on a shared definition if, in every area, that can be related back to one common thing.

275. We think that there is potential for the Committee to monitor the process as it is transferred and implemented and the rest of the process is gone through. Unless Seamus has anything else to add to that, we are really happy to take questions.



276. **The Chairperson (Mr Maskey):** OK, Jenna. Thank you. A couple of members have indicated already.
277. **Mr Allister:** Thank you. I think that you are right to draw attention to the fact that social need, for example, is wholly undefined both, if I recall correctly, in this Bill and anywhere in legislation. I do not think that there is even a definition in the Social Need (Northern Ireland) Order 1986. That would seem to be a recipe for what you have put your finger on; that you therefore could have a patchwork of different perceptions across the 11 councils. I take it that that would not be in anyone's interests.
278. **Mr McAleavey:** I think that that is true, which is one of the reasons why we are looking for some coherence across all councils with an adequate definition, so that you can maintain a programme that is likely to deliver reasonably in the same way across Northern Ireland. Like in the discussion around community planning, the counterbalance to that is that we believe that councils should be able to focus on what they think are the greatest needs in their areas. It is important to have a framework. Imagine if people just went off and did whatever they thought fitted the programme.
279. **Mr Allister:** Is that not almost what this legislation says? Clause 1(2) states that what can be funded can be:  
*"anything not falling within paragraphs (a) to (e) which the council considers will benefit the district."*
280. It really is a blank cheque.
281. **Mr McAleavey:** It is wide.
282. **Mr Allister:** It is foolishly wide, is it not?
283. **Mr McAleavey:** That is why, as I say, we would like to see some coherence brought to it with a common definition and programme for neighbourhood renewal.
284. **Mr Allister:** The name of the Bill is the Regeneration Bill, which speaks to me of things economic, first and foremost. We are going to regenerate areas within council areas that need regeneration.
- Should the focus not be up front and in lights on economic regeneration?
285. **Mr McAleavey:** I think that regeneration covers more than the economy. The general fabric of an area is very important to economic regeneration as well. Regeneration covers something much wider than purely economic measures, let us say.
286. **Mr Allister:** Yes, but if we are going to attain regeneration, the primary focus surely will be economics.
287. **Mr McAleavey:** I think that it is a major focus, but, as I say, improving the fabric and the general health and well-being of people in the area is all part of the regeneration and renewal of an area.
288. **Mr Allister:** There is obviously a limited pot of money.
289. **Mr McAleavey:** Absolutely.
290. **Mr Allister:** Therefore, it is all the more important to get it sharply focused.
291. **Mr McAleavey:** Obviously, the Bill has wider powers. The bit that we were focusing on here was the neighbourhood renewal pot that is transferring from the Department for Social Development. We would like to see that being ring-fenced. That is the commentary that we hear from voluntary and community groups across Northern Ireland. One of the things that they fear is that it might just disappear and go into some of the broader things.
292. **Mr Allister:** Neighbourhood renewal, at the moment, is premised and defined by the Noble indices. Surely, if you are to give a commonality of approach across Northern Ireland to avoid the patchwork approach under the Regeneration Bill, you will have to remove that focus.
293. **Mr McAleavey:** Well, it uses the Noble indicators, I suppose, to focus on the 10% most disadvantaged wards in Northern Ireland.
294. **Mr Allister:** That is where the money goes.

295. **Mr McAleavey:** Yes. If you are running something that is an anti-poverty programme, you need to use some indicator that tells you that you will focus the resource —
296. **Mr Allister:** You are running a regeneration programme.
297. **Mr McAleavey:** That is the wider Bill. I am talking about the neighbourhood renewal aspect. We saw that as an anti-poverty programme that was attempting to deal with the areas that were worst off.
298. **Mr Allister:** So, you want to cling to the Noble indices.
299. **Mr McAleavey:** We would want to use a set of indicators that show which areas are worst off and how you might target certain resources in those areas.
300. **Mr Wilson:** Following on from the point that Jim asked about, is there not a distinction to be made between this Bill, which is about regeneration, and the issue that you have raised about social need? Regeneration does not necessarily always have to be targeted at areas where there is extreme social need. In fact, sometimes, regeneration outside those areas could benefit the areas that are totally deprived because there may be more chance of success. Are we bringing two issues together that are separate issues? I would like your view on that.
301. **Mr McAleavey:** I see your point. At times, we need to invest in different areas, different places and different sets of people in ways that help them best. I agree with you that investment that takes place outside areas of social need can be and is very beneficial to people from those areas. One of the things that this programme does is to help people by better equipping them to take advantage of that.
302. Are you asking whether neighbourhood renewal should be part of the Bill and transfer to councils or should it be kept separate? Is that your question?
303. **Mr Wilson:** Neighbourhood renewal is obviously part of regeneration, so, by its definition, a Regeneration Bill needs to include that. You have placed an emphasis on having a standard definition of social need. Tying that in with a Regeneration Bill that is much wider than dealing with just social need is confusing the issue.
304. **Mr McAleavey:** As I said, that was our comment about the neighbourhood renewal aspect that is transferring from DSD to councils. I accept what you are saying about the Regeneration Bill having a much wider aspect or powers.
305. **Mr Wilson:** Rather than having a standard definition of social need — to follow on from the point that Jim raised — would it not be more desirable to deal with the ways in which the money can be spent, rather than the groups on which it would be spent? If we tie it in just to social need, there may be groups or areas that would not qualify under a very strict definition of social need, but it could be spent on things that are not necessarily regenerative or are not renewal projects either. Do we not need to look more at how the money is spent or the things on which it can be spent? In other words, we look at what constitutes renewal and regeneration, rather than what groups or areas should qualify.
306. **Mr McAleavey:** We look at neighbourhood renewal as an area-based intervention, and it is focused on the areas that are worst off in Northern Ireland. I accept what you say about the different types of activities and groups and what it might be best to spend the money on. Our concern is that, if we do not begin to define something, the whole thing could simply dissipate. The money could simply go into the mainstream funding of councils, and councils could decide to do things that are very far removed from the original intention of the neighbourhood renewal programme.
307. **Mr Wilson:** Do you accept that, even if you get a standard definition of social need, you would not stop councils using money for things that would not or could not be defined as renewing or regenerating an area? Is that not where the focus needs to be, rather than on a

- standard definition of social need? The focus ought to be on what constitutes renewal or regeneration, and, therefore, the Bill should tighten up on the kinds of things that the money can be spent on.
308. **Mr McAleavey:** Yes, and, in our case, the focus needs to be on what helps people who are most in need to benefit from the renewal opportunities that might arise from regeneration.
309. **Mr Wilson:** It has been pointed out that it is not very well defined, but, by putting the emphasis on targeting areas that fall within whatever the definition is of social need, you might be missing out on regenerative and renewal opportunities that could benefit people and areas that fall inside that definition but do not require the action in those areas.
310. **Mr McAleavey:** Yes, and I would expect a lot more resources to be expended as well. As I said, we were looking at this particular transfer of funds, but we expect that there would be a lot more resources deployed by councils and that they will also pick up on the things that you are talking about, Sammy.
311. **Mr Brady:** Thanks for the presentation. I would have thought that targeting objective need is a fairly fundamental issue, and it is inextricably linked to regeneration. The words “clinging on to” sound almost like desperation. That has not been the case with neighbourhood renewal. I think that, in a lot of areas, neighbourhood renewal has been used very wisely and very well, certainly in my constituency. Obviously, there may be councils that have not used it particularly well, and that is why I think that you are quite right about having a uniform approach to it. It is about targeting social need and about making sure that areas that need it get it. To be perfectly honest, this idea of it being not used in the way that it should be is not acceptable.
312. Has there been contact with any of the super-councils on how they might approach it? I am thinking about the lead-up to it. Obviously, there have been transition committees and all of that kind of thing. The other thing that you mentioned is the ring-fencing of advice. I think that that is important because of the changes in benefits. Advice centres will inevitably be under a lot more pressure, and I think that it is important that that is addressed. Obviously, mainstream funding is the answer. While we are waiting on that to happen, I think that it is important that advice centres get as much support and, indeed, funding as possible.
313. **Mr McAleavey:** We have had some discussions with officials who will be responsible for the new super-council areas, but it is very early days. You hear mixed views in what councils are saying about neighbourhood renewal. I know that there are big concerns amongst a lot of them that the budget is now transferring at a time when it will be cut back severely and things like that. I think that it causes worry to them, and it certainly causes worry to organisations that have been involved in neighbourhood renewal. I think that it is a time for many, both in councils and in organisations that have been working on the neighbourhood renewal programme, when things will be fraught.
314. Independent advice services in Northern Ireland have received funding from a whole range of different areas. One of the things that our research in NICVA and research from across the UK through our association with the National Council for Voluntary Organisations (NCVO) shows is that, in times of recession, there are areas where demand from the voluntary sector rises sharply. That is generally for organisations that work with people on employment-related issues and unemployment and the area of mental health. The other such area is advice; the demand on advice services really goes up. Obviously, as we implement welfare reform in Northern Ireland, we expect that there will be a lot more demand on those services across a very broad range of organisations. That is why we highlight that here, in that we think that lots of people will be looking for advice outside the system



- with regard to their relationship with the Social Security Agency and others.
315. **Mr Brady:** Do you think that a wider discussion on the neighbourhood renewal aspect is still needed, because the Noble indices are from the 90s?
316. **Mr McAleavey:** It is always wise to review these things. Noble was not the first, and there was then a second set of indicators put in place. It is always wise to review, because obviously times change and things move on.
317. **Mr Beggs:** Thanks for your presentation. As others have said, the current definition is very wide. In fact, you could exclude a lot of that paragraph and just go with the bit that says that assistance can be for anything that the council decides will benefit the district. Equally, that could replace much of paragraph 1 because it is much wider than some of the other areas. You are saying that you would like it to be entirely or largely focused on areas of disadvantage, and I can see a benefit in having some flexibility. Have you got an idea, perhaps from some of your sister organisations, of how this support is treated elsewhere and how the definition could be amended to better reflect your concerns?
318. **Mr McAleavey:** Roy, as I said, our focus on the definition was with regard to neighbourhood renewal funds. Generally, we would agree that, if you take things like well-being, the council should be able to look widely at its remit. In terms of liaising with our other councils in Scotland, England and Wales, no, I do not think that we have anything that would shed any extra light on it. Things are not that different in other places. In a lot of indicators, like life expectancy, the difference can be stark between neighbourhoods that are relatively close. They are dealing with the same issues and problems that we have, which shows that a general policy will not necessarily impact on those areas that are worst off.
319. **Mr Beggs:** We, as a Committee, should be looking at how the legislation is drafted in other areas to see if there are ideas that enable it to be, if not concentrated on that, at least directed by it to a degree. I can see a benefit in having significant flexibility because there can be a difficulty if it ties in too much. Equally, it would be wrong if this simply went into the economic development pot of the council. It could conceivably do that and still meet the legislation as currently constructed.
320. **The Chairperson (Mr Maskey):** That is a useful and constructive idea.
321. **Mr Campbell:** You are welcome along. I have one query on your submission. You said that, “ideally”, NICVA would like to see the Committee retain a scrutiny role and take an overview of this. How do you think that that would work? How do you think that local councils would operate under that sort of overview system?
322. **Mr McAleavey:** They might not like it.
323. **Mr Campbell:** Having spent 30 years in a council, I can say that that is probably an understatement.
324. **Mr McAleavey:** Yes, they might see it as big brother looking down and watching. The thought that struck us is that, when you are transferring a major programme like this that has run within a Government Department for over 10 years, it might be a good idea to watch how it develops. There might be significant learning. I am not quite sure if you have the power to do that. We are just saying that, ideally, it would be a good idea if we follow where this goes over the next three or four years. We think that the Committee might be an appropriate place for that.
325. **Mr Campbell:** Even for a period of time.
326. **Mr McAleavey:** Just to see. Transferring a major programme might go very well. It might go disastrously. As Roy said, the money might just disappear into some other aspect of council funding and that is that. There could be unintended consequences. There could be deliberate consequences. It might be useful to follow that and see what exactly happens.

327. **The Chairperson (Mr Maskey):** I think that it is fair to say that the Department will retain some responsibilities in those high-level policy decisions, albeit functions will be transferred, so the policy department will still have a role and responsibility and, therefore, the Committee will continue to have that as well. It is a question of getting the balance right and working constructively with people and all the rest of it, whether it is with local government or the Department. That is important.
328. **Mr F McCann:** Thank you for the presentation. You are raising a number of issues that have been talked about widely within many groups. Quite a number of concerns have been raised about having one policy across 11 councils. Roy made the point about people having control over the budget and it being used for things other than dealing with deprivation or regeneration. I have argued long and hard over the years, and I believed that neighbourhood renewal was an excellent programme, but it was probably wrongly delivered in many ways. I think that the Department, whilst having the lead, was probably let down by quite a number of other Departments that did not see it as their job to deliver neighbourhood renewal. When you talk about other regions, you used to jealously look at the amounts of money that may have been available from councils.
329. I agree with you that we need one definition of neighbourhood renewal and how it is run. There are times when people move away and use the money for other things. I believe, as Alex said, that the Department needs to retain that overview and, having come through that, give the Committee an opportunity to discuss any difficulties or problems that may arise. That is crucial, because one of the things about neighbourhood renewal — I agree with you — is that regeneration means different things to people. You talked about building capacity, and it was about neighbourhood renewal itself, the well-being of the citizens within those socially deprived areas and the regeneration of communities. I do agree, as I said last week about some of the stuff that Sammy said, that there are regeneration projects that can take place outside an area that will benefit that area, but the chance to regenerate the communities that suffer from severe social deprivation offers the opportunity to people to progress out of poverty and deprivation. I agree with you that we need to have that overview and we need to know where it is going. It is like the old argument about aspects of community planning and other aspects of change, and what you ended up with was the definition of a community development worker; every council had a different concept of what community development was. You need to start to pull the threads of that together if you are ever to have an effective programme.
330. **The Chairperson (Mr Maskey):** We will take a wee break here till Sammy fixes his telephone.
331. **Mr Wilson:** Sorry, Chair. I thought that I had got away with it by staring at the wall. Clearly, I had not.
332. **The Chairperson (Mr Maskey):** I was on your case. Sammy, you are on next.
333. **Mr Wilson:** I want to come back to the point that we were discussing. Defining social need would tighten down where the money was spent. Jim raised the point about how you tighten down on what the money is spent on. We could have some discussion as to whether or not we should always target just areas of social need, but that is another issue.
334. First, Seamus, do you have any concerns about the way in which the money was spent in the past?
335. **Mr McAleavey:** Yes.
336. **Mr Wilson:** Secondly, what suggestions do you have for tightening down not on where the money is spent, as you have already told us that you want a standard definition of social need, but on how the money is spent?

337. **Mr McAleavey:** One of the areas where neighbourhood renewal did not fulfil its promise is that, in the beginning, it was to be a 10-year strategy and a strategic thing, and I do not think that it ever achieved that. What I thought would have come out of it was that, if you decided to invest in an area where there were problems, you would have a plan for 10 years and expect that it would take that time to reasonably turn it around. There is a world of evidence from academics to show that.
338. It is also about focusing on how you get the best bang for your buck. We do not do enough to collect data to show us what does and does not work well. I complained over the years about the system of accounting for public money and how it is followed. It focused heavily on vouching and on making sure that money was all spent properly and accounted for properly, but there was not enough emphasis on what the public pound was trying to buy. Treasury guidance keeps telling us that, if you do not focus on the outcome that you are trying to achieve, everything else is lost, and, in effect, the rest does not matter. You can account for the money well but flush it all down the toilet. I would have placed much more emphasis on collecting data and understanding what activities worked well, and I would have invested more money in those and discarded the things that did not work well. That can be difficult, because people can have lots of objections to it, but I would drive a programme like this much more by the data and information that is gathered and by feedback that tells you what works well. Other places are beginning to do that.
339. **Mr Wilson:** From your experience, what should we have in clause 1? It is about the things that you spend the money on. Jim mentioned it. Should it be more about physical regeneration rather than the softer end of regeneration and renewal? If there is a role for the softer end, whether that be building the capacity of groups or whatever, are there specific programmes that you feel have been essential to doing that kind of thing? What limits would you place on the kinds of programmes that the Bill directs you to spend the money on?
340. **Mr McAleavey:** Let us look at soft skills. In the modern world and the economy that we now have, soft skills are one of the highest premiums that employers are looking for across the board. When you talk about soft skills, it sounds unimportant, but I think that they become really important. Investing in things that improve the soft skills of people in disadvantaged areas could increase their employment opportunities.
341. When it comes to general economic regeneration, the environment that we live in and create in Northern Ireland will shape and attract inward investment. The physical environment is very important; it is about the schools that are available and what the people who work for these companies think of the place. Why will they want to locate here? Those issues are incredibly important. It is about trying to marry all those issues — developing talent and attracting and maintaining it — so that you can create a place that people want to stay in. Soft skills are incredibly important.
342. **Mr Wilson:** How do you include that — you agreed with Jim when he made the point — but do not leave the Bill with a clause that simply states those things, so that you do not miss the issues that you are talking about and spending anything else that a council feels is worthwhile?
343. **Mr McAleavey:** As I said, our emphasis was on the neighbourhood renewal programme that is *[Inaudible.]*, and I would not leave that wide or leave a catch-all clause that allows that. I take your point that, if you have catch-all clause that allows you to do anything in the Bill, maybe the rest of the Bill does not count for an awful lot. I can see exactly the point that you are making.
344. **Mr Wilson:** A catch-all clause does not make sense in the context of the Regeneration Bill, but I was trying to establish whether you would like it

- to list the kinds of things that would constitute regeneration or renewal, and the physical and softer issues that could be funded.
345. **Mr McAleavey:** That would be no bad thing. Guidance on what exactly we are talking about with regard to regeneration would be good for everyone. It may be difficult to get agreement on some of that, but it would be good to have advice and guidance rather than creating the notion of doing whatever you want.
346. **Mr Wilson:** Your submission states that you want a standard definition of social need, money ring-fenced for advice and neighbourhood renewal, and councils to be monitored. Is there any point in devolving these matters to councils when you are going to tie them up in this way?
347. **Mr McAleavey:** It is not tying them up. As I said, we have thought about this. There is no point in transferring powers and resources to councils if you tell them that you want them to run something exactly the way it was run. All you are doing is making a council the manager of a central government programme. We accept that. We are saying that it should not just be an opportunity to change something drastically, whereby you accept the money and say, "Whatever went before is nothing to do with us. We're going to do our own thing". Transition needs to be managed well. As I said, quite a lot of organisations deliver neighbourhood renewal, and they are clearly wondering what will happen with all this. The way in which this is managed is very important. Ultimately, as the councils develop, they will change the emphasis and direction of a lot of what is delivered. We expect that to happen.
348. **The Chairperson (Mr Maskey):** I want to ask you about two issues. First, given the status of the concordat between the Department and the sector that you represent, what level of discussion or consultation has there been with NICVA as the Bill developed?
349. **Mr McAleavey:** There has been significant discussion over time.
- There have been some rocky periods. Neighbourhood renewal, for example, was to have transferred to councils earlier. That did not work out, and a lot of concerns were raised at the time. When we talk to our member organisations that are involved in neighbourhood renewal, there is a lot of concern. They are not quite sure what is happening and what will happen. That is a big issue. You also hear talk that some councils might not want neighbourhood renewal, given the budget position. I do not know whether that is true, but it adds to the concerns that are flying around.
350. **The Chairperson (Mr Maskey):** I did not necessarily expect you to give a full answer to that question. Obviously, there are a lot of concerns — we are all aware of them — from a range of organisations that are not sure about what is happening. My point is that your organisation is a key element of the concordat, so, if the Department and NICVA are working together in concert — whether you disagree or not, it does not matter — at least that should bridge some of the communication gaps. I am making that point to emphasise that there is no point in having a concordat if it is not utilised fully and properly.
351. Secondly, you raised the issue of shared space and any obligations on local government to deal with that. If I remember correctly, the NILGA presentation referred to councils having to take regard of community planning and upcoming T:BUC policies. Will you elaborate on your thinking on shared space? Will it be sufficient to have guidelines attached to the Bill and so on?
352. **Ms Maghie:** NILGA's point is almost exactly the same as the one in our submission: shared space and inclusive communities have a key role to play in the regeneration of their areas. Councils, through community planning, will be led by their communities and their demands. We thought that it was important to note that that is not referenced in the Bill at all, but, as you said, councils will obviously have responsibilities through T:BUC and community planning to give

regard to the development of shared places in their area.

353. **The Chairperson (Mr Maskey):**

Seamus and Jenna, I thank you both for attending and helping the Committee in its deliberations on the Bill on behalf of your organisation. No doubt we will discuss the matter again at some stage in the future.





## 26 March 2015

### Members present for all or part of the proceedings:

Mr Alex Maskey (Chairperson)  
 Mr Mickey Brady (Deputy Chairperson)  
 Mr Jim Allister  
 Mr Roy Beggs  
 Mr Gregory Campbell  
 Mr Fra McCann  
 Mr Sammy Wilson

### Witnesses:

Ms Cathy Polley	<i>Ards Community Network</i>
Ms Lyn Moffett	<i>Ballymoney Community Resource Centre</i>
Mr Lauri McCusker	<i>Fermanagh Trust</i>
Ms Karen Sweeney	<i>Women's Support Network</i>

354. **The Chairperson (Mr Maskey):** I welcome Lauri McCusker, Karen Sweeney, Lyn Moffett and Cathy Polley. You were in the Public Gallery for the last evidence session, so you have a good idea of members' questions and concerns. Without any further ado, folks, I will leave it to you to make your case to the Committee.

355. **Mr Lauri McCusker (Fermanagh Trust):** Thank you for the opportunity to meet the Committee today. The Fermanagh Trust has not expanded across Northern Ireland —

356. **Mr Allister:** I thought that you had taken over. *[Laughter.]*

357. **Mr McCusker:** No. When we initially corresponded with the Committee in mid-January, we took the lead role on behalf of 30 organisations with which we work in partnership, which have been supported for a number of years by the Department for Social Development under the community infrastructure fund (CIF). We felt that it would be more productive to hear, as part of your discussions, from a cross section of

those 30 organisations rather than just one.

358. We have outlined a number of key issues in our paper. I will pick up on a point that was raised with the representatives from the Northern Ireland Council for Voluntary Action (NICVA): we honestly feel that the Bill does not honour the government commitment to participatory processes. Our last discussions with representatives from the Department were in November 2010. From the point of view of the organisations that we represent and others with whom we have been working, the concordat, the Department's corporate plan about inclusivity and collaborative working and the development of the Regeneration Bill have not been about a process of engagement. That is disappointing.

359. Very importantly, the Department released the 'Urban Regeneration and Community Development Policy Framework' towards the latter end of 2013. That document was very well grounded and considered how the Department does its business and plans to do its business. This important Bill will see approximately £56.5 million transferred from the Department, so it is unfortunate that the Department did not engage in some of those participatory discussions and processes to hear from organisations across Northern Ireland about their experiences and to allow some input.

360. There is a lack of information. The discussions to date have been between local government, the Department and its officials. We are not party to those discussions. There has been information, but it is not clear. When is neighbourhood renewal transferring? Is it transferring? What comes in with the Bill? It was the Regeneration and Housing Bill, and it then became the Regeneration Bill. *[Interruption.]*

361. **The Chairperson (Mr Maskey):** Sorry.

362. **Mr F McCann:** Sorry; I thought that I had my phone off.
363. **The Chairperson (Mr Maskey):** Fra McCann, stand in the corner. *[Laughter.]* Will members please check their phone?
364. **Mr Wilson:** At least he confessed to it. I tried to pretend that it was not me. *[Laughter.]*
365. **Mr Campbell:** Not with much success.
366. **The Chairperson (Mr Maskey):** Will people please make sure that their phones are switched off? It is ultimately disrespectful to people, particularly to those who are giving evidence. Thank you.
367. **Mr McCusker:** It is interesting that it is called the Regeneration Bill. Other jurisdictions have regeneration Bills. This Bill seems to be mainly a transfer of resources between the Department and the councils. It does not get into the nitty-gritty of regeneration, whether that be economic, environmental, social or physical regeneration, so it is hard for us to comment on its content and get into that level of regeneration.
368. There also appears to be a real lack of joined-up thinking and a missed opportunity for the Executive. We have rural regeneration, which is the responsibility of the Department of Agriculture and Rural Development. It was interesting to listen to officials from the Department for Social Development address the Committee a number of months ago about the lack of joined-up work between the two Departments. There are things like the social investment fund, which is putting substantial resources on the ground to address social need, but there appears to be no alignment between that and the Bill. It is disappointing that the Bill has not been seen as an opportunity for more joined-up thinking about the relationship between the different aspects of government resources that are designated for regeneration.
369. The timeline is also an issue. On the ground, councils are currently — even this week — appointing staff to positions and trying to meet the

deadline of 31 March, so there is some uncertainty about those roles and responsibilities. We are now saying that, in 12 months' time, we should see a significant transfer and a change in the relationship between the organisations that the Department for Social Development has pump-primed. The Department, particularly the voluntary and community unit, has gone on a journey of putting in place support for community infrastructure organisations — neighbourhood renewal and so on — and has not had discussions with those organisations about the changes. New organisations are being formed, and the Bill suggests that we should hand over resources to those new organisations but should not take into account the considered view of the organisations that the Department has helped to put in place and core-supported. That seems to be an interesting way to do business.

370. Most importantly, we want to get across the impact that the transfer will have, particularly on the community infrastructure fund. I will hand over to Lyn to address that.

371. **Ms Lyn Moffett (Ballymoney Community Resource Centre):** Thank you. One of the things that Lauri and the Fermanagh Trust have done is to survey all the CIF-funded organisations, of which two thirds responded to the survey. With just those two thirds, £1.5 million will be lost to the third sector — the community infrastructure organisations. That may be a drop in the ocean in terms of the wider DSD budget, but it is quite significant in terms of the community and voluntary sector. The transfer of CIF funding to the councils has the potential to result in at least 16 organisations closing their doors. I remind you again that we are talking about only the two thirds that responded to the survey, so there may be more. The biggest point for me is the impact that it may have on services in the community, particularly with community development and infrastructure, and a loss of some of the soft skills that you asked NICVA about. CIF core funding allowed 24



- of the CIF-funded groups to lever in a further £9 million to deliver other services. Those services are delivered across a wide variety of areas, not just geographical areas, and work in health, the environment and the economy. We can also think of groups funded by the European social fund (ESF) that are providing training for employment. Those are not soft options or outcomes but are quite concrete in the impact that they could have.
372. CIF core funding allowed 21 of the groups that responded to raise £7.6 million for their member groups. That is another significant pot of money going into the community sector. We do not necessarily want to focus purely and simply on the effect that it will have on the community infrastructure organisations, and we should remember that they have an impact on the communities in which they work, but loss of core funding could lead to over 70 redundancies immediately and possibly an additional 50 redundancies if there is a certain set of circumstances.
373. Some 60% of the organisations have been talking to their councils to discuss the transfer of CIF funding, and most of those meetings have been initiated by the CIF-funded groups rather than the councils. We understand that up to 50% of councils will deliver the programmes that we currently deliver in-house. Some will use a service level agreement, and 25% are considering tendering. We are very happy to engage in competitive processes. We are confident that we offer a professional and value-for-money service, but we want to highlight the danger of so many of the other areas in which we work being lost to the community and service provision in general.
374. **Ms Karen Sweeney (Women's Support Network):** Good morning, and thank you for the opportunity to give evidence. I work with the Women's Support Network. We are a member of the Women's Regional Consortium, and I have gathered views from the wider women's sector, mainly on CIF but also from those who are involved in neighbourhood renewal and other community development frameworks.
375. There are currently 36 organisations. Of those, 12 are women's organisations, and 11 of those 12 are women's centres in some of the most deprived areas in Northern Ireland. It will not surprise you to learn that the average age of most of those organisations is around 27 years, because they are some of the original community development organisations. They are centres and organisations that provide a range of front-line services, such as childcare, training and development, advice, counselling and support, and referrals to other organisations and statutory bodies. As well as that social community development element, there is an economic element, because they are local employers and provide services that enable women to become employed through training, support and childcare, so there is also an economic value in communities.
376. When CIF was originally set up, its criteria was to fund core roles in organisations and a percentage of core running costs. In CIF-funded organisations, especially those in the women's sector, the average staffing level is about two or three people — usually a manager, a director and a finance person, with maybe part-time administrative staff as well as their running costs. As was said, core funding has enabled organisations to lever in more money. For some centres, up to £440,000 has come in for the provision of additional services in local communities.
377. If CIF was to go, and there was no more definition — I will get on to that — there would be an immediate loss of 29 jobs in women's groups, centres and organisations. The loss of 29 jobs could mean the loss of 107 jobs because of the knock-on effect of losing core funding. You would lose those who came in as a result of that funding and who are maybe members of the childcare and training teams.
378. Some points have been picked up on already, but other things about the

Bill need to be highlighted. I will start with the DSD 'Urban Regeneration and Community Development Policy Framework', in which most of the references are to regeneration and community development. It is important to remember that those are two separate things. This is the Regeneration Bill, but community development is not mentioned in it. It mentions social need and, like Jim, I went on a wee hunt for that. Apart from it being called the Social Need Order in 1986, you can go from Maslow's social needs hierarchy to social policy to try to get a definition of what is being referred to. The policy framework established that it was the Department's structure for urban regeneration and renewal and community development activity and that it will:

*"shape the way that regeneration and support for the voluntary and community sector are delivered in Northern Ireland".*

379. It specifically mentions:

*"This is especially important given not only the major changes in the global economy but also the Reform of Local Government in 2015 when Councils will be given a greater role in regeneration and community development."*

380. It never stops. It is just regeneration. The policy framework has a different wording to what is happening. As Lauri said, the document also sets out the importance of the concordat and how government and the voluntary and community sector should be working effectively in partnership to oversee this transition and the conferring of powers.

381. I will move on to the Bill. I found that only clause 1 refers to community development in any way, and it is kind of an all-inclusive statement. There really is no detail. One thing is different: it is almost word for word with the original Northern Ireland Order, apart from clause 1(1), where the words used are "financial assistance to any person". That is in the new Bill. In the Order, it was "any body and person". Is the money going to people? I have looked at the Bill, and there is no mention of community development. I read the Northern Ireland Local Government

Association (NILGA) presentation, and it deals only with clause 2, which was originally in a planning Bill. It never even mentioned clause 1 and questioned the amount of scrutiny or oversight that DSD would have on different planning matters. It is not even mentioned that there would be any oversight in Part 1 of the Bill as it stands.

382. There is also the timeline and community planning. Many references have been made to a lot of the key functions and the delivery being picked up and that there will be detailed wording on how the money will be spent through the community plans. Draft guidance for the operation of community planning was out for consultation from December to March. I did a word search on that, and social need is mentioned once in the context of supporting the economic and social needs of a district in line with regional strategies and policies. Community development is mentioned just once in relation to local economic development and tourism, along with all their normal council functions. Again, there is nothing in there.

383. If we align that with the concordat, there is the development of community planning partners, who were going to bring forward community plans. The legislation states that it should be the likes of the education boards, the Health and Social Care Board and the Public Health Agency, but there is no requirement to have anybody from the voluntary and community sector. It advocates communicating with and consulting those in the community and voluntary sector who are:

*"best placed to reach and involve those sections of the community that the mainstream public sector may find hard to reach, and to access funding that is not available to public bodies. Specific efforts should be made to involve representatives from under-represented groups in the wider community planning structures, so that minority and hard to reach groups such as ethnic minorities, women, faith communities, older people, young people and children, and disabled people have a voice in the process."*

384. It advocates that you can use those as support partners. They are not full partners, and they should be brought in when you think that they should be brought in.
385. The document states that there should be a first draft community plan within 12 months of the new councils getting up and running. If we have no detail in the Bill of what will happen or how the money is to be used, we will not see it in any community plan for at least 12 months. That is where the concerns of the sector are: how can we regulate or see where the funding is transferred? If you take the example of the CIF money, it is a very small proportion. Maybe the sector is saying, "We won't get sight of where it's going to go or how it's going to be distributed". We are picking up from people who have been to the councils and have spoken to their council representatives that there is not much ring-fencing; it could be their pot, and they are not saying what it will be used for.
386. Has an EQIA been carried out on the Bill? I understand that the Bill is, essentially, an enabling Bill. It is a wee bit like welfare reform; it is to pass on powers and provisions. However, given the immense finances and powers that are being conferred, it should be looked at. I might have missed it if it is there. There could be a loss of community front-line services. Given the lack of detail, information and scrutiny in the Bill, in addition to the framework associated with the bedding-in of the new councils and the development of the initial community plans, we ask the Committee to support our proposal to the Minister and the Department that they separate out the two Bills again.
387. Maybe we can have regeneration and community development. Derry and Strabane and Belfast were a wee bit ahead of the other councils last year. Their idea was to phase it in; they were going to fund as is for two years while the community plans were being developed and then open up new funding. As DARD has not deferred any of its resources or powers, maybe it should be phased in and separated out. We ask that CIF, as well as neighbourhood renewal, or, if you like, the community development arm, remain with DSD if only for a couple of years to phase it in and see how the councils are going.
388. **Ms Cathy Polley (Ards Community Network):** I am not going to say a whole lot; I will come from the community point on this and speak about what is happening on the ground.
389. As you know, the Department for Social Development has lead responsibility for supporting the voluntary and community sector, and community development specifically. We ask the Committee and the Department to listen to what is happening on the ground at this time. So much change is going on, and communities are lost in all these Bills and things. I would like you to take time to think about what is happening on the ground. We are here as community infrastructure support organisations to support their assessed needs.
390. Sammy, earlier you talked about social needs and how you define them. If you look at the list of organisations that we represent, I can pick any one of them and tell you exactly how it is meeting assessed needs. The Causeway Rural and Urban Network, for example, is the key body delivering a social investment programme worth more than £2 million. That body is the lead partner for OFMDFM, and it is delivering on assessed needs that have been determined over the last two years with people working on the ground.
391. The Newry Confederation of Community Groups — Mickey is nodding — has led neighbourhood renewal for this whole time. The Department built up that infrastructure over the last 15 or 16 years. It did an absolutely amazing job; it has a fantastic resource in all those organisations, which are fulfilling everything that is set out in the urban regeneration and community development policy framework. It built it and got it working really well. It has such a breadth and spread across the region. It created a subregional infrastructure, which is what we call ourselves. We are

- not local or attached to the councils. We have been able to develop separately from the councils, but we have been able to build up the best partnerships with councils everywhere because we were not paid by them as such.
392. I cannot take my eyes off the sign behind Alex, which says “Ensuring Accountability”. I really worry that that is what we will lose. I worry that we have had this independence — I do not like that word — and we do not like to be called “independent community development support”, but we have been able to meet local needs unconditionally, so whatever the communities were bringing to us, whether it was something that the council was doing that they did not like or whether it was something to do with the environment, we were able to address it and sit down with the communities and find local solutions. That is what has been so lovely about the community infrastructure fund. It has been funded all these years by DSD.
393. The urban regeneration and community development plan says:
- “The implementation of a number of successful urban regeneration and community development programmes”.*
394. That is exactly what the community investment fund did. It built up a brilliant infrastructure that links local people through local networks and support organisations to the Department, yet allows us to work with the council and feed everybody into what has already been local community planning on the ground. We have five local community plans in neighbourhoods and estates, as do many of our other networks, where we can feed the information into councils. Our concern is that if our money is transferred to councils — and we know for a fact, and I am going to use my own example — I met our council yesterday — Ards and North Down, as it is now called —
395. **Mr Wilson:** Is it not North Down and Ards?
396. **Ms Polley:** No, Sammy, it is not. The “A” comes first: it is Ards and North Down. It is not “East Coast Cooler” or whatever else. We sat with their officers and discussed what will happen next year and what we will do this year. The three of us from our urban and rural networks sat with our mouths falling because they were talking about their 30 programme activity workers and their four community development officers, but they were not talking about the needs on the ground, which is what we concentrate on. They were talking about the council structures and their officers and what they might do and how they might come in and work in Ards, and we were thinking, “This has already all been done. DSD has invested in it for the last 15 years. This has all happened. Let’s not spend our time and precious resources redoing something that already works. Let’s get down to really good community planning.” The infrastructure already exists, plus that infrastructure is worth only 3·8% of the total DSD budget that is transferring, so we would like the Committee to think about that.
397. We met the previous Minister and the head of ECU to discuss that to say that we are not local and that we do not fit into local infrastructure because we need to have accountability with our councils. We need to be a bridge between what local people are saying and what is happening in the new councils and in their community plans and being able to feed that into the urban regeneration and community development policy framework.
398. I just wanted to read one more bit from it. It says:
- “The present recession has further strengthened the need for local community solutions at the same time as the voluntary and community sector is under growing pressure to become more self-reliant and sustainable. It is therefore vitally important that the assets of strong community infrastructure and capacity in the voluntary and community sector are maintained, strengthened and effectively utilised in both increasing the sustainability of the voluntary and community sector and in effecting local*



*community solutions in urban regeneration and community development”.*

399. What I am saying is that the infrastructure is there. We have our new councils now. Great working relationships already exist with those councils, and I will not be rushing to send us all into the unknown next year when we do not know what is happening and we do not know what the priorities are. I have argued all along, as have most of my colleagues, that it will take time for the councils to bed in. Instead of getting caught up in that embedding process, we would like to focus on community needs, community capacity building, community social and economic development and all the things that you will see in the report that we do so well as infrastructure organisations. We would like to be a link between local councils and the Department, which has this role, remit and responsibility for urban regeneration and community development.
400. I am quite sure that I was supposed to say something else. Hold on. *[Laughter.]*
401. **The Chairperson (Mr Maskey):** You said you were going to be brief; you are worse than some of the politicians around here.
402. **Ms Polley:** I also encourage the Social Development Committee to take a lead role in ensuring that the Assembly and the Department for Social Development honour the concordat with the sector. We urge the Committee to protect community development work and make sure that everything that DSD has already invested in is not lost, come this time next year.
403. It is time for the Department to look at the implications of the Regeneration Bill to our most deprived, disadvantaged and impoverished communities, which is what we focus on. We could add neighbourhood renewal to the mix, but our real interest is in protecting the infrastructure that has already been built up in the Department.
404. **The Chairperson (Mr Maskey):** If I am right, your key point is that the organisations that you listed, which are in receipt of CIF, would retain that for three years. Is that what you are formally proposing as a way of ensuring that there is community support? I take it that that is your key proposal.
405. **Ms Polley:** Yes, and, again, it is only 3·8% of the overall budget. It would allow everybody time and space, and, most important, it would allow communities to have a continued sense of support while all the changes take place.
406. **Mr Wilson:** Cathy, I will start off with the points that you made. I see your point about the retention of the budget for a period of years to allow you to go through the changes in the council.
407. I have two questions. In what way do you believe the Bill will dramatically alter a relationship that you have already described as existing with the councils and as, I think your own words were, the “great working relationships” that you have with the councils. If that relationship exists, and is a good working relationship, is there something inherent in the Bill that you believe will destroy it?
408. **Ms Polley:** Anybody else want to answer that one? Personally, we have had some not so good experience with the administration of Peace moneys, etc. It seems to be that the relationship is more difficult to sustain and be good when it involves money coming directly from councils. Take, for example, residents who do not want to see the closure of their park: the minute you start to fight with the people who are paying you, it becomes very difficult and you lose the sense of accountability that we can provide.
409. At the minute, because we are funded by the Department, we get to go with the real needs of the community. We are to be funded by councils, but, at the moment, councils do not have a plan, or corporate plans, that we can fit into. We hope that we can sit beside them when community planning is a bit clearer and that there is a clear role for us. At the minute, however, there is no guarantee on that, and, while I have an

- excellent relationship with our council, I do not have an excellent relationship with the other council. In some cases in Northern Ireland there is no relationship between the infrastructure organisations supported by DSD and councils. Councils sometimes believe that they will deliver services in-house, which is not best for the people on the ground. They build up a strong, trusting relationship with organisations, and then they feel that they can take anything to them. You cannot always do that with a council officer, especially if it is something they are responsible for.
410. **Mr Wilson:** The Bill does not encourage a council to absorb the present role of your organisations. From what you say, the practice in most areas indicates that councils value you as a kind of buffer between the role that they play and communities at ground level. Is that correct?
411. **Mr McCusker:** That is correct. However, in the research that we did we purposely asked the organisations, “What is going to happen? Have you had a discussion with your council?” Figures came back showing that while the relationship for some was good as an independent relationship, 50% of councils said that they would deliver this in-house.
412. **Mr Wilson:** Let us take for granted that the community network resource should be kept in place and that no change is needed. The Department built up that structure because it believed that it was important. Leaving aside the transfer of funding, what provision would you like to see in the Bill to ensure the continuity of the network?
413. **Mr McCusker:** It is very difficult because of how the Bill is worded. Picking up on Karen’s point, it refers to social need but does not get into detail. What wording would do that, I am not sure, Sammy. I would not be able to answer that.
414. **Ms Polley:** There is nothing in the Bill about community development and no remit for councils to have a community partner; there is nothing in there at the minute to make any of that happen.
- Somebody said earlier, maybe it was Gregory, that having worked with a council for however many years, how likely is it that that is going to just suddenly happen.
415. I said that we have the best relationship with our council ever. Over the last 16 years we got maybe £10,000 a year from it in small grants. The money and core cost came from the Department. The £1.5 million for a new infrastructure building to house Women’s Aid, the rural projects and the networks we have 12 organisations in the one building came from the Department for Social Development and its policies, assessment of needs and looking around Northern Ireland, thinking, “Coleraine needs an excellent hub in the causeway, rural and urban network. Newry needs it in Ballybot. Omagh needs it in Omagh Community House. Fermanagh needs it. The women’s centres need it.”
416. They built an infrastructure based on need — on actually determined, monitored and evaluated needs, on what needed to be put in place. The Department did all that and provided all that investment, physically as well as running costs. If we had been waiting on the council for anything that we have now, we would not have it.
417. Our money was, and still is, brought in from outside trusts, charitable trusts, regional bodies, the Departments, the Public Health Agency, and most of the infrastructure organisations. That is why we are different from a local community group. That money is being brought in from Departments or large bodies and trusts to meet specific needs.
418. **Mr McCusker:** We talked about £1.5 million for those 26 organisations or £2 million for the 30 groups, so we are talking £50,000 on average for each organisation towards core costs. Sometime you hear, “Well, does that just lead to these organisations then going to government to get more and more money?”

419. If you look at what the independent organisations here, and the others on the list, have been able to bring in, district councils cannot do that because they are statutory organisations. They cannot go to charitable trusts and say, “You know what, here in Ballymena we need a specified drug and alcohol programme, and we are asking x charitable trust for funding”.
420. **Mr Wilson:** Lauri, is that not your safeguard in so far as councils are aware that there is funding that organisations like yours can bring in that they cannot bring in? So, why would they want to lose you?
421. **Mr McCusker:** That is a good question, but, from our research, in at least 50% of the cases councils will do it in-house.
422. **Ms Sweeney:** It is maybe not a case of, “Why would we want to lose you?”; it is, “Why would we bother funding you?”. You mentioned relationships on behalf of the women’s sector. Some of them have very good relationships with councils, and some have not so good relationships or bad experiences. The joining of different councils, especially when they are straddling areas, has caused differences of opinion. Cathy said that she spoke to members of your council yesterday. It is the same with some of the women’s centres.
423. When the applications were going to come out from CIF last year when it was still supposed to move over from 1 April this year, you had some that were in council areas that were set up. As I said, that is the north-west and the new wider Belfast City Council. Others rang me to say that they had heard nothing. They said that they had spoken to the council, which said that there would be no applications or that it had not decided what it was doing with the money or that it was going to be ring-fenced or that it would have to look at its reduced budget first before it would know anything. That is the uncertainty. No matter about the good relations, when it comes down to it it will be about money and resources and not about the delivery of services and the social return on investment that these organisations have, which it should be about.
424. **Mr Wilson:** That is an argument for having no change. Change tends to bring uncertainty.
425. **Ms Sweeney:** It is just so sudden, “Let’s put it all over there”.
426. **Mr McCusker:** The other important to thing to flag up as this change is taking place is that, as I know from our experience with Fermanagh and Omagh Council, the councils that will now make up that council both had different policies on working with, or grant-aiding, external organisations. There was a discussion on the radio the other morning about different policies for charging into swimming pools and how councils are trying to align that in the new super-councils. The same is happening with the grant programmes etc, so they have to align two different policies and two different practices. That will take time, first to design it in the coming months and then to embed it. This will be thrown on top of that as well. That is something to flag up.
427. **Ms Polley:** At the minute, we monitor everything that we do and all our outcomes, and that is all reported to DSD. Effectively, we are meeting DSD’s objectives in the Programme for Government as well as the urban regeneration community development policy framework. If we suddenly lose up to 50% of the infrastructure from next year because it might not work with the councils, I do not know how the Department will deliver on this policy framework. At the minute, we are a link between local communities, ensuring the accountability that you so badly need in government. It is like the discussion that you had earlier about how we make councils do it or scrutinise it. The infrastructure bodies are there as an alternative to that because we do know what is happening on the ground.
428. Communities can say when council programmes are working well or not working well. They feed it into us, and we are a bridge, working closely



- alongside councils to feed into the policy framework. It makes sense because everything is already in place to allow scrutiny, accountability and the excellent implementation of the programmes that you outlined and which we have already succeeded in delivering. Yes, when it fits with councils you can be sure that you will not lose all those support services, which will have a knock-on effect on the Public Health Agency and all the other Departments. We get our money from the Public Health Agency, OFMDFM and CIF. If the wee small bit falls, it is like dominoes: the whole lot goes, with infrastructure organisations that are so successfully delivering on this policy framework document falling down round you.
429. **Mr Wilson:** Lauri, when you introduced the views of your group, you said that the Government had failed to honour their commitment to work together with social partners and that there had not been any serious consultation with you when the Bill was being formed. It would be useful for us to know, had you had that opportunity, what specific changes you would like to see in the Bill that would ensure the honouring of the commitments that you feel were made and which are now not being honoured.
430. **Mr McCusker:** It is like closing the stable door after the horse has bolted, to some extent. I would have asked departmental officials what is working, what is good and what is not so good. With the changes in local government, I would have asked them what it is that we should protect in terms of policy and practice that works and what it is that we need to discuss. I would have liked a three-way process with local authorities, community infrastructure organisations and the Department.
431. If the Department, in conjunction with the Committee and the Assembly, thinks about the value that you have built up through your investment in those organisations, should that be protected in the Bill or should it not? If the Department thinks that it should not be protected, it should tell us that and we can talk with our boards and our communities to decide what we want to do as organisations, but we should be respected as equal partners. That conversation needs to take place rather than a two-way process between the Government and local government; it needs to be between the partners that the voluntary community unit put in years of work to build up. The Bill needs to give time and space for those discussions to take place.
432. **Mr Wilson:** Regardless of the process by which we reached the Bill, we now have it. The issue that the Committee needs to address is that you have concerns about gaps in the Bill as a result of being left out, as you described it, of the process leading up to it. What specific issues do you believe need to be included in the Bill to safeguard the infrastructure that you are saying is important and to honour the commitments that have been made?
433. **Ms Polley:** The Bill is a very high-level document; it is way beyond most of us in the communities to understand the Regeneration Bill. It does not say a whole lot about communities in any way, so it is not of any interest to them. We made a response through Community Places, which was the only organisation that helped us to understand the Bill.
434. What we understood from it was that there was no representation for communities in it and that community development, and even this policy framework, are not given their place. It is very hard to comment on and respond to something that is not there. That is the difficulty: you cannot respond to something that is not there. It is not something that we totally understand, but what we do understand are the needs on the ground and the need for continuing support services for the most disadvantaged sections of our community. We need to find a way to get that across to the Committee so that you can find a way of ensuring that the Bill incorporates that and represents and meets social needs.
435. **Mr McCusker:** It might be something along the lines that good community development policy and practice in

Northern Ireland should be — I am not sure which word I should use next — considered, where possible. If it just goes the way in which NILGA and others want it to go, it will be one-way engagement between the Department and local authorities. It is then up to us to come to the table and see whether the councils are in a position to do it or are interested in doing it. It appears that, in half the cases, they are not interested.

436. **Mr Brady:** Thanks for the presentation. I declare an interest because I was employed by the Confederation of Community Groups for 27 years and am still associated with it.
437. To get to the point, purely and simply, it depends on the council. We talk about that relationship. For the first 17 years of the welfare rights project that I was involved in, the council did not give us any funding. You still had to justify your existence every year, but the council did not give us any funding. It was only when DSD put forward match funding that we actually got funding. Before that, we were funded by the old Department of Health and Social Services and then by the trust.
438. One of the points that Sammy and Mr Allister made earlier was about economic regeneration and physical regeneration. The confederation, which has been around since 1972, has had not only economic but physical regeneration in the Ballybot area. It took a derelict mill and turned it into a magnificent building. The confederation is now seen as a model of good practice, and people come to it from all over. Even the statutory agencies are sending people there to see how it is done.
439. The other difficulty with councils is that there is not always an interrelationship or networking between them and the community development workers that they employ, and that can cause problems.
440. The voluntary sector does an extremely good job. If the funding were to be removed, it would leave you in an

impossible position, because the infrastructure that is in place cannot be replaced by any statutory agency. It is simple as that. Building a relationship with the super-councils could be quite difficult. Our council, Newry and Mourne District Council, will now go from Cullaville to Strangford, which is a huge area. Areas do not always have the same needs. The like of the confederation that I am very familiar with has built up a fantastic infrastructure that covers the whole of the Newry and Mourne area. It is cross-community, apolitical and all of that. It would be impossible to replace it. Unless the Bill takes into account the work that you have all been doing, all of that could be lost very easily. People may not be aware that their jobs are sustainable. Another issue is that you cannot replace experience.

441. **Ms Moffett:** I would like to respond to that. We work across the Causeway area, but we work far beyond that. Other funded projects are Northern Trust-wide. Our ethnic-minority support programme extends well beyond the Causeway. We work closely with organisations in Ballymena and Larne. We are going into the Causeway Coast and Glens District Council area. It is the only new council that will be made up of four existing councils joining together, and the four of them have extremely different ways of addressing community development.
442. We are based in Ballymoney. Ballymoney Borough Council does not even have a community development officer on its staff. It gives us no community development support or funding whatsoever. It signposts groups and people to us and does various other things, but the only funding that we get from it is for cohesion and community safety. In Coleraine, where we have a sister organisation called the Causeway Rural and Urban Network (CRUN), with which we now have a framework for agreement and cooperation, the council takes a different approach to community development. It has a service level agreement with CRUN and is very supportive of community development issues. Moyle District Council is a very

- small council with very few resources, but it has an understanding of, and believes in, community development. Limavady Borough Council takes a completely different approach.
443. So, there are four different approaches coming together in an area where there is some good infrastructure on the ground. North Antrim Community Network (NACN), which is one of the rural networks, also covers our area, but we are all doing different things. We have some core functions, but we are mostly doing different things. We complement one another. Importantly, the services that we provide and the professional skills that we now have in-house, which underpin some of the statutory provision not just for community development but for other trusts and foundations, particularly the Northern Health and Social Care Trust, the Department for Employment and Learning, and the Public Health Agency, will not be transferred to the council. They will be included in community planning to some extent, but they are not necessarily going to become a core function of council staff. That is something that we can continue to provide, and that is without even going into some of the Big Lottery projects across the areas that provide different services.
444. I am talking about just one area, yet that is replicated right across Northern Ireland by CIF-funded groups. We are really concerned about protecting the level of service provision, not just our own future and what might happen in it. It is really about what is going to happen on the ground for the communities that we serve.
445. **Mr Allister:** What I am hearing from you is that you think that you were neglected in the run-up to all of this. I take it that your organisations responded to the review of public administration (RPA) consultation, which was really the only consultation that covered the generation of this Bill and other Bills.
446. **Ms Polley:** We do most of that through Community Places, which gathers up all our information. It facilitates 22 of us — rural and urban networks amongst others — to feed in that information and respond. A lot of the time, it does not make great sense to us. That is not our line of work, whereas they have an expertise in all of that. Yes, most of us have responded through a joint consultation with Community Places.
447. Do you mean RPA 1 or RPA 2?
448. **Mr Allister:** The 2010 consultation.
449. **Ms Polley:** Yes, that will have been done through Community Places.
450. **Mr Allister:** You will have made the points that you are making today.
451. **Ms Polley:** Yes, and we have made those points all along. I was part of a team that made them to Minister McCausland. Jim Shannon was with me. We also met the new head of the Department's voluntary and community unit (VCU), Tracy Meharg. We have been through all of this. At the time, we were told that it was too late and that the train had left the station. That was 24 months ago. The train did not leave the station. It still has not left the station, and we have said all along, "Listen, you have a brilliant infrastructure. Don't lose it. Don't lose the support services on the ground that are delivering the programmes".
452. **Mr Allister:** There is concern that, for example, 16 organisations will have to close their doors. Is that because you perceive that you will be starved of funds or because councils will perform the functions themselves?
453. **Ms Polley:** It is probably because councils will decide to perform the functions themselves. I will give you an example. Ards and North Down councils are to come together. We have had a service level agreement with Ards Borough Council for the last 16 years. It was for a very small amount of money, because all that we needed was a small amount of money. We are two- or three-man operations. We get £60,000-odd from DSD, and that does us. The council gives us another £10,000, and the rest of it comes from programmes that we bring in. Those

- programmes are brought in not to top up our organisation's funding but to spend on the ground meeting needs. They are areas-at-risk programmes. We run two areas-at-risk programmes that are also DSD programmes. Those bring in another £150,000 for dedicated estates and areas that we manage. Most of the other bodies do likewise.
454. I have totally forgotten what I was going to say. We bring in all that money. The council was not providing that money. If we were waiting for council finances to do that work and meet the needs in our local community plans, it just would not happen.
455. **Mr Allister:** Part of your fear now is that councils will, however badly they might do it or otherwise, take on the provision of those services.
456. **Ms Polley:** When I asked North Down Borough Council yesterday how many workers it had, it said that it had four dedicated community development workers, not including the neighbourhood renewal workers that it employs. It then suddenly announced that it had some programme activity workers to whom it pays massive amounts of money. I asked how many programme activity workers there were to which the council responded that it had 30 programme activity workers. The council basically pays them to deliver whatever it wants delivered in areas. If it decided tomorrow to have an after-school programme, which is not borne out of the community's needs, it would say to a programme activity worker, "We are paying you for so many hours this week, so go and start up an after-school club". It is a crazy approach that has nothing to do with community development or transferable skills.
457. In Ards, we use our small amounts of investment to train people in order to give them the skills to put them through employability programmes to get jobs or to take on volunteering activities or volunteering roles in the community and develop community plans. They do it all voluntarily. You then suddenly discover that, after all these years, another council has been paying programme activity officers, and paying out a fortune. I am going to ask, under freedom of information, how much they have spent on them each year, because I want to know.
458. In terms of value for money, we are talking about having very small amounts of money that lever in very large amounts of money and physical capital, allowing people's needs to be met. There is no comparison between that and what it is costing councils to have development officers and programme activity officers, as well as the consultants and facilitators that they bring in on top of that.
459. **Mr Allister:** You will be aware that we are told that, as of next year, there will be a Department of Communities.
460. **Ms Polley:** Absolutely.
461. **Mr Allister:** How do you see that fitting in?
462. **Ms Polley:** It will be very welcome, as long as this policy document, which is very good, has a framework and an implementing structure to allow that framework to be delivered. However, that already exists. It is all sitting there and ready to sit nicely under the Department of Communities. We really welcome that. It will provide complete accountability and will be a perfect implementation model. The Department has already done everything that it needs to do.
463. **Mr Allister:** Why is it that, if it is passed, this Bill will torpedo that?
464. **Ms Polley:** It does not mention community development, nor does it fit in with the existing community development framework. That is not in there. You are passing your infrastructure over to a local council, and then you are going to have a Department, so what will the Department of Communities do? Who will deliver its programmes?
465. **Mr Allister:** You need not ask me. *[Laughter.]*
466. **Ms Polley:** You asked me. *[Laughter.]*



467. **Mr Allister:** I was trying to get some light shed on it, because I cannot get much light from the Executive. *[Laughter.]*
468. **The Chairperson (Mr Maskey):** God help the new council. I would not tackle you anyway. *[Laughter.]*
469. **Mr Wilson:** I think that you will be safe enough with North Down and Ards District Council.
470. **Ms Polley:** Honestly, you do not know how much North Down Borough Council hates me, honestly.
471. That is the reality of this. We are in this position, and we can say these things because we have been funded by a Department that allows us to truly represent our communities. The minute that I, others and communities on the ground, are funded directly by our council, we will not be able to say the things that we can say now. We will not have that independent, community-assessed, actual need on the ground. We will lose what we have at the minute, and we have it at the minute because we are supported by a Department that is creating, in your words, a Department of Communities, which will have an infrastructure already there and working. Therefore, it does not make sense.
472. **The Chairperson (Mr Maskey):** You obviously have very fundamental concerns about the future, and you have put those concerns very eloquently to the Committee.
473. I will bring in Roy in a few seconds, but there are a couple of things that I want to say. Councils did not have that kind of money in years gone by. In fairness to them, that is a fundamental difference, although, since the outset of the discussion on RPA, there has been a concern. Regardless of whether it was to do with dealing with the arts or a range of other issues, there was a very mixed bag of take-up and engagement from a range of councils. There has always been a concern.
474. **Ms Polley:** Councils did have it in the form of the community support plans.

If this keeps going as it is going, all that they are going to have is a much bigger community support plan. They did have the money, and we did not get it out of community support plans. There is not a council community support plan in the country that gave money to support the infrastructure of subregional organisations. It did not happen.

475. **The Chairperson (Mr Maskey):** In the early years, they did not have a lot of the sums. There has been incremental development over the years, which is fair enough. I agree with you, and all members present will probably agree with you, that there has been a mixed picture. There is no question about that. Your concerns are legitimate in that respect. NICVA made a presentation earlier and raised similar issues about there needing to be some kind of standardisation. You want to uplift this, not dumb it down.
476. **Mr Beggs:** Thank you for your presentation. First, I acknowledge that community development is a vital aspect of assisting areas of needs. It is something that you cannot put down simply to physical infrastructure. It is vital that there be a bottom-up approach, with the community being assisted to help themselves.
477. In my experience, there has been a wide range of statutory agencies involved in community development: DSD; the Housing Executive; councils; and DARD. Sometimes, there is a degree of overlap, so I can see the logic in trying to bring all of that together. Equally, the community and voluntary sector can be successful, but that depends as much on the individual as on the organisation. It is that individual's approach that can determine whether community development is a success.
478. I am open-minded. I would certainly share your concerns if it were to become an entirely in-house council function. Is there any sense that taking it in-house has simply been a way in which to protect council jobs during the amalgamation, despite all the pain and

suffering being experienced in other sectors?

479. **Ms Polley:** That is all that we have seen lately. Peace IV is not on board yet, and so councils have just moved their Peace money's staff. I know of a Peace III officer being made a good-relations officer to give that person a job in the meantime. The other Peace officer has just become the neighbourhood renewal officer for Kilcooley. That is crazy, but it is the reality of what is going on in every single one of our councils. They are just protecting jobs by seeing who fits what post and who is going to be left out. As far as I can see, there will be no cuts made. I have not seen a cut yet. They are just moving people about.
480. May I bring up another point? You referred to DARD, which we have not mentioned. There is another real inconsistency there, in that DARD is not transferring its function. It is retaining its functions. It is also retaining its programmes, and it will continue to do so for the foreseeable future, because a lot of the rural networks also deliver European money's. We are going to be left with a council that only gets half the picture. Rural development is not joining it, so it will get only half the infrastructure. Rural networks will no longer be working together, and that makes things very difficult. Twenty-four rural and urban networks from across Northern Ireland meet quite regularly at the minute. Half of them are going to stay with the Department, while the rest are not, yet some of us jointly bid to council. For example, I jointly bid along with a rural network to council for our money every year, small as it is. How am I going to do that when the rural network continues to get its core funding from the Department, while we are seeking our core funding from the council? We are going to have to split our joint strategy, which covers our rural and urban areas, because I am urban and do not do rural, and it is rural and does not do urban.
481. **Mr McCusker:** May I make a point about Housing Executive staff, development staff, council staff etc? The VCU pump-primed through core funding

the development of infrastructure organisations across the communities here. I think that that was Joe Wright's vision, as one of the founding staff members in the VCU. As I said, we need to create infrastructure organisations on the ground. They can become community anchors and make a real positive contribution, whether that be to Cronin, Coleraine or Omagh. To think that we are moving forward, only for that to be flipped. We are reinventing the wheel. If this happens, a group of people will be back here in 10 years' time talking about establishing or reinvesting in community infrastructure organisations.

482. **Mr Beggs:** We are here today to talk about the Regeneration Bill, which could enable councils to continue to invest in the range of organisations that you have spoken about today and that you and your partners represent. Equally, they might decide to stop investment. How aware are the local councils of the roles of the groups in each of their areas and of the value for money that they are delivering by bringing in additional outside funding? I am not talking about the officers here, because the officers may, to a degree, decide things to suit themselves. My question is this: how aware are the councils and the councillors so that those who ultimately take the decision do so from an informed position?
483. **Mr McCusker:** From Fermanagh experience, Fermanagh councillors are very aware of the Fermanagh Trust's work and have supported us in leasing a site recently to help us develop our work. The councillors are aware of our work. Are they aware of the detail? Quite a number of councillors from all political parties are involved in the community development organisations that we work with, so, yes, they are aware of some of the support. Are they aware of the minutiae of the funding and finance, and what that means? No, they are not.

484. **Ms Polley:** May I add something? To go back to RPA 1, the support organisations held a conference in Cookstown, at which Simon Hamilton spoke. We worked very energetically at

- the time to make sure that we could tie in councils and their communities on the ground. For example, in Ards, we held five conferences and workshops, which we called “Planning Together for the Future”. All the councillors and organisations came. There were perhaps 150 people in the room. We organised that with our chief executives and our transition managers. For us, it was about making sure that communities on the ground understood what we were trying to do, understood that community planning was coming down the line and understood how we could get organised and engaged. I know that the rest of our organisations have tried to do the same. I know that Newry had a big one with its new council. So we have done everything possible to make sure that people have access to the information and that they are aware of the changes and what is going on. In answer to your question, then: very closely. That works very well, but it does not guarantee that councils will let go of any of the money or invest.
485. **Ms Sweeney:** Everybody knows that the women’s centres here almost started out through the councils. They gave us a spare council house, an empty prefab classroom, or whatever, and the centres grew out of that relationship. As I say, some groups have extremely good relationships with their council, while others do not. There is a wee bit of a perception that the centres are OK because they get lots of other money: they are perhaps drawing in PHA money, trust money and money from DSD. They have those relationships, but, as we mentioned, councillors would not understand the different pieces of pie and the pots of funding available, nor how they all interlink or how they can all fall down like a house of cards.
486. **Mr Beggs:** You are saying that, if the core funding goes, the whole organisation is at risk. That is what is coming across to me. If that is the case, it is important that there is a local understanding of that danger.
487. **Ms Polley:** I think that we confused the councils a bit. We have always sat with DSD, so councils see us as this bigger subregional organisation, not a local community organisation. What the councils understand is local community organisations, but it is those local community organisations that we support, train and put through capacity-building and employability courses, health initiatives etc. We do not fit very well locally, because we are larger subregional organisations that support the local level. That is why we fit with DSD. DSD created us like that.
488. **Mr Beggs:** Change is happening to councils and to Departments. Everybody has to be aware that change is happening, and we all need to reflect on that. Following on from that, my question is this: have you and your organisations attempted to adapt and change to that different world? One group at least — the ABC Community Network — is aligned to its new council area. Does it have a good relationship with the council? Is aligning with the council helpful?
489. **Ms Polley:** You have picked the worst example. *[Laughter.]* The Department of the Environment funded the capacity-building programme in the councils through Community Places. Of the 11 new councils, all apart from Armagh, Banbridge and Craigavon District Council took up that capacity-building programme. You have picked the one council that has done none of the work to date on the DOE community planning capacity-building stuff.
490. **Mr McCusker:** May I pick up on that from a Fermanagh perspective? We have had a conversation with our colleagues in Omagh, who are in a differently resourced organisation. They have told us that, if councils do this in-house, their group will close, because it relies on DSD. When the council has not even got its draft corporate grant aid policy in place, you are going into a vacuum to have a discussion.
491. One potential partner is uncertain about the future. You are potentially having a discussion regarding support with a council that does not have a corporate grant aid policy in place because its staff were put in place only last week,



- so it is a real vacuum. You mentioned change. One thing that our organisations do is change what is happening on the ground. We also change to reflect the opportunities that present themselves in order to impact on the ground, so we are not scared of change — absolutely not.
492. **Mr Beggs:** I can see service level agreement with councils being a possible way forward, but there needs to be a willingness to do that.
493. **Ms Polley:** At the minute, we do not know what that change is, because councils have not told us. Yesterday, when I was with North Down and Ards District Council, it said that it thought that the way in which it might get through the next six months is to have this brilliant thing that it has decided to call “pop-up community development”. I have never imagined how you can use the words “pop-up” and “community development”, which is something that is borne out of communities, in the same sentence. Therefore, somebody’s good idea is to try pop-up community development in the meantime.
494. That is what you are dealing with. You are thinking, “Look at the investment and the energy that we have given to this”, yet someone is talking about pop-up community development.
495. **Mr Beggs:** I have a final question. For clarification, where is the funding for 2015-16 for each of your organisations? Is it in place?
496. **Ms Polley:** Letters of offer from the CIF were issued on Friday and received in the post on Monday.
497. **Mr Beggs:** There is a one-year window, essentially.
498. **Ms Polley:** Yes.
499. Is that the same for you, Karen?
500. **Ms Sweeney:** No, there is some difference. The women’s centres’ were also issued with their letters of offer from DSD on Friday for the childcare fund. The CIF issued its letters of offer on Friday. Even given that one-year window, there will still be nothing in writing, because there is nothing in the Bill to direct councils. They can basically do what they want under clause 1 of the Bill as it stands.
501. **Mr Beggs:** It is very important that, in that one year, you ensure that your local councillors — the council collectively, not just the officers — know what each of your organisations does and look at the value for money aspects of what you do compared with doing things in-house.
502. **The Chairperson (Mr Maskey):** Were you looking in, Sammy?
503. **Mr Wilson:** No.
504. **The Chairperson (Mr Maskey):** You have given us a lot of very solid food for thought.
505. There are a couple of fundamental issues that you have raised with us, including whether or not things transfer in the first place. You have put on the table a need for a longer period of transition to make sure that things bed in before functions transfer over. Some of that will not be within our gift to deliver for you, but we can deliver for you by taking on board all the concerns that you have raised. You heard some concerns raised earlier by NICVA, and there have been others. All members of the Committee have a very clear focus on those matters as well.
506. Thank you for coming here today. There is no doubt that you have very passionately and robustly put your concerns on the table for us, and in a very clear manner. We will deliberate, and we will deal with the Department, and some of its officials are here. We will drill down into some of the issues. Some of us clearly share a number of the concerns that you have raised, but we want to make sure that the functions are transferred over not only with the best intentions but with the best outcomes. Central to that has to be the value placed on a partnership with the community and voluntary sector. That is something that we have to have underpinned in whatever way we can.



# 16 April 2015

## Members present for all or part of the proceedings:

Mr Alex Maskey (Chairperson)  
 Mr Mickey Brady (Deputy Chairperson)  
 Mr Jim Allister  
 Mr Roy Beggs  
 Ms Paula Bradley  
 Mr Gregory Campbell  
 Mrs Dolores Kelly  
 Mr Fra McCann

## Witnesses:

Mr Henry McArdle	<i>Department for</i>
Mr Antony McDaid	<i>Social Development</i>
Mr Ian Snowden	
Mr Peter Toner	

### 507. The Deputy Chairperson (Mr Brady):

The following departmental officials are here to brief the Committee on the issues raised by stakeholders and some members on the Regeneration Bill: Henry McArdle, Ian Snowden, Antony McDaid and Peter Toner. I think you are here almost as often as we are. I invite you to come forward.

508. I advise members that the Committee has received a late submission from Belfast City Council. Due to the lateness of this submission, the Department has not had the opportunity to address the specific issues. However, the Department has advised that most of the issues have been raised by other stakeholders and are addressed in annex 2 of its briefing paper.

509. I invite the officials to brief the Committee.

510. **Mr Henry McArdle (Department for Social Development):** Thank you, Mr Chairman and members, and thanks for the opportunity to respond to the evidence provided to the Committee over the last number of weeks on the Regeneration Bill. Officials from the Department attended all of the evidence sessions. We have considered all of the points raised, both in the written

submissions and orally. We have provided the Committee with some detailed responses to the individual points raised. I think it is clear to see that a number of recurring issues and key points have been raised in the evidence and at the Committee. With your agreement, Chair, I would like to run briefly through those.

511. Among the key issues raised was the question of why there is no definition of social need in the Bill, and, leading on from that, whether we need a catch-all clause in the Bill, as drafted. Other issues raised were the retention of powers by the Department in relation to development schemes that are of significance for the whole or a substantial part of Northern Ireland; the requirements for councils to seek departmental approval if they are going to adopt a development scheme or vest property; why community development is not referred to specifically in the Bill; the role of the Department, post 2016, in monitoring performance against programmes; and the ring-fencing of the community investment fund (CIF) and other budgets.

512. I will go through those issues briefly, beginning with the reason why social need is not defined in the legislation. Social need is a term that is used to capture a wide range of societal issues and problems being experienced by the population. Different needs in relation to employment, education, housing, health or environment are experienced by individual 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 only emerged as significant issues over the last 15 years.

513. 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 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 relevant measurements. Given the fluid nature of social needs, the Department considers that a definition would not be helpful in legislation. In fact, we have checked, and the term “social need” is used in a number of statutes both at Westminster and in Northern Ireland without definition for that reason.
514. Over the last number of years, DSD has used multiple deprivation indicators as measurements in support of the neighbourhood renewal programme. From 2016, councils will be able to identify which social needs within their districts have most priority and which measurement tools they wish to adopt.
- (The Chairperson [Mr Maskey] in the Chair)*
515. Clause 1(2) of the draft Bill allows for financial assistance to be provided for anything not falling within paragraphs (a) to (e) that a council considers would benefit a district. That has been described as a catch-all clause. It is wide-reaching and has been used flexibly by the Department over the years. Concern was been raised about that, with some suggestion that the Bill should be recast to specify those things that should be supported.
516. What we are seeing in response to that is that the whole purpose of local government reform and the conferral of a number of these powers on councils is to allow decisions on key local issues to be made locally. We did not seek to be definitive in the Bill as to what constitutes regeneration or social need, as that 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 them in taking decisions regarding
- improvements that are needed in their areas.
517. I had a wee look through the statistics of the types of things that have been supported under the Social Need (Northern Ireland) Order 1986. They include education and health initiatives, drug awareness, crime prevention, youth projects, victim support groups, community development, public realm schemes, private sector developments, ethnic minority support projects and single parent family support — the list goes on. If we list everything in the Bill, it will not be exhaustive, but if we do not allow councils to make up their own minds about what is a priority need for their areas, the whole idea of transferring this responsibility to councils will be null and void. That would be totally contrary to the spirit of local government reform.
518. The retention by the Department of powers to allow it to carry out development schemes that are considered to be of significance to the whole or a substantial part of Northern Ireland mirrors an approach taken by the Department of the Environment, whereby it reserved the power to handle planning applications considered to be of regional significance. There are clearly defined rules about what is regionally significant in those circumstances. There seems to be confusion here over what a development scheme is. A development scheme is a statutory amendment to the area plan. It is part of the planning process that allows the Department — and councils, from 2016 — to identify an area that requires significant regeneration and to draw up a comprehensive development scheme to tackle those issues. A development scheme is not necessarily a regeneration scheme or vice versa. Lots of regeneration schemes do not need the use of development powers, which is a specific power. To put that into context, over the last 10 years the Department has pulled together one major, comprehensive development scheme, and that was Victoria Square. This is not something that happens

- on a daily or yearly basis, and in some councils may not happen at all.
519. The next issue was the requirement for councils to come to the Department for approval for the adoption of development schemes and vesting. Leading on from the last point, the vast majority of regeneration work that the Department currently carries out, and which councils will be undertaking from 2016, does not require the use of development scheme or vesting powers. However, we feel that come 2016, in circumstances where a council feels it needs to use those significant and wide-ranging powers, it is appropriate for the Department to have some oversight.
520. The Department has a role in monitoring programmes that are taken forward by councils. The Regeneration Bill confers powers on councils to enable them to carry out regeneration and community development; it does not transfer programmes to councils. It will be up to councils to determine how they use these new powers. As such, it is not intended that the Department will have a formal role in monitoring the councils' delivery of, effectively, their own programmes. What we are saying is that the Department will issue guidance, and has issued guidance already, relating to the carrying out of these responsibilities, and the Local Government Bill provides a range of powers for Departments to intervene if they consider that councils are not doing so properly.
521. The issue of community development and why it is not mentioned specifically in the Bill was raised. I go back to my first point about listing everything that can be covered by the 1986 Order. We did not feel that it was necessary to include community development; the power is in the social need powers that are being transferred to councils under the catch-all clause. If the Committee felt that we needed to mention community development in the clause, we could certainly look at that. One of the respondents suggested that we not only mention community development, but describe in the Bill how councils should go about it. We do not feel that is a role for the legislation.
522. My last point relates to the ring-fencing of budgets. The specific issue of the CIF budget, which is £2 million, was mentioned at the last meeting. Other budgets have been mentioned in the past and the question raised as to why we do not, for example, ring-fence the neighbourhood renewal budget. If the Department required the councils to deliver particular programmes, such as community development, community investment or neighbourhood renewal, in defined ways, or to ring-fence budgets, the purpose of transfer would be seriously undermined. The whole purpose is to give these responsibilities over to councils. They know what their priorities are in their area and how much they should spend on each, and it will be up to them to take them forward in that context and in the wider context of the community planning responsibility, which they will have from 2016.
523. **Mr Allister:** The communication of 3 April also contained the points you made this morning. Is that simply a departmental official response, or was there ministerial input?
524. **Mr McArdle:** There was ministerial endorsement for that.
525. **Mr Allister:** It was signed off by the Minister. I come to this point on clause 1 and your desire to clutch to this catch-all addition. If clause 1(2) provides that the council can do anything not falling within 1(2)(a) to (e) that the council considers will benefit the district, what is the purpose of 1(2)(a) to (e)?
526. **Mr Antony McDaid (Department for Social Development):** To highlight the types of activities that can be done.
527. **Mr Allister:** They are incidental. You are writing into this that the council can do anything, so why trouble yourself with 1(2)(a) to (e)?
528. **Mr McDaid:** I suppose to give a flavour to the type of activity —

529. **Mr Allister:** You are not saying that the interpretation of the catch-all clause is limited by virtue of what is in 1(2)(a) to (e) on a sui generis basis.
530. **Mr McDaid:** No.
531. **Mr Allister:** Really, clause 1(2)(a) to (e) could be obliterated, and the clause would have exactly the same effect.
532. **Mr McArdle:** I think the purpose was to demonstrate the type of things which typically would have been under this. Over the years, the 1986 Order has been used very widely and very successfully for the neighbourhood renewal programme by extending its usage. Those were examples of the type of —
533. **Mr Allister:** Examples, but they do not restrict, and the catch-all in fact supersedes the examples, to the point where you can do anything. I can understand a Department wanting to keep its options open and be able to do anything on a Province-wide basis, but is it not absolute folly to go down the road of giving the power to 11 different councils to adopt 11 different perceptions of what they want to do in terms of being able to do anything? Are you not going to get such a patchwork of approaches that it will be held up to ridicule? You will be able to get support for something in one council, but not in another.
534. **Mr McArdle:** Again, that is the whole purpose of local government reform. The Executive have decided that councils are best placed to decide on these matters. We are conferring the power to do that, and we are conferring the exact powers that we have used in the past, in consultation and in partnership with councils. The councils have been involved in this process all along, so why should they suddenly go off on different tangents?
535. **Mr Allister:** Because hitherto, they have only acted as your agents; now they have the steering wheel. They can take this where they want to take it, and they might take it in 11 different directions.
536. **Mr McArdle:** They might, but that is their prerogative. What we are saying is —
537. **Mr Allister:** You think that is good.
538. **Mr McArdle:** Up to now, the Department has decided where the priorities lay; but in future, councils, in the wider context of community planning, will be able to determine the priorities for their area and determine such use as they will make of these powers.
539. **Mr Allister:** I just want to flesh that out a little more. That means, for example, that one council might decide what social need is by applying the Noble indices, and another might use different criteria. You could have a range of contradictory approaches to the definition of social need across Northern Ireland. Do you think that is sensible?
540. **Mr McArdle:** There are different interpretations of social need at the minute.
541. **Mr Allister:** No, no. Take neighbourhood renewal: it is governed by the Noble principles — the Noble indices. I said “principles”; that is in my mind for another reason. What you are now saying is that councils could go off in all these contradictory directions, really with a blank cheque to spend the money on whatever they want, in whatever manner they want, with no restraint from a tight definition of regeneration as economic or anything else. It is just whatever you think. Do you think that is sensible?
542. **Mr McArdle:** It is the approach the Executive have decided on. The Executive have decided that councils will have responsibilities for these matters in the future. The Executive have decided that councils will be able to determine their priorities for their area, and within that broad context we are conferring powers on councils to take forward regeneration work in their areas. It will be a matter for them to decide. I know that some councils have already decided to take the neighbourhood renewal approach, certainly from the 1 April, but it may well be that the neighbourhood renewal approach is not suitable for other areas, and they may



- determine a different way. It is up to them to justify to their electorate how they deliver this responsibility which has been conferred on them.
543. **Mr Allister:** At the end of all of this, one council, for its own reasons, could decide to funnel an inordinate amount of regeneration money into some pet scheme that it is attracted to, because this legislation allows it to spend money on whatever it likes.
544. **Mr McArdle:** The legislation is —
545. **Mr Allister:** That is just a matter to shrug your shoulders at. So what?
546. **Mr McArdle:** Not necessarily. I go back to my point. The Executive have decided that this responsibility will go to councils. The powers are wide-ranging and have been used very flexibly by the Department in the past, in cooperation and in partnership with councils. Has it been unsuccessful?
547. **Mr Allister:** There is a big difference between a centralised Department having flexibility in its approach and a free-for-all across 11 councils. It is absolute folly.
548. **Mr F McCann:** Chair, I will be brief. I have sympathy with some of the points that Jim raised, especially on the Noble indices. It has near enough been a guide on how you deal with social need and deprivation for many years. I am a bit concerned that 11 councils could run how you deal with social need, deprivation and community development in 11 different ways. Each council may have projects or programmes that it believes may fit into that. It is not only recently; I have always been concerned that there has never been a proper definition of social need or community development. I think that councils have a completely different definition from that which the Department has built up over many years, and probably coalface work through necessity. I am concerned about that. If any council is not seen to be spending the money on dealing with deprivation and social need or is taking it in another direction, does the Department have the power to advise the council that it may be going down the wrong road?
549. **Mr McArdle:** There are powers in the Local Government Act (Northern Ireland) 2014 for Departments to intervene in circumstances where they feel that things are not going right. They are pretty wide-ranging powers. We are starting off on the basis that councils will take this on in a good spirit and deliver regeneration and community development in the way that it was intended, but there are call-in powers and powers for the Department to ask councils to draw up reports or whatever. We are jumping ahead in assuming that this will be a failure. We have to give councils the chance and some credit that they will do this right, bearing in mind that they will have to develop a community plan. Part of that community plan will have to reflect regeneration, community development, tackling deprivation and the priorities for that area. It will then be for councils to determine how they do that and what priority they give to certain things.
550. **Mr F McCann:** I understand what you are saying in that councils dealing with all this is a new proposition and that it will take a while for it to settle in. I would have thought that, given the long experience in DSD of dealing with these issues, there would be a connection to ensure that people get the hang of it. Ian will know what I am talking about in terms of community development. There has been a concern across all councils that the definition that councils have of community development does not necessarily fit with the definition that DSD has built up over many long years of hard practice and hard work in local communities. If that is taken away from it, it will not only have an impact on dealing with that provision of social need but it will move away from that well-worn, practiced position of what most people believe community development is.
551. **Mr Ian Snowden (Department for Social Development):** Yes, the Department has the power to issue guidance to the councils, and the councils will be obliged to have regard to that guidance



- when it is issued. The key piece of guidance will be the urban regeneration and community development policy framework, which was published in 2013. That will be the key piece of strategic guidance that will be issued by the Department. We also intend to follow that up with best practice guidance to advise councils on our experience of what has worked well and what has been effective and the potential pitfalls and lessons that they need to take account of when they are designing their schemes and programmes if they want to do something that diverges from what the Department has undertaken in the past. That will be on the basis of things like the evaluation of the neighbourhood renewal programme or the urban development grant scheme.
552. **Mr Beggs:** Thanks for your presentation. Like others, I have a concern that the whole of clause 1 could be written as “Financial assistance may be provided for anything which the council considers will benefit the district”. It could literally be provided for anything. There appears to be no restriction on that. Tell us how wide-ranging the current powers are. You have indicated that there is great diversity at present. Just what is the extent of the range of powers outside the normal neighbourhood renewal, areas of deprivation or small pockets of deprivation funding? For what other types of activity has the money been used?
553. **Mr Snowden:** This provision, which is now clause 1 of the Bill, is in the Social Need (Northern Ireland) Order 1986. It is used to support environmental improvement and public realm schemes and urban development grant funding for projects. Also, in the past, it has allowed the development of a number of schemes, for example: the community regeneration and improvement special programme (CRISP) projects; the old community economic regeneration (CER) scheme; what used to be called the Londonderry regeneration initiative; Making Belfast Work; and then, latterly, in the past 10 years or so, the neighbourhood renewal programme and the areas at risk schemes. The kinds of projects which we have funded over that period have ranged — if you want to go in alphabetical order — from adult education classes right the way through to youth clubs and youth projects, and a very wide range of things in between. It has covered mostly health, educational, crime prevention or crime-related activities and community development.
554. There are different models about how you approach this. One is that we support community development workers in areas, and their job is to develop schemes and programmes which will meet the needs of those particular locations, and then they source funding from other places to deliver those health projects, youth projects or whatever it might be. A different approach, taken in some of the smaller towns, is to look at actual programmes that might be delivered through health trusts or education and library boards. There are about 360 projects under neighbourhood renewal funding at the minute, covering a whole spectrum of things.
555. **Mr Beggs:** OK. You have indicated that you see a protection existing under the local government powers of the Minister to intervene if he thinks that something inappropriate is happening. Do you accept that it would be very controversial if that were to happen?
556. **Mr Snowden:** It is the kind of power that, you hope, would never have to be used. Yes, it would be quite a significant step to have to take before you get to that point.
557. **Mr Beggs:** Do you also accept that there would be potential for an adverse effect on community relations, if a controlling group on a council decided to use this money for anything which it believed was going to be beneficial to the area? That could be very controversial and have an adverse effect on community relations.
558. **Mr Snowden:** Like every other public authority, the new councils are covered by section 75 of the Northern Ireland

- Act 1998, so they will have to take account of and have due regard for that. Whatever they do will need to be within the framework of the existing law around that kind of equality and good relations activity. So, no public authority has unfettered discretion to do absolutely anything that it wants. That is not to say that lots of things are not controversial, but there is a framework within which they have to operate.
559. **Mr Beggs:** From memory, I believe that the code of conduct has not been adopted. That would have given a degree of protection in the need for qualified majority voting. In its absence, have you considered introducing a qualified majority voting clause, to ensure that the funding would not be used in a controversial fashion?
560. **Mr McDaid:** No.
561. **Mr Snowden:** You would want to be careful not to make an assumption that that would never be agreed by the —
562. **Mr Beggs:** Would you also agree that it might be difficult if you assume that it will be agreed, and it never is agreed, and that there is potentially unfettered use of public funding by small majorities on councils?
563. **Mr Snowden:** Hard cases make bad law. We would not want to get into a situation where we were trying to deal with that now, in the particular circumstances —
564. **Mr Beggs:** Would you not be better dealing with it now, and then it is dealt with, and, if there is a code of conduct, that protection will be doubly reinforced?
565. **Mr Snowden:** There is a distinct risk of having duplicated provisions in different laws, with perhaps confusion and conflict between them. It is something that you would have to take extreme care with in the drafting.
566. **Mr Beggs:** I agree entirely, but there is no current regulation on this. So do you think it would be appropriate at least to consider that, in order that controversial decisions will not be used and significant amounts of ratepayers' money will not be raised and used for controversial projects which could adversely affect community relations and, potentially, require ministerial involvement, again adversely affecting local government relationships? Would it not be better to have a safe —
567. **Mr McDaid:** Who is to determine whether it is a controversial decision or not?
568. **Mr Beggs:** Well, if there were a qualified majority voting requirement, it would ensure that there would be widespread consensus in an area.
569. **Mr McDaid:** Do you think that you should have that provision for every project and programme delivered by councils under this provision? Ian talked about 360 projects, so each one of those would have to go through a process of voting.
570. **Mr Beggs:** Sorry, just to be clear, the code of conduct was to apply to local government decisions. These will be local government decisions, so, if the code of conduct were in place, this would be covered by it and that protection would exist.
571. **Mr Snowden:** Since you raised the issue, I think that we will have to go back and consult with the Office of the Legislative Counsel and take counsel on that particular point and see if it is possible or desirable to consider that and look at it in the context of the whole framework of local government reform legislation.
572. **Mr Beggs:** In the absence of some critical parts of it.
573. **Mrs D Kelly:** Thanks for the presentation. There are a couple of points that I want to pick up on. In relation to urban renewal and neighbourhood regeneration, you are talking primarily about some of the powers being transferred, which are centred in the urban districts. I appreciate that there are areas of crossover between DARD and a lot of our rural villages, which have lost out over a number of years on CRISP. What

- consultation, if any, has there been with your colleagues in DARD in relation to ensuring that our rural areas can benefit from some of the regeneration powers in the budget and the powers around some of the living over the shops initiative, the shop frontages schemes or the environmental improvements?
574. **Mr Snowden:** Just to be clear, the legislation in the Regeneration Bill will allow the councils to operate throughout the entire district. The restriction that the Department has operated under for a number of years relates not to the underlying legislation, which has been transposed into the Regeneration Bill, but the legislation that creates the Department, which specifies our function as being urban regeneration as distinct from rural development, which is DARD's responsibility. Therefore, that is what creates the necessity for us to operate within our remit, which is urban areas. So, the new councils will have the ability to operate in any part of their district in any size of settlement and deliver the kinds of schemes that you have mentioned and which we have done in the past. We have been in contact with DARD in relation to the development of the legislation and the urban regeneration and community development framework and in relation to some of the issues that have been raised during the call for evidence.
575. **Mrs D Kelly:** Further to that, given the budget that the Department would have the ability to transfer with the power, is that budget then ring-fenced for urban regeneration or are we going to be able to say to local councils, "Here is money for regeneration". So, it is going to be spread a bit thinner, if you like. They will have the power but not the budget, or will they then have to look to DARD or European funding for the budget to deliver some of the regeneration projects in rural areas?
576. **Mr Snowden:** They will be able to apply the budget to wherever they want to apply it to. That is a decision to be taken by the members in each new council. DARD's rural development programme is funded by European structural funds, by and large, so it is not something that it is at liberty to delegate or devolve to local government in the same way that we can with our budgets. You are quite right that it will mean that if a council decides to lower the threshold for what is an urban settlement, they will have to spread their money further across a larger number of settlements. We can only disburse the money that we have, so, we are limited to disbursing our own urban regeneration budget.
577. **Mrs D Kelly:** I note that areas at risk are still a defined beneficiary in the scheme. How are those areas defined? It was something that was cobbled together a few years ago very swiftly, and I thought that it was time limited.
578. **Mr Snowden:** They are areas that are in the 11% to 20% band of most disadvantaged super output areas in Northern Ireland, or other communities that are identified around those. Yes, it is a time-limited initiative. Each area was to get two years of support to try to address potential decline in those areas. The Minister has taken a decision to extend, at a reduced level of support, funding for some of those areas during the last year of our activity. An area that might have received about £60,000 last year will get about £30,000, or thereabouts, this year.
579. **Mrs D Kelly:** I have one final question, Chair. It is not so much to do with the Bill but the staffing resource, from the departmental perspective, once the Bill is enacted. What plans are there with regard to moving resources, including staff, to district councils, if any?
580. **Mr Snowden:** I will maybe have to go back to the beginning and explain how this works. Because we are conferring the powers on the council, as opposed to transferring a function, the TUPE regulations do not apply to the staff who are currently engaged in this activity in the Department. So, we have agreed an arrangement with the councils that they will advise us of the number of staff that they expect to require to deliver the function and activity under the new dispensation, and then they will let us

- know how many people they want. We will offer those opportunities amongst the staff that are there currently and, hopefully, fill all of the requirements that way. At this point, we expect that not all of the currently employed staff in the development offices will be transferring to council under that arrangement. So, the rest of the staff will, effectively, become surplus and will be redeployed in other parts of the Civil Service.
581. **Mrs D Kelly:** Chair, perhaps we could see the business case or plans in relation to that. I would be interested in seeing how the scheme is going to work out — not right away, but over time.
582. **Mr Snowden:** The details of the scheme have already been worked up, and they have been forwarded to the councils. We can provide that to the Committee if it is interested.
583. **Mrs D Kelly:** I think that would be useful, Chair.
584. **The Chairperson (Mr Maskey):** I have a couple of points, just to recap. On the last point that Dolores raised — we raised it before at previous sessions — you are saying that most of the rural end of things, such as the DARD funds, for example, are ESF. They cannot be transferred. Is that right?
585. **Mr Snowden:** They are European funds, but not necessarily ESF. If it is still called the same thing, it is the European agricultural guidance and guarantee fund.
586. **The Chairperson (Mr Maskey):** Your paper states that, unlike the DSD programme, DARD's rural development programme is funded by European structural funds.
587. **Mr Snowden:** You are thinking of the European social fund; that is the ESF. "Structural funds" is the generic term.
588. **The Chairperson (Mr Maskey):** Sorry. DARD cannot transfer that over, but clearly DARD has to be a key component of the community planning process, so all of that has to be taken into account. There needs to be a joining up
- so that we are not running two parallel processes with possible duplication. That would not make sense.
589. I go back to monitoring and what would be required to be monitored, an issue that was raised by a number of members. We are saying that we are transferring a function over to local government and we are not going to tell them how to do it. Paragraph 2 of your papers tells us that you do not intend to monitor but, ultimately, the Department has the power to require reports and so on. At what point would you know that you might want to require a report, when you do not monitor?
590. You made the point about powers being transferred. On the face of it, it seems that people can, more or less, do as they choose, council area by council area, but that is all still within a framework of local government powers, equality legislation, community planning provisions, call-in measures and councils having to have due regard to guidelines, and so on. So, there is a framework. I say this respectfully: I do not think you acquitted yourself very well in the earlier part of the session in outlining that. There is a framework; it is not the case that councils can do whatever they like. I think there is more protection than that. However, it may not be enough, and I have concerns around that. Will you elaborate on that, because I think it was left as if councils can, more or less, do whatever they wish. I do not think anyone would want that. Even if the provisions do not go far enough, I do not think they are as laissez-faire as it might have appeared.
591. **Mr Snowden:** The response was drafted in the context of the kinds of comments that were made during the evidence session. It was suggested that we needed to monitor the activity of the councils — in other words, monitor how they are carrying out their functions, how they spend their money, and so forth. If we get into that, it raises the question, "Why do you bother transferring the responsibility of the powers at all?". So, we are not proposing to have any kind of activity-monitoring where we

will be checking or auditing what the councils get up to. However, we are looking at putting into place some kind of framework to monitor outcomes that the councils achieve and deliver, so that we will be able to monitor how things are progressing in town centres or in disadvantaged areas. The use of the oversight powers would have to be related to what kind of outcomes are being achieved by councils. So, if a local authority is completely failing to address any of the issues that are emerging in their area, and the outcomes are showing a downward trend against what we would expect, you might want to look at whether you need to step in or to offer advice, guidance, support or assistance.

592. **The Chairperson (Mr Maskey):** OK. No other members have indicated that they wish to speak. If you are happy to do so, we will leave it at that. Thank you very much.
593. I thank you again. No doubt, we will have an exchange with you again.
594. **Ms Moffett:** Thank you for the opportunity.



# 23 April 2015

## Members present for all or part of the proceedings:

Mr Alex Maskey (Chairperson)  
 Mr Jim Allister  
 Mr Roy Beggs  
 Ms Paula Bradley  
 Mr Gregory Campbell  
 Mr Stewart Dickson  
 Mr Fra McCann  
 Mr Gary Middleton  
 Mr Sammy Wilson

## Witnesses:

Mr Henry McArdle	<i>Department for</i>
Mr Antony McDaid	<i>Social Development</i>
Mr Ian Snowden	

595. **The Chairperson (Mr Maskey):** I welcome Henry McArdle, Ian Snowden and Antony McDaid. Thank you for your continued support to the Committee in its deliberations on the matter. The Department has provided a response to queries raised at last week's meeting regarding the staff transfer scheme and consideration of the qualified majority voting clause. Members will find a table of responses and so on in their Bill folder or electronic pack. I invite Henry and his team to make their presentation.

596. **Mr Henry McArdle (Department for Social Development):** Following on from last week's meeting, the Committee wrote to the Department on a number of issues and, as you said, in the briefing, we provided a response on the staff transfer scheme and on the qualified majority issue. As you will see, we have explained the issue, and we also said at the end that the Minister wants to take time to consider that issue further before coming back to the Committee with a response in due course.

597. **The Chairperson (Mr Maskey):** Is it possible to have that by next Tuesday?

598. **Mr McArdle:** I do not know.

599. **The Chairperson (Mr Maskey):** I just want to make a general point, then, before you start. Clearly, we are taking your opinions, and your responses will be very helpful. Next Tuesday, we will go through the informal clause-by-clause scrutiny and then, hopefully, the formal clause-by-clause scrutiny on Thursday, which will complete our Committee Stage. Clearly, issues have been raised in respect of which the Committee, or, hopefully, the Department, may want to make amendments. I am just trying to expedite people's concerns. If you are indicating that the Minister wants to look at certain things, that is very helpful, because it lets us know that they are still in the mix for further development. But it means, then, that people may wish to be thinking of amendments for next week. Maybe, if needs be, we could stop short of a formal amendment but make a report or a recommendation to the Minister, or advise the Minister that we would like to see something developed further. Is that right?

600. **Mr McArdle:** Yes, that is fine.

601. **The Chairperson (Mr Maskey):** I am trying to get the mind of the Committee. People may be minded to make amendments, but those amendments may not be necessary if the Minister is going to develop something further. Henry, thank you; go ahead.

602. **Mr McArdle:** I do not know what way you want to play this, Chair. We have produced a number of tables in relation to the comments that have been received as part of the Committee's call for evidence. We have produced two tables: a clause-by-clause scrutiny table and a general comments table. There are a significant number of issues, but there is a lot of repetition. Respondee raised similar issues. It is a very detailed summary. Would it be appropriate for the Committee to pick out issues and ask us about them

- rather than me going through it in a laborious way? It is up to the Chair.
603. **The Chairperson (Mr Maskey):** That is helpful. Members had a number of key areas of concern, and we have had some addressed. There were concerns around the definition of “social need” for instance. Say, for example, you want to transfer a function to local government. You have 11 councils. Do you want to transfer those functions to local government so that it can tailor functions and use the funding in a way that maybe best meets the needs of their area? Some people have suggested that the downside of that is that it could leave you accepting 11 entirely different models. That may or may not be right. Notwithstanding the theoretical view that the councils can do whatever they wish — those were somebody else’s words, not mine — you identified that there is a framework within which people have to work, not least the Local Government Order, the Social Need Order, community planning processes and call-ins. You might want to elaborate on that, because there was concern that, when you transfer the functions, the good intentions might falter, area by area. Can you give some satisfaction around that? There is a framework within which people have to discharge their function.
604. **Mr McArdle:** Yes. For completeness, in response to the Committee, I included a note of the framework under which councils will operate. That is at appendix 3 of my response on 22 April. It sets out a very detailed framework in which councils will have to deliver these responsibilities post-2016. The first part of it is guidance to the Department, which councils will have to have regard to. That includes the urban regeneration and community development policy framework. That document sets out the key themes that people want to see tackled. They are required to tackle the area-based deprivation, strengthen the competitiveness of towns and cities, improve linkages between areas of need and areas of opportunity, and develop more cohesive and engaged communities.
605. The policy framework is only the start of the process guidance, but, obviously, we will be developing further guidance as the process goes through. That guidance will be developed in consultation with councils. There is a requirement for councils to have regard to that and to show that they have had regard for it as they have taken the decisions.
606. Councils will also have to operate within the community planning framework. The role of the councils is to bring forward all the functions that are going to them into one cohesive plan. That will reflect the needs and the social needs in the area.
607. The Local Government Act (Northern Ireland) 2014 has a significant number of powers through which Departments can intervene in circumstances where they feel the functions or responsibilities are not being properly delivered. As I said at the last meeting, that is something that you would not want to be predicting at the start of the process, but it is there as a safeguard at the end of the process if things are not going right. You can request reports from councils, carry out investigations and inquiries concerning the administration of any transferred function and, if you are not satisfied, make an order requiring the council to get involved. You can direct that they take remedial action. Should the council fail to respond, the Department can intervene directly or procure alternative services.
608. Any financial assistance provided by a council is subject to scrutiny by the Local Government Auditor. Councils are also required, as are Government Departments, to adhere to section 75 of the Northern Ireland Act in relation to promotion of equality of opportunity and good relations. They also have to follow the code of conduct, which was approved by the Assembly on 27 May 2014 and sets out the rules that councils will have to follow. It also sets out the sanctions that can be applied by the commissioner if they decide that



- the person has failed to comply with the code.
609. That is a fairly substantial framework of controls, if you want to call them controls, that councils have to operate under. That said, there is still flexibility for councils to make their own decisions, but, again, we go back to what the Executive decided, which was that councils are now in a position to take on these responsibilities and are best placed to make these decisions and judgements for themselves. That is the framework.
610. **The Chairperson (Mr Maskey):** We do not need to be debating all those things today. What we are looking for is to get the explanations and further information that we need that will allow us to return to these things.
611. **Mr Wilson:** There are three areas I want to talk about. First, the definition of “social need”. In your note, and in your explanation, you said that the definition can be fairly wide. It might be applied in different ways at different times. It might be used in education, for free school meals or as a result of the various indices. Given that “social need” is so loosely defined in the Regeneration Bill, do we actually need to have “social need” mentioned in it at all? There are two ways you can go: you can tighten the definition, or you can simply say that this is a Regeneration Bill and, if a council identifies that regenerating an area will be good for the council area, they should make a decision on the basis of where they see action being effective. Is the halfway house that you currently have of use to anybody?
612. **Mr McArdle:** The history of it is that it is reflecting what the Department has done on this over the last number of years.
613. **Mr Wilson:** Yes, but just because —
614. **Mr McArdle:** I understand that, but it is reflecting what was in that Bill, transposing it and saying that those powers are now conferred upon councils as well. Rather than changing those powers, we are saying that we will confer what we have, which has worked successfully for the Department, on councils. I take your point that there is a catch-all in there, which is that councils can do anything if they feel it is for the benefit of the area and affects the social need of the area.
615. **Mr Wilson:** If you look at the history of regeneration, back from when I first started on Belfast City Council and you had to ban areas, you see that some of the same places that are getting action taken on them now were getting action taken on them in 1981. You could argue about whether or not that kind of policy has been effective.
616. Either you have a tight definition of “social need”, which targets money to particular areas — I believe that is probably not the best way forward — or else you simply say, “You have got the power of regeneration; now you decide where you want to have regeneration”. Given the looseness of the definition, do we actually need the term “social need” in this legislation at all?
617. **Mr McArdle:** If you tighten the definition, you are effectively transferring the responsibility to councils and tying their hands. The other option would be to say, “It’s over to you, councils. You determine where the social needs are and you” —
618. **Mr Wilson:** So why put any tie on their hands? Why not just say, “You have a power to regenerate your area and you have the choices to make about where that regeneration is done”?
619. **Mr McArdle:** Obviously, the Minister has decided to do it this way. He has decided to confer the powers that we have to councils and to let them operate under the same flexibilities that the Department was able to operate under.
620. **Mr Wilson:** Is the social need reference not just paying lip service to what people believe is acceptable? What you are really saying is that it does not have any effect anyway, does it? A council can choose whatever areas it wishes to regenerate.
621. **Mr McArdle:** Yes, as I said at the last meeting, the reason why those

- examples were put in was just for that purpose: to give councils an idea of the things that could be supported under “social need”. You are right that there is a catch-all in there that says that councils can make their own decisions. We explained that the list of the types of things has evolved over the years. The things that the Department has supported have evolved over the years as time has moved on and as social need has changed.
622. **Mr Wilson:** On the powers to monitor councils, you said that you do not wish to move in and act quickly against councils. In what circumstances would DSD step in? You said it would step in where they are not delivering their functions or whatever, but can you give me a practical example?
623. **Mr McArdle:** It is hard to predict the future. I cannot really say. The fact is that we are proposing to confer these powers on councils in good faith because we think that now is the time that local government can deliver these responsibilities. The Executive have agreed that. We want to give councils the opportunity to do it the way we have been doing it, but obviously there are these call-in powers further down the line in case things go wrong. I cannot predict what the circumstances might be.
624. **Mr Wilson:** You have two areas where regeneration is going to be kept within the Department. First, there is the monitoring function. Secondly, there is the function where you produce your own development plans if you think that it is appropriate for the Department to do so and, consequent to that, the delivery of those plans. Can you describe the circumstances — it is a substantial part of the Bill — in which the Department will step in and say, “OK, it is not that we are saying that the council isn’t doing the thing. We are simply going to take over the responsibility of drawing up a development plan and delivering it”?
625. **Mr McArdle:** It sort of mirrors the approach in planning where the Department has reserved the power to decide on planning applications that are considered to be regionally significant. When we were drafting this Bill, we thought that that would be appropriate. If we get the circumstances in the future where something is considered to be of significance to the whole of Northern Ireland, or a substantial part of Northern Ireland, and a council is not best placed or in a position to take it forward, or does not want to take it forward, but the Department, the Minister or the Executive say that it is so important that it needs to be taken forward, the power has been kept within the Department to make a development scheme of that nature.
626. As I also explained, development schemes are very few and far between. We as a Department have taken forward one development scheme in the last 10 years, and that was Victoria Square. Whether something of that scale would be considered to be regionally significant or not in the future I do not know, but that is the sort of level of involvement that the Department envisaged with development schemes. They will be few and far between.
627. **Mr Wilson:** Will the Department have a budget set aside for this?
628. **Mr McArdle:** No.
629. **Mr Wilson:** So, it will be no better off than a council will be for resources.
630. **Mr McArdle:** It will probably be an issue at the time to ask whether there will be resources available somewhere.
631. **Mr Wilson:** As far as the monitoring is concerned, you are saying that it is going to be fairly limited, and the intervention is going to be fairly limited. How many people will be retained in the Department as part of the regeneration team?
632. **Mr Ian Snowden (Department for Social Development):** All the posts that are currently engaged in delivering regeneration in development offices will be gone as a result of the transfer. That is unless there is a specific area of work where the Minister decides he wants the Department to retain a lead function. At this point, nobody will be retained to carry these out.

633. **Mr Wilson:** So, you have no staff to do the monitoring or the special development plans, where they are regionally significant —
634. **Mr Snowden:** I just referred to the development offices that actually deliver the work in the towns, villages or cities that we work in. There is another group of staff who work in the centre of the Department and monitor the budgets, the expenditure and the finance. At the minute, what is being proposed is that any new relationship that we have with local government will be resourced with the staff who had previously been managing those central finance and policy functions in relation to delivery work and regeneration. No additional posts would be created. We are trying to do it within the resources that are available and meet the requirement to actually reduce our headcount.
635. **Mr Wilson:** You are saying that the regeneration functions that you are retaining for the Department through the Bill have little or no resource implication for things like staff and money.
636. **Mr Snowden:** No. The circumstances in which to take forward the development of a scheme of regional significance are that a specific case would have to be made for that and resources allocated towards it if the Department was going to take on something of that nature or scale. It is not really that much different from the current situation. When the Victoria Square scheme was being taken forward, a special team had to be created and resourced in the Department to do that.
637. **Mr Wilson:** That is all that I wanted to ask.
638. **Mr Dickson:** Thank you for coming to us this morning with all this. In the guidance that you set out at appendix 3, one of the bullet points refers to improving linkages between areas of need and areas of opportunity. Can you explain how that would be managed by two councils back to back? In other words, where the area of need is in council A and the area of opportunity is in council

B. I can think of numerous communities that sit on either side of that line between local authorities back to back. How will that be managed and what duty will there be on councils to collaborate? Obviously, the council of opportunity may feel that it has the opportunity and wants to develop it into its council area rather than across a boundary into another council area. Can you explain how you will manage and monitor that and, indeed, how the Bill caters for those areas of need that back onto areas of opportunity across boundaries?

639. I have a question on staff to ask you as well.
640. **Mr Snowden:** That objective in the framework was developed as part of an analysis which identified that, quite often, in cities and towns, you have disadvantaged communities in neighbourhood renewal areas and then you could have quite prosperous town centres. One case in particular is Ballymena. It has a thriving town centre. Then, there are disadvantaged communities around it which appear to be disconnected from it. The situation is worse, to some extent, in Belfast, where there are areas of the city where people will tell you that they very rarely visit the city centre or would not choose to go to work in another part of the city because it would involve, for example, crossing an interface. The idea behind this objective was to make sure that urban regeneration activities actually deal with that kind of problem, because not all needs can be dealt with in very defined local geographical spaces.
641. The other question was about those linkages being across council boundaries. Those will largely be around Belfast and the greater Belfast area, where you are dealing with, for example, Lisburn and Castlereagh, and Antrim and Newtownabbey, where urban areas will abut onto the boundary of Belfast City Council.
642. **Mr Dickson:** Antrim and Newtownabbey, and Mid and East Antrim.

643. **Mr Snowden:** Yes. What we hope to see is councils collaborating and agreeing on how they will deal with those issues. To go back to Mr Wilson's point: this is one of those areas where we would try to keep some degree of oversight of councils and what they are attempting to do. We have not written into the legislation any obligation on them to do that. However, there is a duty for them to have regard to the framework in the exercise of their functions. Essentially, in legislation, what having regard means is that councils are obliged to think about it, consider the issue and weigh it up along with all the other relevant considerations that they have to take into account. They may well decide after that consideration that they do not see any need to or there is no priority in that kind of issue. That is the kind of issue that we will want to have a look at to see how they are operating in practice.
644. **Mr Dickson:** Again, it is a matter of who brokers those deals. If it is quite obvious that a council has come up with a view that it does not need to do something or that it does need to do something that is detrimental to another area, and it has rationalised that, but to the rest of the world, it does not seem to be a rational decision, who will arbitrate or intercede at that point?
645. **Mr Snowden:** Ultimately, it is the Department and the Minister who have policy responsibility. If they feel that the councils are not adequately addressing the policy objectives, the Department would seek to intervene or the Minister would want to try to broker some kind of arrangement.
646. **Mr Dickson:** Can you point to where in the legislation would give you the power to do that?
647. **Mr Snowden:** One specific issue would be the power to direct a council to make a development scheme.
648. **Mr Dickson:** But that is a very high-level direction. I am thinking of something more specific.
649. **Mr Snowden:** The framework, which was set up by the Local Government

Act, will allow us to look at whether or not a council has delivered against its obligations.

650. **Mr Dickson:** My concern, and it may be the concern of other members, is that, so often in legislation, we see obligations on people to do x, y, and z — health is as good an example as any — set by other bodies, and the relationship between other bodies and central government, but the reality is that the legislation is either so weak or so vague that you cannot get any action. My fear is that, if the wheels fall off or it is clear that something is moving in the wrong direction, it is very difficult to get action to bring things back on stream again. That is my concern: the legislation is weak in terms of actually being able to direct.
651. **Mr Snowden:** It is a difficult balance to try to strike in the legislation. On the one hand, I understand the point that you are making. You do not want to see a situation where something that really needs to be done is not being done, and there is no mechanism by which you can make it happen. Similarly, and on the other hand, you would not want a situation in which the central Department had too much ability to interfere in the actions of local government and decisions that are rightfully the place of local government. It is an attempt to find the right level of balance between allowing the autonomy of the councils to make their own decisions through local democracy and giving them sufficient oversight and guidance to make beneficial things happen.
652. **Mr Dickson:** Mr Wilson raised the point about staff, and you explained that staff in the local offices would transfer to local government. Surely —
653. **Mr Snowden:** Sorry, just to correct that point: the number that will transfer to local government is dependent on the number that local government says it requires. Some will transfer, but not all.
654. **Mr Dickson:** But those who leave and the function that is being transferred will necessitate a reduction in the central support that is currently being



- given. I understand what you are saying about the need to retain a resource to manage the outcomes of the Bill, but, nevertheless, surely there has to be fewer people centrally because there is less of a central function to administer.
655. **Mr Snowden:** I hope I do not bore you with the detail of it too much. We have a number of staff in our resource management unit. Their job is to monitor and manage the payments that are made. When the Department loses the responsibility to fund individual projects, obviously, that degree of activity will reduce substantially. It will not cease completely, because we will still make some payments to larger organisations through the voluntary and community unit, but it will be a much reduced level of activity. There is a policy unit called the neighbourhood renewal unit that will no longer be required, because we will no longer be delivering neighbourhood renewal. There are possibly reduced requirements for other branches, depending on how the relationship with local government develops. We have a policy unit, for example, on urban policy, which we would need to have a look at, and, clearly, the team that has been set up to look after the reform of local government will no longer be required.
656. **Mr Dickson:** In relation to that policy need for development, those policies have been produced in the past and they drive what you do at the moment. To what extent will those policies be transferred to local government? What obligations will there be on local government to pick up those policies, or will they develop their own policies?
657. **Mr Snowden:** It is not quite as straightforward as that. There are very few actual policies covering regeneration activity. What we have are strategies that set out how the Department chooses to exercise its powers. The neighbourhood renewal strategy is not so much a policy document as a strategy that sets out how we intend to approach tackling deprivation.
658. **Mr Dickson:** OK, but the same principle applies. You have a strategy. Do those strategies transfer to local government, and are they obliged to take them on as strategies?
659. **Mr Snowden:** No, they are not.
660. **Mr Dickson:** That is a matter of some concern.
661. **Mr Campbell:** On the issue of the Department monitoring post the Regeneration Bill, you said that the Department was considering the options for how best to use the oversight powers provided by the Act. Obviously I do not want to second-guess what that might be, but what are the likely options? A couple of months or years after the introduction of the legislation, there will be varying degrees of success, you would imagine, but some might be very good examples and others not so good. Are you looking at monitoring best practice so that the more successful are replicated elsewhere? What is that range of options?
662. **Mr Snowden:** The options for the approach that we will take will range from a very light touch, where we just seek information from the councils and review it, right the way through to actually studying and doing evaluations of the work that councils were undertaking. If you want to follow that through to what you would want to do and when you might want to intervene, try to think through how you would have responded, in the framework where local government has responsibility for regeneration, to the difficulties that were faced by town centres in about 2009-2010. In the past five years or so, there has been an active programme of work in town centres, delivered by the Department with public realm schemes, revitalisation projects, urban development grants and so forth. The Minister would be under some degree of scrutiny about what was being done to address the needs of town centres in that scenario. Our role as a Department in that situation would have to be to see whether councils were taking any realistic or robust action to deal with that issue. If a council was choosing to do absolutely nothing and letting its

- town centres decline, that might be a situation in which the Department would say, “You’ve got to try to take this issue on and deal with it effectively, because you’re not dealing with the regeneration requirements of your own area”.
663. It is difficult to think of the precise situation in which you would want to get into that. You are always thinking in hypotheticals and how bad a situation needed to be before you would want to intervene, and how proactive you would want to be. There are a range of options, but clearly we want to have a productive and positive relationship with local government.
664. **Mr Campbell:** I understand that you are painting a fairly stark picture of one or more councils where virtually nothing was being done. That is fairly clear. A more likely scenario is a number of councils being quite successful and a number of others less so, but not to the point that they are doing nothing — just less successful. Is the Department’s thinking that you will just let the market feed that, in that less successful councils will hopefully see that the more successful ones are working and ask themselves what they can do, or is it going to be a more proactive approach by saying that councils a, b and c have worked well and the Regeneration Bill has produced benefits, and therefore you are going to intervene to ensure that the other councils are replicating that? Where do the options lie realistically?
665. **Mr Snowden:** We could just let them get on with it and let them each choose —
666. **Mr Campbell:** Or not get on with it.
667. **Mr Snowden:** — or not get on with it, and let them each choose to take whatever approach they see as most suitable. The alternative might be somewhere in between and have some kind of support system or unit in the Department that would look at examples of best practice and, for example, organise seminars and disseminate information about evaluations and what worked well and what has not, and try to spread the learning of good projects.
- That would have to be resourced to be able to do that. It would not be a large unit, I would imagine, but there would be to be a fairly proactive and sustained level of activity to achieve that. Going beyond that, you would have to be into a more intensive regime of monitoring and scrutinising the activities of individual councils. That may well be well beyond what we would actually want to have by way of a relationship.
668. **Mr Campbell:** OK, fair enough.
669. **Mr F McCann:** Last week, I raised some of the issues that were raised around the definition of “need” and the councils that may not move ahead in dealing with need. I accept what you have said this morning; hopefully there are regulations that allow you to tackle that.
670. The Bill started its life as the Regeneration and Housing Bill. The housing element was removed, but I notice that in the Bill there are still references to housing. Under what circumstances will councils be allowed to develop private, social or affordable housing?
671. **Mr Snowden:** There is a reference in clause 1 to development of housing. That is in relation to the new urban development grants. It allows an urban development grant to be given to a property developer in order to allow a plot which includes an element of residential property, not just commercial. That would not be social housing so much as a grant to encourage or promote the regeneration of a derelict site or property. In the production and promotion of development schemes, it will be possible to have an element of residential development; in fact, most of them do. For example, Victoria Square has quite a large number of apartments in it. In this sense, “housing” is not social housing. It is in relation to allowing residential development to be a component part of a development scheme or a regeneration project. We sometimes include an obligation to provide a certain number of social housing units in a development scheme, if that meets a particular social need or



- requirement in that area. It will be up to the councils to do that as well, although it does not give the councils any power to be social landlords, or to develop social housing in that sense.
672. **Mr McArdle:** We have also added an extra bit to the start of that bit on financial assistance, to the effect that provision of housing requires the approval of the Department. That is a sort of safeguard to ensure that people do not run away off and do things that are contrary to housing policy or whatever. There is that safeguard built into the social need part.
673. **Mr Beggs:** One of the ideas behind devolving more powers to local government has been to avoid the duplication that happens with a range of agencies at present. I am looking at the regeneration of our smaller villages and towns. I see, in a letter that you wrote to us on 3 April, that DARD is not transferring any of its rural and social inclusion budget. How do you see those two methods of assisting rural communities operating in a joined-up and efficient fashion? I am just trying to understand why it has not all been brought together under local government.
674. **Mr Snowden:** The decision on the DARD element of that — the rural development programme — is really one for that Department to advise you on the rationale for its position. We expect to see, and DARD officials have advised us to this extent, that quite a large proportion of the rural development programme will be devolved to local government to deliver, so the mechanism by which these things will be joined up is through delivery by local government. The new councils will have the urban regeneration powers, functions and budgets, and they will also be given the responsibility for delivering rural development in their areas. I hope and expect that the councils will be capable of making sure that those things are joined together effectively in their areas.
675. **Mr Beggs:** Do you see that as being the most efficient manner? Perhaps it might be, if you are not going to have a central regeneration unit after the transfer happens. Do you see that as being a reasonably efficient manner?
676. **Mr Snowden:** It is the rationale behind the local government reform that these decisions are best taken at a local level, as opposed to applying a one-size-fits-all approach across the whole Province.
677. **Mr Beggs:** What about the community investment fund? What role will the Department play in the future? Will this be entirely in the hands of local government, for it to react to local needs, be aware of where that need is at a local level and prioritise it, perhaps on a more timely basis than before? Will there be any other departmental role? Will it all sit with local government?
678. **Mr Snowden:** It will sit with local government to make those decisions. The community investment fund is a funding stream or programme that the Department has operated to this point. A number of projects and organisations are supported through it. If the councils see that there is value to those organisations and projects in their areas, no doubt they will continue to support them.
679. **Mr Beggs:** Can we have a list of those organisations? Some of them may operate, for instance, on a regional level, at which individual councils may not be able to work together with them. Are there some regional operations in terms of the current funding?
680. **Mr Snowden:** No, the community investment fund projects are local ones. There is a regional support programme, which looks at regional level organisations and funds those separately. That is not part of the transferring function.
681. **Mr Beggs:** So that stays with the Department?
682. **Mr Snowden:** Yes.
683. **Mr Beggs:** Has the overall budget for this been declining in the past year, or is it projected to stay at the same level?
684. **Mr Snowden:** The reduction has been applied to the Department's budget

- across the board, so the amount of money that is available to transfer to local government has been reduced also. It is less this year than it was last year.
685. **Mr Beggs:** You seem to have placed quite a bit of emphasis on the regeneration and community development policy framework as guidance for local government. When was that last updated, and how current is it?
686. **Mr Snowden:** It was published less than two years ago.
687. **The Chairperson (Mr Maskey):** Following on from that, in terms of the linkages between DARD and DSD and the different policies and functions that are being discharged by the Departments, and DSD functions being transferred to local government, we were told recently, if I remember correctly, that DARD cannot transfer ESF funds, for example; it could not or would not be able to do it. A moment ago, Ian, you said that funds would be transferred from DARD, as well, to local councils. I would be more content if I understood that there was some clear linkage because, clearly, both Departments have a responsibility to discharge Executive commitments around tackling disadvantage. This is a policy function that transfers and should transfer across to both Departments. I am not trying to rewrite the script about what is transferred. That is all agreed, but this is about how we do it. How do we make sure that there is a proper linkage? Similar functions are being discharged by DARD in rural communities as by DSD in urban communities, when they are transferred to local government. Most of us would like to see that work better.
688. **Mr Snowden:** That would be, I suppose, a question of ensuring that there is proper, joined-up working between the Department of Communities, as it will be by the time this is transferred, and the Department of Agriculture and Rural Development after the transfer takes place, and ensuring that there are connections and linkages between those Departments and their policy and their approach to make sure that these things are joined up. There has been some work around that, but I would not disagree that it could have been improved. It is always a question of resources when we are looking at operational issues. DSD has never really had the level of financial or staff resources to allow it to take a role in smaller settlements than we ones that we currently operate in.
689. **Mr McArdle:** From April 2016, councils will also have responsibility for community planning and Departments, including DARD, will have a responsibility to be in that process. You would have thought that, as we go forward, that will be the mechanism whereby you would have better coordination at a local level between the DARD funding and the DSD funding as it was, which will now be council funding.
690. **The Chairperson (Mr Maskey):** I understand that, but for me it is about trying to capture this from both sides, not only from the point of view of the community planning process but also the Executive responsibilities that Departments have to discharge. OK, fair enough.
691. **Mr Allister:** I want to go back to the first point that Sammy Wilson raised because I share the puzzlement as to the fixation with social need in this legislation. To go a bit further, this is a Regeneration Bill, so why is it simply a lift of the Social Need (Northern Ireland) Order 1986 in all its language, which has been deposited into a Bill that we now call a Regeneration Bill? Why is it not more focused on what its title purports to produce?
692. **Mr Snowden:** Regeneration is a difficult thing to define —
693. **Mr Allister:** No more difficult than social need.
694. **Mr Snowden:** — and consequently it means a number of different things to different people. There are different aspects to the regeneration work that the Department has undertaken over

- the years. That has included physical regeneration — things such as Victoria Square and urban development grants and so forth — through to what might be termed social regeneration, where you attempt to deal with some of the underlying social problems that create and perpetuate disadvantage and deprivation. The range of powers that we have covered here is a transposition of the legislation; you have identified that, and that is correct. It is to try to encompass the full range of physical and social regeneration activity that the Department currently delivers.
695. **Mr Allister:** But if it is a Regeneration Bill, would it not just be sensible to have clause 1 expressly say that — that the council can do that which is required to promote economic regeneration in its district? Yes, maybe use your examples of (a) to (e), but is that not the essence of what this is meant to be about?
696. **Mr Snowden:** As I just said, regeneration can cover a broader range of issues than simply economic or physical redevelopment. It could cover a range of other social factors, and your proposed wording would remove the opportunities for the councils to do that.
697. **Mr Allister:** What would we lose if we did that?
698. **Mr Snowden:** Any opportunity to deal with any kind of health or education issues, unless they could be directly linked to some sort of economic development.
699. **Mr Allister:** Look at (d) — the provision of social or community facilities. What would you lose then?
700. **Mr Snowden:** “Facilities” implies actual bricks and mortar — buildings, as opposed to programmes. It would prevent any of the revenue projects that are currently being funded. I know that there are always going to be differences of opinion about the value of some of them, but if you remove the opportunity to do any of the kind of work that we have done over a number of years, you will lose some opportunities that have been very valuable to improve areas.
701. **Mr Allister:** But then you are very much getting down the road of one of the 11 councils choosing to be very adventurous on the social side of things and others not, and there would be disparity across the Province on what is actually done.
702. **Mr Snowden:** The other side of that is that I have been in this line of work for the best part of 20 years, and the continual refrain that I have heard is that we have attempted to create one-size-fits-all solutions and apply programmes that are designed to meet one set of circumstances to areas that do not really suit them. Part of the logic and the rationale of local government reform is to try to relieve some of those tensions so that you can devise a programme in Ballymena or Coleraine without having reference to what is taking place in Omagh or Newry. The idea is that you can develop a scheme that meets the circumstances of your own particular location.
703. **Mr Allister:** The starting point has to be to set the parameters. That is the starting point in all of this. You just want a blank canvas.
704. **Mr Snowden:** It is not a completely blank canvas, but you have to allow innovation to take place and you have to allow development to be responded to effectively. We have attempted to create a framework in which there is no particular definition of social need or regeneration, to allow councils to come up with new solutions to the problems that they might face in the future and things that we may not, at this point, be able to predict.
705. **Mr Allister:** Another area that puzzles me considerably is this: if you are devolving these functions to the councils, and you are disbanding your staff that presently administers them in the Department, why are we keeping the 1986 Order at all?
706. **Mr Snowden:** Because there are some parts of the Department that currently make grants which will still continue to make grants. I mentioned

- in relation to Mr Beggs's question that there are regional organisations which will continue to be funded by the Department under that Order.
707. **Mr Allister:** Under the 1986 Order?
708. **Mr Snowden:** Yes.
709. **Mr Allister:** You have the powers at clause 13 that give you the opportunity to come in on a regional basis to do a scheme. Is that right?
710. **Mr Snowden:** That is specifically one set of circumstances. That is a development scheme, which is a statutory amendment to an area plan. That is one very particular type of activity.
711. **Mr McArdle:** That power would not give you the power to give a grant to an organisation, and we currently fund some centrally based or Northern Ireland-wide organisations through the 1986 Order, like the Citizens Advice Bureaux and —
712. **Mr Snowden:** It used to be called the Northern Ireland Voluntary Trust, but it has changed its name. It is organisations of that level.
713. **Mr Allister:** So you do not anticipate that the local citizens advice bureau will be funded by the council.
714. **Mr Snowden:** Locally, some of them are, yes. Local grants are given to them, but there is also the regional structure of the advice services that we support. We can provide a list of the organisations supported under the programme, if you want.
715. **Mr Allister:** It would be useful to see it. It would be interesting to see if there is duplication already.
716. **Mr Snowden:** Mr Toner will be able to advise more accurately on that. The organisations that are funded through the regional support programme very much have a Northern Ireland-wide remit rather than a local delivery remit.
717. **Mr Allister:** There is one other issue. We are all aware of the debacle over McCreesh Park and the naming of that play park. Is there any reason why this legislation could not include a clause that would prevent any funded project from being named in that fashion?
718. **Mr Snowden:** There is no reason why it could not be included. However, it would only apply to the use of the powers in this particular legislation, so it would not prevent any local authority —
719. **Mr Allister:** No, but any project that it funds under this could be ring-fenced in that way.
720. **Mr Snowden:** It could be, yes.
721. **Mr Allister:** I have a final question. TUPE surely applies to the staff who are moving to councils.
722. **Mr Snowden:** It is because we are conferring powers on a local authority rather than transferring —
723. **Mr Allister:** I refer you to an answer that I got this week from the Finance Minister. I asked him whether the TUPE arrangements apply to Northern Ireland Civil Service staff whose functions are transferring to local government under local government reform. The answer states:
- "The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) apply and exist to protect the contractual terms and conditions of Northern Ireland Civil Service staff affected by local government reform."*
724. **Mr Snowden:** If the functions transfer, TUPE does apply. It has applied to the Planning Service staff who will transfer, and, under the functions relating to Laganside contained in our Bill, a member of staff who is employed to deliver that function will transfer to Belfast City Council under TUPE. However, the issue is that the rest of the Bill relates to the conferral of powers on the council as opposed to a transfer of functions. That is because our legislation is permissive. You will see all the way through the Bill that it says that the council or the Department "may", and so on. We are not under any obligation to do any particular thing in any particular way. Unlike with the planning framework, there



- is not a system of policy statements that underpins the application of the legislation.
725. Consequently, the legal advice that we got is that there is not a discrete economic function or economic activity as a function that can be transferred to local government, and, consequently, when the powers are conferred on the new councils, there is no TUPE-related transfer. The Department and the Civil Service could, if they wanted, write into the legislation a TUPE-type provision relating to the staff who are involved. However, our engagement with the councils over about a year found that the councils are also having to try to reduce the number of their staff during a process of amalgamation of the two organisations and are left with a number of surplus people. They do not want a large number of people to be transferred out of central government into local government to exacerbate the problem that we have. The Civil Service is a much larger organisation and is therefore able to absorb that pressure much better than local government.
726. The arrangement that we have come to is that staff will transfer from the Department to a new council if the council needs those people, if the individual member of staff is willing to go and if the Department is able to let them go and does not have another requirement for them. It is a three-way agreement. Out of that arrangement, on the basis of the feedback that we have got so far, we do not expect more than about 50 of the 180 to transfer out, but we have given the councils until the end of June to let us know how many they might need.
727. **Mr Allister:** What happens to the other 130?
728. **Mr Snowden:** The posts are declared surplus, and the staff will have to be redeployed in other posts in the Civil Service.
729. **Mr Allister:** You do not think that this effectively involves the transfer of functions.
730. **Mr Snowden:** The advice that we got was that, because we are conferring powers on the councils as opposed to obliging them to take forward a particular role with mandatory legislation supported by a framework of policy statements in the same format that, for example, planning has, it is not a discrete economic function that is transferring, and therefore TUPE does not apply.
731. **Mr Allister:** That is interesting.
732. **The Chairperson (Mr Maskey):** Can I follow up on that? Are you suggesting that local government would make the determination that the staff they currently have could be deployed to discharge those functions? If that is the case, how do we know that those staff would be skilled up to deliver that type of work? Clearly a lot of people currently involved in the work have years of experience and have come to know organisations and communities. There is high-level and coal-face experience that has been gained over the years by a number of these staff, which may not necessarily be the case with staff in local government. There may need to be some phasing in of this, and people will genuinely have concerns about that.
733. **Mr Snowden:** Obviously we will be working closely with each of the new councils over the next couple of months to help them work out how many people they might need and what kind of skill sets they might require. In the discussions, some of the things that are emerging are a little surprising. We might have expected them to have shortages in some areas, but it turns out it is actually in other areas. One particular area of concern appears to be over people who have the ability to manage capital projects, of which we have a number. That applies in some areas, but not in all. Already one council has come back and said that it does not expect to require any staff from DSD after the transfer takes place. We are expecting the others to come back with at least some requirements as we move forward. There are particular projects we are working on at the moment where

- the councils will be very keen to get the staff involved, but those projects tend to be time-bounded. We have tried to take account of all that in our arrangements as well.
734. **Mr McArdle:** You have to bear in mind also that councils already have numbers of staff who are skilled up in things like grant making, who have community development grants already. Those skills will already be in the councils, so it is not as if they have nobody who can do this type of work. Those skills are transferable. As Ian says, key skills such as managing big physical development projects are the things that councils may well want to access.
735. **The Chairperson (Mr Maskey):** All of us will want this to work effectively and are looking forward to that. We can all give good examples of councils that are doing very good and innovative work. As you rightly say, these councils have people who are carrying out this work. I would like to think that there would be a rigorous examination of all of those, because if the councils come back and say that they do not need anybody, that would flag up in my head that they may have been carrying along an awful lot of staff that they may not have needed to. What is your thinking on what they might actually have to do? This is quite an important function that is being transferred. If somebody tells me that they do not need anybody, I would be a bit concerned. That judgement might be made by the council on a very rational basis — I do not want to second-guess that — but I am just saying that it would flag, in my mind, the need to have another look at that. I presume, and hope, that there will be a very rigorous approach to all of this in these deliberations. That is a comment more than a question.
736. **Mr Wilson:** There was controversy, some time ago, where a lot of the DSD staff said that in no circumstances did they want to go to the councils anyway. Is there an element, Ian, that councils are reluctant to take on staff that they feel will not be willing workers or willing transferees?
737. **Mr Snowden:** That is one of the points that they made. Equally, they said that they do not want to be obliged to take on people that they have no purpose for. There are a number of factors that we have tried to take account of here to produce a flexible system that will allow for staff who are keen to work in councils. There are a smallish number who really do not want to work in local government and see their future as being civil servants as opposed to local government workers. There are also those who are keen to go with their work because they like that type of job, and there are some who, for family and other reasons, want to work close to home. We try to take account of all those factors to produce a system that will work, but that is not actually driving the decisions that the councils are making about the numbers they might need. By and large — with the one exception so far — they say that they need the skills that the Department has.
738. **Mr F McCann:** Just one point on that. I have been following some of the debates and arguments that have been going on, and I have always believed that there was a high degree of experience and expertise amongst those in the Department that have been dealing with regeneration and neighbourhood renewal. It would be a loss to councils if many of those people were not able to move to continue that work. Given that civil servants in the Department are spread throughout the North, will people be kept locally within that local council or matched against different councils from a central pot?
739. **Mr Snowden:** The mechanics of the system and the way it will work still have to be worked out in detail, but essentially what will happen is that each council will identify a number of posts that it wants and what it wants people to do. Those will be circulated to all who work in the urban regeneration group, and then you will be entitled to apply on secondment for those posts that you are interested in. By and large, most people will want to work in the council area they are currently located in,



- although not everybody is working that close to home. For example, up in the north-west office, some people have to travel every day from Cookstown. They will be more interested in, for example, the Mid Ulster District Council than the Derry City and Strabane District Council. That is the arrangement we are trying to make to make sure that people have the opportunity to apply for the jobs that they are most interested in, they are not obliged to go to somewhere they do not want to go, and councils are not obliged to take people they do not want.
740. **The Chairperson (Mr Maskey):** No other members have indicated that they want to speak. Unless, Henry, Antony or Ian have anything to add, we will meet again next Tuesday at 12.30 pm. Will you be available for that meeting?
741. **Mr McArdle:** Yes.
742. **The Chairperson (Mr Maskey):** I know that it is informal, but we will go through the 23 clauses and a number of schedules. As we go through them, people may think that we need to amend this or that, and your presence would be very helpful for that. You may be in a position to say, “You may not need an amendment there because the Department is continuing to think about that”, and it might suffice for us to make a recommendation on the back of that. It is just to facilitate us.
743. **Mr Wilson:** With regard to the mechanics, Chair, if there are changes that we want to make, does notification have to be given before the meeting, or do we simply discuss them at the meeting?
744. **The Chairperson (Mr Maskey):** The purpose of it being informal is so we can tease all that out as we go through clause by clause. It would then be ideal to come back on the Thursday. It is a tight time frame to turn it around between Tuesday and Thursday, but we have to comply with the Consideration Stage.
745. **Mr Wilson:** Have we an option of extending the time to consider the Bill?
746. **The Chairperson (Mr Maskey):** I do not believe we have, because we have not applied within the 30 days.
747. **The Committee Clerk:** No, Chair, this is an extension: 20 May is an extension.
748. **Mr Wilson:** I know we got an extension, but there is an option. We could get another extension if we asked, could we?
749. **The Committee Clerk:** No, because to get a second extension one has to apply again within the original 30-day period, so the Committee is out of time on that.
750. **The Chairperson (Mr Maskey):** The complication for us is that the Assembly is, in effect, not functioning in the following week, so that gives us a problem.
751. I thank Henry and his team for that helpful information and answering the queries that members had. Thank you.



## 28 April 2015

### Members present for all or part of the proceedings:

Mr Alex Maskey (Chairperson)  
 Mr Mickey Brady (Deputy Chairperson)  
 Mr Jim Allister  
 Ms Paula Bradley  
 Mr Gregory Campbell  
 Mr Stewart Dickson  
 Mr Fra McCann  
 Mr Gary Middleton  
 Mr Sammy Wilson

### Witnesses:

Mr Henry McArdle	<i>Department for</i>
Mr Antony McDaid	<i>Social Development</i>
Mr Ian Snowden	

752. **The Chairperson (Mr Maskey):** I invite the officials to the table so that you can, throughout the next while, assist members, if we need any assistance. If we go through the clauses first of all, that will help, and, at the end of that, we can have a general discussion about whether people want to suggest recommendations that they might want the Minister to do or say.
753. **Mr Wilson:** Chairman, can I check something? The amendments could have two standings: one where the Committee suggests to the Minister that it would like him to table the amendment or one where the Committee actually recommends an amendment. What happens? If it is accepted by the Committee, is it then formally put by the Committee at the relevant stage in the Assembly?
754. **The Committee Clerk:** The normal course of events when the Committee is minded to seek an amendment is that, in the first instance, it puts it to the Department to see if the Minister is willing to take forward that amendment. If the Minister is not, it comes back to the Committee, and the Committee can then table an amendment itself. In the Committee's current circumstances, there is an issue with timing because, if the Department rejects the Committee's suggestion for an amendment and it comes back to the Committee, there needs to be time for the wording of the amendment to be worked up between us, the Bill Office and our legal team. That is the process.
755. **Mr Wilson:** Kevin, are you saying that, because of the time restraint, if the Committee wishes to make an amendment, we have to have that done formally on Thursday rather than going through that two-stage approach where we make a recommendation, see what the Minister says and, if he is not happy with it, we have to move it? Do we have to cut out that in-between stage?
756. **The Committee Clerk:** Maybe the officials can answer about the difficulties in trying to get a response to the Committee. If the Committee is minded to have an amendment — I know that there are discussions about clause 1, in particular, and clause 2 — the officials may have difficulty getting back to the Committee this Thursday with information. That said, the Committee is due to meet on 14 May. Officials will answer for themselves, but that may lend some time to getting a more formal response from the Minister by that stage. At that point, if the Minister says no, the Committee can refer to it in its report.
757. **Mr Wilson:** We would not be too late at that stage, Kevin, would we?
758. **The Committee Clerk:** It may be too late at that stage to include it in the Committee's report, but, by the time Consideration Stage comes along, the Committee could still work on an amendment. However, that would not be in the Committee's report that is circulated to all Members for discussion. It is still possible; it is just that it would be past the post for getting into the Committee's report.

759. **The Chairperson (Mr Maskey):** It is not ideal; that is the bottom line. We will work our way through it as best we can. Hopefully, the officials will be able to give us as clear a steer as possible. In other words, if anybody proposes an amendment, I hope that the officials will be able to say, "Listen, I do not think that that will be in the thinking of the Minister" or "The Minister might be mindful of that".
760. **Mr Henry McArdle (Department for Social Development):** Obviously there was an issue raised about the qualified majority. That was given to the Minister. The Committee wrote to the Department, and the Minister has considered that. It would be helpful if we got a clearer view from the Committee as to exactly what they want a particular clause to look like, albeit that it might not be an actual amendment. That might be helpful. It would also be helpful if we could agree on whatever clauses we can today. The Committee can then write to the Minister about whatever it is concerned about, and, presumably, if there is another opportunity to come back on 14 May and that is not closed off, we might be able to have an answer by then.
761. **The Chairperson (Mr Maskey):** OK. We will just have to go through it. Can we take it that we have had all the queries and explanations that we desired, and we are now taking it forward clause by clause? Starting at clause 1, do we have any views?
762. **Mr Allister:** I certainly wish to take the whole vexed reference to social need out of the clause and substitute a reference to economic regeneration. It is a Regeneration Bill, and therefore it should follow that more particularly. My view is that clause 1 should read, "A council may provide financial assistance to any person doing, or intending to do, anything ... which promotes economic regeneration in its district". I would keep clause 1(2) as it is but revise the catch-all part of it to read, "or for anything not falling within paragraphs (a) to (e) which directly contributes to economic regeneration within its district". That is my view of how the clause should be shaped.
763. Arising from the McCreesh matter, I want to add something further to it about preventing projects being named after or used in respect of certain people. I would like to add at the end of clause 1 words to the effect that, "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".
764. **The Chairperson (Mr Maskey):** OK, so you essentially have two amendments to clause 1.
765. **Mr Allister:** Yes.
766. **The Chairperson (Mr Maskey):** Do we have a seconder for those?
767. **Mr Wilson:** Yes. Can I just add to what Jim said there? Given that this is essentially a Regeneration Bill, it seems a bit odd that the first clause is "Powers of council to address social need". It is logical to say that it should be, "Powers of council to address economic regeneration".
768. Secondly, we have already discussed the lack of definition of "social need". It has been left wide open. Departmental officials have said that it is sometimes the various indices, but in some cases it could be free school meals or other different things. In fact, we had the discussion last week that it could even be so wide that, if an area is not regarded as in social need, you could still give grants to regenerate it, but would want to see what the linkages would be to areas of social need. It seems that the term "social need" is not really needed. Either you define it or you do not. If it is not defined, it is wide open to apply the grants in a range of circumstances, and it should be left as that.
769. The third thing that strikes me is that economic regeneration can benefit areas of social need. Let me give an example from Stewart's and my own constituency. Money spent on economic regeneration on Carrick town centre or Larne town centre could have quite

- an impact on the likes of Antiville, Glenville or Castlemara; it does not have to be spent in Castlemara, Glenville or Antiville. In fact, it would probably make more sense to spend it in the town centre, where you have more chance of drawing in other funding. Logic would dictate that the social need restriction — if it is a restriction anyway — is not necessary. Jim's suggested amendments should not do violence to those who want to see the money spent to improve areas where there is some deprivation. They should leave the council with a bit more flexibility to decide to address deprivation in a wide range of areas, so we do not need that particular restriction placed on it.
770. For all those reasons, if we are going to have a Regeneration Bill, let us make sure that it addresses economic regeneration.
771. **Mr Allister:** I will add one word. We have the Social Need (Northern Ireland) Order 1986 to address social need, which the Department administers. It may be that you can have the best of both worlds, if you make the council responsible and you make the Regeneration Bill about regeneration but retain the 1986 Order, so that the Department can address centrally, as it has been, an issue of social need. In that sense, it is not an either/or; you can have a bit of both.
772. **Mr Wilson:** Even economic regeneration will address the social need aspect anyway, Jim.
773. **Mr Allister:** Yes.
774. **The Chairperson (Mr Maskey):** We will hear from Fra and Mickey. At the moment, we are dealing with the issue around social need that Jim raised first. Are you happy enough to second that amendment, Sammy? I am tempted to suggest that we could cut to the chase on some of this stuff, because it is clear that the Committee will divide on some of these fundamental issues, and I do not know how much debate is required. So, we will hear from Fra and Mickey and ask Henry or his colleagues to give us a comment if they feel able to.
775. **Mr F McCann:** Although the Bill is headed "regeneration", there are many different forms of regeneration, not just economic regeneration, which obviously has an impact across the board. We are talking about a social regeneration of many communities that suffer from high unemployment, deprivation and poor health. To remove that from the Bill leaves it wide open for councils to totally ignore and neglect those communities, right across the board, that suffer from severe deprivation. I will vote to oppose it.
776. **Mr Brady:** To me, they are two separate issues. Economic regeneration is fine, but are we going to ignore social need? It seems that the emphasis is on economic regeneration. I sit on the Health Committee, where we talk about health inequalities all the time, which are prevalent in areas of social deprivation and social need. While economic regeneration is laudable, you cannot do that and ignore social need. Both of them are inextricably linked.
777. **Mr Wilson:** Mickey, does economic regeneration not, by very definition, address social need? If you regenerate an area, what do you do? You create jobs, a better environment —
778. **Mr Brady:** I think you are talking about Utopia there, Sammy, no harm to you. We do not have a utopian situation. Of course, it is like many other things where it is better for people to work than to be on benefits, but unfortunately that is not the case. Economic regeneration is fine, necessary and laudable, but it cannot ignore social need.
779. **The Chairperson (Mr Maskey):** I will ask Henry about the intent behind the clause on behalf of the Minister and the Department.
780. **Mr McArdle:** The whole purpose of the clause is to confer the type of powers that the Department has at the minute onto councils. The type of projects, schemes and programmes that we promote and support are very wide-ranging. They include economic, but also social and physical. The suggested amendment restricts that, in a way,

- and that is where you are coming from on that. That will obviously be for the Minister to decide. In that case, the Department would probably have to continue to use its social needs powers and retain some of the programmes that it currently does. That would be out of step with what the Executive agreed, so we would probably have to go back to the Executive and re-discuss that. Obviously, if that is the amendment that the Committee wants to suggest to the Minister, then the Minister will take that on board and come back to it.
781. **The Chairperson (Mr Maskey):** I am happy to put that straight to the vote of the Committee. Although it is informal, it will nevertheless be useful as a guide when we come back on Thursday morning.
782. **Mr Dickson:** If you take the issue back to the Minister, it is not about one or the other; it is about how we describe both economic regeneration and social need, and how we cater for that in this one piece of legislation. Potentially the compromise is that we include both economic regeneration and social need, and leave it to the councils to put forward their plans. There are merits in both arguments and it is, perhaps, about how we marry those. That is the area on which the Department needs to provide further clarity.
783. **Mr Wilson:** With social need included in the Bill — do not forget the point that Jim made that the clause is about social need, not economic regeneration — but if we leave social need in it, does it preclude Mid and East Antrim Borough Council from saying that Larne or Carrick town centres are not located in areas where there are high levels of social need, so therefore we cannot make grants or loans or take action to regenerate that area? Do they have to restrict their activities to places like Antiville or wherever? That is important. If it restricts them in doing that, I think we miss an important opportunity to regenerate a town. If it does not restrict them from doing that, then why do you need social need to be so prominent in the clause?
784. **Mr Ian Snowden (Department for Social Development):** The Bill, as drafted, will allow the councils to fund the kind of things you have just discussed, because that is the provision in the 1986 Order under which the Department currently funds public realm schemes, revitalisation projects and so forth in town centres. It will allow all of that kind of activity to continue.
785. **Mr Wilson:** So the objections to excluding social need, in that it would steer councils away from emphasising social need, really are not valid. I cannot understand why the Department is so insistent on that if you can spend the money anyway, in areas that do not —
786. **Mr Snowden:** Sorry, perhaps I misunderstood your question. I thought you asked whether, were social need to be retained in the Bill, the councils would be able to do that stuff in town centres. Yes, they would, if social need was retained. Are you asking a different question, the other way around?
787. **Mr Wilson:** If they can do that, then why do we need to explicitly have social need so prominently in the clause, because the grants do not actually have to be given exclusively to areas where there is social need. They are simply given to address the issue of social need. The argument is that economic regeneration is designed to do that. I mean, why do you regenerate a place? What happens when you regenerate a place? You create jobs and a better environment. You create a place where businesses can set up. That addresses social need, so it seems superfluous for the whole first clause of the Regeneration Bill talking exclusively about social need.
788. **Mr McArdle:** The whole idea was to allow the councils to determine where the social need is in their areas. They may well determine particular outline areas and that there is a need, in a town or city centre, for regeneration. That is up to a council to determine. There is some confusion here, because we have used a particular mechanism for a particular programme, which is the neighbourhood renewal programme. We have used the



- mechanism — it is a measure — which is the Noble indices. Under the proposals of the Bill, councils themselves will be able to determine where the social need is and where the need for regeneration is. That is the whole purpose, and these are the wide range of powers that they can use to do that.
789. **Mr Allister:** That takes you back to one of the concerns that I raised that, because it is so wide open to a council, on a whim, deciding to do anything, you create a patchwork of diverse approaches across the Province which is not in the overall interests of continuity. Someone in Ballymena might say, “Why is what is possible in Antrim not possible here?”, whereas if you have it honed into something that is compatible with the title of the Bill, then you are going to have a more —
790. **Mr McArdle:** I can see where you are coming from, but the difficulty is that if you limit it or give it a different title from economic regeneration — I accept that point entirely — you then rule out the possibility of councils doing lots of things that the Department currently does under the 1986 Order. Councils may want to do those things in the future. For instance, the list includes suicide prevention. If you support a programme that helps with that, and if you have a clause that says that you can only do something that contributes towards economic regeneration, then something like that would not be available under the new powers of the councils. That is the dilemma. If you restrict it, then there are certain types of things that currently happen that will not be able to happen under the new regime.
791. **Mr Allister:** It is about getting a mechanism that creates a continuity and is not an open invitation to squander the money on whatever you fancy.
792. **Mr Wilson:** Also, to take your example of suicide prevention. Mid and East Antrim Borough Council recently agreed its grant aid policy, which incorporates all of those kinds of activities. It may not be possible to fund it under economic regeneration, but that does not mean that councils do not have the powers and have not already got the policies in place that would fund something like that.
793. **Mr Antony McDaid (Department for Social Development):** We would also, then, have to look at defining what economic regeneration is. You would have a similar issue to trying to define social need with what is defined as economic regeneration.
794. **Mr Allister:** You are the people who told us that you do not need to define terms like social need. If you do not need to define social need, I am sure you do not have to define economic regeneration. It is a little more obvious in its meaning than social need. Its tentacles are not quite as long.
795. **The Chairperson (Mr Maskey):** My understanding, certainly from the Department and the Minister, is that the Bill has intentions. It is called the Regeneration Bill, and that is fine. Maybe there is an issue around the title of the Bill. The intent behind the Bill is to tackle social need in its entirety, and it includes the need to tackle economic regeneration issues as well. Putting in “social need” does not preclude councils from developing or regenerating areas by way of economic intervention. It does not stop that at all, but the reverse would be the case if you redefined it as economic regeneration, which would preclude others.
796. At the end of the day, we all know what we are talking about, so I am happy to put this to a vote. Although it is a guide for Thursday, it will show the mind of the Committee. We all know that the Committee will divide on this one, so I am happy to put it to a vote.
797. **Mr F McCann:** We know that Sammy has been developing this argument for a while on the issue, but, if social need is not mentioned, I would not be convinced that councils would start to deal with the ingrained deprivation that exists in many communities. We are not saying that all councils would go that way, but there is

a possibility that areas that face severe social deprivation would be left out.

798. I understand where your argument is coming from on this, Sammy. Jim's is completely different because he sees dealing with those most in need as just squandering money. There is a big difference between the debate and argument there.
799. **The Chairperson (Mr Maskey):** OK, let us move on to taking the mind of the Committee on this. I suggest that the wording is that the Minister amends clause 1 as per this proposed amendment. That amendment, Jim, would be to delete the reference to "social need". Is that essentially what you are saying?
800. **Mr Allister:** Yes, that a council could do anything that promoted economic regeneration in its district.
801. **The Chairperson (Mr Maskey):** We have the clear intention of that amendment. The suggested wording will suffice for today but not for the strict wording on Thursday. Henry, we suggested to you last week that the Department was aware that we have a tight deadline. You may be able to come back on some of these matters by Thursday with a yea or nay on the Minister's intentions to take on board any of the suggestions or amendments.
802. We are happy to proceed on that basis. I am basically saying that the Minister should amend clause 1 as per the proposed amendment, which is that "social need" is deleted from the clause in lieu of "economic regeneration". Jim, is that what you are saying?
803. **Mr Allister:** Yes, that is what I am saying.
804. **The Chairperson (Mr Maskey):** This would not be the final wording but is clearly the intent of such an amendment.
- Question put.*
- The Committee divided: Ayes 4; Noes 3.*

## AYES

*Mr Allister, Mr Campbell, Mr Middleton, Mr Wilson.*

## NOES

*Mr Brady, Mr F McCann, Mr Maskey.*

*Question accordingly agreed to.*

805. **The Chairperson (Mr Maskey):** You had a second amendment, Jim.
806. **Mr Allister:** I had. I wanted to add at the end of clause 1 words to the effect, "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". I was going to suggest that "serious criminal offence" is as defined in section 5 of the Civil Service (Special Advisers) Act.
807. **The Chairperson (Mr Maskey):** Sammy, are you seconding that?
808. **Mr Wilson:** Yes.
809. **The Chairperson (Mr Maskey):** OK, those in favour —
810. **Mr Dickson:** Chair, I understand the intent of what Jim is trying to propose but there are and could be good examples of rehabilitated people whose names add a great deal of value to particular projects. I am thinking of drugs projects and other things across the UK and, indeed, around the world. There are people who have turned their life around and may fit into that category. It may be very appropriate to use their names or associate them with a particular project because of the transformation in their life. It would concern me if we restricted this entirely. I understand the point you are making and whom you are trying to exclude, but at the same time there are occasions on which it may very well be appropriate to use a name.
811. **Mr Allister:** For example?
812. **Mr Dickson:** For example, Nelson Mandela would be appropriate.
813. **Mr Campbell:** I did not know he was involved in drugs.

814. **Mr Dickson:** I am just trying to give an example of somebody who turned their life around and would provide a community example rather than someone who might be described as unrepentant for what they did.
815. **The Chairperson (Mr Maskey):** Henry, have you or your colleagues any comment?
816. **Mr Dickson:** I accept the sentiment of what you are getting at.
817. **Mr McArdle:** No, we have no comment to make on that.
818. **The Chairperson (Mr Maskey):** OK. Those in favour of that amendment?
- Question put.*
- The Committee divided: Ayes 4; Noes 3.*
- AYES**
- Mr Allister, Mr Campbell, Mr Middleton, Mr Wilson.*
- NOES**
- Mr Brady, Mr F McCann, Mr Maskey.*
- Question accordingly agreed to.*
819. **The Chairperson (Mr Maskey):** We move on to clause 2. Jim, were you looking for a consequential amendment to clause 2?
820. **Mr Allister:** No, I was originally thinking of putting the one that I have just proposed into clause 2, but I think that it fits better in clause 1.
821. **The Chairperson (Mr Maskey):** OK. Are members content with clause 2 as drafted?
- Members indicated assent.*
822. **The Chairperson (Mr Maskey):** Are members content with clause 3 as drafted?
823. **Mr Allister:** There is a line in clause 3(2) that puzzles me a wee bit. It states:
- “works involving the placing of any structure in a road”.*
824. What are you talking about there?
825. **Mr McArdle:** It could be public art or a kiosk.
826. **Mr Snowden:** The fountains in Custom House Square and in Guildhall Square in Londonderry.
827. **Mr Allister:** In a road?
828. **Mr McArdle:** You mean that in the sense that it is —
829. **Mr Allister:** — as defined in the Roads Order.
830. **Mr Snowden:** Yes.
831. **The Chairperson (Mr Maskey):** Are members content with clause 3?
- Members indicated assent.*
832. **The Chairperson (Mr Maskey):** We will move to clause 4.
833. **Mr Allister:** Could we have a little explanation of clause 4?
834. **Mr McArdle:** Clause 4 is to specify that the Department’s focus in the future will be on a regional basis rather than on involvement in the work of councils. As we said at the outset, one reason why the social needs powers are being retained is because we will continue, as a Department, to support programmes on a region-wide basis, like support for citizens advice bureaux (CAB) at a regional level.
835. **Mr Allister:** Suicide prevention?
836. **Mr McArdle:** All those types of regional bodies will be supported. This is a reference to the fact that our involvement will not be at district level. That level is the responsibility of the councils.
837. **Mr Allister:** That takes me back to a point I made earlier. You can devolve the regeneration functions to councils and keep the social need functions at a provincial level.
838. **Mr McArdle:** Yes.
839. **The Chairperson (Mr Maskey):** Are members content with clause 4 as drafted?

840. **Mr Wilson:** Can I clarify something? We are talking about the regional level, but I take it from clause 4(3) that it could be in a specific district council area. You will not be saying, "The CAB operates across Northern Ireland and so we will fund it as a regional body". You will still have the power to say that you can fund an office in mid or east Antrim. It specifies:
- "for 'the district' substitute 'an area of social need'."*
841. That brings it down to the micro level, does it not?
842. **Mr Snowden:** It brings it down to a lower level. You cannot rule out the possibility that at some stage in the future a Minister or the Executive may want to do a scheme in relation to an event. For example, in the past few years, we have undertaken work, around the G8 and the Giro d'Italia, in specific locations to prepare the way for those kinds of events. So, it is possible that this kind of thing may be planned for in the future, and this power will allow the Department to support that, on behalf of the Executive, and make the kinds of grants that we previously could not make.
843. **The Chairperson (Mr Maskey):** Are members content with clause 4?
- Members indicated assent.*
844. **Mr McDaid:** Going back to clause 3, social need is mentioned. If there were an amendment to clause 1, would that carry across to clause 3?
845. **Mr Allister:** Yes, there would probably be some consequential amendment.
846. **Mr Wilson:** It would probably have to follow through in a number of the clauses.
847. **The Chairperson (Mr Maskey):** For the record, we need to go back to clause 3. Can we take it as a given that there will be a read-across?
848. **Mr Allister:** Yes, a read-across of any consequentials.
849. **The Committee Clerk:** We will get an official response from the Department anyway.
850. **The Chairperson (Mr Maskey):** OK. Are members content with clause 5?
- Members indicated assent.*
851. **The Chairperson (Mr Maskey):** Moving on to clause 6 —
852. **Mr Wilson:** Clause 6 mentions notices circulating in local newspapers. This has been a bugbear for a long time. So many times, you get people complaining and saying, "Look, I did not know about this". The circulation of local newspapers is fairly limited now, yet we continue to specify in legislation that this is how councils should communicate with the electorate. Councils take it quite literally and think that this is all they have to do. I have no suggestions as to how it might be widened, but I think we need to update legislation, especially when significant things are being proposed by councils, so that people do not have to rely on buying the 'Larne Times' or 'Carrick Times' to get their information for it.
853. **Mr McArdle:** We would encourage, through guidance, the use of social media, but, as a minimum, the requirement is to publish in newspapers. This is in line with other things. If there are vesting proposals or extinguishing orders for a development scheme, that requirement is a wider requirement under planning legislation.
854. **Mr Wilson:** That is what I am saying. Legislation seems to be stuck with this method of communicating with the electorate. I am sure we have all had complaints from people who have said, "I never knew about that", and the council's response is, "Well, it was advertised in the paper".
855. **Mr Dickson:** I agree with Sammy. I cannot see why you could not amend clause 6(2) to read:
- "the council shall then publish in two successive weeks in one or more newspapers and on the council's website".*

856. You are right; local newspapers are not read to the same extent nowadays. Circulations are falling continuously, and people naturally look to council websites for information long before they will buy the local paper on a Tuesday, Wednesday or Thursday. I think that the duty should be on the council to place it on its website and, perhaps, this would encourage local authorities to have a public noticeboard spot on their websites.

857. **The Chairperson (Mr Maskey):** Henry, do you want to respond to that?

858. **Mr McArdle:** I do not see a difficulty with that. We will have to consider it.

859. **The Chairperson (Mr Maskey):** What we are looking for is to extend the realm of the consultation beyond newspapers.

860. **Mr McDaid:** It extends it as it is. It is just setting out the minimum requirements. There is nothing at the minute preventing —

861. **Mr Wilson:** There is not, but, very often, councils take it literally. That is what I am saying.

862. **The Chairperson (Mr Maskey):** Do you want to leave it with the Department or do you want to put forward an amendment? Are you happy to leave the Department to think about it?

863. **Mr Wilson:** Yes.

864. **The Chairperson (Mr Maskey):** Are members content with clause 6?

*Members indicated assent.*

865. **The Chairperson (Mr Maskey):** Are members content with clause 7?

*Members indicated assent.*

866. **The Chairperson (Mr Maskey):** Are members content with clause 8?

*Members indicated assent.*

867. **The Chairperson (Mr Maskey):** Are members content with clause 9?

*Members indicated assent.*

868. **The Chairperson (Mr Maskey):** Are members content with clause 10?

*Members indicated assent.*

869. **The Chairperson (Mr Maskey):** Are members content with clause 11?

*Members indicated assent.*

870. **The Chairperson (Mr Maskey):** Are members content with clause 12?

871. **Mr Dickson:** Again, Chair, there is the reference to publication in the local newspaper. If you are going to consider that, it should be throughout the Bill.

872. **The Chairperson (Mr Maskey):** This is clause 12. Which one are you talking about, Stewart?

873. **Mr Dickson:** It is in clause 11(2).

874. **Mr Wilson:** It is the same issue again.

875. **The Chairperson (Mr Maskey):** Are members content with clause 12?

*Members indicated assent.*

876. **The Chairperson (Mr Maskey):** Are members content with clause 13?

877. **Mr Wilson:** Not particularly. I understand the point the Department made about it undertaking a scheme that is of regional significance. I would have thought that if there was going to be wider benefit than to just the local area — if it were that important — then the council would have identified that a scheme like that could be important.

878. The Belfast city centre one — Victoria Square — was quoted by the Department last time. This is something that Belfast City Council would have been quite happy to have run. In fact, I think it was a bit angry that the Department took so long to do something about Belfast city centre, but it rested with the Department, at that stage, to take responsibility for it.

879. It just seems superfluous that there should be development schemes that are brought forward by the Department, since I would have thought that such schemes would have been picked by the local council already. It allows for duplication, where the Department has to keep staff for a particular project or



- to bring forward projects such as that, identifying them, or whatever. The last time, the Department said, "Oh, we will bring staff in specially for that". However, who identifies the projects? Is it not far better that they be identified at local level, rather than having a section in the Department going around looking for regional schemes?
880. **The Chairperson (Mr Maskey):** Sammy, you know that, even where a council has identified an important project that it wants to proceed with, you end up with all sorts of bureaucracy if that extends beyond its jurisdiction — the council is not sure who to go to next and all the rest of it. This will retain the Department's ability, on a rare occasion which it has explained, to exercise its power. By virtue of section 75 of the Local Government Act 2014, account must also be taken of what the local council is doing in community planning. So, the Department is not just going to parachute in. It will all be done very much in consultation and in conjunction with the local council. It is a power that will be retained, but not envisaged to be used that often, and, from experience, I think that that will be the case. That is the way it is. I am not sure whether you are proposing any amendment or are just commenting.
881. **Mr Wilson:** I am making a comment. I just see the potential for keeping a section in the Department that has to be financed, have personnel etc to bring forward these schemes. It is not, as officials said last time, that you bring together a special team for this. Who is going to identify these schemes? Are you going to retain a group of people in the Department to go round the Province identifying such schemes, or will they be identified by councils? If they are identified by councils, would they not be taken forward by councils anyway?
882. **Mr McArdle:** The position is that, over the past 10 years, there has been one development scheme, and that is Victoria Square. Judgement would have to be made about whether a scheme was of regional significance. So, this is how infrequent it is likely to be. The Department would not be keeping a team of staff in place, or anybody, to go around identifying such schemes. As you said, it would become obvious to the Department, a council, or a number of councils, that it is just not appropriate for an individual council to take a scheme forward. A council may not have the resources, expertise or budget, and it may well be that, at that stage, the Department may step in and say that the development is of significance to more than just one council area and that it will do it or direct the council to do it and support the council to do it. We are talking about a very rare occasion, a rare occurrence, here.
883. **Mr Dickson:** Just to follow on from that, I raised this issue the last time we talked about this. What provision is there in the legislation for two or more councils to work together in identifying a project or, indeed, for a project that crosses local authority boundaries and one council decides that it is not in its interest and has no particular view on it? One council may have higher priorities or may have prioritised its entire area, but the project can work only if two councils come together to achieve something. Is there provision, apart from the Department's power to direct them to do something, for councils to identify cross-boundary sharing of mutually beneficial projects?
884. **Mr Snowden:** It is not specifically referred to in the Bill, but there is nothing to stop them doing that. They do not need specific legislative permission to do so.
885. **Mr Dickson:** But they need encouragement to do it, and that is where the Bill can have a benefit. Will there be regulations to follow from this?
886. **Mr Snowden:** We were not proposing to have regulations in that regard, except for the guidance that the Department would issue on best practice and so on.
887. **Mr Dickson:** Whether we include social deprivation in the Bill, you can think of any number of councils that have two areas sitting back-to-back across



- boundaries and one local authority thinks that the best thing to do is to encourage that area into its centre, population or town. I am just concerned that that could leave behind a small housing estate or a group of people who are on the other side of a local authority boundary and there is no provision at all.
888. **The Chairperson (Mr Maskey):** We are being advised that it is already in the gift of two adjoining councils to do that. When we do the clause-by-clause scrutiny, it might well be one of the issues on which we make a recommendation to the Department; in this case that, somewhere along the line, we have something more explicit to make sure that people are aware of this, something that helps clarify that it is very much within their gift to do it, and something that could go further towards encouraging them to do it where it is necessary or appropriate. It might be a recommendation as opposed to an amendment. I say this to Stewart and Sammy. Are you happy enough? Sammy, you are not suggesting a formal amendment to this, so you might make a recommendation that there is a more formal, explicit reference to it. Clause 13 has been agreed to by members.
889. Are members content with clause 14?
890. Members indicated assent.
891. **The Chairperson (Mr Maskey):** Are members content with clause 15?
- Members indicated assent.*
892. **The Chairperson (Mr Maskey):** Are members content with clause 16?
893. **Mr Allister:** Could I ask for some clarification on clause 16? Again, it seems totally unrestricted in referring to:
- “such surveys, studies, investigations and research as it considers appropriate”.*
894. How do you measure that? Is it just whatever they want? It does not have to be related to anything.
895. **Mr Snowden:** It is intended to allow local authorities to spend money on things like business cases, appraisals, site investigation projects and transport studies, which are the kinds of things that the Department has to spend consultancy fees on in order to make a case and prepare the ground for any kind of development project. It would have to be a survey, study, investigation or research that is connected to something that it intends to do in relation to the use of the powers under this Act.
896. **Mr Allister:** It says “its functions under this Act.” It would have to be under the Regeneration Act.
897. **Mr Snowden:** Yes. By way of a practical example, quite a lot of work and activity would have to be undertaken in advance to create and sustain the case for taking forward a development scheme or vesting order.
898. **The Chairperson (Mr Maskey):** Are members content with clause 16?
- Members indicated assent.*
899. **The Chairperson (Mr Maskey):** Are members content with clause 17 around guidance?
- Members indicated assent.*
900. **The Chairperson (Mr Maskey):** Are members content with clause 18?
- Members indicated assent.*
901. **The Chairperson (Mr Maskey):** Are members happy enough with clause 19?
- Members indicated assent.*
902. **The Chairperson (Mr Maskey):** Are members happy enough with clause 20?
- Members indicated assent.*
903. **The Chairperson (Mr Maskey):** Are members happy enough with clause 21?
- Members indicated assent.*
904. **The Chairperson (Mr Maskey):** Are members happy enough with clause 22?
- Members indicated assent.*
905. **The Chairperson (Mr Maskey):** Are members content with the schedules?

Members indicated assent.

906. **The Chairperson (Mr Maskey):** I will go back to some of the comments. The last issue was about some type of ministerial or departmental assurance or guidance that makes it more explicit to councils that they can and should work together where it is appropriate and beneficial under the terms of the Act.
907. One of the issues I wanted to raise is about monitoring. I am looking for some steer on this. I get the impression that the Department is very shy on monitoring. I appreciate the argument and explanation that since you are not giving a directive to councils on how they discharge these functions, they are very difficult to monitor. I feel that it is easy to monitor through a number of benchmarks. The functions are clearly there.
908. I raise this matter in parallel with the issue that members raised around the definition of social need. Some people argue that that is not expressed enough, and others say that it is not needed. The Department has already explained well that these powers and functions are being transferred within a policy and statutory framework, which includes the Local Government Act, section 75, local government audit requirements and so on. You have listed them in the last couple of minutes. I would like a monitoring and evaluation process to be introduced that tries to monitor some of that. I am happy to leave it at that for today and come back to it.
909. Do members want to raise any other issue? There are no other issues or general comments that people want to make. On that basis, we will conclude the informal clause-by-clause consideration. We will return here on Thursday at 10.00 am to complete the formal clause-by-clause scrutiny. We will hopefully have some feedback from the Minister by then. I know that it is a short turnaround. I appreciate Henry, Ian and Antony being here to help the Committee. I hope you come back as quickly as you can. Thanks very much.

# 14 May 2015

## Members present for all or part of the proceedings:

Mr Alex Maskey (Chairperson)  
 Mr Mickey Brady (Deputy Chairperson)  
 Mr Jim Allister  
 Mr Roy Beggs  
 Ms Paula Bradley  
 Mr Gregory Campbell  
 Mr Stewart Dickson  
 Mrs Dolores Kelly  
 Mr Fra McCann  
 Mr Gary Middleton  
 Mr Sammy Wilson

## Witnesses:

Mr Henry McArdle *Department for*  
 Mr Antony McDaid *Social Development*  
 Mr Ian Snowden

910. **The Chairperson (Mr Maskey):** I welcome Henry, Ian and Antony. We went through the informal clause-by-clause scrutiny at the last meeting. We had some proposed amendments, and the Department was going to take those away for its and the Minister's consideration. We got a response back yesterday, but I did not even get a chance to read it because I did not see it until late last night.

911. I was going to suggest that we would take yesterday's response to the concerns around the proposed amendments from the officials. I would be uncomfortable taking decisions on some of it today, and I would rather take a few days to reflect on it. I am literally only coming to this now, and I know that some other members are in the same position. We will take the response from the officials first, but I would be inclined to consider, then, that we would take that information and, rather than going through the clause-by-clause consideration today, defer it until Tuesday. We are really talking only about a couple of clauses, although there may well be some consequential. I raised this with the Committee Clerk; we can

come back equally comfortably next Thursday and do the clause-by-clause consideration then when members have had an opportunity to consider the tabled papers and the response from the officials here this morning. In other words, I suggest that we take the information and, rather than going through the clause-by-clause scrutiny today, defer it until, perhaps, Tuesday or the meeting next Thursday. We are still well within the time frame, and we could conclude the report the week after. I am happy for members to reflect on that for a few minutes.

912. Henry, do you want to take members through the response from the Minister and the Department?

913. **Mr Henry McArdle (Department for Social Development):** Yes, OK. The Committee wrote to the Department, which has now responded on the five issues raised, including a number of amendments. The first amendment was in relation to clause 1, and effectively it was to remove the term "social need" and replace it with "economic regeneration". The Minister accepts the general point but considers that the proposed amendment goes too far, in that it would effectively remove the powers of councils to address social need. This would mean that responsibility for it would remain with the Department, which is out of line with what the Executive agreed.

914. The Minister has put forward an alternative amendment to clause 1 that focuses more on regeneration, which is what the Bill is all about. It gives due prominence to economic and social regeneration but includes addressing social need as one of the number of areas that can be financially supported under that new clause. The clause is set out in the briefing paper. Obviously, the Committee will want to consider

- that clause against the clause that the Committee recommended last time.
915. I move now to the second amendment to clause 1. The Minister has considered the concerns of members in relation to the decision of councils that could be politically contentious or divisive; however, he has decided not to accept the second proposed amendment in relation to the naming of projects. He had concerns about linking that provision to another piece of legislation which may be repealed or amended in the future, with unintended effects on the Regeneration Bill. He has asked for more time to consider the issue, and he will come back to the Committee on that.
916. In relation to the amendment suggested in the publication of notices in the paper, and extending that to include publication on the website, the Minister has accepted the Committee's proposal. He will table the necessary amendments at Consideration Stage. They are also set out in the response to the Committee.
917. I move now to the issue of councils working together on development schemes. Again, we reiterate the point about development powers being used very infrequently and about how often the Department has used them in the past. There is nothing in the Bill to preclude councils from working together on development schemes. The Department would actively encourage that. That will be set out in guidance from the Department. Indeed, the Local Government Act (Northern Ireland) 2014 provides for two or more councils to work jointly on issues and projects.
918. The last point relates to 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.
919. Those are the five areas which were raised by the Committee.
920. **Mr Beggs:** The legislation would allow councils to do anything. That could include very contentious issues. At present, the proposed check, which was meant to be for local government, is not in place. Were such a Bill ever to come forward and put that check in place, that Bill could easily remove any clause within this Bill which might be doing a duplicate piece of work. So, there would not be duplication. There is the potential of having one piece of legislation. So, I am still trying to understand why you would oppose such a check to prevent significant amounts of public money being used for contentious issues.
921. **Mr Ian Snowden (Department for Social Development):** Is this the proposal for qualified majority voting?
922. **Mr Beggs:** Yes.
923. **Mr Snowden:** I think that would be introduced under the Local Government Act by way of a regulation, as opposed to another piece of primary legislation. I am not a legislation expert; I am not able to say exactly how that would work in practice or whether you could actually remove a piece from primary legislation by way of a regulation.
924. The other consideration with the qualified majority voting is a practical one. Most of the decisions that would be taken under this Bill would be fairly routine; in fact, most of the decisions that we take at the minute are fairly routine. However, if everything that was to be funded under that clause had to be carried by qualified majority voting, it would all have to be taken to every meeting of the full council and achieve 80% or plus of the votes of the council members. So, there would be no opportunity for the council to operate a scheme of delegation to committees or officers for small or routine expenditures. That might have the effect of making the process very inefficient and quite ineffective. So, we need to take account of that possible unintended consequence when we are looking at that option.

925. **Mr Beggs:** Like the Chair, I received this amendment only as a tabled paper. I need more time to review it, but I am concerned at the potential of significant amounts of ratepayers' money being used for contentious issues. I need to review the matter further. Certainly, I think the Committee should be trying to avoid that happening, because it would be very damaging to community relations, were it to happen.
926. **Mr Wilson:** There are just two things for me. First, regarding the reason that has been given for wanting to look again — I do not think it has been totally rejected — at the amendment about the naming of specific perk projects. I do not quite understand where it states that the Minister:
- “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.”*
927. What exactly is meant by that? I am confused by it.
928. **Mr Snowden:** The proposed amendment would be that no project, funded under that clause, could be named after any person who would be covered by the provisions of the Civil Service (Special Advisers) Act (Northern Ireland) 2013.
929. **Mr Allister:** It could not be named after anyone with a serious criminal conviction —
930. **Mr Snowden:** As defined.
931. **Mr Allister:** — as defined, because that is where it is defined.
932. **Mr Snowden:** Yes. So, we understand what that means and what kind of person is covered by that legislation, but that legislation could be changed at some point in the future, in a way that we cannot predict. You could then end up with a situation where the provisions are different. The Minister understands the nature of the concerns that have been expressed and he wants to have a look at that. He is also aware of a case where there is a contentious issue about the naming of a project in a

town, but the individual concerned has never been convicted of any offence. That is still a deeply contentious issue in the particular town, so he wants to make sure that whatever provision is put in is sufficient to cover the range of circumstances in which this kind of thing can happen.

933. The issue of the Raymond McCreesh park in Newry was raised previously in Committee and, whilst the proposed amendment would cover that, it would not cover the issue in Strabane where the naming of the bridge has become contentious. That has had some exposure in the media as well. He wants to try to find a way to ensure that the naming of projects does not become contentious or difficult in those towns; a way that will cover the range of circumstances in which that might happen but that will be reasonably capable of being well defined and easy to apply.
934. **Mr Wilson:** Really, you are saying he feels that the amendment, as it was proposed last time, is not wide enough to cover all the circumstances.
935. **Mr Snowden:** Yes.
936. **Mr Wilson:** I do not think there is any difficulty in that. It will be interesting to see what amendment the Department comes back with.
937. We had a long discussion last time about the issue of the inclusion of the social need aspect. We have accepted that economic regeneration is designed to address social issues and social need anyway. This is a regeneration Bill, but then we put in that it is also a social regeneration Bill. It is either one or the other; it cannot be both. If it is going to be both, why is it not called the Economic and Social Regeneration Bill? I go back to the point that I made last time. Once you put that in and emphasise the social need aspect, there is the problem of when regeneration happens outside an area of social need but actually has a better impact on that area of social need than locating the activities, or regeneration, in that area would. We mentioned places like



- Carrickfergus town centre and the effect on Glenfield, Castlemara or wherever, and it would probably be more effective to put the money in there. I do not see how the changes that have been proposed do away with that particular problem.
938. **Mr Snowden:** The previous wording was that the financial system would be provided to do anything that a council considers would address social need in a district in this area. The wording is now much wider. There have not been, in the past, any issues about us funding projects in, for example, town centres under the Social Need (Northern Ireland) Order 1986. For example, we fund public realm schemes, environmental improvements and urban development grants in those locations without encountering any real difficulty with the legislation.
939. On the issue of addressing social need, were the amendment, as proposed by the Committee previously, to go forward, it would not be possible for the Department to transfer responsibility for the community development activities that it currently carries out to local government, and neither would it be possible to carry out substantial parts of the kinds of activity that we do under neighbourhood renewal. For example, just to pick out a couple of cases, we have funded quite successful projects such as nurture units in primary schools in a number of locations, and those are now being mainstreamed by the Department of Education. Under the form of the Bill that had been suggested by the Committee previously, it would not be possible to fund that kind of project because there is no link between it and economic regeneration, although it does address social need and pursues social outcomes, which are beneficial. We wanted to make sure that the councils would be capable of covering the full range of stuff that the Department currently does and that we were not left, contrary to the Executive's decision, holding responsibility for certain areas of work that were to be transferred and, at the same time, allowing the councils to take forward the full range of activities that they might want to.
940. **Mr Wilson:** Why would that not come under economic regeneration? I am not too sure what went on in the nurture units, but I imagine that it would improve the employability of the mothers to have such a facility in the primary school. It would maybe even free up mothers earlier or later in the day. Why would that not come under economic regeneration?
941. **Mr Snowden:** It is not a childcare project, in a sense. The kinds of projects that we fund in childcare have those kinds of economic outcomes. The nurture unit is for children who have a particular emotional or behavioural difficulty that means that they are not capable of learning. The children tend to be in primary 1 to primary 3, and they are taken to a special unit where they are helped to overcome those emotional and behavioural issues. There was a very successful programme in Ballysally Primary School in Coleraine for a number of years. It had been experiencing special needs referrals for emotional and behavioural difficulties at a rate of about three or four per year on a consistent basis. Once the nurture unit was put in place, it made a significant difference and the school has not had a single referral for that reason since the unit opened.
942. It would be a very tenuous and convoluted argument to take a five-year-old child and do something with that child in a nurture unit and then have a very long chain of causation to get to a point where there is an economic regeneration impact from that particular project. It is an argument that you can make, but it is quite a lengthy and tenuous one. We would not want to see a situation where every project had to go through that convoluted argumentation to get to a point where it could be funded.
943. **Mr Allister:** Have you forgotten clause 1(2)(d)? It refers to:  
*"the provision of social or community facilities".*



944. Why are you not taking that out?
945. **Mr Snowden:** The nurture unit is not a facility in itself.
946. **Mr Allister:** What is it?
947. **Mr Snowden:** It is a room in a school that was there previously. We have not funded the creation of the room; what we are funding in these projects is the salary of a specialist teacher who works with the children.
948. **Mr Allister:** That is a facility for the community, surely.
949. **Mr Snowden:** Again, my concern is that quite a convoluted argument has to be made to support those kinds of projects. It is not immediately apparent that it is directly allowable under that.
950. **Mr Allister:** When you consider some of the things that were possible under the Social Need Order, such as money to the Bloody Sunday Trust or to ex-prisoners' groups, there did not seem to be much difficulty on the same language from the 1986 Order in working out, in a fairly elastic form, what social or community facilities were.
951. **Mr Snowden:** The point that allowed that kind of project to be supported was, in fact, what you previously termed the catch-all clause that came at the end of clause 1(2), which, you will see, is not there anymore. The provision that allowed for the funding of that kind of project is no longer there.
952. **Mr Wilson:** Does the term "social need" not have the same elasticity as the phrase that we asked to be taken out? That is the whole point. The catch-all phrase at the end was the one that many people had queries about. They were asking what it has to do with the regeneration of a community. If the catch-all phrase has simply been replaced with what is proposed as clause 1(2) (f), we are no further forward.
953. **Mr Snowden:** Again, I go back to this point: the Department feels that we need to try to strike a balance between allowing councils to come up with projects that will meet need through innovative approaches, which may not have been tried or identified before, and making sure that there is sufficient control. A balance has to be struck.
954. If it is the Committee's view that it would rather constrain the activities of councils than allow that degree of flexibility, that is what you will no doubt take forward as a proposed amendment at Consideration Stage. However, I have to caution that that would mean that the Executive's decision on what should transfer from DSD to local government could not be carried forward in full. That would have a policy impact and we would, therefore, need to work out what the implications of that would be. It would leave quite a swathe of activity in the Department that was intended by the Executive to have been transferred.
955. **The Chairperson (Mr Maskey):** In fairness, you are putting that quite firmly, and that is what needs to be done because we could go around the houses. We can do that, and it is up to members to raise whatever issues they want, but we are trying to establish the proposed amendment, albeit made on an informal basis, from the last meeting. The Minister has given us a response to that, and it is probably pointless us going around the houses arguing about the validity of the concept of economic regeneration against social need. They do not need to be against each other.
956. This is about trying to get an accommodation, and the Minister has made a proposal to us. Unless we need further clarity on the Minister's response, we need to go away and reflect on this. I will invite other members to speak, but I am simply saying that it really is about trying to clarify the issue. Do we think that the Minister's response addresses our concerns or not? There is no point in rehearsing all the arguments that resulted in the proposal in the first place. We can defer a decision until next week.
957. **Mr Allister:** I will not labour the point, but I very much agree with the line that Sammy Wilson was putting to the Department. It seems to me that, by putting in clause 1(2)(f), you have just

- brought us back to square one in terms of the problems that some of us foresaw with the elasticity and potential abuse of the matter. That is a particular difficulty for me still.
958. What is the definition of “social regeneration”?
959. **Mr Snowden:** It is anything that will address social problems in a neighbourhood or area, so it might be to improve health or educational outcomes or to reduce crime.
960. **Mr Allister:** Is that defined somewhere?
961. **Mr Snowden:** That is the understanding of the Department. I do not believe it is defined anywhere in legislation.
962. **Mr Allister:** The Minister proposes “economic or social regeneration”, not “and” but “or”.
963. **Mr Snowden:** Yes.
964. **Mr Allister:** My point is that proposed clause 1(2)(f) just takes us back to where we started.
965. On the second amendment, the Minister says that you cannot really do this because it relies on a definition in other legislation. What is clause 14 of this Bill doing? It relies on definitions from other legislation. That is common in any Bill.
966. **Mr Snowden:** As I said in response to Mr Wilson, that is only one part of the concern that the Minister has. It may well be that his concern is more that the definition in the other Bill that is referenced here is more narrow than he would like.
967. **Mr Allister:** When will he return to us? It says he will revert to us with his decision.
968. **Mr Snowden:** I could not say.
969. **Mr Allister:** Well, we are talking about meeting on Tuesday or Thursday: will we know?
970. **Mr Snowden:** I could not say; he will have to consider what he wants to do in relation to that.
971. **Mr Allister:** But he must know the confines that the Committee is operating under. We have a cut-off date of 28 May.
972. **Mr Snowden:** Yes, he understands that.
973. **Mr Allister:** That means that we have one further regular meeting before that date.
974. **Mr Snowden:** Yes.
975. **Mr Allister:** So, if the Committee were to decide to meet on Tuesday, would we have an answer?
976. **Mr Snowden:** We will reinforce to him the need to have the matter dealt with before that happens in order to complete the process. I cannot tell you what is in the Minister’s mind.
977. **Mr Allister:** I see.
978. **The Chairperson (Mr Maskey):** OK. Members do not want to ask any further questions. Henry, you outlined the Minister’s response to a number of issues that were raised, most of which I am happy enough with, but, clearly, we will deal with that when we go through the clause-by-clause scrutiny. Thank you for being here this morning.
979. Members, I suggest that we defer this matter until next Thursday.
980. **Mr Allister:** Can I make one point? It is a selfish point, I appreciate. You suggested Tuesday: there is a particular reason why I cannot be here next Thursday, and I have had quite an interest in this Bill from the outset. If Tuesday were a possibility, I would be grateful.
981. **The Chairperson (Mr Maskey):** I am happy enough if people are content to come back on Tuesday. I do not think that a huge debate will be required, although who knows?
982. **Mr Campbell:** If it were Tuesday, are we talking about a morning meeting, like we normally do if we meet on Tuesday?
983. **Mr Allister:** Either morning or lunchtime.

984. **The Chairperson (Mr Maskey):** Is lunchtime all right?
985. **The Chairperson (Mr Maskey):** Is 12.30 pm OK? Does anyone have a problem?
986. **Mr Dickson:** The Business Committee meets at 12.30 pm every Tuesday.
987. **Mr Allister:** How about 1.00 pm?
988. **The Chairperson (Mr Maskey):** Did you suggest 1.00 pm? Any advance on 1.00 pm? *[Laughter.]* All right: 1.00 pm it is.



# 19 May 2015

## Members present for all or part of the proceedings:

Mr Alex Maskey (Chairperson)  
 Mr Mickey Brady (Deputy Chairperson)  
 Mr Jim Allister  
 Mr Roy Beggs  
 Ms Paula Bradley  
 Mr Gregory Campbell  
 Mr Stewart Dickson  
 Mr Sammy Douglas  
 Mrs Dolores Kelly  
 Mr Fra McCann  
 Mr Sammy Wilson

## Witnesses:

Ms Patricia Casey	<i>NIA Bill Office</i>
Mr Henry McArdle	<i>Department for</i>
Mr Antony McDaid	<i>Social Development</i>
Mr Ian Snowden	

989. **The Chairperson (Mr Maskey):** I formally welcome Henry McArdle, Ian Snowden and Antony McDaid to the meeting this morning. Gentlemen, you are very welcome and thank you, once again, for your help. Are there any further updates? The Minister indicated that he may want to update the Committee on some matters or give further consideration to some items.

990. **Mr Ian Snowden (Department for Social Development):** The point outstanding was the proposed amendment on the naming of projects. The Minister still wants to consider the matter further. It is a complex enough drafting issue, and there are a couple of options up for consideration. He wants to try to ensure that it achieves the intent of what was discussed while not being so broad that it becomes a bit of a nonsense. He wants to take more time to consider the issue further.

991. **The Chairperson (Mr Maskey):** OK, thank you. I will cut to the chase this morning on this, folks. There are two issues on clause 1, which is at the start of the Bill. The first relates to the

reference to “economic regeneration”, rather than to “social need”. Members will be aware that there are proposals on the table that will effectively remove the term “social need” from the Bill. The Minister has come forward with a suggested amendment that he hoped would form some type of reasonable compromise to match what he, the Bill, and the Executive want to produce. That obviously includes a requirement on local government to address social need. To paraphrase Ian Snowden, he made it very clear last week that, if “social need” was not in the Bill in the appropriate manner, the Minister would not be in a position to seek the transfer of functions to local government. I think that that is a very serious implication that people need to take real cognisance of.

992. It is probably worthwhile this morning, if not essential, to have a few minutes’ discussion about that question, because either “social need” is in the Bill and the Bill goes forward or, as I read it, “social need” is not in the Bill and it does not go forward. That is my opinion; it is how I perceive the situation. I have spoken very briefly to the Minister, and it is obviously up to him to determine what he does with the Department in the longer run of this. I think that he and his officials have made it clear that they want “social need” in the Bill. This is the Committee Stage, so it is up to the Committee to determine what it wishes. I certainly want to put on the record, from my party group, that if “social need” is not in the Bill in the appropriate manner, we will not be supporting it. I know that others will be of a similar vein.

993. Do we want to have a few minutes’ discussion about that? There are people who are arguing that they want the term “social need” removed from the Bill to be replaced with “economic regeneration”, but others are saying that that would not suffice. We need to look

- at that and examine it, because that is the bottom line for the discussion on clause 1. Most of the rest of the Bill is fairly OK; I do not think that there are many issues on it. There is commentary and observations that members have put forward, such as the request for the Minister to take on board monitoring. That has all been taken on board with great positivity by the Minister, but we will come to that anyway through the clause-by-clause process.
994. We are at what I believe to be a critical juncture in the consideration of the Bill, and we need to have that hard-nosed discussion about the requirement for “social need”, against some people believing that “economic regeneration” does that. There are others in the Committee who do not believe that, so there is no need to have a big, long discussion about the efficacy of that. It is just about whether we realise the implications of the decisions that we are about to take this morning and whether we go forward with the clause by clause and whether we remove “social need”. My view, and speaking exclusively for my party colleagues, is that even the Minister’s amendment — I have explained this to the Minister — would not suffice for our party group, and we are only three members of the Committee.
995. **Mrs D Kelly:** I would have to join in with that.
996. **The Chairperson (Mr Maskey):** Thanks, Dolores. I am just basically making the point that we are at a serious juncture in the consideration of this. We have set today aside as a special meeting to deal with the clause by clause to give ourselves a couple of days’ latitude. We have the option of coming back on Thursday, if people want to reflect on that over the next two days. We still have Thursday to do the clause by clause and complete the report by next Thursday, or, indeed, we can come back next Tuesday, if we wish, and Thursday. I am just saying that we have another day or so of latitude if we want to go off and reflect. I would prefer if the Committee was not dividing unnecessarily, but I am also conscious that, if the Committee produces a report that is not going to get the support of the House, I think that we need to understand the implications of that.
997. **Mr Wilson:** Chairman, you have presented it in terms that I believe distort what is intended by the change that has been proposed. It is not a case of either expunging “social need” from the Bill or keeping it in. The whole point of the Bill was economic regeneration and the whole point of economic regeneration was and is that it deals with issues that most of us would regard as serious social issues, such as unemployment and deprivation in areas, etc. It is not the stark choice that you have presented. That is the first thing.
998. The second thing is that the Committee cannot make its mind up on the basis of what is tantamount to blackmail [*Inaudible.*] There has to be a proper debate on the issues. We have given examples of where the restrictive nature of the Bill, as it exists, could distort the measures that might be undertaken for economic regeneration. Indeed, we have shown how they could benefit deprived areas in a far more effective way than if the Bill is taken forward in its present form. For that reason, I hope that we can look at the issue, rather than throw the toys out of the pram and say, “The Bill will not go forward unless you leave this in”. I believe that we can deal effectively with both. As it stands, the Bill is distorted, and it prevents and will prevent councils doing some of the things that many of us regard as effective ways of creating economic regeneration.
999. **The Chairperson (Mr Maskey):** To follow up on that, the Committee will clearly take whatever time it needs to consider this. There will be no restriction on anybody’s commentary. That is the first thing, and I am placing that on the record in case there are any other views out there.
1000. Contrary to what you are saying, Sammy, I am simply drawing attention to the critical juncture, as I described it, that we are at with the Bill. The Minister and the Department have made it very clear



- what they need and what the intent and purpose of the Bill is. All I am saying is that, if we go the way that you and others were promoting, we need to understand the implications. That is not blackmail. It is a simple political reality that there will be a division in the Committee. That is fair enough — it is not the end of the world — but, more importantly, there will be a division in the House. I think that the Minister has made it very clear that the transfer of the functions, as intended through the Bill, will then not be able to go ahead. That is the stark choice that we are making here.
1001. We have had the discussions on “economic regeneration” against “social need”, but we can talk about it for as long as we want. All that I am saying is that a number of members of the Committee and a number of Members of the House will not want to go forward on the basis of “social need” being taken from the Bill in the way that it was initially included. That is not to say that people are not content if needs be to look at a reference to “economic regeneration” if that is what they need. Anyway, I am just making that point.
1002. **Mr Campbell:** My point is more of a housekeeping issue. I agree: it is not all that helpful if we go into a prolonged and protracted debate. We know what the guidelines are on what should and should not be in. It would be deeply regrettable if we were to get down to saying, “Unless this is in, the whole thing is off the table”. That is not really the way to proceed, but park that. To expedite the business before us, is it possible for us to do everything bar that to see if it could be resolved between now and Thursday?
1003. **The Chairperson (Mr Maskey):** I have spoken to Kevin. As you know, the Committee staff were up against it last week, trying to bring a report to the Committee today and, more importantly, to prepare for Thursday. They are up against it, but I think it is largely doable. Kevin, you need to speak to that.
1004. **The Committee Clerk:** The remainder of the Bill does not appear to be that contentious. As you remarked, Chair, there are some issues about recommendations on monitoring and matters like that. To be perfectly frank, clause 1 is the big stumbling block to expediting the Committee Stage. The remainder of the agreement of the clause-by-clause will not take very long. The officials have already drafted a report, as far as we can. What we are waiting for is the outcome of the clause-by-clause scrutiny. We do not anticipate that it will take us long; there will be a short executive summary and recommendations. That is what we are looking to slot in after today’s meeting or, if it is Thursday, after Thursday’s meeting. Members should keep it in mind that next Thursday 28 May is the final date for the Committee Stage to conclude.
1005. **The Chairperson (Mr Maskey):** We could go through it. There may be some consequential —
1006. **Mr Campbell:** That would be preferable. I do not know that we will get anywhere today by again having the rehearsed debate that we had last week and maybe having it again on Thursday.
1007. **The Chairperson (Mr Maskey):** That is the point I am making. I am drawing attention to the fact that we have had discussions and that there is a fundamental disagreement about the meaning of one thing against another. I am simply saying that we should not torture ourselves with a debate that we know we may not change our minds about. I have a couple of other people to take on board.
1008. **The Committee Clerk:** If I could just come in again, I was talking to the Bill Clerk, who is here. She indicated that there may be consequential from the amendment to clause 1, which is the third amendment referring to the promotion of a project. To keep it clean for expediting this, it is probably preferable to start at the beginning and to work our way completely through to the end, rather than to start at clause 2, work away and maybe have to come

- back, depending on what the Committee eventually agrees on clause 1.
1009. **The Chairperson (Mr Maskey):** Is it fair to say, with the discussions we have had so far, that there are actually very few issues throughout the rest of the Bill? I do not anticipate that the rest would take long to complete anyway. That is all subject to what comes out of clause 1, any amendments or whatever else. Even those consequential, and there are not that many, will just flow on. We have already agreed on monitoring and issues like that, so there is not much left that is of any contention at all. In a way, it would be preferable to do it today, but it might be cleaner, as the Bill Clerk is suggesting, to leave it and do it in one go.
1010. **Mr Brady:** It just seems that Sammy is trying to get his retaliation in first.
1011. **The Chairperson (Mr Maskey):** Let us try and keep it —
1012. **Mr Brady:** He is using pejorative terms like “blackmail”, which I think is slightly over the top. He seems to have great difficulty with the terminology “social need”. I do not have any difficulty with “economic regeneration” being included along with “social need. However, they would need to be on an equal footing, because, as far as I am concerned, they are different issues. They can be complementary, but they are two different issues. You can regenerate an area that suffers from social need; you can also have economic regeneration that improves other aspects. There is an argument, which I find difficult to grasp, about not including both. Some people seem to have particular antipathy to the terminology “social need”, and nobody has fully given me the rationale for that.
1013. **Mr Allister:** My original proposition was to restrict clause 1 to the term “economic regeneration”. I think that the Minister has sought to meet that somewhat, and, in that spirit, I am interested to see if we can meet him on that. However, being told that it is either the Bill as originally drafted or nothing does not engender much encouragement to try to bridge the gaps.
- The Minister’s amendment marries economic and social regeneration by putting both in the Bill. I can live with that in the spirit of reaching a consensus. Where, as I said last week, I think the Minister’s amendment goes off the rails and reverts to the form, effectively, of the Bill is in the addition of subsection (2)(f), where again social need is writ large back into the Bill. My concern about that is because of the abuses that have happened in the past in the expenditure of public money under the guise of social need. I make that very clear. I think that that was something that was so wide open, it was abused. I am content to plug that gap on the consensus of economic or social regeneration but feel that adding subsection (2)(f) is a step too far, because in subsection (2)(d) you already have the facilitation of social facilities. I am content to settle on the Minister’s amendment if subsection (2)(f) were excluded. That is my position. I think that this is an attempt to reach out and bridge the gap.
1014. **Mr Dickson:** In many ways, neither the original proposal nor the amendment is satisfactory. The Bill says:
- “Powers in relation to social need”.*
1015. It also says:
- “Powers of council to address social need”.*
1016. In my view, those neglect the economic regeneration aspect. However, the amendment says:
- “Powers of council to address economic or social regeneration”.*
1017. My view is that the use of the word “or” is difficult there. It should be, “Powers in relation to economic and social regeneration”. Likewise, it should be, “Powers of council to address economic and social regeneration”. It gives a pick-and-mix application to local authorities. I think that we should be looking to deal with this in a holistic manner to allow local authorities to deal with social need and economic regeneration at the same time.
1018. I recognise what Jim Allister says about misuse in the past. Surely that can be

- dealt with by plugging gaps in the rules and ensuring that those are tighter on accountability and things like that.
1019. **Mr Allister:** It is the legislation that sets the framework.
1020. **Mr Dickson:** It is.
1021. **Mr Allister:** If the legislation embraces matters that have previously ticked the social need box, it will still be ticked.
1022. **The Chairperson (Mr Maskey):** OK. Again, I think we are still at a fundamental crossroads.
1023. **Mr Campbell:** Chairman, that was the point I was trying to make. Is it bridgeable between now and Thursday? If not, let us move on; if it is, let us park it and try to bridge it.
1024. **Mr Wilson:** Stewart's point is about the words "and/or". It could be that an action is designed to deal with social factors as well as with economic factors. It is neither here nor there whether the words should be "and" or "or" or simply "economic regeneration" or "social regeneration". If Jim is suggesting that we keep "social regeneration" and "economic regeneration" in the Bill, that is fine.
1025. **Mrs D Kelly:** It strikes me that there is something needed on the definition of social need, as well as of economic need. You cannot divorce the need for childcare or upgrading the skills of some people who cannot learn in a normal classroom environment from having an economic objective. Is that something that members would, at least, acknowledge, if not agree to?
1026. **Mr Wilson:** Dolores, I think, when we discussed this last week, it was pointed out that those things are as much a part of economic regeneration as building a factory. That has already been accepted during the discussions.
1027. **Mr Brady:** Surely if you are going to regenerate or have social regeneration, you have to start with the premise that there is social need in the first place. How can you divorce the two? The whole point is to improve and regenerate, but you have to have a starting point. As far as I am concerned, the starting point generally is that there is social need in a particular area or district, and that is why it is being regenerated and why there is economic regeneration. They are interlinked issues. You have to start with the basic premise that there is social need, and that is why you want social regeneration.
1028. **Mr Wilson:** Yes, Mickey, but that is the whole problem with it. As we discussed on other occasions, there may well be a case for doing economic regeneration that addresses social need, but there may not be social need in the area where you are doing the economic regeneration. I have given the example of Carrick town centre. If you were looking at the real areas of social need, you would go to Glenfield and Castlemara, etc, but they are not necessarily the best places to spend the resources. The best place to spend the resources may well be in the centre, because you are more likely to create jobs there or to be able to locate training facilities there, for instance, which Dolores mentioned. Under your reasoning, however, you would not actually spend the money there. You would go to the locations where the social need exists.
1029. **Mr Brady:** With respect, that is not necessarily true, because it depends on how you spend it. It depends on what you are doing with the money to regenerate that area. To follow Sammy's logic, I am not sure that regenerating a town centre will automatically have some impact on an estate that has particular problems. The two can work in tandem, but I am not sure that a public realm scheme in the centre of any town is going to necessarily have a great impact on social need in an estate, which, probably, needs some type of community scheme or whatever to regenerate it and to bring it out of that social need. They are two different issues, but they can be linked, and they can be mutually beneficial. That is the point I am trying to make. You cannot divorce one from the other.

1030. **The Chairperson (Mr Maskey):** My understanding is that there is no preclusion or prohibition of councils doing work on economic regeneration. The key point here is that this is a Bill about addressing social need, which will include projects of economic regeneration. That is the difference that is at the heart of the discussion. Some people are saying that we should take out the “social need” requirement and replace it with the broader “economic regeneration”. That is all very well, and people have the right intentions. There is no prohibition of councils working around economic regeneration, but if you remove “social need” from the way in which it is written in, it takes away the need by local councils to address social need. As the Minister explained — it is not me being arbitrary here — he could not transfer the powers on that basis. That is the hard edifice that we have to come up against.

1031. I could put forward an amendment that would include the words “economic regeneration” alongside “social need”. I will bring Stewart in now, but I have to say that, in the last 10 minutes, another two or three potential amendments have been proffered. Gregory made the point that we may or may not bridge the gap, but I am moving towards the idea that it might be useful if people were to prepare those amendments and write them up for Thursday morning. At least we would have a set of amendments in front of us. We are teasing them out, which is helpful, but the issue is whether we can get an accommodation by doing that. Realistically, I think we need to reflect on it.

1032. **Mr Dickson:** In a sense, Chair, we are trying to create an area of flexibility for local authorities in dealing with the issues. Take the points that Sammy and Dolores made. The reality is that, if you regenerate or deliver a new employer who provides jobs, the choice may not be about whether you provide childcare in Glenfield estate to allow parents to work in a factory somewhere else; it may be that you actually provide the employer with the resource to deliver the childcare. You do what is best.

Are we not about trying to say to local authorities, “This is to give you the flexibility to deliver the childcare at a particular point in a community”, or do you deliver that smarter by delivering it through the place where the opportunity lies? That might be a new business, a new factory, a call centre or whatever it happens to be. Perhaps the objective should be to deliver flexibility for social need and economic regeneration.

1033. **Mr Beggs:** I would certainly be of the view that there needs to be an ability to not only assist economic regeneration with particular projects but to address social need. I look very much towards communities where there is a very good community infrastructure. It would not be direct support if you supported that community to establish itself and, having done that, to provide additional courses and facilities for the community to better itself. If we were to go with “directly contributes to economic regeneration”, you may be too far up the line. In some communities, you do not even have the basic building blocks to enable that to happen. So, I think that, as Stewart said, we need to keep the flexibility.

1034. **Mr F McCann:** During the debate a few weeks ago, I think that I said that economic regeneration outside an area — nobody is arguing against that — will obviously have an impact on an area that may be beside it. When you look at what you are trying to do with social need, which is the social transformation and social regeneration of many local communities that do not have anything in them, you see that both go hand in hand. You can have all the factories or businesses that you want, but if a community is on its knees and lacks the social infrastructure, that will have a big impact. Social regeneration is important.

1035. **The Chairperson (Mr Maskey):** As I said, we have about five or six potential amendments on the go at the moment. People have been teasing some of them out, and that has been very helpful. I suggest that people go away and write their amendments up by 5.00 pm tomorrow and give them to Kevin so that



we will have them in front of us when we come back on Thursday morning.

1036. The key thing, and the main discussion, is on clause 1. If people are agreeable to this, we can adjourn the meeting until Thursday morning and they can go away and try their best to do that. People might come up with another amendment on Thursday morning as we are speaking, but, they are already teasing out amendments in their mind, and, as far as possible, it would useful and helpful if we could get those by 5.00 pm tomorrow so that we can share them, reflect on them and very quickly go with them or discount them.
1037. **Mr Allister:** Two things. First, I indicated last Thursday that it is not possible for me to be here on Thursday; so be it. Secondly, I am just wondering about the usefulness of that exercise, given that you, Mr Chairman, said at the start of the meeting that, if there is a departure from the Bill as drafted, it is not going anywhere. I wonder about the basis of seeking to draft amendments if that is the attitude that is already struck.
1038. **The Chairperson (Mr Maskey):** I am only one member of the Committee, and I am speaking in that context for my party colleagues. There are three of us on the Committee, so we have only three votes when we come to any decisions.
1039. Ian Snowden is here, and he can confirm or otherwise, but the Minister certainly seemed to indicate through officials last week that the powers would not be able to be transferred. I am just trying to reflect that. That is not, as Sammy suggested, any kind of a threat or blackmail. I am just giving the political reality of it. When it comes to votes, as a party, we have only three votes in the room, and that will be as it is. All that I am saying is that we have a number of amendments on the go, and if people are agreeable —
1040. **Mr Wilson:** The meeting was called this morning because Jim and, to a lesser extent, me, both of whom have an interest in the Bill, indicated that there might be a difficulty with Thursday.

The purpose of the meeting today was to at least give everybody who wanted to participate in the discussion an opportunity to go through the Bill clause by clause. The second thing is that, given where we are, we are going to come back with the same discussions on Thursday as we are having today. To me, the amendments that are on the table at present are ones that we could deal with today. It appears that there is only one amendment now anyhow, because there has been some agreement that we will have economic and/or social regeneration in the Bill, whichever the wording happens to be —

1041. **The Chairperson (Mr Maskey):** Sorry, Sammy; there has not been agreement on that. There is no agreement on anything.
1042. **Mr Wilson:** OK, right. It certainly appeared like that during the discussion. Stewart indicated that, Jim indicated that, Dolores wants to have some reference to social regeneration and so do we. There is probably room for making an amendment today, rather than coming back on Thursday to rehearse this all again when, certainly, Jim, who, to be fair, has had an interest in the Bill so it would be unfair to exclude him, and I, who have had an interest in the Bill, will have difficulty being there. Anyway, the purpose of this meeting was to thrash this out. There is an amendment that could be discussed now and voted on to let us get it out of the road.
1043. **Mr Allister:** I would also make the point that I would like to be here to move my second amendment, which is the one about the naming of places.
1044. **Mr Wilson:** I do not see any reason why we cannot deal with it now. That is all that I am saying.
1045. **The Chairperson (Mr Maskey):** How do members feel? I will take a quick reflection from members about dealing with it now or getting everybody who has amendments to table them by 5.00 pm tomorrow afternoon and give them to Kevin so that we can all look at them

- overnight and come back on Thursday morning.
1046. **Mr Douglas:** First of all, I apologise for not being here. I was in the House for the justice statement. Have you any idea how long this will last? The four of us have a meeting at 12.30 pm.
1047. **The Chairperson (Mr Maskey):** Today's meeting?
1048. **Mr Douglas:** We have to be elsewhere.
1049. **The Chairperson (Mr Maskey):** It depends on how many amendments there are, if we decide to have amendments. If we decide to reflect on it overnight and come back on Thursday, it would be about five minutes. Do people want to reflect and come back on Thursday morning?
1050. **Mr Campbell:** Is a meeting doable tomorrow afternoon? I know that we do not normally meet then, but that would allow for any proposed amendments to be in by 5.00 pm today. I do not know whether it is doable, as I know that Wednesdays are quite busy Committee days.
1051. **Mr Beggs:** There is the Public Accounts Committee.
1052. **Mr Campbell:** Is that in the afternoon?
1053. **Mr Beggs:** Yes.
1054. **The Chairperson (Mr Maskey):** Is lunchtime tomorrow doable for anybody?
1055. **Mrs D Kelly:** I will not be available.
1056. **Mr Allister:** It is not doable for me tomorrow.
1057. **Mrs D Kelly:** Is lunchtime today out of the question?
1058. **Some Members:** Yes.
1059. **The Chairperson (Mr Maskey):** I am asking people to table the amendments so that we can have them printed for everybody and then have a period of reflection.
1060. **Mr Beggs:** What about later today after Assembly business, if that facilitates everybody?
1061. **The Chairperson (Mr Maskey):** What time is the Assembly on to? Is it 4.00 pm or 4.30 pm?
1062. **Mr Allister:** After Question Time maybe?
1063. **The Chairperson (Mr Maskey):** I think that it is either Thursday morning or —
1064. **Mr Campbell:** Is Thursday the backstop? We cannot go beyond that.
1065. **The Chairperson (Mr Maskey):** We can do Thursday, and then we can do Tuesday and next Thursday. If you do Thursday and agree whatever you are going to agree, you can come back next Thursday and sign off the report. You could come back on the Tuesday as well.
1066. **Mr Dickson:** Could we do Thursday and Tuesday?
1067. **The Chairperson (Mr Maskey):** Yes. That allows for everybody — Jim as well — to come back, even though he is not here on Thursday.
1068. **Mr Allister:** What are we not going to do on Thursday that we would do on Tuesday?
1069. **The Chairperson (Mr Maskey):** We are just building in Tuesday so that, if there are any other issues that you want to thrash out or you want to have a second bash at, they can be done then. For example, if you are not able to be here on Thursday and you do not like the outcome of Thursday's discussions, you will have Tuesday morning to have another look at it.
1070. **Mr Allister:** So, my amendment about projects would not be taken until Tuesday, is that what you are saying?
1071. **The Chairperson (Mr Maskey):** Potentially, or you could have it tabled before.
1072. **Mr Campbell:** It will be moved, but I am happy to let Jim move it on Tuesday.
1073. **The Chairperson (Mr Maskey):** I understand that it will be put, whether that is Thursday or Tuesday.
1074. **Mr Allister:** It does not have to be put by me.



1075. **The Clerk Of Bills:** No.
1076. **Mr Campbell:** It can be.
1077. **Mr Allister:** Is the end of business today not suitable?
1078. **The Chairperson (Mr Maskey):** I think that Sammy, Paula and Gregory indicated that they could not be here. Can we go with Thursday on the clear understanding that we have a meeting on Tuesday morning and the following Thursday?

*Members indicated assent.*

1079. **The Chairperson (Mr Maskey):** OK, members. Thank you.



# 21 May 2015

## Members present for all or part of the proceedings:

Mr Alex Maskey (Chairperson)  
 Mr Mickey Brady (Deputy Chairperson)  
 Mr Roy Beggs  
 Ms Paula Bradley  
 Mr Gregory Campbell  
 Mr Stewart Dickson  
 Mr Sammy Douglas  
 Mrs Dolores Kelly  
 Mr Fra McCann  
 Mr Sammy Wilson

## Witnesses:

Ms Patricia Casey	<i>NIA Bill Office</i>
Mr Henry McArdle	<i>Department for</i>
Mr Antony McDaid	<i>Social Development</i>
Mr Ian Snowden	

1080. **The Chairperson (Mr Maskey):** The departmental officials are here in the Public Gallery and will support the Committee in any way they can, if we feel the need for it. Obviously, we will begin with clause 1 and put the Question to the Committee as to whether it is content with each clause and schedule as drafted by the Department. I remind members that we will have finished the clause-by-clause scrutiny when we have dealt with the Question on the long title as drafted.

1081. I remind members that we may have concerns or observations about clauses, but there does not necessarily need to be an amendment. For the purposes of producing our final report, members can still put those concerns, recommendations or queries on the table, for the Department or Minister to deal with at a later stage. We did that with respect to monitoring, for example, and that was adopted by the Minister. While we go through the clause-by-clause scrutiny, if you have an issue but do not necessarily want to propose an amendment, we can put down a recommendation or observation for inclusion in the report.

1082. The amendments that we have before us are in two categories: the first relates to economic regeneration versus social need, and the second to restrictions on a council assisting projects associated with someone who has a criminal conviction. That is à la SpAd Bill, I suppose. Today, I want to deal first with the amendments relating to economic regeneration/social need. Are members happy enough with that?

*Members indicated assent.*

1083. **The Chairperson (Mr Maskey):** There are four such proposed amendments on economic regeneration. We are advised by the Bill Office and Clerk that they are mutually exclusive so, if any of the amendments is made as we go through, the others will not be considered. We need to note that there may well be some consequential amendments flowing from the recently submitted amendments. Should the Committee agree an amendment and it is subsequently supported, the Department will then propose any consequential amendments at Further Consideration Stage. I want to take the amendments in the following order.

1084. If members are content, we will move straight into the business of this.

## **Clause 1 (Financial assistance to address social need)**

1085. **The Chairperson (Mr Maskey):** Amendment No 1 states:

*"A council may provide financial assistance to any person doing or intending to do, anything which the council considers will promote economic and/or social regeneration in an area in its district."*

1086. The amendment was proposed by Sammy Wilson and Jim Allister. Sammy, are you content to move it?

1087. **Mr Wilson:** Yes.

1088. **The Chairperson (Mr Maskey):** Just so that people understand, that would remove the requirement on councils to address social need and replace it with a provision around economic or social regeneration activities. The amendment would remove subsection (2)(f), which was in the previous amendment and which addressed social need. I will move on, if members are content.
1089. **Mr Brady:** Who would then be responsible for addressing social need? Would that remain with the Department?
1090. **The Chairperson (Mr Maskey):** It is the Department — unless Ian or his colleagues want to contradict what I am saying. I think that Ian made the point on behalf of the Minister that, if social need was taken out of the requirement of the Bill, the Minister would not transfer the powers to local government; he would have to retain the power in the Department. That is what I understood. Ian, do you want to come forward?
1091. **Mr Ian Snowden (Department for Social Development):** The point that I made last Thursday was that, if the power that we currently have under the Social Need (Northern Ireland) Order 1986, or an equivalent provision that allows you to do the same thing, does not transfer, we will be unable to transfer the full range of the things that DSD currently delivers. If there were no reference to social need or an equivalent kind of provision in the Bill, programmes such as the community investment fund, and the kinds of activities supported under it, could not be transferred to local government.
1092. **Mr Wilson:** Ian, surely many of those would fall under the category of social regeneration. As was talked about on previous occasions, the social regeneration aspect is fairly widely defined anyhow, so many of those things would be covered. It is not a case of either/or. We had a long talk about this, and I do not want to go through the debates that we have had previously, but what we meant by economic regeneration was fairly clear. Dolores raised a couple of issues the other day, such as, “What about where you were going to talk about childcare facilities?” and “What about where you were talking about training facilities based within a community-type environment?”. Some people would argue that that meets a social need in an area, but it also meets an economic need because it frees people up to get out to work and makes people more available for work. It crosses over the two. It is not really right to say that a lot of what would be done under the community investment fund, for example, could not be carried out by the councils.
1093. **Mr Snowden:** I am thinking of particular things that we fund, like community networks or women’s organisations, that have no obvious economic regeneration impact. The Minister’s compromise amendment was intended to allow the full range of the Department’s activities to come across, so the reference to “social regeneration” is, in our view, an equivalent provision to the reference to “social need”. That is why it was proposed.
1094. **Mr Wilson:** We are saying “and/or social regeneration” activities. You mentioned women’s network groups and whatnot. You could argue that there is a connection between economic and social regeneration. We are now stating that councils may provide funding for:
- “the promotion, development or regeneration of commercial, industrial or other economic or social regeneration activities”.*
1095. I think it is covered there. It also avoids that catch-all phrase at the end, which we were concerned was open to abuse.
1096. **Mr Henry McArdle (Department for Social Development):** The wording of the suggested amendment does not actually read right. The general power provides for “economic and/or social regeneration”, so that is already covered. We go on then to repeat that in subsection (2)(a), and we are talking about:
- “the promotion, development or regeneration of ... social regeneration activities”.*
1097. It does not read right.

1098. **Mr Wilson:** It reads no worse than the original wording, because you had anything that the council considers will promote economic regeneration in an area of its district. Subsection (2)(a) was:
- “the promotion, development or regeneration of commercial, industrial or other economic activity”.*
1099. We have just added in social activities here.
1100. **Mr McArdle:** Our advice is that it does not actually read right in legal terms. If you wanted to do that, it would probably be better to separate (a) and (b) and have (a) as it originally was:
- “the promotion, development or regeneration of commercial, industrial or other economic activity”*
1101. and, secondly, the promotion of social regeneration activity. That would be the same thing, but put in a better way.
1102. However, there is a point here of whether the Department has a particular focus on tackling social need and tackling areas of deprivation, which was done under the social need provisions. That is the issue there, and whether it can continue to be done under this heading. It probably can; it can probably still come in under the heading of social regeneration activity.
1103. **Mr Brady:** When the Bill was drafted, it stated very clearly:
- “Powers in relation to social need ... Powers of council to address social need”.*
1104. It does not talk about social regeneration, although that is in integral part of it, I presume. It deals specifically with social need. Presumably when the Department was drafting the Bill, that was at the centre of the Bill. How can you remove the central plank of the Bill and change all that and just ignore social need? Social regeneration and social need are two different issues. They can be complementary, but they are also different.
1105. **Mr McArdle:** Social need can come under the umbrella of social regeneration.
1106. **Mr Brady:** I accept that, but there are two different issues in that sense.
1107. **Mr McArdle:** The legislation is to allow the powers to go to the councils to allow them to do the types of things that the Department has been doing in the past. One of those was tackling areas of deprivation, and that was done through the neighbourhood renewal programme under the social need powers. That type of work could continue, with the powers in the Bill described in a different way. That is our view. It is just a different emphasis.
1108. **Mr Douglas:** First of all, I declare an interest as a board member of East Belfast Community Development Agency, and I have been involved with that organisation for over 25 years. In relation to where we are at the moment, how would these changes impact on an organisation like that, which supports dozens and dozens of community and voluntary groups right across east Belfast?
1109. **Mr McArdle:** In April 2016, the powers to do the programmes that we do at the minute will transfer over to the councils. The councils will then determine how they operate the schemes that they want to take forward, and they will be in a position to determine what can be done in their area, and they will then decide what groups to support, what programmes to support and what their priorities are. I may want to say more on that.
1110. **Mr Douglas:** I am a recent addition to the Committee, but I have been following some of the stuff and have spoken to some community and voluntary organisations. What is the Minister's view on this?
1111. **Mr Snowden:** The Minister's view is that he wants to ensure that the full range of activities that the Executive wanted to transfer can be successfully transferred to local government and that the provisions in the Bill will ensure that they are able to continue to do those. He believes that his suggested amendment would allow that to take place.
1112. **Mr Wilson:** We have had this out on the table on numerous occasions. The

- difficulty with the social need provision in this was that it was abused and was open to abuse. In some areas, for example, organisations which were clearly set up to support paramilitary groups, ex-paramilitary groups, etc were funded because people said there was a social need to do that. The Department was happy that social need included all of those kinds of activities. Many people saw that as an abuse of the power. The reason why we want it to be limited to social regeneration is to prevent that kind of abuse. To a certain extent, the way in which the law was applied in the past brought about this situation, Ian. To me, this is a reasonable tightening up of the powers that will be available to councils, and it will avoid some of the abuse and the misuse of public funds that cause so much public anger. Henry, I think you are saying that many of the regeneration aspects, be they the softer social aspects or the harder economic aspects, will possibly still be continued with this amendment. At the same time, it clears up some of the concerns that people have about the way in which they were abused. Jim Allister gave a list of examples of how it had been abused in the past.
1113. **Mr Brady:** I am not aware that Jim Allister gave a list of specific examples.
1114. **Mr Wilson:** He did.
1115. **Mr Brady:** Over the past number of weeks, you have trotted out comments about all of these abuses. You have not given any specific examples. I have sat on the Committee; I have not heard him give any specific examples. He has given his general opinion.
1116. **The Chairperson (Mr Maskey):** For the record, he has given some.
1117. **Mr Brady:** In his opinion. It is a subjective view of what so-called abuse of this system is. It is not an objective view, by any stretch of the imagination.
1118. **Mr Beggs:** I declare an interest as a committee member of Horizon Sure Start, which operates in an area of need and deprivation. I am trying to get a clearer understanding of why there is an objection, as long as there is a method of enabling social regeneration. Why does that definition not satisfy you? You will not socially regenerate an area that is not in need. You will socially regenerate an area that is in need. What is wrong with that definition? What is your explanation for why you do not think it is wide enough?
1119. **Mr McArdle:** The Minister put forward an amendment which includes the wording “social regeneration”.
1120. **Mr Beggs:** But it also includes “social need”, which allows it to go much, much wider than simply addressing the collective needs of the community in terms of enabling social regeneration.
1121. **Mr Snowden:** As I responded to Mr Douglas, the Minister wants to be certain that the provisions in the Bill will allow the full range of things that the Department currently does and which are covered by the Executive's decision to be transferred. He wishes to ensure that there is no uncertainty or ambiguity about that. However, he will take the Committee's report on board and consider it in detail after it has come through. If alternative amendments are proposed, he will give them proper consideration and think on it carefully.
1122. **Mr Beggs:** I think that it is important that the community works cohesively together as a united community to regenerate, and not have multiple funding in certain areas.
1123. **The Chairperson (Mr Maskey):** We are dealing with this particular amendment. Fra, did you want to make a point?
1124. **Mr F McCann:** It goes back to what Mickey said. The Bill mentions the thrust of having social need. One of the arguments and debates that there have been for a while here is on the concern that, unless you have something like that in, councils could ignore dealing with social need. Going back to what Sammy is saying, if people are abusing the system, it needs to be dealt with. The Department could have dealt with it, and councils could deal with it. If there is one bad apple in the barrel, you do not bring in something to deal with the



bad apple and affect the other 99%. There are thousands of groups doing good work day and daily in trying to deal with social need. It is part and parcel of the Bill and has been from the start, and Sammy and Jim Allister have come in and tried to remove it.

1125. **The Chairperson (Mr Maskey):** From my point of view, the Bill is about transferring powers to enable councils to address social need, and the Minister has made it clear that that is what he wants to deliver. We are dealing with an amendment here that deals with deleting the requirement to address social need and replacing it with a generic non-defined description of social regeneration, for which there is no basis or substance in law, as opposed to what social need does have. On that basis, it will not have my vote. Anyway, there is no consensus around the table, so we will put this particular amendment to the meeting. It is the first amendment tabled by Sammy Wilson and originally by Jim Allister.

1126. **Mr Dickson:** May I just check, on the basis of the comment that Sammy as the proposer is willing to accept that —

1127. **Mr Wilson:** Separating the two out? Yes.

1128. **Mr Dickson:** Separating the two out.

1129. **The Chairperson (Mr Maskey):** That is a different amendment. We are moving on an amendment here that was tabled. We are putting it to the meeting.

1130. **Mr Wilson:** We can tidy it up later on. I think that what we were saying was that it does not make grammatical sense, but that can be tidied up.

1131. **The Chairperson (Mr Maskey):** If we are voting on an amendment we have to know what we are voting on, with respect.

1132. **Mr Wilson:** OK, let us keep it this way. If it has to be tidied up grammatically, it can be tidied up at Consideration Stage.

*Question put.*

*The Committee divided: Ayes 6; Noes 4.*

## AYES

*Mr Beggs, Ms P Bradley, Mr Campbell, Mr Dickson, Mr Douglas, Mr Wilson.*

## NOES

*Mr Brady, Mrs D Kelly, Mr F McCann, Mr Maskey.*

*Question accordingly agreed to.*

1133. **The Chairperson (Mr Maskey):** On that basis, all the remaining three amendments fall because they are mutually exclusive. We do not need to call any of the other amendments in relation to this.

1134. We will now move to the fifth amendment. I presume that members have it in front of them. I assume that there will be a division on this amendment. It is in relation to the naming of individual developments in the context of the SpAd Bill.

1135. **Mr Brady:** I have never been a councillor, but it seems to me that the member who proposed this does not have a lot of faith in councils to make decisions off their own bat. This would restrict councils from doing all sorts of things. Everyone around the table except me has been a councillor, and it seems to me that you do not have a lot of faith in your fellow councillors.

1136. **Mr Wilson:** No, we do not, and we have a good example in Newry and Armagh.

1137. **Mr Campbell:** It restricts naming, not doing.

1138. **Mr Brady:** It is a moot point.

1139. **The Chairperson (Mr Maskey):** For the record, the amendment was originally proposed by Jim Allister, but he is not here this morning. Will someone else formally move the amendment? Is it Sammy Wilson and Gregory Campbell? OK.

*Question put.*

*The Committee divided: Ayes 6; Noes 4.*

## AYES

*Mr Beggs, Ms P Bradley, Mr Campbell, Mr Dickson, Mr Douglas, Mr Wilson.*

## NOES

*Mr Brady, Mrs D Kelly, Mr F McCann, Mr Maskey.*

*Question accordingly agreed to.*

1140. **The Chairperson (Mr Maskey):** I want to formally ask whether the Committee is content with clause 1, subject to the agreed amendment. Just make sure we vote again, because these are important items. Given that an amendment has been accepted by the Committee, I want to ask if the Committee is content with clause 1, subject to the agreed amendment. Sorry, I am advised that we need to take a vote on this. Pay attention, please.

*Question put, That the Committee is content with the clause, subject to the proposed amendment.*

*The Committee divided: Ayes 5; Noes 4.*

## AYES

*Mr Beggs, Ms P Bradley, Mr Campbell, Mr Dickson, Mr Wilson.*

## NOES

*Mr Brady, Mrs D Kelly, Mr F McCann, Mr Maskey.*

*Question accordingly agreed to.*

*Question, That the Committee is content with clause 2, put and agreed to.*

*Question, That the Committee is content with clause 3, put and agreed to.*

1141. **Mr McArdle:** There would be a consequential to that one, as a result of the —
1142. **The Chairperson (Mr Maskey):** That is what I thought. We have already had that in the notes.
1143. **Mr Beggs:** Where is the amendment?
1144. **The Chairperson (Mr Maskey):** Henry, I am advised that we were working on the

basis that there would be consequential, but there is a different amendment.

1145. **Mr McArdle:** So there is a different consequential.

1146. **The Chairperson (Mr Maskey):** We have been advised that the Department will consider any consequentials. That will be done by the Minister.

### **Clause 4 (Power of Department to provide financial assistance)**

1147. **The Chairperson (Mr Maskey):** Moving on to clause 4, are members content?

1148. **Mr Antony McDaid (Department for Social Development):** That is our legislation.

1149. **Mr Wilson:** That has consequences from clause 1 as well. Again, the Department will deal with that; is that the way? Do we agree it, and then the Department deals with the consequences?

1150. **Mr McDaid:** Clause 4 amends our existing legislation on social need. Are we suggesting that the amendment is only to our Regeneration Bill and that we are not amending the Social Need (Northern Ireland) Order 1986? This clause is just amending the 1986 Order, so there will not be a consequential.

*Question, That the Committee is content with the clause, put and agreed to.*

*Question, That the Committee is content with clause 5, put and agreed to.*

### **Clause 6 (Adoption of development schemes by councils)**

1151. **The Chairperson (Mr Maskey):** The Minister has agreed to amend clause 6 as per the Committee's original request. The amendment would read:

*"After 'publish', insert 'on its website and'".*

1152. If you remember, we talked about this. It is about disseminating information.

*Question, That the Committee is content with the clause, subject to the proposed amendment, put and agreed to.*

*Question, That the Committee is content with clause 7, put and agreed to.*

*Question, That the Committee is content with clause 8, put and agreed to.*

*Question, That the Committee is content with clause 9, put and agreed to.*

*Question, That the Committee is content with clause 10, put and agreed to.*

**Clause 11 (Extinguishment by council of right of way over land held for planning purposes)**

1153. **The Chairperson (Mr Maskey):** The Minister agreed to amend clause 11 as per the Committee's request. This is in two parts. The first proposed amendment is to page 7, line 37:

*"After 'publish', insert 'on its website and'".*

1154. Is the Committee content with that amendment proposed by the Department?

*Question put and agreed to.*

1155. **The Chairperson (Mr Maskey):** The second proposed amendment to clause 11 is on page 8, line 3:

*"leave out 'so published' and insert 'first published'".*

1156. Is the Committee content with that amendment proposed by the Department?

*Question put and agreed to.*

*Question, That the Committee is content with the clause, subject to the proposed amendments, put and agreed to.*

*Question, That the Committee is content with clause 12, put and agreed to.*

*Question, That the Committee is content with clause 13, put and agreed to.*

*Question, That the Committee is content with clause 14, put and agreed to.*

*Question, That the Committee is content with clause 15, put and agreed to.*

*Question, That the Committee is content with clause 16, put and agreed to.*

*Question, That the Committee is content with clause 17, put and agreed to.*

*Question, That the Committee is content with clause 18, put and agreed to.*

*Question, That the Committee is content with clause 19, put and agreed to.*

*Question, That the Committee is content with clause 20, put and agreed to.*

*Question, That the Committee is content with clause 21, put and agreed to.*

*Question, That the Committee is content with clause 22, put and agreed to.*

*Question, That the Committee is content with clause 23, put and agreed to.*

*Question, That the Committee is content with schedule 1, put and agreed to.*

*Question, That the Committee is content with schedule 2, put and agreed to.*

*Question, That the Committee is content with schedule 3, put and agreed to.*

*Question, That the Committee is content with the long title, put and agreed to.*

1157. **The Chairperson (Mr Maskey):** This concludes the Committee's clause-by-clause consideration of the Bill. Do people want to seek other assurances or make recommendations before we complete this section? No? On the basis that we have no further observations or recommendations to make, I advise the Committee that we will be asked to agree our final report next Thursday, 28 May, the last day of the Bill's Committee Stage. Committee officials will circulate a draft report by 5.00 pm this Friday for members' consideration. Members must respond by noon on Tuesday 26 May with any comments that they want included. That will allow for the final report to be agreed on Thursday 28 May. I again just remind you that the final report must be agreed on or before Thursday 28 May. That is the final deadline. OK members, thank you for that. Thank you, Ian, Henry and Antony, for your support here this morning.





Northern Ireland  
Assembly

Appendix 3

# Written Submissions





## BCRC Submission

### **Ballymoney Community Resource Centre**

*For the community, by the community, with the community.*



## **Submission from Ballymoney Community Resource Centre to the Call for Evidence by the Social Development Committee in relation to the Regeneration Bill**

**12 February 2015**

**Response prepared by Lyn Moffett**

Registered Office: Phase 1 Units 22-23 Acorn Business Centre, 2 Riada Avenue, Ballymoney,  
BT53 7LH. Tel: 028 2766 5068.

Website: [www.ballymoneycrc.org.uk](http://www.ballymoneycrc.org.uk) E-mail: [info@ballymoneycrc.org.uk](mailto:info@ballymoneycrc.org.uk)

Registered as a company limited by guarantee No: NI071172.

Recognised as a charity by the Inland Revenue no: XR52104

### **Background Information**

**Ballymoney Community Resource Centre (BCRC)** is funded through the Community Investment Fund to provide a support network for community and voluntary groups; providing advice, guidance and information on community development issues, projects and funding; as well as focused support to areas of weak community infrastructure (Including three Small Pockets of Deprivation). BCRC is committed to promoting universal rights and addressing inequalities and also manages an Ethnic Minority and Migrant Workers Support Project for the Causeway Coast and Glens area, a CRC core funded Community relations Programme, a Reaching Out: Connecting Older People's project and a Disability Development Programme. BCRC organises events, seminars, conferences, and the website and newsletter promote the work of the local community and voluntary sector. Other services include needs analysis, research and evaluation, use of venue and office equipment etc. BCRC is particularly active in promoting cultural diversity and equality. As most of our area of influence is rural, we are also very active in addressing issues of rural isolation and inequality.

#### **Ballymoney Community Resource Centre aims:**

To articulate the voice of the community and voluntary sector and provide a link to policy and decision making at local and regional level;

To promote and facilitate relevant training and capacity building initiatives to the community and voluntary sector in the NE, in order to increase group capacity and sustainability;

To promote good relations and build social capital throughout the new Causeway Coast and Glens council district;

To promote a networking culture;

To manage and develop the Disability Programme;

To manage and develop the Ethnic Minority and Migrant Workers support programme;

To provide support and services to older people;

To provide relevant, accessible information to community and voluntary groups to aid the advancement of their community and work.

## RESPONSE

Ballymoney Community Resource Centre (BCRC) welcomes this opportunity to respond to the Call for Evidence by the Social Development Committee in relation to the Regeneration Bill and the transfer of powers to the new councils. Along with Causeway Rural and Urban Network (CRUN), Ballymoney Community Resource Centre is one of two independent CIF funded networks delivering effective, value for money services to the third sector in the Causeway Coast and Glens area and beyond.

The CIF funding allows both organisations to offer:

- Community Development Support for over 200 groups each
- Training and Capacity Building
- Support for groups to be sustainable – fundraising support
- Supporting groups to apply to the NI Charities Commission
- Mentoring Support
- Providing a voice for the community and facilitating consultations
- Research and evaluation – including community audits
- Strategic and Action Planning – village plans

In addition to these core community development activities and services, the existence of our organisational infrastructure has allowed us to lever additional funding from other statutory bodies and Trusts and Foundations to deliver a further range of cost effective services to address additional needs within our local communities. Our additional funders include CRC, OFMDFM, PHA, NHSCT, Big Lottery, BBC Children in Need, and local PCSPs, who support the following services:

- Causeway Locality Community Navigator for Older People
- Disability Development
- Drugs and Alcohol Education and Prevention – for community groups and health professionals
- Good relations and community cohesion projects
- MARA
- Migrant and Ethnic Minority Support
- OCN Accredited Training
- Rocking the Causeway Project
- Suicide and Mental Health Small Grant Programmes
- Health and Wellbeing Small Grants
- Support for Older People
- Social Enterprise Training
- Youth Inclusion – including the YEAR project

A recent survey conducted on behalf of all CIF funded organisations, and to which there was a response rate of over 90%, revealed that the CIF Core Funding allowed just 24 groups to lever in over 9 million pounds into their own organisations to deliver projects in 2014. Those same groups levered in at least a further £7.6 million to member groups and other organisations in 2014.

The advantages of maintaining the current infrastructure are manifold:

For Communities and Stakeholders	For Partners – including councils and funders	For the Community Development Networks
Access to more information both local and regional	One point of contact	Shared resources/courses/conferences etc
More expertise	Greater value for money	Avoids duplication and improves co-ordination of resources
Greater Resources	More opportunities and investment	Greater diversity of skills and experience
Services stay local and <b>independent</b>	More informed and better coordinated community sector creates a strong voice which can aid and influence decision makers	Working as a partnership enhances lobbying and understanding of operational functions by those at a strategic level
Stronger voice for lobbying (more effective and well informed)	Review of Public Administration - the Networks provide a tried and tested model to be rolled out across the region	Decreases fragmentation
Opportunities for sharing good practice and building relationships	Less liability with fewer contracts	Joint objectives - excludes 'silo' thinking
User friendly support		

However, should the CIF monies which support 26 independent organisations be transferred to councils without being ring-fenced - £1.5 million will be lost to the community and voluntary sector directly. The Fermanagh Trust survey also discovered that as many as 16 of the 26 organisations will close their doors if they lose CIF monies and are not core funded by Councils. It was also apparent from the survey that a number of those who will close without CIF core funding understand from their Councils that the 'CIF money' will be used in house. If this is the case they will close. The loss of core funding from CIF will lead to over 70 redundancies immediately and may lead to an additional 56 job losses (22responses) as other major funders question the capacity of groups such

as ourselves to maintain other projects without core funding. Only 2 of the 26 organisations will be able to sustain current employment levels.

Ballymoney Community Resource Centre and Causeway Rural and Urban Network (along with North Antrim Community Network, the DARD contracted rural support network) have engaged with their Councils on CIF and the community support infrastructure, but we are concerned that services to the community and voluntary sector will be severely compromised by proposed changes. Maintaining the status quo or deferring the transfer of funding until there can be a synchronisation with rural community development provision would further protect levels of service provision across the third sector.

BCRC further believes that in order to bring people and communities together and build stronger relationships founded on trust greater emphasis should be placed on developing and implementing plans to address the following:

Promoting equality of opportunity and tackling disadvantage. We have to demonstrate a real commitment to addressing the 'hard issues'. Tackling the 'multiple social issues effecting and entrenching community separation, exclusion and hate' is an area in which the community networks excel. This fits well with the theme of regeneration and 'community renewal' and is of particular importance in areas of relative deprivation. It is particularly important in times of recession that addressing social deprivation should continue to be a priority, to avoid even more 'protectionism', envy, fear and mistrust of other communities.

Encouraging shared neighbourhoods and reducing and eventually eliminating segregated services must be goals for the immediate future, resourcing segregated services cannot be sustained in times of recession.

# Belfast City Council

## Chief Executive's Department



Your reference

Our reference SW/lc

Date 3 April 2015

Mr Kevin Pelan  
Committee for Social Development  
Room 284 Parliament Buildings  
Parliament Buildings  
Ballymiscaw, Stormont  
BELFAST BT4 3XX

Dear Mr Pelan

### WRITTEN EVIDENCE ON THE REGENERATION BILL

Please find enclosed an officers' written evidence submitted on behalf of Belfast City Council in relation to the Regeneration Bill currently under Committee Stage consideration. This reflects the previous submission made by the Council in April 2010 to the draft Regeneration and Housing Bill.

I would kindly ask that the attached submission be brought to the attention of Social Development Committee to assist in their consideration of the bill.

If however you require any further information or clarification please contact Mr John McGrillen, Director of Development, on 028 90320202 Ext 3509 or via email on [mcgrillenj@belfastcity.gov.uk](mailto:mcgrillenj@belfastcity.gov.uk)

Yours sincerely

A handwritten signature in black ink, appearing to read 'Suzanne Wylie'.

**Suzanne Wylie**  
Chief Executive

**Belfast City Council**, Chief Executive's Department,  
City Hall, Belfast BT1 5GS  
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**NI Assembly Social Development Committee, 16<sup>th</sup> April 2015**

**1.0 Belfast City Council: Submission of Evidence on the Regeneration Bill**

1.1 Belfast City Council (BCC) has been advised that, in light of the longer timescale for consideration of the Regeneration Bill, the Social Development Committee would accept written evidence the Council would wish to submit on the Regeneration Bill.

1.2 This evidence is structured as follows. First, it addresses a number of key strategic themes that arise, in a number of provisions, throughout the Bill. Second, it responds to the specific provisions of the Bill as relevant.

**2.0 General Comments**

2.1 BDC welcomes the introduction of the Regeneration Bill following a period of uncertainty and delay. Although those elements of the “draft Regeneration and Housing Bill “ relating to Housing have been omitted, it will, nonetheless, enhance local government service delivery and the ability of the Council to make a real and lasting difference at a local level to urban regeneration and community development. It also transfers the functions relating to Laganside to the Council.

2.2 **Strategic Context:** From April 2015 the Council will also have a statutory obligation to bring together its partners to lead on the development of the community plan for Belfast, known as ‘*The Belfast Agenda*’. The Agenda will become the over-arching strategic framework and will act as a bridge between regional, city and neighbourhood priorities. It has three main aims: to set out a vision for the city; to establish short term actions for partners; and to determine quality of life outcomes for residents. Success for the Belfast Agenda requires turning broad consensus on priorities into firm commitments by government departments, agencies, and other relevant stakeholders. This includes:

- A long term city vision and outcomes to 2030.
- Collective priorities, actions and commitments over the next four years.

2.3 A key barrier to these aspirations is the fragmented nature of community development & regeneration within the City. This includes five building successful community pilots; four Urban Villages; four Social Investment Fund (SIF) zones; and initiatives from Sports NI; Education; DSD; DCAL; and the private sector. Ensuring continued physical investment in the city is a key priority for the Council in moving forward and it will be important that capital projects are delivered in a coordinated way and within an overall city framework.

2.4 A key enabler is the current reforms underway of both local and central government. These reforms propose the creation of the Department for Communities, with responsibility for local government which will bring local government, planning, regeneration and community planning all within the remit of a single Department. Alongside existing DSD functions and

most of DCAL's functions, this new Department will also assume a range of OFMDFM functions, including, of most relevance to regeneration, the Social Investment Fund and [Building] United Communities (which includes Urban Villages). Alongside the Building Successful Communities pilot, this may mean the new Department retains a significant operational role in relation to delivering urban regeneration following the transfer. This provides an opportunity to build upon the relationship between the Council and the Department at an operational level to help shape future structures, governance and processes and support the continued regeneration and revitalisation of Belfast.

- 2.5 **Legislative Process:** we understand that some of the detail of the outworking of the legislation will be set out within the subsequent, subordinate legislation (i.e. regulations) of which there is no detail at the moment (for example, in relation to Clause 9: Development of land held by councils for planning purpose). The Council would therefore advocate the need for DSD to consult with all interested parties including the Council in the drafting phase of any subordinate legislation related to the Regeneration Bill. This would enable the Council (and all councils) to assist the Department in drafting even more effective regulations for the benefit of local people.
- 2.6 **Relationship between central and local government:** While the role of the Department and Minister in setting the regional policy framework within which the functions will be administered is recognised, it is important that local government should be afforded the necessary level of autonomy and flexibility to deliver such functions at the local level. Over-intervention by the Department would reduce the degree of freedom afforded to local authorities and would contradict the aspiration of the Review of Public Administration to create a 'strong, dynamic and responsive local government sector'.
- 2.7 In particular, clarification is required as to the Departments intentions in regards to: retain a 'regional policy' role; input into projects which are of 'regional significance'; 'oversee' particular projects; have the power to 'approve' development schemes; and 'direct' councils with regards to specific initiatives.
- 2.8 Role clarity between central and local government in relation to the policy and operational aspects of the functions covered by this Bill will be important so as to provide the necessary clarity and assurances to relevant stakeholders impacted upon by the functions covered by the Bill. Any ambiguity may leave councils and the Department open to potential future challenge.
- 2.9 **Resources:** The anticipated urban regeneration & community development budget of £20.5m has been cut by a further 13.5% to £17.7m. A brief summary is included below:

	Original Allocation Model (June 2014)	Revised Allocation Model (March 2015)	Change in Allocation Model

3

			£	%
Tackling Disadvantage	£8,594,000	£7,644,000	-£950,000	-11.05%
Community Development	£1,681,000	£1,768,000	£87,000	+5.18%
Physical Regeneration	£6,054,000	£4,745,000	-£1,309,000	-21.62%
Laganside	£2,592,000	£2,112,000	-£480,000	-18.52%
Salary and GAE Costs	£1,574,000	£1,452,000	-£122,000	-7.75%
<b>Belfast Total</b>	<b>£20,495,000</b>	<b>£17,721,000</b>	<b>-£2,774,000</b>	<b>-13.54%</b>

**Table 1: Revised Allocation Model – 2016/17 BCC budget for urban regeneration & community development**

2.10 There are several key points to note:

- **Revenue funding:** whilst DSD has protected the Community Development funding for 2016/17, it should be noted that previous analysis undertaken by the Council confirmed that DSD spent £14.7m (approx) in 2014/15 on revenue programmes in Belfast. The current revenue budget allocation of £9.4m (i.e. Tackling Disadvantage and Community Development) represents a £5.3% reduction on 2014/15 baseline. At oral questions in the Assembly, on 23rd Feb 2015, the Minister indicated that he would seek to minimise the impact of budget cuts by introducing “another way whereby councils would have access to some *other element of funding*.” The Council welcomes this announcement but requests clarity on what this might entail, and how DSD would deliver it in practice.
- Despite a 5% increase in the March allocation, the overall budget for community development is still being reduced by 22% from the 2014-15 baseline. This will impact upon the council’s own community grant programme, which in turn requires the Council to find additional resources to minimise impacts on recipient groups. It is important that there is closer and more collaborative working over the coming twelve months between DSD and the Council. This includes shared communications to manage community and political expectations. Shared communications will also be important in managing community expectations around the availability of funding.
- **Physical Regeneration:** the revised allocation proposes a deduction of 21.62% in this budget allocation. This will limit the ability of the Council to carry out capital schemes within the city. This will inevitably impact the scale and quantum of projects which enhance quality of life, re-animate the city, and attract investment and economic activity.
- DSD is requested to confirm the funding allocation commitments for the 2015/16 period as a matter of urgency as this will form the baseline for the Council to benchmark against for the 2016/17 allocation and any associated funding deficits.

- 2.11 **Laganside:** The majority of Laganside assets, including the River Lagan & Weir, have very significant revenue and capital financial implications, the future cost of which may be very difficult to quantify, particularly for major capital renewal or repair works that may be required. As can be seen from table 1 above, Laganside will experience an 18.5% cut in its budget allocation. In the original DSD budget allocation model, the Laganside component was protected against cuts based on the rationale that costs were fixed. However, this rationale has not been applied to the new allocation. As a result, costs are likely to outweigh the budget allocation once provision is made for a 'sinking fund' to address scheduled maintenance/capital requirements. This will present a significant challenge for the Council in 2016/17 and beyond.
- 2.12 Current indications are that the required additional financial resources will not be forthcoming from DSD to address the scheduled maintenance/capital requirements of the Lagan Weir and associated infrastructure. Accordingly, as the Lagan Weir is a regionally important asset, it should be identified as a Regionally Significant Project/Development Scheme in the Regeneration Bill with associated powers remaining with DSD. If this is unacceptable, powers relating to the Weir and associated infrastructure should transfer to the Rivers Agency who have regional responsibility for flood management.
- 2.13 **Regionally Significant Projects/Development Schemes:** The Regeneration Bill also recognises that DSD will continue to hold responsibility for development schemes of ***regional significance*** and defines regional significance in terms of "development, redevelopment or improvement that will be of significance to the whole or substantial part of Northern Ireland". This is of particular resonance to BCC in light of the City Centre Regeneration Strategy & Investment Plan, which highlights the importance of developing the City Centre as the economic engine for Belfast and the wider region. Given the role of Belfast in the regional economy it could be considered that any significant developments within the city are likely to have regional implications with the result that the proposals could be taken out of the Councils remit and retained by DSD under the current provisions of the Bill. Further detail is requested from the Department on the classification of development schemes of regional significance and the role of the Council in progressing these.
- 2.14 With regard to delivery of such projects, the Council has worked with DSD officials and Ulster University Economic Policy Centre to develop a transparent mechanism, policy and possible criteria which could be considered to allow local government to access Executive funds to deliver regionally significant projects. In addition, a supporting case has been specifically prepared for Streets Ahead 3, which is critical for the success of the UU Campus and City Centre Development.
- 2.15 The Council will seek DSD support for the principles and emerging framework regarding regional significant projects and agree that a joint officer team be tasked with further developing detailed proposals for the NI Assembly. The Council will specifically ask for

support that Belfast Streets Ahead 3 be supported as a priority case for designation as a regionally significant project, given its current stage of development and costs to deliver. The Council will also support and advocate for an Investment Fund to be established in conjunction with the European Investment bank to provide a source of funding for regeneration at a city level.

### **Detailed comments on the Regeneration Bill – clause by clause**

#### **3.0 Part 1: Powers in Relation to Social Need**

##### ***Financial Assistance to Address Social Need/Conditions attaching to Financial Assistance (Clauses 1&2)***

- 3.1 Clauses 1 and 2 are welcomed given their potential to enable councils to address issues of social need at a local level and the discretion given to it within the Bill to provide financial assistance to third parties it considers will benefit areas of social need.
- 3.2 The Council would seek notification of the programmes and initiatives (and associated funding) which are currently being operated by the Department so as to inform the necessary transitional / handover arrangements.
- 3.3 The conditions attached to financial assistance under section 2 (1) are also welcome. These conditions are useful in that they appear to enable the Council to claw back / enact profit-share arrangements in relation to property which receives financial assistance.
- 3.4 The Council would seek further clarification from the Department on the future relationship between central and local government in terms of the establishment of regional policy and how this may affect the delivery of the powers set out within clauses 1 and 2.

##### ***Powers to carry out works for the improvement of the environment (Clause 3)***

- 3.5 This is a welcome provision which provides councils with the power to carry out works for the improvement of the environment in areas of social need. It is expected that such provisions will strengthen the ability of councils to deal with dilapidated buildings.

##### ***Power of the Department to provide financial assistance (Clause 4)***

- 3.6 The removal of the reference to “districts” is welcomed in redefining the focus of the Department’s financial assistance to that of supporting regional level activity. However, the Council would seek assurances that this would not undermine councils’ access to funding.

#### **4.0 Part 2: Development Powers and other Powers for Planning Purposes**

- 4.1 The harmonisation of planning and regeneration within the Council is welcomed. There is, however, uncertainty in respect of the situations where the planning power could be exercised by the Regional rather than local planning authority. There is also a significant change in that the Council sponsored schemes will be subject to the approval of the Department(s). There may be a duplication of potential responsibilities, between the

undefined regional level and council. This could be the source of uncertainty and challenge when the different potential agencies pursue implementation or the application of the new powers.

***Development Schemes of Councils/Adoption of Development Schemes of Councils (Clauses 5&6)***

- 4.2 The proposed extended role of councils in relation to the preparation and delivery of development schemes is welcomed. However, the process as outlined in the Clause appears to involve the potential for significant time delay in the approval process because a council is under a duty to submit the scheme to the department for comment (6(1)(a)) and also for approval 6(5).
- 4.3 It is suggested that the definition of what is regionally significant should not rest with DSD alone but should be linked to the Regional Development Strategy or Regional Transport Strategy or other overarching plans. It is a concern that, given the role of Belfast in the regional economy, it could be considered that any significant proposal for the city would have regional implications and significance with the result that the proposals would be taken out of the Council's remit and retained with the Department.
- 4.4 Any Departmental veto should only be exercised in highly exceptional circumstances, and these circumstances should be made clear. The power of the Council as a regeneration agency may be diminished by the requirement to seek approval from the Department and it may take considerable time to agree amendments with the Department. The Department should engage in prior and appropriate consultation and engagement with each relevant council prior to the Department exercising its power of direction.

***Clause 7 Acquisition of lands by council for planning purposes***

- 4.5 Assurances are sought from the Department that there will be a detailed analysis of the financial provisions and financial mechanisms that will enable this extended role of councils. For example, it is unclear if financial assistance will be available from the Department to assist with the preparation of a development scheme when it 'directs' the council to prepare the scheme.
- 4.6 It is noted that there is no mechanism within the Bill allowing for the Council to challenge the Department's decision in relation to a Development Scheme.
- 4.7 Consideration should be given to excluding the need for a public enquiry where the objection or objections are considered to be de minimis.
- 4.8 It is noted that in 7 (2), vesting is permitted if a council acquires a lesser estate than a fee simple in any land. It would be useful as part of site assembly, to expand this to include vesting to amalgamate sites acquired by agreement to create a single clean title.
- 4.9 With regard to Clause 5 (page 6) it would be useful if the Bill could clarify whether the Department which determines the Vesting Order is DoE or DSD (or their successors).



- 4.10 The extension to councils of the power to acquire land for planning purposes is welcomed as this will greatly facilitate physical regeneration projects and the delivery of development schemes.

***Disposal of Land held by the Council for Planning Purposes (Clause 8)***

- 4.11 Clause 8 of the Bill should expressly permit the Council to retain any funds from the sale of such property falling under this section, for the purpose of potentially reinvesting this money in regeneration schemes.
- 4.12 Para 90 (3) of the Planning Order NI 1991 states that Section 5(6) of the Stormont Regulation & Government Property Act (NI) shall not apply for the disposal of any land under this Article. Subsection 6 says that any moneys received by a Department in respect of any transaction carried out by such Department shall be paid to the Exchequer of Northern Ireland. Similar provision should be made in the Bill in respect of councils.

***Development of Land held by the Council for Planning Purposes (Clause 9)***

- 4.13 The extension of the role of councils to develop land for planning purposes is welcomed. There are concerns regarding the Department's oversight role and the potential restrictions on the Council's ability to develop and deliver proposals. The debate around the undefined retained planning powers started with the concept that there would be very few situations where this would be exercised and became enshrined in a more formalised tiered approach covering an increased number of eventualities. The retained regional planning function for applications also introduces an element of uncertainty as to whether the Council will have the ability to manage the interrelated aspects of more complex regeneration proposals as the DoE may consider the proposals to fall within the regional tier of applications for consideration by the *Regional Planning* body.
- 4.14 Clause 9 enables the Department to make regulations to require councils to provide information on plans to develop land and to make regulations enabling the Department to delay the Council from using its development powers for a specified period of time. It is therefore essential that the Department should consult with all interested parties (including the Council) in the drafting phase of any subordinate legislation related to the Bill.

***Powers of the Council before Acquisition of Land for Planning Purposes (Clause 10)***

- 4.15 No comments on this Clause.

***Extinguishment by a Council of Rights of Way over Land held for Planning Purposes (Clause 11)***

- 4.16 Clause 11 is welcomed insofar as it is a key provision in enabling development to take place.

***Power of the Council to require information as to estates in land (Clause 12)***

- 4.17 Clause 12 is welcomed as it will assist councils in determining ownership of buildings/properties.

***Development Schemes made by the Department (Clause 13)***

- 4.18 Given the role of Belfast in the regional economy it could be considered that any significant developments within the city are likely to have regional implications with the result that they could be retained by the Department under the current provisions of the Bill. Further detail is requested from the Department on the classification of 'development, redevelopment or improvement' which 'will be of significance to the whole or a substantial part of Northern Ireland' and the role of the Council in progressing these.
- 4.19 There is concern that this clause provides another avenue for the Department to prepare development schemes under the Planning Order (Northern Ireland) 1991 without any reference to financial resources and ability to deliver such developments

**5.0 Part 3 Laganside*****Transfer to the council of certain functions relating to Laganside (Clause 15 and Schedule 1)***

- 5.1 Clause 15 provides for the repeal of the Laganside Order and Schedule 1 sets out the powers which Belfast City Council 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 Laganside Corporation and include: *the power to execute works to facilitate access to the river or promote recreational use; power to construct bridges and weirs; power to make byelaws regulating e.g. fishing or the use of the river by vessels*
- 5.2 The majority of Laganside assets, including the River Lagan & Weir, have very significant revenue and capital financial implications, the future cost of which may be very difficult to quantify, particularly for major capital renewal or repair works that may be required. Current indications are that the required additional financial resources will not be forthcoming from DSD to address the scheduled maintenance/capital requirements of the Lagan Weir and associated infrastructure (see paragraphs 2.11 and 2.12 above). Accordingly, as the Lagan Weir is a regionally important asset, it should be identified as a Regionally Significant Project/Development Scheme in the Regeneration Bill with associated powers remaining with DSD. If this is unacceptable, powers relating to the Weir and associated infrastructure should transfer to the Rivers Agency who have regional responsibility for flood management.
- 5.3 In relation to paragraph 5 (1) of Schedule 1 the requirement of the Council to have the consent of DARD in respect of undertaking those works specified in paragraph 2 would appear to be unnecessarily onerous in respect of certain activities accept for those matters directly affecting environmental issues and water quality (which the Council would recognise are clearly within the remit of DARD).

**6. Part 4: General and Supplementary**

***Surveys (Clause 16)***

- 6.1 No comments.

***Guidance (Clause 17)***

- 6.2 This clause should be strengthened to stipulate that, in line with good practice, there will be pre-developmental consultation in respect of all guidance, whether regulatory or otherwise, which relates to council activity and procedure

***Powers to make Orders; Regulations and Orders; Interpretation; Minor and consequential amendments and appeals; Commencement; Short title (Clauses 18 – 23)***

- 6.3 The regulations made under the provisions of this Bill will be subject to negative resolution. This means that the regulations are made by the Department and will come into operation unless the Assembly passes a motion to annul them. The importance of the Department engaging with the district councils prior to the making of any Regulations is therefore stressed again

## CIH NI Submission

Monday, 16 February 2015

C/- Dr Kevin Pelan  
Committee for Social Development  
Room 144  
Parliament Buildings  
Belfast BT4 3XX

Dear Kevin

**RE: REGENERATION BILL**

Thank you for the opportunity to make a submission.

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.

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:

**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"

**Part 2 Clause 13 "For Article 85 of the Planning Order substitute—"**

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"

Yours sincerely



**JUSTIN CARTWRIGHT**  
**POLICY AND PUBLIC AFFAIRS OFFICER**  
**CHARTERED INSTITUTE OF HOUSING NORTHERN IRELAND**

# Confederation of Community Groups Submission



**CONFEDERATION OF  
COMMUNITY GROUPS**

## **The Confederation of Community Groups of Newry & District.**

### **Regeneration Bill - Consultation response to the Social Development Committee**

We welcome the opportunity to comment on the draft Bill.

The Confederation of Community Groups has been in existence since 1973 and is a leading sub-regional Community Development (CD) organisation providing services to the Newry and the wider region. Rather than reply to the exact wording of the Bill we would like to take this opportunity to voice our concerns over the implications of the Regeneration bill and the impact on the independent Community and Voluntary Sector.

In particular 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.

#### **Key Issues which we encourage the committee to consider;**

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.

2. **Lack of information** – There is a significant lack of information on the proposed transfer of resources between DSD and the new Councils – 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? 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?
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)
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.
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 :
  - What services will be lost if CIF funding is transferred to Councils
  - What are the implications for organisations across NI

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 :

### Key Findings of our research (see details re impact)

- **£1.5 million** will be lost to the community infrastructure organisations across NI directly (from 26 organisations who receive CIF funding)
- The transfer of CIF funding will result in at least **16 organisations closing their doors** if they lose CIF funding and are not core funded by



Councils post April 2016. To date a number of those who will close without CIF core funding, understand from their Councils that the 'CIF money' will be used in house by the Councils. Closures and loss of independent umbrella organisations in communities across NI will be inevitable.

- CIF Core Funding has **levered in over 9 million into the Organisations** to deliver community projects **in 2014** (24 responses)
- CIF core funding **levered in £7.6 million to external organisations** in 2014 to deliver community projects (21 responses)
- The loss of core funding from CIF will lead to **over 70 redundancies immediately and may lead to an additional 56 job losses** (22 responses) Only 2 organisations will be able to sustain current employment levels.
- **60% of Organisations have engaged with their Councils to discuss transfer of CIF funding** (in only *1/4 of these cases* has these meetings been initiated by Councils, in other cases the Councils have not 'been ready' to discuss )
- **50% of respondents understand Councils will deliver in house** (25% will use a Service Level Agreement and 25% are considering tendering)

### Conclusion

The Department of Social Development has the key lead responsibility for supporting the Community and Voluntary Sector. We would ask the Committee and the Department to URGENTLY take stock and time to listen to what is happening on the ground now and the direction of travel going forward. The loss of major independent funders, the challenges being faced by European funded organisations ie ESF funding, and now the apparent end of Neighbourhood Renewal, Community Investment Funding etc is and has the potential to decimate the work of tackling poverty and making an effective contribution to the lives of many communities across NI.

We encourage the Social Development Committee to take a lead role in ensuring the NI assembly and the Department of Social Development in particular honour the wording and the spirit of the Concordat between the Voluntary and Community Sector and the Government. We would therefore request that further dialogue with the Com/Vol sector is instigated immediately and provisions made to the Bill to safeguard the independent CD voice under RPA.

Appendix  
4

Respondent	What services will be lost if CIF funding is transferred to councils?	What are the implications for the community and voluntary sector with the loss of CIF infrastructure support?
1	Our ability to provide funding support, governance guidance, strategic support and our ability to both develop and run strategic initiatives for our community will be impacted	The loss of Community Infrastructure support to a statutory provider will have important implications. The Councils across NI have run Community Support for many years - this has not helped build volunteerism or an effective community and voluntary sector in our area. Decision not evidence based.
2	Core strategic services, advocacy, capacity building and volunteer development.	Impact will be short, medium and longer term depending on how much new council understands and thus values the work and impact of the community and voluntary sector. If keeping rates low and reducing spend is the only priority then the impact could be catastrophic for people in need who are the ultimate beneficiaries of services the community and voluntary sector provides.
3	Training, advice, support, information, networking events, inspirational women events, older women projects, health events, cross-community initiatives international women's day, summer scheme for women, summer school, signposting, information dissemination to 500+ groups / individuals.	Councils have an obligation to deliver on its strategy and if this can be done in house I feel that this is what they may do however they do not have the contact with disadvantaged urban or rural areas that our organisation would have - they also would not have the vision or innovation to devise and deliver projects which will enable and benefit women.
4	If CIF funding is withdrawn 400 people (weekly) from disadvantaged communities will not have access to education & employment skills training. 400 people from disadvantaged communities will not have access to front-line support services. 150 community based childcare places will be lost to support women's access to education and training 40-50 women and families from BME communities will not have access to services and support to build a shared future (14 organisations). 116 people will not be able to access 1-1 counselling services and personal support. The organisation will not be able to support young mothers and school age mothers.	The uncertainty will create instability in disadvantaged communities where services and support are already threatened. Community infrastructure in disadvantaged communities will be weakened and in many areas lost completely. Progress towards women's equality and equality for the most excluded in society will be set back years. Marginalised people and families in disadvantaged communities will have less chance of social inclusion and employment. BME families will be further isolated and marginalised. Our Shared Future strategy will be jeopardised. People who live in disadvantaged communities may become more unstable and disappointed particularly young people who see no future for themselves.

5	<p>If it is not a service level agreement to maintain post we will lose our financial management capacity, HR capacity and part of our community development capacity.</p>	<p>The current situation is unclear but it appears that the community developments budget will decrease. We are still not sure what the long term plans of the council are. For instance will they want to adopt projects and programmes as direct council initiatives or will they be happy to develop SLAs with independent Community organisations</p>
6	<p>Core Community Support Agency offering a range of capacity building/ technical assistance/social inclusion/ learning programmes/activities etc to 50+ local C/V groups, 20 nursery, primary and secondary schools and residents (population 26,000 +/-10,000 households) past 19 years and Loss of current contracts/SLAs with range of agencies including delivery of Family support Hub, secretariat to 6th largest Neighbourhood Renewal Partnership, Training and Employment Services, Essential skills programmes, Management of 2 extended school clusters, Early intervention projects such as ASPIRE, Talking To Our Babies Early Years Communication Project, FAST, Arts and Culture programmes and activities, the support/development of a range of capital infrastructure projects within the community and the loss of management staff to oversee a 3.2m SIF programme over the next 4 years.</p>	<p>We would hope that our agency and C/V sector in our area will be integral to the development and role out of the Community Planning process and we would anticipate that the Council will require our direct assistance, leadership, knowledge and experience to develop and/or manage the proposed new locality based planning process/structure and programme of activities for our area.</p>
7	<p>Information - advice - signposting - independent representation - advocacy - sectoral events - group support</p>	<p>New councils are simply not ready - whatever about willing - to adopt responsibility for Community Development and Urban Regeneration. There is no clear route map or strategic framework that instils confidence or clarity - this can only lead to confusion and information/resource/support gaps for groups in the area. Thankfully - in this area - proposals for a transitional approach to Grant Aid is shaping up though this may not be sustained as 2015-16 progresses. A range of supports continue to be needed (grant aid info, social enterprise opportunities, tendering skills etc.) that simply have no future without the above-mentioned structure being meticulously planned out.</p>

8	Administration and fundraising services.	An important base and support for the sector will be removed.
9	This community will fall further into deprivation as key local services will be lost. This community will become dis-empowered and unemployment will rise.	Yes
10	Independent advice on governance; conflict resolution; understanding policy context & participation in consultation response; organisational mentoring; holding government to account; independent advice & support to BME and other excluded groups around which community tensions exist	I Short & Long term - Independence; energy; flexibility and innovation of sector will be lost as will developed expertise and experience gained in the sector; Immediate - Jobs will be lost; longer term : skilled professionals will relocate from rural communities to cities to get jobs; spending power and skills and sustainability of communities lost to rural area Decreased independent sustainability of communities.
11	Community based Education and Training Quality Affordable Childcare Family Support Services Health Programmes Young People's Peer Education Project	Closure of community organisations providing vital services.
12	Childcare Provision Youth Provision Care to Vulnerable Adults Community Development & Partnership working Delivery of statutory bodies strategic objectives	Create uncertainty on service provision.
13	Independent community development support, capacity building, effective engagement with statutory bodies.	Loss of effective lobbying process loss of independent advice & support reduced capacity reduction in funding (less applications and poorer quality) reduction in governance.
14	Support to 60/70 community groups in the borough.	Groups will not get the support they need to continue they will not be consulted groups will close down.
15	Community development support - charity registration support - governance review support - volunteer development, recruitment and management support - community development training - community development opinion forming meetings - responses to Govt policies - funding leverage (as described in 2) - funding management (as indicated in 3) - co-ordination of local forums	If council do not continue with similar support as is currently supported, it will be lost forever, never to return.

16	Independent support for groups, a voice for the community particularly the hard to reach. All of our additional services in relation to older people, community education, disability development, community relations and ethnic minority support will be put at risk.	The ability to engage hard to reach groups and individuals who are suspicious or lack confidence in statutory bodies will be compromised. An independent voice for grass roots development groups will be lost. Additional specialised services which have existed for years and cannot be easily replaced will be lost to communities and those most in need of support. A vast body of relationship building, knowledge and expertise in those specialist areas will also be lost not just to organisations but the communities they serve.
17	Shopmobility project Advocacy work for Travellers, LGB/T Community Community Representation on strategic Boards/Partnerships Vital Practical Resources Specific in-house Training.	The implications will be wide-reaching, stretching over the short-term and long-term and ultimately taking us back to the way things were in Mid-90's, where Council did not listen to voice of local community. Community Groups had to come together and unite in order to set up a Forum to identify and more structured and cohesive approach to dealing with the full range of Statutory and Voluntary agencies.
18	Coordinator post, admin post and financial administrator post lost. As childcare project will no longer be viable two childcare workers and childcare coordinator post will be lost, 25 volunteer placements will disappear. A comprehensive health, education and training programme will end, A childrens programme comprising a crech, afterschools project and young womens project will end. Counselling services will be lost, Cookery, Accredited ICT, Horticulture, Womens rights, Crafts, Health and Social care, First Aid courses will not run.	Social Isolation, removal of access to services for adults and children with physical and learning disability, loss of opportunity to access accredited training, skills development, childcare support and child development. An increased strain on all the health services including GPs, counselling, social services, Surestart. A decline in progression from access course to college course and ultimately employment. Access to advice on benefits and other issues removed. Increased reliance on benefits.
19	We co-ordinate the existing activities within the Partnership and its member groups to enhance long term sustainability. It assists local community groups to develop their capacity to deliver services which will create income streams and work to develop the local social economy sector. This will enhance local opportunities for training and employment and help promote inclusion and cohesion within the community. No other organisation delivers this in the Creggan community.	We co-ordinate the existing activities within the Partnership and its member groups to promote collaboration and efficiency as a means to enhance long term sustainability. It assists local community groups to develop their capacity to deliver services which will create income streams and work to develop support mechanisms and structures for the local social economy sector. This will enhance local opportunities for training and employment and help promote inclusion and cohesion within the community. No other organisation delivers this in the Creggan community.

20	Integrated training, non-accredited training, accredited training support, childcare, health promotion, older adult education, young women's support.	I honestly don't know.
21	Community Development Networking Centre housing 12 support organisations and many external support providers Management and support for 4 estate based community hubs. Numerous community based projects not supported No CD support across the entire Borough with relationships which has been built up over past 16 years with communities on the ground in disadvantaged areas. Numerous community infrastructure support projects PHA Funded programme OFMDFM Good Relations Project Peace Impact Projects Various other project activities.	Lack of support services on the ground in most disadvantaged communities Loss of capacity to deliver local services effectively, Lack of local support for 350 + local groups and organisations, Loss of training and employability programmes Local people not able to access services and gain appropriate information, advice, support and training Loss of jobs and employment opportunities created by the Learn to Earn Programme we deliver. Lack of access to services including debt advice, womens aid, linking generations, DARD funded MARRA programme. PHA funded Health Inequalities programme and many more activities and support services currently accessed by all sections of the community on a daily basis. Footfall for Community Network Centre and 4 Community Hubs alone is 700+ per week.
22	We have on average 200 women per week accessing our services and 90 childcare places in our creche. This would be lost to the local community.	I believe a lot of the priorities would change and therefore the potential for accessing funding could be severely hampered.
23	The independent advice and lobbying services to the community sector. The 1 to 1 mentoring for community groups and individual activists. OCN accredited training at levels 1,2 & 3 on drug & alcohol, community development, active citizenship, event management and fundraising. Suicide prevention support. Youth intervention programmes, good relations training and support. Financial advice and support to community groups, Older peoples support & training.	There will be a huge gap in provision for the community sector as the network organisations have direct contact with the groups. The networks are also fully aware of the services and support that the groups require. Also the potential loss of services as stated in question 9.
24	Belfast City Council is currently planning to out source community development services. If this goes ahead as planned core community services should be retained however we will not know the reality until that happens.	This will depend on a number of factors including: Total budget that is transferred Councils terms of reference for allocation Method of tendering



25	<p>Provision of neutral and accessible town centre accommodation for individuals and groups. Hosting community and charitable organisations offering a range of support services to disadvantaged individuals. Admin and finance services for CVSE sector e.g. Payroll, HR advice, Design and Printing services. One to one funding information, advice and support. Support provided to over 180 groups. Help to establish and develop groups e.g. BME , Older People, People with Disabilities, including Governance advice, Charity Registration Capacity building through the delivery of training and support programmes to support groups and individuals to develop skills and knowledge. Promoting community development Promoting communication via multi media platforms Providing networking opportunities Acting as a voice for the sector at a local level.</p>	<p>If the powers are transferred to the new Councils and the Councils fail to tender out CIS or enter into SLA's with currently funded Cif organisations , we believe that there will be a significant negative impact including a loss of skills , knowledge and experience from the local CVS sector and the infrastructure developed over a significant period will be lost.</p>
26	<p>Childcare Family Support Training &amp; Education Access to other support services</p>	<p>1. Re access further and/or other funding streams - acknowledged government department support is an added advantage. 2. Council could stipulate conditions which would restrict development and progress of unique services. 3. It minimises influence on implementation of policies designed to promote equality</p>

# Fermanagh and Omagh Council Submission

**Brendan Hegarty** Chief Executive

Your Ref:

Our Ref:

Date: 13 February 2015

Being dealt with by: Alison McCullagh

Email: [alison.mccullagh@fermanaghomagh.com](mailto:alison.mccullagh@fermanaghomagh.com)



Fermanagh & Omagh  
District Council  
Comhairle Ceantair  
Fhear Manach agus na hÓmair

Dr Kevin Pelan  
Clerk, Committee for Social Development  
Room 144, Parliament Buildings  
BELFAST BT4 3XX

Dear Dr Pelan

## Regeneration Bill

Fermanagh and Omagh District Council welcomes the opportunity to make a written submission to the Committee for Social Development in respect of the Regeneration Bill which the Committee is currently scrutinising.

The Council appreciates that the Committee's primary consideration relates to the detail of the wording of the various clauses of the Bill, and would comment as follows:

- 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.
- In terms of Power to Carry out Works for the improvement of the environment, it is 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).
- 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..."
- 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.
- 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.

- 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.

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 proposed allocation model in advance of the transfer of the regeneration function on 1 April 2016.

Should the Committee wish to receive specific representations from Fermanagh and Omagh District Council on this matter, Members would be willing to attend a future Committee meeting. In this regard, I would be grateful if you would use the Council's Omagh address indicated below, in any future correspondence.

Yours sincerely

*Alison McCullagh*

Alison McCullagh  
**Director of Regeneration and Planning**



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# JUNO Planning Submission

16<sup>th</sup> February 2015

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Dr K. Phelan  
Northern Ireland Assembly  
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Room 144  
Parliament Buildings  
Belfast  
BT4 3XX

Dear Kevin,

**Submission by JUNO Planning & Environmental Ltd to Consultation on  
'Regeneration Bill'**

Outlined below are JUNO Planning & Environmental Ltd's comments on the draft Regeneration Bill legislation. Our response is structured with regard to specific clauses of the Bill.

## **Part 1: Powers in Relation to Social Need**

### **Clause 1: Financial assistance to address social need**

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.

### **Clause 3: Power to carry out works for the improvement of the environment**

JUNO suggests that proposed works for the improvement of the environment must have regard to Council's Local Development Plan and Community Plans.

### **Clause 4: Power of Department to provide financial assistance**

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 their provision of financial assistance.

## **Part 2: Development Powers & Other Powers for Planning Purpose**

### **Clause 5: Development schemes of councils**

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 councils '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 Council to prepare 'Development Schemes,' legislation should state which party will pay for the development scheme. If DSD is directing the Council to prepare a development scheme we suggest that DSD is responsible for financing it.

**Clause 6: Adoption of Development Schemes by Councils**

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 the (iii) PAC. This will have implications for the 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.

**Clause 7: Acquisition of land by councils for planning purposes**

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.

**Clause 9: Development of land held by councils for planning purposes**

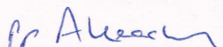
We request the opportunity to review and comment on the referenced regulations.

**Clause 13: Development schemes made by the Department**

JUNO wishes to highlight the importance of the Department and local Councils having regard to the council's (i) Community Plans and (ii) 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.

We would welcome the opportunity to present this information to you in person, or discuss any areas of interest in more depth if required.

Yours sincerely



Helen Harrison  
Director

# Mid and East Antrim Submission

## 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

# NICVA Submission



## **NICVA comments on Regeneration Bill.**

### **Background to NICVA**

NICVA (the Northern Ireland Council for Voluntary Action) is the umbrella body for the voluntary and community sector in Northern Ireland. It provides over 1,000 members with information, advice, training and support services on a wide range of issues, together with representation for the sector as a whole.

NICVA works to achieve progressive social change, based on equality and equity, working through a community development approach, to empower local communities to pursue their own needs and agendas.

### **General comments**

NICVA welcomes the opportunity to inform the Committee on our concerns around the Bill.

We note the decision to delay the transfer of these powers to Council until 2016 and whilst this is disappointing given the amount of time that has been spent on the reform of local government, we hope this will give time to build capability in communities and in those councillors who have been elected to the super councils in relation to these new powers.

NICVA has been supportive of the devolution of powers to new councils, responsive and responsible councils are best positioned to deliver local regeneration as they are closest placed to the needs of the community and have the knowledge and the understanding of their communities. This coupled with a robust planning system which should taking input from and account of the needs, and voices, of the community should lead to Councils being well placed to tackle regeneration, social need and deprivation.

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.

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.

To conclude, NICVA welcome the Bill as part of the wider reform of local government and looks forward to working with the Committee and elected representatives throughout its legislative passage.

For more information contact

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# NILGA Submission



16<sup>th</sup> February 2015

## **NILGA response to the NI Assembly Social Development Committee Call for Evidence on the Regeneration Bill**

The following response was drafted based on existing NILGA and local government policy, and previous consultation responses in relation to regeneration (and housing). This response was considered and agreed by the NILGA Executive on 13<sup>th</sup> February

**Any queries in relation to this paper should be directed to Karen Smyth or Fiona Douglas at the NILGA Office (028)9079 8972**

**Derek McCallan  
Chief Executive**

16<sup>th</sup> February 2015

### **1.0 Introduction**

NILGA, the Northern Ireland Local Government Association, is the representative body for district councils in Northern Ireland. The membership is currently comprised of the 26 local city, borough and district councils. NILGA represents and promotes the interests of local authorities and is supported by all the main political parties in Northern Ireland. The Association will be reconstituted to align with the new 11 councils for April 2015.

Regeneration is a key element of the suite of powers transferring from central to local government. It will be instrumental in local government's ability to shape their local communities, enabling a more joined up approach, incorporating linkages to other functions such as planning, local economic development and local tourism, within the framework of community planning. NILGA is pleased to be able to have an opportunity to comment on the proposed bill and we trust that our comments will be taken into account when developing the final proposals. Additional comments in relation to the original content of the 'draft Regeneration and Housing Bill' are included in this evidence, as we would welcome further discussion with the Committee on these issues, and for some indication as to the proposed way forward.

NILGA would be happy to discuss views on the Bill with the Committee, should an oral evidence session be planned in the future. For further information on this submission please contact Karen Smyth [k.smyth@nilga.org](mailto:k.smyth@nilga.org), or Fiona Douglas [f.douglas@nilga.org](mailto:f.douglas@nilga.org) at the NILGA Offices (028) 90798972.



## 2.0 General

NILGA welcomes the opportunity to comment on the Regeneration Bill as currently drafted. The Bill will allow the conferral of powers to tackle deprivation and undertake regeneration and community development in local government and the transfer of functions relating to Laganside to the new Belfast City Council.

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 budget calculations.

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.

In general, NILGA welcomes that the proposed Bill does not overly prescribe where, when and how councils should use their new powers relating to urban regeneration and community development. It is NILGA's view that councils are best placed to determine appropriate priorities and actions for their areas.

## 3.0 Comments on Specific Clauses

### Clause 1

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.

### Clause 5

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 it is applied.

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.

#### **Clause 6**

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.

#### **Clause 7**

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:

*"7(1)(b) That it is expedient in the public interest that the land should be held together with land so required;"*

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.

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.

#### **Clause 8**

Clause 8 makes provision for disposal of land held by councils for planning purposes to secure best use of land or buildings to secure the erection or construction of buildings or carrying out works which the council considers are needed for the proper planning of the area in which the land is situated.

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.

#### **Clause 9**

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.

NILGA has no comments on **Clause 10**.

#### **Clause 11**

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.

#### **Clause 12**

Clause 12 enables councils to issue 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.

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.

### **Clause 13**

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.

### **4.0 Additional Comments in relation to the original 'draft Regeneration and Housing Bill'**

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.

### **Unfitness**

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 unfit condition.

### **Houses in Multiple Occupation (HMOs)**

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.

### Energy Efficiency

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.

### Housing Council

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.

### 5.0 Conclusion

NILGA would again thank the Committee for the opportunity to comment on the Bill and would be happy to discuss the clauses identified above, should the Committee wish to hold an oral evidence session.

While we would be keen for the Committee to consider the additional issues identified at 4.0 above, it is imperative that progress of the Bill as it presently stands is not impeded further, and would therefore request that the proposed discussion of these issues takes place once the current Bill passes Committee stage.

Overall, NILGA would encourage the Committee to ensure that the transfer of regeneration to local government is meaningful, well-resourced and that the Regeneration Bill supports councils in delivering on the Executive Vision for strong local government.

#### **Disclaimer**

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Mr Alex Maskey, Chairperson  
Social Development Committee

C/o Dr. Kevin Pelan  
Committee Clerk  
Room 284, Parliament Buildings,  
Ballymiscaw, Stormont,  
Belfast, BT4 3XX

19<sup>th</sup> March 2015

Dear Mr Maskey

**NILGA Evidence to Social Development Committee**

Further to the NILGA evidence given to the Social Development Committee on 12<sup>th</sup> March 2015, I gave an undertaking to the Committee to seek further information on a number of issues and to respond as quickly as possible in relation to these queries.

The **first query** was from Mr Allister who sought a view from councils in relation to Clause 1 of the Bill, particularly as to whether councils would value a more exact definition of social need than that currently expressed in the draft Bill.

The written evidence from both NILGA and from Mid and East Antrim noted that Clause 1 as presently drafted, seemed to be in line with the Executive's vision for stronger local government and the new general power of competence introduced in s79 of the Local Government (NI) Act 2014.

Further to the Committee meeting, I wrote to all 11 Chief Executives (designate) to see if there were any strong views on Clause 1, particularly in relation to the definition of social need, requesting that they respond by 18<sup>th</sup> March. I received no strong views in relation to this issue, which leads me to conclude that the current wording is viewed as satisfactory.

Indeed, this is marked contrast to the numerous communications I have had from Chief Executives (designate) in relation to the letters issued by Minister Storey confirming a sizeable cut in funding aligned to the functions transferring from DSDNI. Much of the Local Government sector is deeply concerned by what is **a cut averaging 17%**.

Original proposals, circulated for consultation with local government in December 2013, showed a total proposed transfer of £68.1m, whilst the revised amounts, circulated by the Minister to councils in March 2015, show a **decrease of over £11.6m** to just £56.5m.

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This 17% on average cut (*see table below*) cannot be seen as a consequence of austerity, and shows clearly that the underpinning principles for Local Government Reform have been set aside.

We would again respectfully request that the Committee uses its scrutiny role and good offices to materially enable councils to provide clear evidence for the need for a more equitable, financial settlement.

Additionally, we would respectfully request that the Committee investigates and works with councils, towards the institution of a mechanism to enable councils to bid for capital funding (from DFP) for regeneration projects. The existing DSD practice - of not having an annual capital budget and instead designing projects requiring a bid for funding - leaves councils in a less than advantageous post-transfer. If communities are to see the high street, neighbourhood community and business park level tangible benefits of transfer, it would be immensely helpful for councils to have a similar ability to that of departments in relation to bidding for capital funding.

#### Budget Analysis

<b>Urban Regeneration Budget Analysis</b>						
		Per Consultation		Per Minister Storey		%
		Dec-13		Mar-15		Reduction
<b>TOTAL BUDGET</b>		<b>68127000</b>		<b>56500000</b>		<b>17.07%</b>
Antrim & Newtownabbey		4532000		3919000		13.53%
Armagh, Banbridge & Craigavon		6663000		5202000		21.93%
Belfast		20418000		17721000		13.21%
Causeway Coast & Glens		4890000		3701000		24.31%
Derry & Strabane		7453000		6221000		16.53%
Fermanagh & Omagh		2568000		2058000		19.86%
Lisburn & Castlereagh		3495000		3138000		10.21%
Mid & East Antrim		4609000		3517000		23.69%
Mid Ulster		3467000		2592000		25.24%
Newry, Mourne & Down		4989000		4178000		16.26%
North Down & Ards		5043000		4252000		15.69%
		<b>68127000</b>		<b>56499000</b>		

The **second query**, from Mr Campbell, specifically referred to an issue faced by Derry City and Strabane District Council. After detailed discussions with Mr John Kelpie, the Chief Executive (designate) of Derry City and Strabane, I can confirm the following:

The elected members and officers in the Derry City and Strabane area have been flagging up financial issues with government for well over a year on various fronts, including the lack of a maintenance budget for DRD car parks, lack of a capital funding mechanism for regeneration projects, reduction in the rates 'take' resulting from revaluation of the non-domestic rate and potential cuts to grants provided by DOE. In particular, the following was detailed:

The Rates Support Grant is the grant paid to less well off councils, and is due to be paid to 7 of the 11. This grant is not protected in law and Derry City and Strabane have been told that their Rates Support Grant payment has been reduced by £450,000 for the 2015-16 year. There is potential for further reduction on an annual basis. This is of serious concern to areas experiencing greater disadvantage, such as Derry City and Strabane.

The combined impact of all of these financial issues has been raised with relevant Ministers, but no redress has been achieved. Derry City and Strabane is therefore working with NILGA to seek a financial impact review in the second year of operation of the new councils.

I trust the above answers the queries that emerged in NILGA's discussions with the Committee, and also go some way towards keeping the Committee up to date with the latest local government experiences in relation to financial concerns. NILGA is requesting an urgent meeting with Minister Storey and would be keen to meet again with the Committee once the Ministerial meeting takes place.

I look forward to the Bill reaching its Final Stage, and would like to thank the Committee for their work towards developing the final version of the Bill.

Yours sincerely



Karen Smyth  
Head of Policy  
NILGA

# Supporting Communities NI Submission



Our Ref: MW/KM

Dr Kevin Pelan  
Committee For Social Development  
Room 144 Parliament Buildings  
Belfast  
BT4 3XX

Dear Kevin,

## Re: Regeneration Bill

I refer to the above and am pleased to offer some comments and observations as a contribution to the current consultation on the Regeneration Bill as presented to the Assembly by the Minister and currently being considered by the Committee.

As you are aware, Supporting Communities NI (SCNI) is an independent charitable organisation which champions community participation by developing groups, supporting active citizenship and building cohesive communities. At the same time, and in partnership with the NI Housing Executive, SCNI supports and facilitates the Housing Community Network which was formed in response to the need for housing and related policies to be developed with and on behalf of local communities. SCNI works with the Housing Executive, Housing Associations and other organizations in housing and related matters and including urban and rural regeneration processes and activities.

Indeed, in Northern Ireland SCNI has unique and unparalleled experience in working with all communities on regeneration programmes and projects and this stretches back over several decades.

SCNI has a proven track record of promoting and supporting community involvement in housing and regeneration and is pleased to continue to support engagement between the committee and local communities through the Housing Community Network. In recent years SCNI staff have been working with and supporting community organisations develop and engage in regeneration programmes, eg Neighbourhood Renewal, Areas at Risk, Small Pockets of Deprivation. We have also and for many years been working with a range of partners on estates undertaking various regeneration activities and schemes.

The views and observations contained in this response are informed by this experience; the views are further supported by a number of research and information exercises undertaken in recent years with members of the Housing Community Network discussing the role and future of tenant and resident participation in regeneration work.

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The Bill is largely administrative in purpose and we are certain that the Committee has received useful technical guidance on its content; nevertheless SCNI would offer several observations which might be of interest to the Committee in their deliberation.

We welcome the Minister's decision to remove the housing elements from the Bill as previously proposed in order to advance the proposed legislation and also the delay in the transfer of responsibilities until 2016. This is particularly welcomed as the new Councils will benefit from the opportunity to properly establish regeneration programmes and activities within their own areas, to develop new relationships with communities and partners and to develop the relevant appropriate expertise.

In large part the Bill provides for the transfer of existing powers to local authorities in respect to regeneration. We note that there appears to be little change in terms of what these powers entail, merely their location. This being the case, many of the mechanisms in the Bill relates to the transfer of these powers and responsibility for policy development and programme delivery will lie subsequently with local Councils.

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.

SCNI wishes the Committee well in its consideration of the Bill and would be happy to provide further observation and insight if required. Please do not hesitate to contact me should that be the case.

Yours sincerely,  
For Supporting Communities NI



Murray Watt  
(Policy and Information Officer)

# The Fermanagh Trust Submission



19 January 2015

Mr Alex Maskey MLA  
Chairperson  
Social Development Committee  
Parliament Buildings  
Stormont  
Belfast  
BT4 3XX

Dear Mr Maskey

I am writing on behalf of the 30 undersigned organisations. The organisations are currently funded by the Department of Social Development (DSD) through the Community Investment Fund and have, as invited by DSD, each submitted a 3-year proposal for further funding on which we await decisions. We are fully aware of the context of the request and the expectation that funding, if approved is envisaged for 2015/16.

Mindful of the draft Regeneration Bill which is currently before the Assembly and the challenges of the transfer of responsibilities and budget from DSD to the new councils the signatory organisations wish to make a proposal for consideration, which we believe will be of benefit to all stakeholders in the transition process.

We have set out below what we perceive as the key challenges identified:

- The Assembly needs to pass enabling legislation quickly but with sufficient opportunity for MLA's to consider all aspects of the legislation and provide informed consent. It is accepted this will not enable funds to be available to councils before 2016.
- The Department of Agriculture (DARD) is not in a position to consider any transfer of its Rural Development / Social Inclusion budget before 2020 and has not liaised with DSD on the impact of this reality. There is a clear lack of joined up thinking between the Department of Social Development, DARD and the new Councils and this will have a detrimental on the existing integrated community planning at Council level as a result.
- The transfer allocation to councils as outlined will alter the balance of finance away from urban areas including Belfast and Derry/ Londonderry to rural areas, and the necessary debate around this at assembly level may further delay agreement.
- DARD and DSD do not have a common definition of 'Rural' which may result in pockets of populations outside of Belfast falling between two timing processes.
- Local Councils need to strategically plan, cost, and resource and implement their community plans from April 2015.

In lights of these issues, we propose that, where DSD has satisfied itself in relation to funding organisations under CIF for 2015/16, this should be done for three years of funding to 2017/18 as per the applications subject to the normal quality controls and annual review. That funded

**Mr Lauri McCusker - Director**

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Registered as a Charity - Inland revenue Reference No. XR22580



organisations should as a requirement of funding, also report on their outcomes to their local council against that councils community services strategy / community plan.

This arrangement would provide time to enable all elements of the transition process to be brought back into synergy, with departments enabled by legislation to synergise the transfer of duties and budgets, and also allow new council formations time to see how existing community provision might best inform their strategic plan for delivery when responsibility and budgets are transferred from departments in a more coherent manner than the piecemeal fashion which the present uncertainties create.

We would appreciate an opportunity to explore this proposal with you, and to that end have agreed a delegation to represent the signatories if a meeting can be arranged.

Yours Sincerely



Lauri McCusker

On behalf of:

ABC Community Network (Armagh, Banbridge, Craigavon)  
Ards Development Bureau and Community Network  
Ashton Community Trust  
Ballybeen Women's Centre  
Ballymoney Community Resource Centre  
Ballynafeigh Community Development Association  
Causeway Rural and Urban Network  
Creggan Neighbourhood Partnership  
Chrysalis Women's Centre, Craigavon  
Confederation of Community Groups, Newry  
East Belfast Community Development Agency  
Falls Community Council  
First Steps Women's Centre, Dungannon  
Focus, Omagh  
Footprints Women's Centre  
Foyle Women's Information Network  
Greater Shantallow Area Partnership  
Greenway Women's Centre, Belfast  
Holywood Family Trust  
Larne Community Development Project  
Magherafelt Women's Group Ltd  
North Down Community Network  
North West Community Network  
South Tyrone Empowerment Programme  
Strathfoyle Women's Activity Group Ltd  
The Fermanagh Trust  
The Women's Centre, Derry  
Upper Andersonstown Community Forum  
Waterside Women's Centre  
Windsor Women's Centre





Committee Clerk  
Room 144  
Parliament Buildings  
Stormont  
Belfast  
BT4 3XX

13<sup>TH</sup> February 2015

Dear Sir/ Madam,

We are pleased to enclose our evidence to the Social Development Committee in relation to the Regeneration Bill. (See attached).

This follows on from a letter sent to the Committee dated 16<sup>th</sup> January 2015 on behalf of the Fermanagh Trust and other funded organisations about the transfer of funding available under the Community Investment Fund to local councils as part of the arrangements for the reform of Local Government.

We would welcome the opportunity to give evidence to the Committee in person as part of the scrutiny of the Regeneration Bill.

Yours sincerely,

**Lauri McCusker**

Director

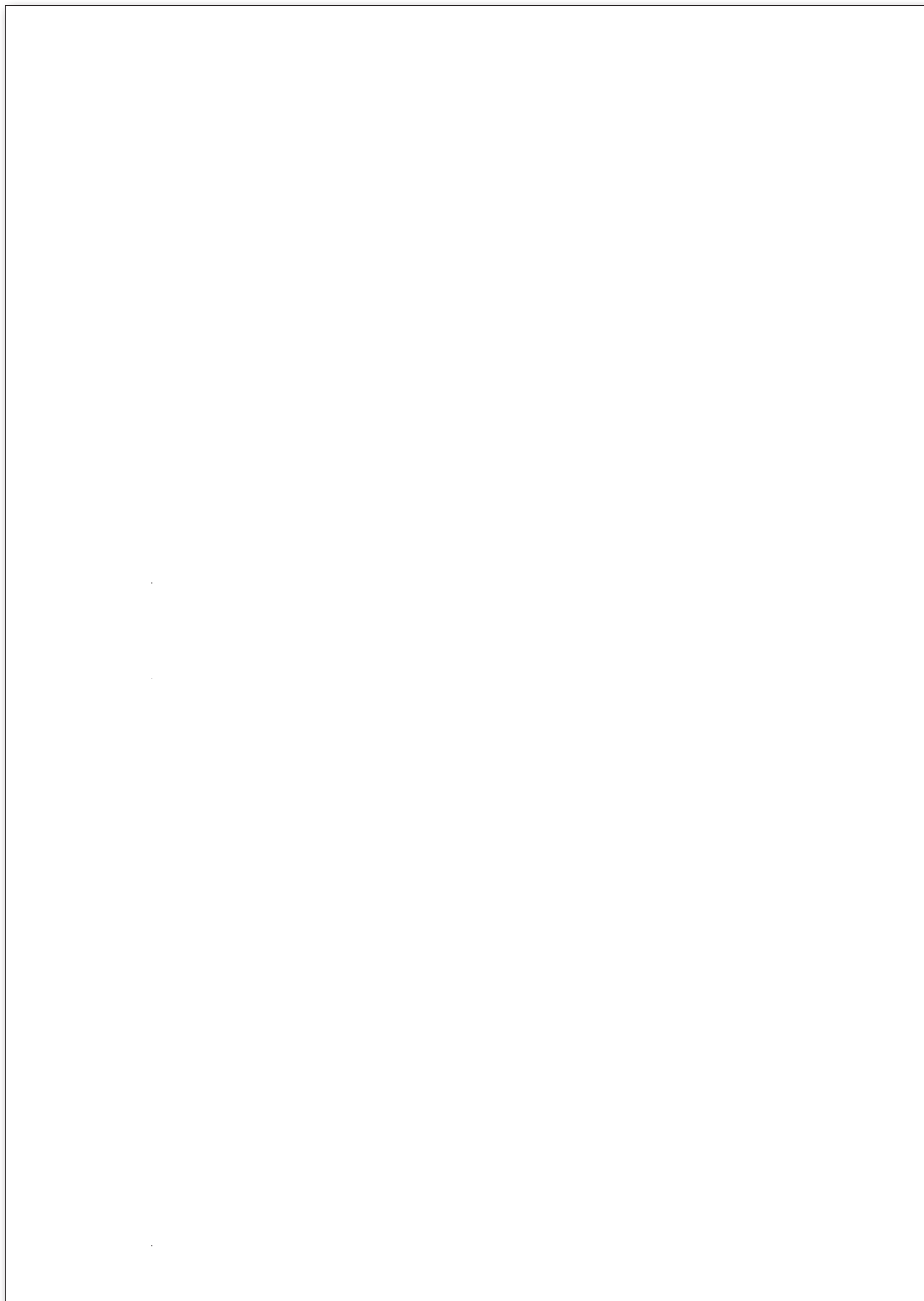
Encl.

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## Fermanagh Trust

### Regeneration Bill

#### Consultation response to the Social Development Bill

##### Introduction

We welcome the opportunity to comment on the draft Bill. The implications for the independent Community and Voluntary Sector are really significant. The challenge however is the Bill provides limited detail on the impact of the proposed Bill. We encourage the Social Development Committee to provide this scrutiny and examining

##### Key Issues which we encourage the committee to consider;

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 Government <http://www.dsdni.gov.uk/consultation-concordat-for-relationships-between-govt-vc-sector.pdf> it is clear the development of the Regeneration Bill and its implications does not even come near to meeting the Concordat principals of Partnership working.
2. **Lack of information** – There is a significant lack of information on the proposed transfer of resources between DSD and the new Councils – 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? 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?

3. **No joined up thinking** – this was addressed in a letter the Fermanagh Trust sent to the Committee on behalf of CIF funded organisations (see appendix 1 – copy of the letter). What has become even clearer in recent weeks is how the lack of connectedness in terms of regeneration exists within the Assembly. A

recent exchange at the Social Development Committee made this very clear (see appendix 2 below)

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 Fermanagh Trust 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 laissez faire approach which is currently planned is totally unacceptable and will have major repercussions on the services and support provided.

5. What are the implications if the Community Investment Fund is transferred in April 2016?

The Fermanagh Trust working with its CIF funded partners conducted a comprehensive survey of the impact on the work of the CIF funded organisations.  
(from 26 CIF funded organisations who responded within a tight timeframe)

### Key Findings of our research

- **£1.5 million** will be lost to the community infrastructure organisations across NI directly (from 26 organisations who receive CIF funding)
- The transfer of CIF funding will result in at least **16 organisations closing their doors** if they lose CIF funding and are not core funded by Councils post April 2016. To date a number of those who will close without CIF core funding, understand from their Councils that the 'CIF money' will be used in house by the Councils. Closures and loss of independent umbrella organisations in communities across NI will be inevitable.
- CIF Core Funding has **levered in over 9 million into the Organisations** to deliver community projects in 2014 (24 responses)
- CIF core funding **levered in £7.6 million to external organisations** in 2014 to deliver community projects (21 responses)
- The loss of core funding from CIF will lead to **over 70 redundancies immediately and may lead to an additional 56 job losses** (22 responses) Only 2 organisations will be able to sustain current employment levels.
- **60% of Organisations have engaged with their Councils to discuss transfer of CIF funding** (in only 1/4 of these cases has these meetings been initiated by Councils, in other cases the Councils have not 'been ready' to discuss )

- **50% of respondents understand Councils will deliver in house** (25% will use a Service Level Agreement and 25% are considering tendering)

**Appendix 3** outlines the feedback from 26 funded CIF projects in relation to;

- What services will be lost if CIF funding is transferred to Councils
- What are the implications for organisations across NI

The impact on service provision will be significant. Training, advice, support, information provision, community relations work will all be severely impacted. Support for Women, BME families and others will be severely affected. Independent voices and advocates will be significantly impacted

### **A Perfect Storm?**

The Department of Social Development has the key lead responsibility for supporting the Community and Voluntary Sector. We would ask the Committee and the Department to **URGENTLY** take stock and time to listen to what is happening on the ground now and the direction of travel going forward. The loss of major independent funders, the challenges being faced by European funded organisations ie ESF funding, and now the apparent end of Neighbourhood Renewal, Community Investment Funding etc is and has the potential to decimate the work of tackling poverty and making an effective contribution to the lives of many communities across NI.

### **Conclusion**

Sadly we are unable to comment on the actual wording of the Bill – our focus in this response has been the implications of the Bill if implemented and the transfer takes place from April 2016.

We encourage the Social Development Committee to take a lead role in ensuring the NI assembly and the Department of Social Development in particular honour the wording and the spirit of the Concordat between the Voluntary and Community Sector and the Government. It is time for the Department to take stock – this submission has clearly outlined the potential implications of the Regeneration Bill alone. Add Neighbourhood Renewal, etc into the mix and the impact will

## Appendix 1

19 January 2015

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Chairperson  
Social Development Committee  
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On behalf of:

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Greater Shantallow Area Partnership

Greenway Women's Centre, Belfast

Hollywood Family Trust

Larne Community Development Project

Magherafelt Women's Group Ltd

North Down Community Network

North West Community Network

South Tyrone Empowerment Programme

Strathfoyle Women's Activity Group Ltd

The Fermanagh Trust

The Women's Centre, Derry

Upper Andersonstown Community Forum

Waterside Women's Centre

Windsor Women's Centre

## Appendix 2

.From DSD Committee 8<sup>th</sup> Jan

<http://aims.niassembly.gov.uk/officialreport/minutesofevidencereport.aspx?AgendaId=11271&evidID=6762>

**The Chairperson (Mr Maskey):** OK. Ian, my final point is this: because some of this will now transfer to the councils, there will be an expectation in rural and urban areas that work will be done around tackling social deprivation and how that may be defined. What kind of liaison is going on with, for example, DARD? I imagine that some work is being done through that Department as well in terms of rural development.

**Mr Snowden:** DARD is not actually transferring any of its rural development functions at the minute, except in so far as it would spend its money through local authorities and local action groups. Its money is all Europe-sourced, so it is not really suitable to be devolved. Those powers are specifically limited to urban areas. Because the remit of DSD is defined as being urban regeneration, we are able to spend money only in what are defined as urban areas. The Northern Ireland Statistics and Research Agency (NISRA) has defined that for the Executive. The new councils will be able to spend money wherever they like in relation to those powers as they see fit; there will be no geographical reduction to it. It will be up to the new councils to work through all that. We do not have particularly close links with DARD, although we meet officials occasionally to talk about the urban and rural interface and how things link up and where there may be gaps between the two. Over the coming 12 months, we will have to work quite closely with the new councils to work out how all that will be worked through and delivered.

**The Chairperson (Mr Maskey):** Would it not be appropriate to have a better relationship with DARD? I am thinking of some of that work.

**Mr Snowden:** It is always something that we strive for. I was in DARD before I came to DSD. Since 1999, it has been something that the two Departments have been attempting to come to a clear understanding on. The nature of what DARD funds under rural development with the European funding is quite a bit different from what we do with DSD's funding. We made several attempts to try to link the two, including coming up with a common approach to dealing with the settlements that tend to fall into the gaps. It has been a difficult enough process, but we attempt to work together as best we can.

## Appendix 3

Respondent	What services will be lost if CIF funding is transferred to councils?	What are the implications for the community and voluntary sector with the loss of CIF infrastructure support?
1	Our ability to provide funding support, governance guidance, strategic support and our ability to both develop and run strategic initiatives for our community will be impacted	The loss of Community Infrastructure support to a statutory provider will have important implications. The Councils across NI have run Community Support for many years - this has not helped build volunteerism or an effective community and voluntary sector in our area. Decision not evidence based.
2	Core strategic services, advocacy, capacity building and volunteer development.	Impact will be short, medium and longer term depending on how much new council understands and thus values the work and impact of the community and voluntary sector. If keeping rates low and reducing spend is the only priority then the impact could be catastrophic for people in need who are the ultimate beneficiaries of services the community and voluntary sector provides.
3	Training, advice, support, information, networking events, inspirational women events, older women projects, health events, cross-community initiatives international women's day, summer scheme for women, summer school, signposting, information dissemination to 500+ groups / individuals.	Councils have an obligation to deliver on its strategy and if this can be done in house I feel that this is what they may do however they do not have the contact with disadvantaged urban or rural areas that our organisation would have - they also would not have the vision or innovation to devise and deliver projects which will enable and benefit women
4	If CIF funding is withdrawn 400 people (weekly) from disadvantaged communities will not have access to education & employment skills training. 400 people from disadvantaged communities will not have access to front-line support services. 150 community based childcare places will be lost to support women's access to education and training 40-50 women and families from BME communities will not have access to services and support to build a shared future (14 organisations). 116 people will not be able to access 1-1 counselling services and personal support. The organisation will not be able to support young mothers and school age mothers.	The uncertainty will create instability in disadvantaged communities where services and support are already threatened. Community infrastructure in disadvantaged communities will be weakened and in many areas lost completely. Progress towards women's equality and equality for the most excluded in society will be set back years. Marginalised people and families in disadvantaged communities will have less chance of social inclusion and employment. BME families will be further isolated and marginalised. Our Shared Future strategy will be jeopardised. People who live in disadvantaged communities may become more unstable and disappointed particularly young people who see no future for themselves.
5	If it is not a service level agreement to maintain post we will lose our financial management capacity, HR capacity and part of our community development capacity.	The current situation is unclear but it appears that the community developments budget will decrease. We are still not sure what the long term plans of the council are. For instance will they want to adopt projects and programmes as direct council initiatives or will they be happy to develop SLAs with independent Community organisations

6	Core Community Support Agency offering a range of capacity building/ technical assistance/social inclusion/ learning programmes/activities etc to 50+ local C/V groups, 20 nursery, primary and secondary schools and residents (population 26,000 +/-10,000 households) past 19 years and loss of current contracts/SLAs with range of agencies including delivery of Family support Hub, secretariat to 6th largest Neighbourhood Renewal Partnership, Training and Employment Services, Essential skills programmes, Management of 2 extended school clusters, Early intervention projects such as ASPIRE, Talking To Our Babies Early Years Communication Project, FAST, Arts and Culture programmes and activities, the support/development of a range of capital infrastructure projects within the community and the loss of management staff to oversee a 3.2m SIF programme over the next 4 years.	We would hope that our agency and C/V sector in our area will be integral to the development and role out of the Community Planning process and we would anticipate that the Council will require our direct assistance, leadership, knowledge and experience to develop and/or manage the proposed new locally based planning process/structure and programme of activities for our area.
7	Information - advice - signposting - independent representation - advocacy - sectoral events - group support	New councils are simply not ready - whatever about willing - to adopt responsibility for Community Development and Urban Regeneration. There is no clear route map or strategic framework that instils confidence or clarity - this can only lead to confusion and information/resource/support gaps for groups in the area. Thankfully - in this area - proposals for a transitional approach to Grant Aid is shaping up though this may not be sustained as 2015-16 progresses. A range of supports continue to be needed (grant aid info, social enterprise opportunities, tendering skills etc.) that simply have no future without the above-mentioned structure being meticulously planned out.
8	Administration and fundraising services.	An important base and support for the sector will be removed.
9	This community will fall further into deprivation as key local services will be lost. This community will become dis-empowered and unemployment will rise.	Yes
10	Independent advice on governance; conflict resolution; understanding policy context & participation in consultation response; organisational mentoring; holding government to account; independent advice & support to BME and other excluded groups around which community tensions exist	1 Short & Long term - independence; energy; flexibility and innovation of sector will be lost as will developed expertise and experience gained in the sector; immediate - jobs will be lost; longer term - skilled professionals will relocate from rural communities to cities to get jobs; spending power and skills and sustainability of communities lost to rural area Decreased independent sustainability of communities.
11	Community based Education and Training Quality Affordable Childcare Family Support Services Health Programmes Young People's Peer Education Project	Closure of community organisations providing vital services.

12	Childcare Provision Youth Provision Care to Vulnerable Adults Community Development & Partnership working Delivery of statutory bodies strategic objectives	Create uncertainty on service provision.
13	Independent community development support, capacity building, effective engagement with statutory bodies.	Loss of effective lobbying process loss of independent advice & support reduced capacity reduction in funding (less applications and poorer quality) reduction in governance.
14	Support to 60/70 community groups in the borough.	Groups will not get the support they need to continue they will not be consulted groups will close down.
15	Community development support - charity registration support - governance review support - volunteer development, recruitment and management support - community development training - community development opinion forming meetings - responses to Govt policies - funding leverage (as described in 2) - funding management (as indicated in 3) - co-ordination of local forums	If council do not continue with similar support as is currently supported, it will be lost forever, never to return.
16	Independent support for groups, a voice for the community particularly the hard to reach. All of our additional services in relation to older people, community education, disability development, community relations and ethnic minority support will be put at risk.	The ability to engage hard to reach groups and individuals who are suspicious or lack confidence in statutory bodies will be compromised. An independent voice for grass roots development groups will be lost. Additional specialised services which have existed for years and cannot be easily replaced will be lost to communities and those most in need of support. A vast body of relationship building, knowledge and expertise in those specialist areas will also be lost not just to organisations but the communities they serve.
17	Shopmobility project Advocacy work for Travellers, LGB/T Community Representation on strategic Boards/Partnerships Vital Practical Resources Specific in-house Training.	The implications will be wide-reaching, stretching over the short-term and long-term and ultimately taking us back to the way things were in Mid-90's, where Council did not listen to voice of local community. Community Groups had to come together and unite in order to set up a Forum to identify and more structured and cohesive approach to dealing with the full range of Statutory and Voluntary agencies.
18	Coordinator post, admin post and financial administrator post lost. As childcare project will no longer be viable two childcare workers and childcare coordinator post will be lost. 25 volunteer placements will disappear. A comprehensive health, education and training programme will end. A childrens programme comprising a crech, afterschools project and young womens project will end. Counselling services will be lost. Cookery, Accredited ICT, Horticulture, Womens rights, Crafts, Health and Social care, First Aid courses	Social isolation, removal of access to services for adults and children with physical and learning disability, loss of opportunity to access accredited training, skills development, childcare support and child development. An increased strain on all the health services including GPs, counselling, social services, Surestart. A decline in progression from access course to college course and ultimately employment. Access to advice on benefits and other issues removed. Increased reliance on benefits.



19	We co-ordinate the existing activities within the Partnership and its member groups to promote collaboration and efficiency as a means to enhance long term sustainability. It assists local community groups to develop their capacity to deliver services which will create income streams and work to develop support mechanisms and structures for the local social economy sector. This will enhance local opportunities for training and employment and help promote inclusion and cohesion within the community. No other organisation delivers this in the Creggan community.	We co-ordinate the existing activities within the Partnership and its member groups to promote collaboration and efficiency as a means to enhance long term sustainability. It assists local community groups to develop their capacity to deliver services which will create income streams and work to develop support mechanisms and structures for the local social economy sector. This will enhance local opportunities for training and employment and help promote inclusion and cohesion within the community. No other organisation delivers this in the Creggan community.
20	Integrated training, non-accredited training, accredited training support, childcare, health promotion, older adult education, young women's support.	I honestly don't know.
21	Community Development Networking Centre housing 12 support organisations and many external support providers Management and support for 4 estate based community hubs. Numerous community based projects not supported No CD support across the entire Borough with relationships which has been built up over past 16 years with communities on the ground in disadvantaged areas. Numerous community infrastructure support projects PHA Funded programme OFMDFM Good Relations Project Peace Impact Projects Various other project activities.	Lack of support services on the ground in most disadvantaged communities: Loss of capacity to deliver local services effectively. Lack of local support for 350 + local groups and organisations. Loss of training and employability programmes local people not able to access services and gain appropriate information, advice, support and training Loss of jobs and employment opportunities created by the Learn to Earn Programme we deliver. Lack of access to services including debt advice, womens aid, linking generations, DARD funded MARA programme. PHA funded Health Inequalities programme and many more activities and support services currently accessed by all sections of the community on a daily basis. Footfall for Community Network Centre and 4 Community Hubs alone is 700+ per week.
22	We have on average 200 women per week accessing our services and 90 childcare places in our creche. This would be lost to the local community.	I believe a lot of the priorities would change and therefore the potential for accessing funding could be severely hampered.
23	The independent advice and lobbying services to the community sector. The 1 to 1 mentoring for community groups and individual activists. OCN accredited training at levels 1, 2 & 3 on drug & alcohol, community development, active citizenship, event management and fundraising. Suicide prevention support. Youth intervention programmes, good relations training and support. Financial advice and support to community groups, Older peoples support & training.	There will be a huge gap in provision for the community sector as the network organisations have direct contact with the groups. The networks are also fully aware of the services and support that the groups require. Also the potential loss of services as stated in question 9.
24	Belfast City Council is currently planning to out source community development services. If this goes ahead as planned core community services should be retained however we will not know the reality until that happens.	This will depend on a number of factors including: Total budget that is transferred Councils terms of reference for allocation Method of tendering



04/02/2015

[SURVEY PREVIEW MODE] Community Investment Fund - potential impact questionnaire Survey

## Community Investment Fund - potential impact questionnaire

**1. How much does your organisation receive in grant aid from the Community Investment Fund per annum?**

**2. Financial leverage of your C.I.F grant.**  
**How much other revenue does your C.I.F core funding enable you to lever in directly to your organisation per annum (i.e 2014)?**

**3. Financial leverage of your C.I.F grant.**  
**How much additional revenue does your C.I.F core funding enable your organisation to lever in directly to the wider community per annum (i.e 2014)?**

**4. Have you had discussions with your new Council regarding the proposed transfer of C.I.F funding?**

Yes

No

**5. Have you asked for/ been invited for discussions with your new Council re; core funding support post C.I.F?**

Yes

No

Any comments

**6. Which of the following is the likely scenario if C.I.F funding is transferred to the new Council (in your area)? Tick one.**

The Council will utilise the money in house to delivery Community Infrastructure Support.

[http://www.surveymonkey.com/s.aspx?PREVIEW\\_MODE=DO\\_NOT\\_USE\\_THIS\\_LINK\\_FOR\\_COLLECTION&sm=4Z79jxGkHPqC6MPvT%2fEqaxisz...](http://www.surveymonkey.com/s.aspx?PREVIEW_MODE=DO_NOT_USE_THIS_LINK_FOR_COLLECTION&sm=4Z79jxGkHPqC6MPvT%2fEqaxisz...) 1/3

04/02/2015

[SURVEY PREVIEW MODE] Community Investment Fund - potential impact questionnaire Survey

The Council will tender out Community Infrastructure Support and award funding to an external organisation.

The Council will enter into a Service Level Agreement with your organisation if C.I.F funding is transferred from DSD.

**7. If C.I.F funding is transferred to Councils and delivered in house will your organisation remain open?**

Yes

No

**8. If C.I.F funding is transferred to Councils will staff in your organisation be made redundant?**

Yes

No

If yes - How many?

**9. If C.I.F funding is transferred to Councils what key services/ support will potentially be lost to the wider community which your organisation serves?**

**10. Will the proposed transfer of power from DSD to the new Councils have implications for the Community & Voluntary Sector in your area in the short/medium or long term?**

Yes

No

If yes - please shared what are the potential implications

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04/02/2015

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# Volunteer Now Submission

connect • build • change



10 February 2015

Dr Kevin Pelan  
Clerk Committee for Social Development  
Room 144  
Parliament Buildings  
Belfast BT4 3XX

Dear Kevin

Volunteer Now appreciates the opportunity to provide a submission regarding the Regeneration Bill the purpose of which is to confer certain regeneration and community development powers on, and transfer of certain functions relating to Laganside, to the new district councils.

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. 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.

Financial assistance to address social need:



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.
- (2) Financial assistance may be provided under this section for –
  - (a) the promotion, development or regeneration of commercial, industrial or other economic activity;
  - (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;**
  - (c) the improvement of the environment;
  - (d) the provision of housing;
  - (e) the provision of social or community facilities;
  - (f) the refurbishment or restructuring of buildings,or for anything not falling within paragraphs (a) to (f) which the council considers will benefit the district.

I hope this is useful and would ask that you let me know when the Social Development Committee will be reviewing the Regeneration Bill.

Yours sincerely

**Wendy Osborne OBE**  
Chief Executive

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# WSN Submission



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## RE: Regeneration Bill

### *Response to Social Development Committee:*

On behalf of the women's centres, groups and organisations currently in receipt of funding from the Department of Social Development (DSD) through various funding streams the Women's Support Network (WSN) welcomes the opportunity to comment on the Regeneration Bill. The implications for the Women's Sector and indeed the wider independent Community and Voluntary Sector following confer of regeneration and community development powers to the new district councils are significant.

WSN on behalf of the Women's Sector asks that the Social Development Committee consider the following:

#### **The lack of detail and transparency**

There is a lack of detail in the Bill in terms of how resources from DSD will transfer to Council and the specifics of how this is to be used by councils, apart from a non prescriptive list of example activities; councils will have wide discretion about what they decide to fund.

Organisations have approached their councils in a bid to ascertain how they intend to address social need in their areas from 01 April 2016. Some councils were not ready to discuss their position, however and more worrying was the information obtained from more than 60% of the sector organisations who were told that in-house council delivery would be applied to meet social need in their areas. There would be some tenders or service level agreements (SLAs) for specific pieces of work. The funding that the sector organisations has to date received through DSD supports community development and provides resources for core staff and overheads that enables these organisations to meet the needs of those in the most disadvantaged areas of Northern Ireland. Without funding for these core activities the organisations will face closure and/or significant job losses. The resourcing of core staff and overheads enables these organisations to lever funding from other sources to provide additional services to meet local social need. Small tenders or SLAs will not provide the security needed to maintain these organisations.

#### **Joined up thinking**

There is an obvious lack of joined up thinking between DSD, DARD and the new councils. The very definition of 'rural' as currently defined by DSD and DARD will result in organisations 'falling' between the two, for example Cookstown is rural to one but not the other. Urban areas will be significantly disadvantaged. DARD will not confer any budgets until at least 2020, therefore there will be no uniformity for organisations until then nor will councils be able to implement robust community plans.

The **Women's Support Network's** mission is to support the development of women's organisations, enable collective action and positively impact on policy and decision –making processes.

Inland Revenue Charity No. XR40415







Northern Ireland  
Assembly

Appendix 4

# Department/Committee Correspondence



# Letter from Minister 07.11.14

**OFFICIAL RESTRICTED**



Department for  
**Social  
Development**  
[www.dsdni.gov.uk](http://www.dsdni.gov.uk)

From: The Minister

5<sup>th</sup> Floor  
Lighthouse Building  
1 Cromac Place  
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Ormeau Road  
BELFAST  
BT7 2JB

e-mail: [private.office@dsdni.gov.uk](mailto:private.office@dsdni.gov.uk)

Tel: (028) 9082 9034

Our Ref: AGY/132/2014

From: Mervyn Storey MLA  
Minister for Social Development

7 November 2014

To: Alex Maskey MLA  
Chair of the Social Development Committee  
Room 412  
Parliament Buildings  
Ballymiscaw  
Belfast  
BT4 3XX

*Alex Maskey*

## DRAFT REGENERATION BILL

The Committee may be aware that it is the Department's intention to bring the Regeneration Bill to the Executive for approval to Introduce the Bill in the Assembly on 17 November 2014. To that end, I am taking this opportunity to forward copies of the Bill and its accompanying Explanatory and Financial Memorandum "In confidence" to the Committee for its information.

Committee members will already be familiar with the policy context for the Regeneration Bill, which is a part of the Reform of Local Government, following a briefing by officials earlier this year, on 5 June. The Bill is largely the same with one notable change. Previously, the Bill was known as the Regeneration and Housing Bill. Since then, I have had useful discussions with the DCAL Minister and other Executive colleagues, and agreed that I would remove the provisions in the Bill relating to Housing. These were to transfer functions from the NIHE to councils relating to Houses in Multiple Occupation and responsibility for Unfitness. I have made these amendments having considered and accepted the DCAL Minister's concern that a transfer of these Housing functions to local government at this stage was premature, considering that my Department is currently undertaking a review of the NIHE as part of the Social Housing Reform Programme. In addition, I recently



Together, tackling disadvantage, building communities

brought a paper on a proposed new regulatory regime for HMOs 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 lifetime of the Housing Strategy Action Plan. It is therefore more appropriate to allow this work to complete before any decisions are taken on the future of these functions.

I also added a new Clause 1(4) to ensure that any proposed use of the powers in the Social Need (Northern Ireland) Order 1986 (which will be extended to the new councils) to provide Housing must be approved by the Department. It is important to note that, even with the powers in the 1986 Order, councils will not be able to build social housing.

I have also secured Executive approval to commence this legislation, and therefore the transfers, one year later than originally planned. The short time available between now and the original 1 April 2015 transfer date presented significant challenges for both the new councils and my Department. However, the new transfer date of 1 April 2016 will provide an opportunity to plan for as smooth a transition as possible.

The Explanatory and Financial Memorandum has also been expanded to provide more clarity on the meaning and impact of the amended Bill.

The Committee will, of course, have the opportunity to undertake full scrutiny of the Bill during the Committee Stage.

**Annex A** contains the draft Bill and at **Annex B** is the draft Explanatory and Financial Memorandum which accompanies the Bill to provide clarification on various points.

My officials will be happy to receive any queries that the Committee may have.

Yours sincerely



**Mervyn Storey MLA**  
**Minister for Social Development**

*Regeneration*

A

**BILL**

TO

Confer functions on district councils in relation to regeneration; to amend the Social Need (Northern Ireland) Order 1986 and Part 7 of the Planning (Northern Ireland) Order 1991 in relation to the functions of the Department for Social Development; and for connected purposes.

**B**E IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

## PART 1

## POWERS IN RELATION TO SOCIAL NEED

*Powers of council to address social need***Financial assistance to address social need [j1]**

5     **1.**—(1) A council may provide financial assistance to any person doing, or intending to do, anything falling within subsection (2) which benefits one or more areas of social need in its district.

(2) Financial assistance may be provided under this section for—

- 10     (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,

15     or for anything not falling within paragraphs (a) to (e) which the council considers will benefit the district.

(3) Financial assistance under this section may include—

- (a) grants;
- (b) loans;

*Regeneration*

*Pt. 1*

- (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.

5 **Conditions attaching to financial assistance under section 1 [j2]**

2.—(1) In giving financial assistance under section 1, a council may impose such conditions as it thinks fit, including conditions for repayment in specified circumstances.

10 (2) Any person who without reasonable excuse fails to comply with any condition imposed under subsection (1) requiring that person to inform the council of any event whereby financial assistance provided to that person under section 1 becomes repayable in whole or in part is guilty of an offence and liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment, to a fine.

15 (3) Subsection (4) applies for the purpose of enabling the council—

- (a) to determine whether any condition subject to which financial assistance is provided under section 1 is satisfied or is being complied with; or
- (b) whether the financial assistance has become repayable in whole or in part in accordance with any such condition.

20 (4) The council may by notice require any person who has received financial assistance under section 1, and any person acting on behalf of that person, to give to the council such information, or to produce for examination by the council such books, records or other documents, as may be specified in the notice.

(5) Subject to subsection (6), a notice under subsection (4) may require—

- 25
- (a) the information to which it relates to be given within such time as may be specified in the notice, and
  - (b) the books, records or other documents to which it relates to be produced at such time and place as may be so specified.

30 (6) The time specified in a notice under subsection (4) for giving any information or producing any document shall not be earlier than the end of the period of 28 days beginning with the service of the notice.

(7) Any person who in purported compliance with a notice under subsection (4) knowingly or recklessly makes any statement or produces any document which is false in a material particular is guilty of an offence and liable—

- 35
- (a) on summary conviction, to a fine not exceeding the statutory maximum; or
  - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 2 years or to both.

40 (8) Any person who without reasonable excuse fails to comply with a notice under subsection (4) is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(9) Any conditions for repayment imposed under subsection (1) shall, if the conditions so provide, be a statutory charge and in the event of any financial assistance under section 1 becoming repayable in circumstances specified in the



*Regeneration**Pt.1*

conditions, the amount of that assistance (as assessed in accordance with the conditions) shall be a charge on any property so specified.

(10) Accordingly, in Schedule 11 to the Land Registration Act (Northern Ireland) 1970 (matters required to be registered in the Statutory Charges Register) in paragraph 40 after “Article 4(1) of the Social Need (Northern Ireland) Order 1986” insert “or section 2 of the Regeneration Act (Northern Ireland) 2015”.

**Power to carry out works for the improvement of the environment [j3]**

3.—(1) A council may carry out works for the improvement of the environment which the council considers will benefit one or more areas of social need in its district.

(2) In the exercise of its powers under this section a council may, with the consent of the Department for Regional Development, carry out works involving the placing of any structure in a road, but shall not so exercise those powers as—

- (a) to obstruct or prevent the passage of vehicles or of the public on foot along the road;
- (b) to obstruct or prevent normal access to premises adjoining the road; or
- (c) to prevent any person from having access to any works of that person under, in, on, over, along or across the road.

(3) A council may, with the consent of the Department for Regional Development, sell, let or otherwise dispose of any structure placed by it in a road under this section to any other person.

*Power of Department to address social need***Power of Department to provide financial assistance [j4]**

4.—(1) Article 3 of the Social Need (Northern Ireland) Order 1986 (power of Department to provide financial assistance) is amended as follows.

(2) For paragraph (1) substitute—

“(1) The Department may provide financial assistance to any person doing or intending to do anything falling within paragraph (2) which benefits one or more areas of social need.”.

(3) In paragraph (2) for “the district” substitute “an area of social need”.

PART 2  
DEVELOPMENT POWERS AND OTHER POWERS FOR PLANNING  
PURPOSES

*Development and other powers of councils***Development schemes of councils [j5]**

5.—(1) Where a council considers it expedient that any area in its district should be developed, redeveloped or improved as a whole the council may prepare a development scheme for the area.

(2) Where the Department considers that—

*Regeneration*

*Pt.2*

- (a) it is expedient that any area in the district of a council should be developed, redeveloped or improved as a whole,
- (b) the development, redevelopment or improvement will be of significance to the whole or a substantial part of Northern Ireland, and
- 5 (c) it is not appropriate or expedient for the development, redevelopment or improvement to be carried out under Part 7 of the Planning Order,
- the Department may direct the council to prepare a development scheme for the area.
- (3) A development scheme under this section shall—
- 10 (a) define, by reference to a map, the area of the scheme; and
- (b) indicate in general terms the manner in which it is intended that the area should be laid out and the land therein used.
- (4) In preparing a development scheme a council must have regard to—
- (a) the regional development strategy; and
- 15 (b) the council's current community plan (within the meaning of section 78(1) of the Local Government Act (Northern Ireland) 2014.)
- (5) A development scheme prepared by a council has no effect unless adopted by the council in accordance with section 6.
- (6) It is the duty of a council to comply with any direction given to it under
- 20 subsection (2).

**Adoption of development schemes by councils [j6]**

- 6.—(1) Where it has prepared a development scheme, a council shall submit the scheme to the Department and—
- (a) shall consider any comments notified to the council by the Department or
- 25 any other Northern Ireland department within the period of 28 days from the date on which the scheme is submitted or such longer period as the Department may direct; and
- (b) may, if it thinks fit, amend the scheme.
- (2) The council shall then publish in two successive weeks in one or more
- 30 newspapers circulating in the locality to which the scheme relates a notice—
- (a) describing the area to which the scheme relates and referring to the preparation of the scheme;
- (b) specifying the place at which copies of the scheme may be inspected at reasonable times; and
- 35 (c) stating the time (not being less than 28 days from the last of the publications of the notice) during which objections to the scheme may be sent to the council.
- (3) If—
- (a) no objections are made to a development scheme, or
- 40 (b) all objections to a development scheme are withdrawn,
- the council may, subject to subsection (5), by order adopt the scheme with or without amendment.

*Regeneration**Pt.2*

(4) If objections made to a development scheme are not withdrawn the council shall, unless it considers them to be solely of a frivolous or vexatious nature—

(a) cause a public local inquiry to be held by the planning appeals commission, and

5 (b) consider any objections not withdrawn and the report of that commission, and may, subject to subsection (5), thereafter by order adopt the scheme with or without amendments.

(5) A council shall not adopt a scheme under subsection (3) or (4) unless the scheme has been submitted to, and approved by, the Department.

10 (6) A council may at any time prepare amendments to so much of an adopted development scheme as relates to the manner in which the area of the development scheme is to be laid out and the land therein used.

(7) Section 5(4) and (5) and subsections (1) to (5) above apply in relation to such amendments to a scheme as they apply in relation to the original scheme.

15 **Acquisition of land by councils for planning purposes [j7]**

7.—(1) A council may, by agreement or compulsorily, acquire any land in its district where it is satisfied—

(a) that the land is required in connection with a development scheme;

20 (b) that it is expedient in the public interest that the land should be held together with land so required;

(c) that the land is required for development or redevelopment, or both, as a whole for the purpose of providing for the relocation of population or industry or the replacement of open space in the course of the redevelopment or improvement of another area in its district as a whole; or

25 (d) that it is expedient to acquire the land for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated.

(2) Where the council acquires a lesser estate than a fee simple in any land under section 196 of the Planning Act (Northern Ireland) 2011, the council may by  
30 agreement or compulsorily acquire such estates in the land as it considers expedient in the public interest.

(3) A council shall not acquire any estate in Crown land under this section unless—

35 (a) it is an estate which is for the time being held otherwise than by or on behalf of the Crown; and

(b) the appropriate authority consents to the acquisition;

and “appropriate authority” and “Crown land” are to be construed in accordance with section 212 of the Planning Act (Northern Ireland) 2011.

40 (4) Proceedings for the acquisition of land in connection with a development scheme may be taken concurrently (so far as practicable) with proceedings required by section 6 to be taken in connection with the adoption of the development scheme; but a vesting order vesting any such land in the council shall not be made until the development scheme has been adopted.

*Regeneration*

*Pt.2*

(5) In determining whether to make a vesting order on the application of a council, the Department may disregard any objection to the proposed order which, in the opinion of the Department, amounts in substance to an objection to the provisions of the local development plan defining the proposed use of that or any other land.

(6) In this Part any reference to the acquisition or appropriation of land for planning purposes is a reference to—

(a) its acquisition under this section; or

(b) its appropriation under section 96(6) of the Local Government Act (Northern Ireland 1972 for any purpose mentioned in subsection (1).

(7) In this section, in relation to any area—

“re-location of population or industry” means the rendering available elsewhere than in that area (whether in an existing community or a community to be newly established) of accommodation for residential purposes or for the carrying on of business or other activities, together with all appropriate public services, facilities for public worship, recreation and amenity, and other requirements, being accommodation to be rendered available for persons or undertakings who are living or carrying on business or other activities in that area and whose continued or resumed location in that area would be inconsistent with the proper planning of that area;

“replacement of open space” means the rendering of land available for use as an open space, or otherwise in an undeveloped state, in substitution for land in that area which is so used.

**Disposal of land held by councils for planning purposes [j8]**

8.—(1) Where any land acquired or appropriated by a council for planning purposes is for the time being held by that council for those purposes, the council may dispose of the land to such person as may appear to it to be expedient in order to secure—

(a) the best use of that or other land and any buildings or works which have been, or are to be, erected, constructed or carried out on thereon, whether by the council or by any other person, or

(b) the erection, construction or carrying out on the land of any buildings or works appearing to the council to be needed for the proper planning of the area in which the land is situated.

(2) On the termination of any tenancy of any premises let by a council under this section, possession of the premises may (without prejudice to any other method of recovery) be recovered by the council in a summary manner under Articles 67 to 74 of the Magistrates’ Courts (Northern Ireland) Order 1981 whatever may be the rent or term of the tenancy.

**Development of land held by councils for planning purposes [j9]**

9.—(1) A council may erect or construct any building or carry out any work on any land to which this section applies.

*Regeneration**Pt. 2*

(2) A council may enter into an agreement with any person for the development of any land to which this section applies.

(3) A council may maintain, repair and generally manage any buildings or works on land to which this section applies.

5 (4) This section applies to any land which—

(a) has been acquired or appropriated by the council for planning purposes; and

(b) is for the time being held by it for those purposes.

(5) The Department may by regulations make provision—

10 (a) requiring prescribed details of a proposed exercise by a council of its powers under subsection (1) or (2) to be given to the Department in prescribed cases; and

(b) where such notice is required to be given in any case, for prohibiting the exercise by a council of its powers under those subsections in relation to that case until the expiration of such period from the giving of the notice as is prescribed.

15 (6) In subsection (5) “prescribed” means prescribed by regulations under that subsection.

(7) Regulations under subsection (5) are subject to negative resolution.

20 **Powers of council before acquisition of land for planning purposes [j10]**

**10.** Where a council proposes to acquire land compulsorily under section 7, it may, at any time after the date of the publication of the notice mentioned in paragraph 2(a) of Schedule 6 to the Local Government Act (Northern Ireland) 1972 in relation to that land—

25 (a) enter into an agreement with any person for securing the disposal of the land (in accordance with section 8) after that land has been acquired for planning purposes;

(b) exercise the power under subsection (2) of section 9 in relation to the land as if the land were land to which that section applies.

30 **Extinguishment by council of right of way over land held for planning purposes [j11]**

**11.—**(1) Where any land acquired or appropriated by a council for planning purposes is for the time being held by that council for those purposes, the council may by order extinguish any public right of way over the land where it is satisfied that the extinguishment of the right of way is necessary for the proper development of the land.

(2) Before making an order under this section, the council shall publish in at least one newspaper circulating in the relevant area a notice—

(a) stating the general effect of the order;

40 (b) specifying a place in the relevant area where a copy of the draft order and of any relevant map or plan may be inspected by any person at all reasonable hours during a period of 28 days from the date of publication of the notice; and

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*Pt.2*

(c) stating that, within that period, any person may by notice to the council object to the making of the order.

(3) Not later than the date on which that notice is so published, the council shall serve a copy of the notice, together with a copy of the draft order and of any relevant map or plan, on—

(a) any statutory undertaker having any cables, mains, pipes or wires laid along, across, under or over any land over which a right of way is to be extinguished under the order; and

(b) the operator of an electronic communications code network for the purposes of which any electronic communications apparatus is kept installed along, across, under or over any such land.

(4) The council may cause a public local inquiry to be held by the planning appeals commission to hear objections to the proposed order.

(5) After considering any objections to the order which are not withdrawn and, where a public local inquiry is held, the report of the planning appeals commission, the council may make the order either without modification or subject to such modifications as it thinks fit.

(6) Where the council makes an order under this section the council shall publish, in the manner specified in subsection (2), a notice—

(a) stating that the order has been made; and

(b) naming a place where a copy of the order may be seen at all reasonable hours;

and subsection (3) shall have effect in relation to any such notice as it has effect in relation to a notice under subsection (2).

(7) In this section “the relevant area”, in relation to an order, means the area in which any land to which the order relates is situated.

(8) Where—

(a) an order is made under this section, and

(b) immediately before the date on which the order became operative there was, under, in, on, over, along or across the right of way any electronic communications apparatus kept installed for the purposes of an electronic communications code network,

the operator of that network shall have the same powers in respect of that apparatus as if the order had not become operative, but the council shall be entitled to require the alteration of the apparatus.

(9) If the operator of an electronic communications code network—

(a) removes any electronic communications apparatus in circumstances in which subsection (8) applies, and

(b) serves a notice on the council notifying the council of the removal,

the operator shall be entitled to recover from the council the expense of providing, in substitution for the apparatus and any electronic communications apparatus connected therewith which is rendered useless in consequence of the removal, any electronic communications apparatus in such other place as the operator may require.



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(10) Paragraph 1(2) of the electronic communications code (alteration of apparatus to include moving, removal or replacement of apparatus) applies for the purposes of subsections (8) and (9) as it applies for the purpose of that code.

(11) Paragraph 21 of the electronic communications code (restriction on removal of apparatus) applies in relation to any entitlement conferred by this section to require the alteration, moving or replacement of any electronic communications apparatus as it applies in relation to an entitlement to require the removal of any such apparatus.

(12) Expressions used in this section which are defined in paragraph 1(1) of Schedule 17 to the Communications Act 2003 have the meanings given there.

**Power of council to require information as to estates in land [j12]**

12.—(1) The power in subsection (2) is exercisable by a council for the purpose of enabling the council to make an order or issue or serve a notice or other document which it is authorised or required to make, issue or serve by any provision of this Chapter.

(2) The council may by notice in writing require—

- (a) the occupier of any premises, and
- (b) any person who, either directly or indirectly, receives rent in respect of any premises,

to give in writing, within the period mentioned in subsection (3), such information as to the matters mentioned in subsection (4) as may be specified in the notice.

(3) That period is the period of 21 days from the date on which the notice is served, or such longer period as may be specified in the notice or as the council may allow.

(4) The matters referred to in subsection (1) are—

- (a) the nature of the estate in the premises of the person on whom the notice is served;
- (b) the name and address of any other person known to that person as having an estate in the premises.

(5) Any person who, without reasonable excuse, fails to comply with a notice served on that person under subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(6) Any person who having been required by a notice under subsection (1) to give any information knowingly makes any misstatement in giving that information is guilty of an offence and liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine, or both.

*Development schemes made by the Department***40 Development schemes made by the Department [j13]**

13. For Article 85 of the Planning Order substitute—

*Regeneration*

*Pt. 2*

**“Development schemes**

85.—(1) Where the Department considers that—

- (a) it is expedient that any area should be developed, redeveloped, or improved as a whole,
- 5 (b) the development, redevelopment or improvement will be of significance to the whole or a substantial part of Northern Ireland, and
- (c) it is not appropriate or expedient for the development, redevelopment or improvement to be carried out under Part 2 of the Regeneration Act (Northern Ireland) 2015,
- 10 the Department may, after consulting the appropriate district council, prepare a development scheme for the area.
- (2) A development scheme shall—
- (a) define, by reference to a map, the area of the scheme; and
- 15 (b) indicate in general terms the manner in which it is intended that the area should be laid out and the land therein used.”

*Interpretation*

**Interpretation of this Part [j19]**

14.—(1) In this Part “the Planning Order” means the Planning (Northern Ireland) Order 1991.

(2) In this Part the following expressions have the same meanings as in Part 7 of the Planning Order—

- “building”;
- “buildings or works”;
- 25 “development”;
- “erection” (in relation to buildings);
- “regional development strategy”;
- “road”;
- “statutory undertaker”.

30 (3) In this Part any reference to the acquisition or appropriation of land for planning purposes is to be construed in accordance with section 7(6).

PART 3

LAGANSIDE

**Transfer to council of certain functions relating to Lagside [j20]**

35 15.—(1) The Lagside Development (Northern Ireland) Order 1989 shall cease to have effect.

(2) Schedule 1 confers on the council for the district of Belfast certain powers formerly exercisable by the Department under that Order in relation to part of the River Lagan.

*Regeneration*

## PART 4

## GENERAL AND SUPPLEMENTARY

*General***Surveys, studies, etc.[j23]**

- 5     **16.** A council may carry out, or give financial assistance towards the carrying out, of such surveys, studies, investigations and research as it considers appropriate in connection with the exercise of its functions under this Act.

**Guidance [j24]**

- 10    **17.—**(1) The Department may, after consulting councils, issue guidance as to the exercise by councils of their functions under this Act.

(2) In exercising any function under this Act a council shall have regard to any guidance issued under this section in relation to the exercise of that function.

*Supplementary*

- 15    **Powers to make orders under the Local Government Act in connection with this Act [j31]**

**18.** In section 124 of the Local Government Act (Northern Ireland) 2014 (power to make provision in connection with reform of local government) in subsection (2)(a) and (b) for “2015” substitute “2016”.

**Regulations and orders [j32]**

- 20    **19.** Regulations and orders made by the Department under this Act may contain such incidental, supplementary, transitional and savings provisions as appear to the Department to be necessary or expedient.

**Interpretation [j33]**

**20.** In this Act—

- 25    “council” means a district council;  
       “the Department” means the Department for Social Development;  
       “statutory provision” has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954.

**Minor and consequential amendments and repeals [j34]**

- 30    **21.—**(1) The statutory provisions set out in Schedule 2 have effect subject to the minor and consequential amendments specified in that Schedule.

(2) The statutory provisions set out in Schedule 3 are repealed to the extent specified in the second column of that Schedule.

**Commencement [j35]**

- 35    **22.—**(1) Except as provided by subsection (2), this Act comes into operation on 1st April 2016.

*Regeneration*

*Pt.4*

(2) The following provisions come into operation on the day after Royal Assent—

- (c) sections 18 to 20;
- (d) this section; and
- 5 (e) section 23.

**Short title [j36]**

**23.** This Act may be cited as the Regeneration Act (Northern Ireland) 2015.

*Regeneration*

## SCHEDULES

## SCHEDULE 1

Section 15.

## POWERS OF COUNCIL IN RELATION TO THE RIVER LAGAN [S1]

5 1.—(1) In this Schedule—

“the harbour limits” means the limits for the time being of the jurisdiction of the Belfast Harbour Commissioners under the Belfast Harbour Acts and Orders 1847 to 2002;

10 “the river” means that part of the River Lagan between the Stranmillis Weir and a line five metres down-stream of the seaward extremity of, and parallel to, the Lagan Bridge;

“the council” means the council for the district of Belfast.

*Power to execute works in relation to the river*

2.—(1) The council may execute such works in, on, across, over, alongside or  
15 adjacent to the river as it considers appropriate for the purposes of—

- (a) improving the quality of water in the river;
- (b) improving the immediate environment of the river;
- (c) promoting the recreational use of the river; or
- (d) facilitating access to the river.

20 (2) In particular the council may—

- (a) construct embankments, quays and footpaths alongside, or adjacent to, the river;
- (b) dredge, reclaim land from, and alter or divert the channel of, the river;
- (c) operate, maintain, repair, alter, extend or remove any works executed  
25 under this Schedule and any existing works; and
- (d) provide such buildings, amenities, machinery, plant, apparatus and appliances as it considers appropriate in connection with any works executed under this Schedule and any existing works.

30 (3) In sub-paragraph (2) “existing works” means works in, on, across, over, alongside or adjacent to the river which were executed at any time before the coming into operation of this Schedule under the Laganside Development (Northern Ireland) Order 1989 or any other statutory provision.

*Construction of bridges, weirs, locks and barrages*

35 3.—(1) The council may construct a bridge over, or weir, lock or barrage across, the river.

(2) Before executing any works under this paragraph the council must take into consideration the reasonable requirements of navigation on the river.

*Regeneration*

*SCH. 1*

(3) The reference in this paragraph to a bridge include reference to a road, footway or railway over the bridge and to the approaches of any road, footway or railway to the bridge.

*Byelaws as to use of river and certain adjacent land*

- 5 4.—(1) The council may make byelaws—
- (a) regulating the use of the river by vessels;
  - (b) requiring vessels using the river to be licensed for that purpose by the council;
  - (c) regulating fishing in the river;
  - 10 (d) requiring persons fishing in the river to obtain a permit for that purpose from the council;
  - (e) regulating the grant, renewal and revocation of licences under paragraph (b) and permits under paragraph (d), the conditions subject to which such licences and permits are to be granted and prescribing the fees payable in
  - 15 respect of the grant or renewal of such licences or permits;
  - (f) regulating the construction, condition, safety and control of vessels which may use the river and the equipment to be carried on such vessels;
  - (g) regulating the movement of vessels, and the use of lights, on the river;
  - 20 (h) for the levying by the council of charges in respect of the use of the river or any service or facility provided by the council on the river or on land adjacent to the river;
  - (i) for the removal by the council of vessels or objects from the river in such circumstances as may be specified in the byelaws, the storage and disposal by the council of vessels or objects so removed and the recovery by the
  - 25 council of the costs of removal, storage and disposal;
  - (j) regulating the conduct of persons on the river or on land adjacent to the river and vested in the council;
  - (k) prohibiting the erection of any structure in the river or on land mentioned in paragraph (j) without the consent of the council;
  - 30 (l) prohibiting the carrying on of any commercial activity on the river or on any land mentioned in paragraph (j) without the consent of the council.
- (2) Byelaws under this paragraph shall not apply in relation to—
- (a) any part of the river within the harbour limits; or
  - (b) any land adjacent to any such part of the river.
- 35 (3) In their application to byelaws under this paragraph sections 91 to 94 of the Local Government Act (Northern Ireland) 1972 apply as if for any reference to the Ministry concerned there were substituted a reference to the Department and the Department of Agriculture and Rural Development acting jointly.
- (4) The powers to secure the observance of byelaws made under this Schedule
- 40 which are conferred on an authorised officer of the council under section 93 of the Local Government Act (Northern Ireland) 1972 include power—
- (a) to board and inspect any vessel on the river; and
  - (b) to require any person suspected of contravening a byelaw to furnish his name and address to the officer.



*Regeneration**SCH. 1*

(5) Section 94 of the Public Health Acts Amendment Act 1907 (licensing powers of district council in relation to pleasure vessels and persons in charge thereof) does not apply in relation to any vessel using the river.

*Approval of Department of Agriculture and Rural Development*

5 5.—(1) The council shall not execute any works under paragraph 2 unless those works have been approved by the Department of Agriculture and Rural Development.

(2) That approval may be given subject to such terms and conditions as that Department thinks fit.

*10 Consultation with the Belfast Harbour Commissioners*

6.—(1) It is the duty of the council before—

(a) executing any works under this Schedule within the harbour limits; or

(b) exercising any power conferred by this Schedule within the harbour limits,  
to consult with the Belfast Harbour Commissioners and to take into account any  
15 representations made to the council by the Commissioners so as to ensure that the execution of those works or the exercise of those powers causes the minimum interference to the property of the Commissioners or to the exercise by the Commissioners of their functions.

(2) Sections 8 to 14 of the Belfast Port and Harbour Conservancy Act 1852  
20 (control of works within the harbour limits) does not apply to the council or to works executed under this Schedule.

*Temporary interference with river*

7. The council may, so far as necessary for the purpose of or in connection with the execution of any works under this Schedule—

25 (a) temporarily alter or interfere with the river and construct or place in the river all such temporary works as it considers necessary or expedient;

(b) temporarily occupy and use the river;

(c) temporarily restrict or otherwise interfere with easements, fishing rights, water rights, navigation rights or other similar rights.

*30 Extinguishment of certain public rights*

8.—(1) If the Department considers it necessary or desirable to do so in connection with any works executed under this Schedule, the Department may, on application to it by the council, make an order extinguishing—

35 (a) any public rights over or in relation to such part of the foreshore associated with the river as is specified in the order;

(b) any public rights of navigation over such part of the river as is specified in the order.

(2) Article 133(1) and (4) of, and Schedule 8 to, the Roads (Northern Ireland) Order 1993 apply to an order under sub-paragraph (1) as they apply to an order  
40 under Article 6 of that Order.

*Regeneration*

## SCHEDULE 2

Section 21.

## MINOR AND CONSEQUENTIAL AMENDMENTS [S4]

*The Planning Blight (Compensation) (Northern Ireland) Order 1981 (NI 16)*

5 1.—(1) Article 3 is amended as follows.

(2) In paragraph (1)(j) after “Article 86 of the Planning Order” insert “or section 6 of the Regeneration Act (Northern Ireland) 2015”.

(3) After paragraph (3) insert—

10 “(3A) In paragraph (1)(j) the reference to a development scheme adopted under section 6 of the Regeneration Act (Northern Ireland) 2015 includes a reference to—

(a) a development scheme notice of which has been published under section 6(2) of that Act;

15 (b) amendments to that scheme notice of which have been published by virtue of section 6(7) of that Act.”.

(4) In paragraph (4) for “or (3)” substitute “, (3) or (3A)”.

*The Planning (Northern Ireland) Order 1991 (NI 11)*

2.—(1) In Article 87(8) for “appropriate” substitute “expedient in the public interest”.

20 (2) In Article 87 at the end add—

“(11) In this Article “relocation of population or industry” and “replacement of open space” have the same meanings as in section 7 of the Regeneration Act (Northern Ireland) 2015.”.

(3) Omit Article 88.

25 *The Planning Act (Northern Ireland) 2011 (c. 25)*

3. In section 19(1)(c) (exclusion of certain representations) at the end add “or sections 5 and 6 of the Regeneration Act (Northern Ireland) 2015”.

## SCHEDULE 3

Section 21.

30 REPEALS [S5]

Short Title	Extent of Repeal
The Laganside Development (Northern Ireland) Order 1989 (NI 2)	The whole Order.
The Planning (Northern Ireland) Order 1991 (NI 1)	Article 88.

*Regeneration**SCH. 3*

The Planning Act (Northern Ireland) 2011 (c. 25)	In Schedule 6, paragraph 53.
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*This Memorandum refers to the Regeneration Bill as introduced in the Northern Ireland Assembly on [Bill Office will insert date], (Bill [Bill Office will insert No.] 2014)*

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## **REGENERATION BILL**

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### **EXPLANATORY AND FINANCIAL MEMORANDUM**

#### **INTRODUCTION**

1. This Explanatory and Financial Memorandum has been prepared by the Department for Social Development ("the Department") in order to assist the reader of the Bill and to help inform debate on it. It does not form part of the Bill and has not been endorsed by the Assembly.
2. The Memorandum needs to be read in conjunction with the Bill. It is not, and is not meant to be, a comprehensive description of the Bill. So where a clause or part of a clause or Schedule does not seem to require an explanation or comment, none is given.

#### **BACKGROUND AND POLICY OBJECTIVES**

3. The purpose of the Bill is to confer certain regeneration and community development powers on, and transfer of certain functions relating to Laganaside, to the new district councils.
4. This Bill contributes to the reform of local government and is part of the suite of legislation, the main piece of which is the Local Government Act (Northern Ireland) 2014, within which the new councils will operate from 1 April 2015. The delivery of the powers and functions conferred on a council by this Bill will be taken forward in the context of a council's statutory community planning duty, including, in relation to improving the social well-being of the district, promoting equality of opportunity in accordance with section 75 of the Northern Ireland Act 1998 and, without prejudice to this, having regard to the desirability of promoting good relations as provided for in the Local Government Act (Northern Ireland) 2014. The delivery of the powers and functions will also be subject to the framework for the protection of the interests of minorities provided by Parts 3 and 4 (sharing position of responsibility and membership of committees across the political parties and independents represented on a council) and Part 7 (in relation to decision-making) of the Local Government Act (Northern Ireland) 2014 and any associated regulations.

NIA Bill [Bill Office will insert No.]-EFM 1 Session [Bill Office will insert session/date]

*This Memorandum refers to the Regeneration Bill as introduced in the Northern Ireland Assembly on [Bill Office will insert date], (Bill [Bill Office will insert No.] 2014)*

## **CONSULTATION**

5. Public consultation on the proposals under the Review of Public Administration (as the Reform of Local Government was then known) to transfer functions from the Department for Social Development to district councils took place from 1 March 2010 to 26 April 2010 and the proposals were widely supported.

## **COMMENTARY ON CLAUSES**

6. The Bill has four Parts, totalling twenty-three (23) clauses, and three Schedules. A commentary on the provisions follows. Comments are not given where the wording is self-explanatory:

### **PART 1: POWERS IN RELATION TO SOCIAL NEED**

#### **Clause 1: Financial assistance to address social need**

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.

#### **Clause 2: Conditions attaching to financial assistance under section 1**

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.

#### **Clause 3: Power to carry out works for the improvement of the environment**

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.

NIA Bill [Bill Office will insert No.]-EFM 2 Session [Bill Office will insert session/date]

*This Memorandum refers to the Regeneration Bill as introduced in the Northern Ireland Assembly on [Bill Office will insert date], (Bill [Bill Office will insert No.] 2014)*

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#### **Clause 4: Power of Department to provide financial assistance**

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.

### **PART 2: DEVELOPMENT POWERS AND OTHER POWERS FOR PLANNING PURPOSES**

#### **Clause 5: Development schemes of councils**

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.

#### **Clause 6: Adoption of development schemes by councils**

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.

NIA Bill [Bill Office will insert No.]-EFM 3 Session [Bill Office will insert session/date]

*This Memorandum refers to the Regeneration Bill as introduced in the Northern Ireland Assembly on [Bill Office will insert date], (Bill [Bill Office will insert No.] 2014)*

#### **Clause 7: Acquisition of land by councils for planning purposes**

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.

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.

#### **Clause 8: Disposal of land held by councils for planning purposes**

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.

#### **Clause 9: Development of land held by councils for planning purposes**

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.

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.

NIA Bill [Bill Office will insert No.]-EFM 4 Session [Bill Office will insert session/date]



*This Memorandum refers to the Regeneration Bill as introduced in the Northern Ireland Assembly on [Bill Office will insert date], (Bill [Bill Office will insert No.] 2014)*

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**Clause 10: Powers of council before acquisition of land for planning purposes**

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.

**Clause 11: Extinguishment by council of right of way**

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.

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

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.

**Clause 13: Development schemes made by the Department**

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.

**Clause 14: Interpretation of this Part**

This Clause defines a number of the terms used in PART 2 of the Bill.

**PART 3: LAGANSIDE**

**Clause 15: Transfer to council of certain functions in relation to Laganside**

This Clause provides for the repeal of the Laganside Development (Northern Ireland) Order 1989 (“the Laganside Order”) and Schedule 1 sets out the powers which the

NIA Bill [Bill Office will insert No.]-EFM 5 Session [Bill Office will insert session/date]

*This Memorandum refers to the Regeneration Bill as introduced in the Northern Ireland Assembly on [Bill Office will insert date], (Bill [Bill Office will insert No.] 2014)*

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 Laganside 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.

#### **PART 4: GENERAL AND SUPPLEMENTARY**

##### **Clause 16: Surveys, studies, etc.**

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.

##### **Clause 17: Guidance**

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.

##### **Clause 18: Powers to make orders under the Local Government Act in connection with this Act**

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.

##### **Clause 19: Regulations and orders**

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

##### **Clause 20: Interpretation**

This Clause provides definitions of terms used in the Bill.

##### **Clause 21: Minor and consequential amendments and repeals**

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

NIA Bill [Bill Office will insert No.]-EFM 6 Session [Bill Office will insert session/date]

*This Memorandum refers to the Regeneration Bill as introduced in the Northern Ireland Assembly on [Bill Office will insert date], (Bill [Bill Office will insert No.] 2014)*

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**Clause 22: Commencement**

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

**Clause 23: Short title**

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

**FINANCIAL EFFECTS OF THE BILL**

7. The budget for urban regeneration, community development and Laganside will transfer from the Department to councils in 2015. To effect the transfer, it is intended to make a 'one-off' payment to councils via the rating system.

**HUMAN RIGHTS ISSUES**

8. The provisions of the Bill are compatible with the European Convention on Human Rights.

**EQUALITY IMPACT ASSESSMENT**

9. Under the terms of Section 75 of the Northern Ireland Act 1998, the Department carried out screening for equality impact and is satisfied that the proposed legislation will not lead to discriminatory or negative differential impact on any of the Section 75 groups. A copy of the screening form can be viewed on the Department's website [www.dsdni.gov.uk](http://www.dsdni.gov.uk).

**LEGISLATIVE COMPETENCE**

10. The Minister for Social Development has made the following statement under Section 9 of the Northern Ireland Act 1998:

*"In my view the Regeneration Bill would be within the legislative competence of the Northern Ireland Assembly."*

NIA Bill [Bill Office will insert No.]-EFM 7 Session [Bill Office will insert session/date]

*This Memorandum refers to the Regeneration Bill as introduced in the Northern Ireland Assembly on [Bill Office will insert date], (Bill [Bill Office will insert No.] 2014)*

## **REGENERATION BILL**

### **EXPLANATORY AND FINANCIAL MEMORANDUM**

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4. This Bill contributes to the reform of local government and is part of the suite of legislation, the main piece of which is the Local Government Act (Northern Ireland) 2014, within which the new councils will operate from 1 April 2015. The delivery of the powers and functions conferred on a council by this Bill will be taken forward in the context of a council's statutory community planning duty, including, in relation to improving the social well-being of the district, promoting equality of opportunity in accordance with section 75 of the Northern Ireland Act 1998 and, without prejudice to this, having regard to the desirability of promoting good relations as provided for in the Local Government Act (Northern Ireland) 2014. The delivery of the powers and functions will also be subject to the framework for the protection of the interests of minorities provided by Parts 3 and 4 (sharing position of responsibility and membership of committees across the political parties and independents represented on a council) and Part 7 (in relation to decision-making) of the Local Government Act (Northern Ireland) 2014 and any associated regulations.

NIA Bill [Bill Office will insert No.]-EFM 1 Session [Bill Office will insert session/date]

*This Memorandum refers to the Regeneration Bill as introduced in the Northern Ireland Assembly on [Bill Office will insert date], (Bill [Bill Office will insert No.] 2014)*

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## **CONSULTATION**

5. Public consultation on the proposals under the Review of Public Administration (as the Reform of Local Government was then known) to transfer functions from the Department for Social Development to district councils took place from 1 March 2010 to 26 April 2010 and the proposals were widely supported.

## **COMMENTARY ON CLAUSES**

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#### **Clause 1: Financial assistance to address social need**

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.

#### **Clause 2: Conditions attaching to financial assistance under section 1**

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.

#### **Clause 3: Power to carry out works for the improvement of the environment**

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.

NIA Bill [Bill Office will insert No.]-EFM 2 Session [Bill Office will insert session/date]

*This Memorandum refers to the Regeneration Bill as introduced in the Northern Ireland Assembly on [Bill Office will insert date], (Bill [Bill Office will insert No.] 2014)*

#### **Clause 4: Power of Department to provide financial assistance**

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.

### **PART 2: DEVELOPMENT POWERS AND OTHER POWERS FOR PLANNING PURPOSES**

#### **Clause 5: Development schemes of councils**

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.

#### **Clause 6: Adoption of development schemes by councils**

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.

NIA Bill [Bill Office will insert No.]-EFM 3 Session [Bill Office will insert session/date]

*This Memorandum refers to the Regeneration Bill as introduced in the Northern Ireland Assembly on [Bill Office will insert date], (Bill [Bill Office will insert No.] 2014)*

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**Clause 7: Acquisition of land by councils for planning purposes**

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.

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.

**Clause 8: Disposal of land held by councils for planning purposes**

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.

**Clause 9: Development of land held by councils for planning purposes**

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.

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.

NIA Bill [Bill Office will insert No.]-EFM 4 Session [Bill Office will insert session/date]



*This Memorandum refers to the Regeneration Bill as introduced in the Northern Ireland Assembly on [Bill Office will insert date], (Bill [Bill Office will insert No.] 2014)*

#### **Clause 10: Powers of council before acquisition of land for planning purposes**

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.

#### **Clause 11: Extinguishment by council of right of way**

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.

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

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.

#### **Clause 13: Development schemes made by the Department**

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.

#### **Clause 14: Interpretation of this Part**

This Clause defines a number of the terms used in PART 2 of the Bill.

### **PART 3: LAGANSIDE**

#### **Clause 15: Transfer to council of certain functions in relation to Laganside**

This Clause provides for the repeal of the Laganside Development (Northern Ireland) Order 1989 (“the Laganside Order”) and Schedule 1 sets out the powers which the

NIA Bill [Bill Office will insert No.]-EFM 5 Session [Bill Office will insert session/date]

*This Memorandum refers to the Regeneration Bill as introduced in the Northern Ireland Assembly on [Bill Office will insert date], (Bill [Bill Office will insert No.] 2014)*

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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 Laganside 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.

#### **PART 4: GENERAL AND SUPPLEMENTARY**

##### **Clause 16: Surveys, studies, etc.**

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.

##### **Clause 17: Guidance**

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.

##### **Clause 18: Powers to make orders under the Local Government Act in connection with this Act**

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.

##### **Clause 19: Regulations and orders**

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

##### **Clause 20: Interpretation**

This Clause provides definitions of terms used in the Bill.

##### **Clause 21: Minor and consequential amendments and repeals**

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

NIA Bill [Bill Office will insert No.]-EFM 6 Session [Bill Office will insert session/date]

*This Memorandum refers to the Regeneration Bill as introduced in the Northern Ireland Assembly on [Bill Office will insert date], (Bill [Bill Office will insert No.] 2014)*

#### **Clause 22: Commencement**

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

#### **Clause 23: Short title**

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

#### **FINANCIAL EFFECTS OF THE BILL**

7. The budget for urban regeneration, community development and Laganside will transfer from the Department to councils in 2015. To effect the transfer, it is intended to make a 'one-off' payment to councils via the rating system.

#### **HUMAN RIGHTS ISSUES**

8. The provisions of the Bill are compatible with the European Convention on Human Rights.

#### **EQUALITY IMPACT ASSESSMENT**

9. Under the terms of Section 75 of the Northern Ireland Act 1998, the Department carried out screening for equality impact and is satisfied that the proposed legislation will not lead to discriminatory or negative differential impact on any of the Section 75 groups. A copy of the screening form can be viewed on the Department's website [www.dsdni.gov.uk](http://www.dsdni.gov.uk).

#### **LEGISLATIVE COMPETENCE**

10. The Minister for Social Development has made the following statement under Section 9 of the Northern Ireland Act 1998:

*"In my view the Regeneration Bill would be within the legislative competence of the Northern Ireland Assembly."*

NIA Bill [Bill Office will insert No.]-EFM 7 Session [Bill Office will insert session/date]

## Written Statement from Minister 10.11.14



**From: the Minister**

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**Tel: (028) 9082 9034**

**Mr Alex Maskey  
Chair of Social Development Committee  
Room 412  
Parliament Buildings  
BELFAST  
BT4 3XX**

**Our ref: SUB/812/2014**

**10 November 2014**

### **THE REGENERATION BILL**

Please see attached a Written Ministerial Statement that I intend to present to the Assembly on 11 November 2014 at 15.00 in relation to the Regeneration Bill.

Yours sincerely

A handwritten signature in black ink, appearing to read "Mervyn Storey".

**MERVYN STOREY MLA  
Minister for Social Development**



**Together, tackling disadvantage, building communities**

## **NORTHERN IRELAND ASSEMBLY**

11 November 2014

### **WRITTEN MINISTERIAL STATEMENT**

The content of this written ministerial statement is as received at the time from the Minister.  
It has not been subject to the official reporting (Hansard) process.

#### **SOCIAL DEVELOPMENT**

##### **THE REGENERATION AND HOUSING BILL**

*Published at 15.00 on 11 November 2014*

The Minister for Social Development (Mr Mervyn Storey):

The Executive agreed on 11 April 2013 that the Reform of Local Government should be implemented with effect from 1 April 2015 with the creation of 11 new councils and the transfer of a coherent package of functions and powers from central government to local government on that date. The aim of this fundamental reform programme is to transform local government, putting decision making on local matters in the hands of locally elected representatives. It is not just about doing things differently; it is about doing things better. By transferring key functions such as planning, urban regeneration, local economic development and local tourism from central to local government, councils will be provided with the means with which to shape their areas and communities.

In order to enable the new councils to discharge these new important responsibilities, I must first put in place the necessary legislative framework. The overall reorganisation of local government is covered in the Local Government Act (Northern Ireland) 2014 and other transferring Departments will be putting their own legislation in place.

My predecessor and I have made a number of unsuccessful attempts to secure Executive agreement to the introduction in the Assembly of the draft Regeneration and Housing Bill. However, since taking up office, I have had some useful

discussions with a number of Ministerial colleagues and I have taken their concerns on board. As a result I have agreed to remove the provisions in the Bill relating to housing. However, since taking up office, I have had some useful discussions with a number of Ministerial colleagues and I have taken their concerns on board. Concerns were raised regarding the proposed transfer of the Housing functions from the NIHE and, having discussed these concerns with Executive colleagues, I decided to remove the relevant provisions from the Bill. I recently brought a paper on a proposed new regulatory regime for HMOs 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. I have therefore concluded that it is more appropriate to consider this work separately from the Bill.

In addition, I recently brought a paper on a proposed new regulatory regime for HMOs 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. I have therefore concluded that it is more appropriate to allow this work to complete before any decisions are taken on the future of these functions.

As well as removing the transfer of specific housing functions from the Bill, an additional provision has been inserted requiring Departmental approval for any use of the new regeneration powers in respect of housing. I have also provided more detailed explanations in the Explanatory and Financial Memorandum about the Bill's policy context, its relationship to the Local Government Act (Northern Ireland) 2014 and the safeguards in place regarding compulsory purchase powers and other constraints that it would place on councils.

I am pleased to be able to tell you that the Executive has now agreed for the Bill, which has been renamed the Regeneration Bill, to proceed to Introduction. Unfortunately, the timetable for passage of the Bill through the Assembly means that I cannot be certain that the legislation would become law in time for an April 2015 transfer. Without that certainty there are unacceptable risks to the smooth transfer of these important responsibilities to the new councils. I have carefully considered the options available to me. In trying to come to a decision on the way forward, it was

important to consider the impact any further delay and uncertainty would have on the detailed planning by the Department and the receiving councils for the handling of this work from April 2015. At this stage I had planned to be in a position to be able to finalise the planned handover of work to councils and to reach agreement between the Department and the new councils on the arrangements for transfer of budgets, assets, staff etc. In the interests of business continuity it is crucial that there is clarity on the way forward.

After due consideration, and with the full support of the Executive, it has been decided that the best course of action is to defer the transfer of responsibilities from my Department to councils for one year until April 2016. This decision means that my Department will continue to have responsibility for the delivery of these key services to the community, retaining its statutory powers, control of the overall budget and ownership of the associated physical assets and it will continue to deliver the relevant programmes until April 2016.

I can assure you that I am still fully committed to the Reform of Local Government and the transfer of key powers and responsibilities from my Department to the new Councils and I intend to introduce the Regeneration Bill, with the Speaker's consent, to the Assembly as soon as possible.

I am certain that the excellent arrangements and relationships that have been put in place between the councils and the Department will continue as we work together to bring forward this key programme of work.



## Letter from Minister 11.11.14



**From: The Minister**

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Mr Alex Maskey  
Chair of Social Development Committee  
Room 412  
Parliament Buildings  
BELFAST  
BT4 3XX

Our Ref: AGY/132/2014

11 November 2014

Dear Alex

### THE REGENERATION BILL

As you will be aware, you received an 'in confidence' copy of the Regeneration Bill and Explanatory and Financial Memorandum, advising that the date for introduction of the Bill in the Assembly would be 17 November 2014. I am writing to advise you that the position on this has changed and, subject to the Speaker's agreement, I plan to introduce the Bill on 8 December 2014.

I am sorry for any inconvenience caused.

Yours sincerely

A handwritten signature in black ink, appearing to read "Mervyn Storey".

**MERVYN STOREY MLA**  
Minister for Social Development



**Together, tackling disadvantage, building communities**

# Letter from Minister 25.11.14

OFFICIAL EXECUTIVE



Department for  
**Social  
Development**

From: The Minister

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Mr Alex Maskey MLA  
Chair of the Social Development Committee  
Room 412  
Parliament Buildings  
BELFAST  
BT4 3XX

Our ref: AGY/132/2014

**25** November 2014

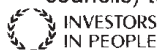
*Alex*

## DRAFT REGENERATION BILL

The Committee may be aware that the Executive recently agreed to the introduction of the Regeneration Bill to the Assembly. I have written to the Speaker's Office seeking agreement to introduce the Bill on 8 December 2014. I am now taking this opportunity to forward copies of the Bill and its accompanying Explanatory and Financial Memorandum "In confidence" to the Committee for its information.

Committee members will already be familiar with the policy context for the Regeneration Bill, which is a part of the Reform of Local Government, following a briefing by officials earlier this year, on 5 June. The Bill is largely the same with one notable change. Previously, the Bill was known as the Regeneration and Housing Bill. However, since taking up office, I have had some useful discussions with a number of Ministerial colleagues and I have taken their concerns on board. Concerns were raised regarding the proposed transfer of the Housing functions from the NIHE and, having discussed these concerns with Executive colleagues, I decided to remove the relevant provisions from the Bill. I recently brought a paper on a proposed new regulatory regime for HMOs 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 lifetime of the Housing Strategy Action Plan. I have therefore concluded that it is more appropriate to consider this work separately from the Bill and to allow it to complete before any decisions are taken on the future of these functions.

I have also added a new Clause 1(4) to ensure that any proposed use of the powers in the Social Need (Northern Ireland) Order 1986 (which will be extended to the new councils) to provide Housing must be approved by the Department. It is important to



note that, even with the same powers as in the 1986 Order, councils will not be able to build social housing.

I have also secured Executive approval to commence this legislation, and therefore the transfer to councils, one year later than originally planned. The short time available between now and the original 1 April 2015 transfer date presented significant challenges for both the new councils and my Department. However, the new transfer date of 1 April 2016 will provide an opportunity to plan for as smooth a transition as possible.

The Explanatory and Financial Memorandum has also been expanded to provide more clarity on the meaning and impact of the amended Bill.

The Committee will, of course, have the opportunity to undertake full scrutiny of the Bill during the Committee Stage.

**Annex A** contains the draft Bill and at **Annex B** is the draft Explanatory and Financial Memorandum which accompanies the Bill to provide clarification on various points.

My officials will be happy to brief the Committee at its sitting on the 8 January 2015.

Yours sincerely



**MERVYN STOREY MLA**  
Minister for Social Development

# Regeneration Bill

[30/10/2014 11:5:27]

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*Regeneration*

A

**BILL**

TO

Confer functions on district councils in relation to regeneration; to amend the Social Need (Northern Ireland) Order 1986 and Part 7 of the Planning (Northern Ireland) Order 1991 in relation to the functions of the Department for Social Development; and for connected purposes.

**B**E IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

## PART 1

## POWERS IN RELATION TO SOCIAL NEED

*Powers of council to address social need***Financial assistance to address social need [j1]**

5     **1.**—(1) A council may provide financial assistance to any person doing, or intending to do, anything falling within subsection (2) which benefits one or more areas of social need in its district.

(2) Financial assistance may be provided under this section for—

- 10     (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,
- 15     or for anything not falling within paragraphs (a) to (e) which the council considers will benefit the district.

(3) Financial assistance under this section may include—

- (a) grants;
- (b) loans;

*Regeneration**Pt. 1*

- (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.

5   **Conditions attaching to financial assistance under section 1 [j2]**

2.—(1) In giving financial assistance under section 1, a council may impose such conditions as it thinks fit, including conditions for repayment in specified circumstances.

- 10   (2) Any person who without reasonable excuse fails to comply with any condition imposed under subsection (1) requiring that person to inform the council of any event whereby financial assistance provided to that person under section 1 becomes repayable in whole or in part is guilty of an offence and liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment, to a fine.

- 15   (3) Subsection (4) applies for the purpose of enabling the council—

- (a) to determine whether any condition subject to which financial assistance is provided under section 1 is satisfied or is being complied with; or
- (b) whether the financial assistance has become repayable in whole or in part in accordance with any such condition.

- 20   (4) The council may by notice require any person who has received financial assistance under section 1, and any person acting on behalf of that person, to give to the council such information, or to produce for examination by the council such books, records or other documents, as may be specified in the notice.

(5) Subject to subsection (6), a notice under subsection (4) may require—

- 25   (a) the information to which it relates to be given within such time as may be specified in the notice, and
- (b) the books, records or other documents to which it relates to be produced at such time and place as may be so specified.

- 30   (6) The time specified in a notice under subsection (4) for giving any information or producing any document shall not be earlier than the end of the period of 28 days beginning with the service of the notice.

(7) Any person who in purported compliance with a notice under subsection (4) knowingly or recklessly makes any statement or produces any document which is false in a material particular is guilty of an offence and liable—

- 35   (a) on summary conviction, to a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 2 years or to both.

- 40   (8) Any person who without reasonable excuse fails to comply with a notice under subsection (4) is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(9) Any conditions for repayment imposed under subsection (1) shall, if the conditions so provide, be a statutory charge and in the event of any financial assistance under section 1 becoming repayable in circumstances specified in the



*Regeneration**Pt. 1*

conditions, the amount of that assistance (as assessed in accordance with the conditions) shall be a charge on any property so specified.

(10) Accordingly, in Schedule 11 to the Land Registration Act (Northern Ireland) 1970 (matters required to be registered in the Statutory Charges Register) in paragraph 40 after "Article 4(1) of the Social Need (Northern Ireland) Order 1986" insert "or section 2 of the Regeneration Act (Northern Ireland) 2015".

**Power to carry out works for the improvement of the environment [j3]**

3.—(1) A council may carry out works for the improvement of the environment which the council considers will benefit one or more areas of social need in its district.

(2) In the exercise of its powers under this section a council may, with the consent of the Department for Regional Development, carry out works involving the placing of any structure in a road, but shall not so exercise those powers as—

- (a) to obstruct or prevent the passage of vehicles or of the public on foot along the road;
- (b) to obstruct or prevent normal access to premises adjoining the road; or
- (c) to prevent any person from having access to any works of that person under, in, on, over, along or across the road.

(3) A council may, with the consent of the Department for Regional Development, sell, let or otherwise dispose of any structure placed by it in a road under this section to any other person.

*Power of Department to address social need***Power of Department to provide financial assistance [j4]**

4.—(1) Article 3 of the Social Need (Northern Ireland) Order 1986 (power of Department to provide financial assistance) is amended as follows.

(2) For paragraph (1) substitute—

“(1) The Department may provide financial assistance to any person doing or intending to do anything falling within paragraph (2) which benefits one or more areas of social need.”.

(3) In paragraph (2) for “the district” substitute “an area of social need”.

PART 2  
DEVELOPMENT POWERS AND OTHER POWERS FOR PLANNING  
PURPOSES

*Development and other powers of councils***Development schemes of councils [j5]**

5.—(1) Where a council considers it expedient that any area in its district should be developed, redeveloped or improved as a whole the council may prepare a development scheme for the area.

(2) Where the Department considers that—

*Regeneration*

*Pt. 2*

- (a) it is expedient that any area in the district of a council should be developed, redeveloped or improved as a whole,
  - (b) the development, redevelopment or improvement will be of significance to the whole or a substantial part of Northern Ireland, and
  - 5 (c) it is not appropriate or expedient for the development, redevelopment or improvement to be carried out under Part 7 of the Planning Order,
- the Department may direct the council to prepare a development scheme for the area.
- (3) A development scheme under this section shall—
  - 10 (a) define, by reference to a map, the area of the scheme; and
  - (b) indicate in general terms the manner in which it is intended that the area should be laid out and the land therein used.
  - (4) In preparing a development scheme a council must have regard to—
  - (a) the regional development strategy; and
  - 15 (b) the council's current community plan (within the meaning of section 78(1) of the Local Government Act (Northern Ireland) 2014.)
  - (5) A development scheme prepared by a council has no effect unless adopted by the council in accordance with section 6.
  - (6) It is the duty of a council to comply with any direction given to it under
  - 20 subsection (2).

**Adoption of development schemes by councils [j6]**

- 6.—(1) Where it has prepared a development scheme, a council shall submit the scheme to the Department and—
  - (a) shall consider any comments notified to the council by the Department or
  - 25 any other Northern Ireland department within the period of 28 days from the date on which the scheme is submitted or such longer period as the Department may direct; and
  - (b) may, if it thinks fit, amend the scheme.
  - (2) The council shall then publish in two successive weeks in one or more
  - 30 newspapers circulating in the locality to which the scheme relates a notice—
  - (a) describing the area to which the scheme relates and referring to the preparation of the scheme;
  - (b) specifying the place at which copies of the scheme may be inspected at reasonable times; and
  - 35 (c) stating the time (not being less than 28 days from the last of the publications of the notice) during which objections to the scheme may be sent to the council.
  - (3) If—
  - (a) no objections are made to a development scheme, or
  - 40 (b) all objections to a development scheme are withdrawn,
- the council may, subject to subsection (5), by order adopt the scheme with or without amendment.

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(4) If objections made to a development scheme are not withdrawn the council shall, unless it considers them to be solely of a frivolous or vexatious nature—

(a) cause a public local inquiry to be held by the planning appeals commission, and

5 (b) consider any objections not withdrawn and the report of that commission, and may, subject to subsection (5), thereafter by order adopt the scheme with or without amendments.

(5) A council shall not adopt a scheme under subsection (3) or (4) unless the scheme has been submitted to, and approved by, the Department.

10 (6) A council may at any time prepare amendments to so much of an adopted development scheme as relates to the manner in which the area of the development scheme is to be laid out and the land therein used.

(7) Section 5(4) and (5) and subsections (1) to (5) above apply in relation to such amendments to a scheme as they apply in relation to the original scheme.

15 **Acquisition of land by councils for planning purposes [j7]**

7.—(1) A council may, by agreement or compulsorily, acquire any land in its district where it is satisfied—

(a) that the land is required in connection with a development scheme;

20 (b) that it is expedient in the public interest that the land should be held together with land so required;

(c) that the land is required for development or redevelopment, or both, as a whole for the purpose of providing for the relocation of population or industry or the replacement of open space in the course of the redevelopment or improvement of another area in its district as a whole; or

25 (d) that it is expedient to acquire the land for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated.

(2) Where the council acquires a lesser estate than a fee simple in any land under section 196 of the Planning Act (Northern Ireland) 2011, the council may by  
30 agreement or compulsorily acquire such estates in the land as it considers expedient in the public interest.

(3) A council shall not acquire any estate in Crown land under this section unless—

35 (a) it is an estate which is for the time being held otherwise than by or on behalf of the Crown; and

(b) the appropriate authority consents to the acquisition;

and “appropriate authority” and “Crown land” are to be construed in accordance with section 212 of the Planning Act (Northern Ireland) 2011.

40 (4) Proceedings for the acquisition of land in connection with a development scheme may be taken concurrently (so far as practicable) with proceedings required by section 6 to be taken in connection with the adoption of the development scheme; but a vesting order vesting any such land in the council shall not be made until the development scheme has been adopted.

*Regeneration**Pt. 2*

(5) In determining whether to make a vesting order on the application of a council, the Department may disregard any objection to the proposed order which, in the opinion of the Department, amounts in substance to an objection to the provisions of the local development plan defining the proposed use of that or any other land.

(6) In this Part any reference to the acquisition or appropriation of land for planning purposes is a reference to—

(a) its acquisition under this section; or

(b) its appropriation under section 96(6) of the Local Government Act (Northern Ireland) 1972 for any purpose mentioned in subsection (1).

(7) In this section, in relation to any area—

“re-location of population or industry” means the rendering available elsewhere than in that area (whether in an existing community or a community to be newly established) of accommodation for residential purposes or for the carrying on of business or other activities, together with all appropriate public services, facilities for public worship, recreation and amenity, and other requirements, being accommodation to be rendered available for persons or undertakings who are living or carrying on business or other activities in that area and whose continued or resumed location in that area would be inconsistent with the proper planning of that area;

“replacement of open space” means the rendering of land available for use as an open space, or otherwise in an undeveloped state, in substitution for land in that area which is so used.

**25 Disposal of land held by councils for planning purposes [j8]**

**8.—**(1) Where any land acquired or appropriated by a council for planning purposes is for the time being held by that council for those purposes, the council may dispose of the land to such person as may appear to it to be expedient in order to secure—

(a) the best use of that or other land and any buildings or works which have been, or are to be, erected, constructed or carried out on thereon, whether by the council or by any other person, or

(b) the erection, construction or carrying out on the land of any buildings or works appearing to the council to be needed for the proper planning of the area in which the land is situated.

(2) On the termination of any tenancy of any premises let by a council under this section, possession of the premises may (without prejudice to any other method of recovery) be recovered by the council in a summary manner under Articles 67 to 74 of the Magistrates’ Courts (Northern Ireland) Order 1981 whatever may be the rent or term of the tenancy.

**Development of land held by councils for planning purposes [j9]**

**9.—**(1) A council may erect or construct any building or carry out any work on any land to which this section applies.

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(2) A council may enter into an agreement with any person for the development of any land to which this section applies.

(3) A council may maintain, repair and generally manage any buildings or works on land to which this section applies.

5 (4) This section applies to any land which—

(a) has been acquired or appropriated by the council for planning purposes; and

(b) is for the time being held by it for those purposes.

(5) The Department may by regulations make provision—

10 (a) requiring prescribed details of a proposed exercise by a council of its powers under subsection (1) or (2) to be given to the Department in prescribed cases; and

(b) where such notice is required to be given in any case, for prohibiting the exercise by a council of its powers under those subsections in relation to that case until the expiration of such period from the giving of the notice as is prescribed.

(6) In subsection (5) “prescribed” means prescribed by regulations under that subsection.

(7) Regulations under subsection (5) are subject to negative resolution.

20 **Powers of council before acquisition of land for planning purposes [j10]**

10. Where a council proposes to acquire land compulsorily under section 7, it may, at any time after the date of the publication of the notice mentioned in paragraph 2(a) of Schedule 6 to the Local Government Act (Northern Ireland) 1972 in relation to that land—

25 (a) enter into an agreement with any person for securing the disposal of the land (in accordance with section 8) after that land has been acquired for planning purposes;

(b) exercise the power under subsection (2) of section 9 in relation to the land as if the land were land to which that section applies.

30 **Extinguishment by council of right of way over land held for planning purposes [j11]**

35 11.—(1) Where any land acquired or appropriated by a council for planning purposes is for the time being held by that council for those purposes, the council may by order extinguish any public right of way over the land where it is satisfied that the extinguishment of the right of way is necessary for the proper development of the land.

(2) Before making an order under this section, the council shall publish in at least one newspaper circulating in the relevant area a notice—

(a) stating the general effect of the order;

40 (b) specifying a place in the relevant area where a copy of the draft order and of any relevant map or plan may be inspected by any person at all reasonable hours during a period of 28 days from the date of publication of the notice; and

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(c) stating that, within that period, any person may by notice to the council object to the making of the order.

(3) Not later than the date on which that notice is so published, the council shall serve a copy of the notice, together with a copy of the draft order and of any relevant map or plan, on—

(a) any statutory undertaker having any cables, mains, pipes or wires laid along, across, under or over any land over which a right of way is to be extinguished under the order; and

(b) the operator of an electronic communications code network for the purposes of which any electronic communications apparatus is kept installed along, across, under or over any such land.

(4) The council may cause a public local inquiry to be held by the planning appeals commission to hear objections to the proposed order.

(5) After considering any objections to the order which are not withdrawn and, where a public local inquiry is held, the report of the planning appeals commission, the council may make the order either without modification or subject to such modifications as it thinks fit.

(6) Where the council makes an order under this section the council shall publish, in the manner specified in subsection (2), a notice—

(a) stating that the order has been made; and

(b) naming a place where a copy of the order may be seen at all reasonable hours;

and subsection (3) shall have effect in relation to any such notice as it has effect in relation to a notice under subsection (2).

(7) In this section “the relevant area”, in relation to an order, means the area in which any land to which the order relates is situated.

(8) Where—

(a) an order is made under this section, and

(b) immediately before the date on which the order became operative there was, under, in, on, over, along or across the right of way any electronic communications apparatus kept installed for the purposes of an electronic communications code network,

the operator of that network shall have the same powers in respect of that apparatus as if the order had not become operative, but the council shall be entitled to require the alteration of the apparatus.

(9) If the operator of an electronic communications code network—

(a) removes any electronic communications apparatus in circumstances in which subsection (8) applies, and

(b) serves a notice on the council notifying the council of the removal,

the operator shall be entitled to recover from the council the expense of providing, in substitution for the apparatus and any electronic communications apparatus connected therewith which is rendered useless in consequence of the removal, any electronic communications apparatus in such other place as the operator may require.

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(10) Paragraph 1(2) of the electronic communications code (alteration of apparatus to include moving, removal or replacement of apparatus) applies for the purposes of subsections (8) and (9) as it applies for the purpose of that code.

(11) Paragraph 21 of the electronic communications code (restriction on removal of apparatus) applies in relation to any entitlement conferred by this section to require the alteration, moving or replacement of any electronic communications apparatus as it applies in relation to an entitlement to require the removal of any such apparatus.

(12) Expressions used in this section which are defined in paragraph 1(1) of Schedule 17 to the Communications Act 2003 have the meanings given there.

**Power of council to require information as to estates in land [j12]**

12.—(1) The power in subsection (2) is exercisable by a council for the purpose of enabling the council to make an order or issue or serve a notice or other document which it is authorised or required to make, issue or serve by any provision of this Chapter.

(2) The council may by notice in writing require—

- (a) the occupier of any premises, and
- (b) any person who, either directly or indirectly, receives rent in respect of any premises,

to give in writing, within the period mentioned in subsection (3), such information as to the matters mentioned in subsection (4) as may be specified in the notice.

(3) That period is the period of 21 days from the date on which the notice is served, or such longer period as may be specified in the notice or as the council may allow.

(4) The matters referred to in subsection (1) are—

- (a) the nature of the estate in the premises of the person on whom the notice is served;
- (b) the name and address of any other person known to that person as having an estate in the premises.

(5) Any person who, without reasonable excuse, fails to comply with a notice served on that person under subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(6) Any person who having been required by a notice under subsection (1) to give any information knowingly makes any misstatement in giving that information is guilty of an offence and liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine, or both.

*Development schemes made by the Department***Development schemes made by the Department [j13]**

13. For Article 85 of the Planning Order substitute—



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**“Development schemes**

85.—(1) Where the Department considers that—

- (a) it is expedient that any area should be developed, redeveloped, or improved as a whole,
- 5 (b) the development, redevelopment or improvement will be of significance to the whole or a substantial part of Northern Ireland, and
- (c) it is not appropriate or expedient for the development, redevelopment or improvement to be carried out under Part 2 of the Regeneration Act (Northern Ireland) 2015,
- 10 the Department may, after consulting the appropriate district council, prepare a development scheme for the area.
- (2) A development scheme shall—
- (a) define, by reference to a map, the area of the scheme; and
- 15 (b) indicate in general terms the manner in which it is intended that the area should be laid out and the land therein used.”.

*Interpretation*

**Interpretation of this Part [j19]**

20 14.—(1) In this Part “the Planning Order” means the Planning (Northern Ireland) Order 1991.

(2) In this Part the following expressions have the same meanings as in Part 7 of the Planning Order—

- “building”;
- “buildings or works”;
- 25 “development”;
- “erection” (in relation to buildings);
- “regional development strategy”;
- “road”;
- “statutory undertaker”.
- 30 (3) In this Part any reference to the acquisition or appropriation of land for planning purposes is to be construed in accordance with section 7(6).

PART 3

LAGANSIDE

**Transfer to council of certain functions relating to Lagan side [j20]**

35 15.—(1) The Lagan side Development (Northern Ireland) Order 1989 shall cease to have effect.

(2) Schedule 1 confers on the council for the district of Belfast certain powers formerly exercisable by the Department under that Order in relation to part of the River Lagan.

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## PART 4

## GENERAL AND SUPPLEMENTARY

*General***Surveys, studies, etc.[j23]**

- 5     **16.** A council may carry out, or give financial assistance towards the carrying out, of such surveys, studies, investigations and research as it considers appropriate in connection with the exercise of its functions under this Act.

**Guidance [j24]**

- 10    **17.—**(1) The Department may, after consulting councils, issue guidance as to the exercise by councils of their functions under this Act.

(2) In exercising any function under this Act a council shall have regard to any guidance issued under this section in relation to the exercise of that function.

*Supplementary*

- 15    **Powers to make orders under the Local Government Act in connection with this Act [j31]**

**18.** In section 124 of the Local Government Act (Northern Ireland) 2014 (power to make provision in connection with reform of local government) in subsection (2)(a) and (b) for “2015” substitute “2016”.

**Regulations and orders [j32]**

- 20    **19.** Regulations and orders made by the Department under this Act may contain such incidental, supplementary, transitional and savings provisions as appear to the Department to be necessary or expedient.

**Interpretation [j33]**

- 25    **20.** In this Act—  
       “council” means a district council;  
       “the Department” means the Department for Social Development;  
       “statutory provision” has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954.

**Minor and consequential amendments and repeals [j34]**

- 30    **21.—**(1) The statutory provisions set out in Schedule 2 have effect subject to the minor and consequential amendments specified in that Schedule.

(2) The statutory provisions set out in Schedule 3 are repealed to the extent specified in the second column of that Schedule.

**Commencement [j35]**

- 35    **22.—**(1) Except as provided by subsection (2), this Act comes into operation on 1st April 2016.

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(2) The following provisions come into operation on the day after Royal Assent—

- (c) sections 18 to 20;
- (d) this section; and
- 5 (e) section 23.

**Short title [j36]**

**23.** This Act may be cited as the Regeneration Act (Northern Ireland) 2015.

*Regeneration*

## SCHEDULES

## SCHEDULE 1

Section 15

## POWERS OF COUNCIL IN RELATION TO THE RIVER LAGAN [S1]

5 1.—(1) In this Schedule—

“the harbour limits” means the limits for the time being of the jurisdiction of the Belfast Harbour Commissioners under the Belfast Harbour Acts and Orders 1847 to 2002;

10 “the river” means that part of the River Lagan between the Stranmillis Weir and a line five metres down-stream of the seaward extremity of, and parallel to, the Lagan Bridge;

“the council” means the council for the district of Belfast.

*Power to execute works in relation to the river*

15 2.—(1) The council may execute such works in, on, across, over, alongside or adjacent to the river as it considers appropriate for the purposes of—

- (a) improving the quality of water in the river;
- (b) improving the immediate environment of the river;
- (c) promoting the recreational use of the river; or
- (d) facilitating access to the river.

20 (2) In particular the council may—

- (a) construct embankments, quays and footpaths alongside, or adjacent to, the river;
- (b) dredge, reclaim land from, and alter or divert the channel of, the river;
- (c) operate, maintain, repair, alter, extend or remove any works executed under this Schedule and any existing works; and
- 25 (d) provide such buildings, amenities, machinery, plant, apparatus and appliances as it considers appropriate in connection with any works executed under this Schedule and any existing works.

30 (3) In sub-paragraph (2) “existing works” means works in, on, across, over, alongside or adjacent to the river which were executed at any time before the coming into operation of this Schedule under the Laganside Development (Northern Ireland) Order 1989 or any other statutory provision.

*Construction of bridges, weirs, locks and barrages*

35 3.—(1) The council may construct a bridge over, or weir, lock or barrage across, the river.

(2) Before executing any works under this paragraph the council must take into consideration the reasonable requirements of navigation on the river.

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(3) The reference in this paragraph to a bridge include reference to a road, footway or railway over the bridge and to the approaches of any road, footway or railway to the bridge.

*Byelaws as to use of river and certain adjacent land*

- 5 4.—(1) The council may make byelaws—
- (a) regulating the use of the river by vessels;
  - (b) requiring vessels using the river to be licensed for that purpose by the council;
  - (c) regulating fishing in the river;
  - 10 (d) requiring persons fishing in the river to obtain a permit for that purpose from the council;
  - (e) regulating the grant, renewal and revocation of licences under paragraph (b) and permits under paragraph (d), the conditions subject to which such licences and permits are to be granted and prescribing the fees payable in respect of the grant or renewal of such licences or permits;
  - 15 (f) regulating the construction, condition, safety and control of vessels which may use the river and the equipment to be carried on such vessels;
  - (g) regulating the movement of vessels, and the use of lights, on the river;
  - (h) for the levying by the council of charges in respect of the use of the river or any service or facility provided by the council on the river or on land adjacent to the river;
  - 20 (i) for the removal by the council of vessels or objects from the river in such circumstances as may be specified in the byelaws, the storage and disposal by the council of vessels or objects so removed and the recovery by the council of the costs of removal, storage and disposal;
  - 25 (j) regulating the conduct of persons on the river or on land adjacent to the river and vested in the council;
  - (k) prohibiting the erection of any structure in the river or on land mentioned in paragraph (j) without the consent of the council;
  - 30 (l) prohibiting the carrying on of any commercial activity on the river or on any land mentioned in paragraph (j) without the consent of the council.
- (2) Byelaws under this paragraph shall not apply in relation to—
- (a) any part of the river within the harbour limits; or
  - (b) any land adjacent to any such part of the river.
- 35 (3) In their application to byelaws under this paragraph sections 91 to 94 of the Local Government Act (Northern Ireland) 1972 apply as if for any reference to the Ministry concerned there were substituted a reference to the Department and the Department of Agriculture and Rural Development acting jointly.
- (4) The powers to secure the observance of byelaws made under this Schedule
- 40 which are conferred on an authorised officer of the council under section 93 of the Local Government Act (Northern Ireland) 1972 include power—
- (a) to board and inspect any vessel on the river; and
  - (b) to require any person suspected of contravening a byelaw to furnish his name and address to the officer.

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(5) Section 94 of the Public Health Acts Amendment Act 1907 (licensing powers of district council in relation to pleasure vessels and persons in charge thereof) does not apply in relation to any vessel using the river.

*Approval of Department of Agriculture and Rural Development*

5 5.—(1) The council shall not execute any works under paragraph 2 unless those works have been approved by the Department of Agriculture and Rural Development.

(2) That approval may be given subject to such terms and conditions as that Department thinks fit.

10 *Consultation with the Belfast Harbour Commissioners*

6.—(1) It is the duty of the council before—

- (a) executing any works under this Schedule within the harbour limits; or
  - (b) exercising any power conferred by this Schedule within the harbour limits,
- 15 to consult with the Belfast Harbour Commissioners and to take into account any representations made to the council by the Commissioners so as to ensure that the execution of those works or the exercise of those powers causes the minimum interference to the property of the Commissioners or to the exercise by the Commissioners of their functions.

20 (2) Sections 8 to 14 of the Belfast Port and Harbour Conservancy Act 1852 (control of works within the harbour limits) does not apply to the council or to works executed under this Schedule.

*Temporary interference with river*

7. The council may, so far as necessary for the purpose of or in connection with the execution of any works under this Schedule—

- 25 (a) temporarily alter or interfere with the river and construct or place in the river all such temporary works as it considers necessary or expedient;
- (b) temporarily occupy and use the river;
- (c) temporarily restrict or otherwise interfere with easements, fishing rights, water rights, navigation rights or other similar rights.

30 *Extinguishment of certain public rights*

8.—(1) If the Department considers it necessary or desirable to do so in connection with any works executed under this Schedule, the Department may, on application to it by the council, make an order extinguishing—

- 35 (a) any public rights over or in relation to such part of the foreshore associated with the river as is specified in the order;
- (b) any public rights of navigation over such part of the river as is specified in the order.

40 (2) Article 133(1) and (4) of, and Schedule 8 to, the Roads (Northern Ireland) Order 1993 apply to an order under sub-paragraph (1) as they apply to an order under Article 6 of that Order.

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## SCHEDULE 2

Section 21.

## MINOR AND CONSEQUENTIAL AMENDMENTS [S4]

*The Planning Blight (Compensation) (Northern Ireland) Order 1981 (NI 16)*

- 5 1.—(1) Article 3 is amended as follows.
- (2) In paragraph (1)(j) after “Article 86 of the Planning Order” insert “or section 6 of the Regeneration Act (Northern Ireland) 2015”.
- (3) After paragraph (3) insert—
- 10 “(3A) In paragraph (1)(j) the reference to a development scheme adopted under section 6 of the Regeneration Act (Northern Ireland) 2015 includes a reference to—
- (a) a development scheme notice of which has been published under section 6(2) of that Act;
- 15 (b) amendments to that scheme notice of which have been published by virtue of section 6(7) of that Act.”.
- (4) In paragraph (4) for “or (3)” substitute “, (3) or (3A)”.

*The Planning (Northern Ireland) Order 1991 (NI 11)*

- 20 2.—(1) In Article 87(8) for “appropriate” substitute “expedient in the public interest”.
- (2) In Article 87 at the end add—
- “(11) In this Article “relocation of population or industry” and “replacement of open space” have the same meanings as in section 7 of the Regeneration Act (Northern Ireland) 2015”.
- (3) Omit Article 88.

*The Planning Act (Northern Ireland) 2011 (c. 25)*

- 25 3. In section 19(1)(c) (exclusion of certain representations) at the end add “or sections 5 and 6 of the Regeneration Act (Northern Ireland) 2015”.

## SCHEDULE 3

Section 21.

## REPEALS [S5]

30	Short Title	Extent of Repeal
	The Laganside Development (Northern Ireland) Order 1989 (NI 2)	The whole Order.
35	The Planning (Northern Ireland) Order 1991 (NI 1)	Article 88.



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The Planning Act (Northern Ireland) 2011 (c. 25)  
In Schedule 6, paragraph 53.

*This Memorandum refers to the Regeneration Bill as introduced in the Northern Ireland Assembly on [Bill Office will insert date], (Bill [Bill Office will insert No.] 2014)*

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## **REGENERATION BILL**

### **EXPLANATORY AND FINANCIAL MEMORANDUM**

#### **INTRODUCTION**

1. This Explanatory and Financial Memorandum has been prepared by the Department for Social Development ("the Department") in order to assist the reader of the Bill and to help inform debate on it. It does not form part of the Bill and has not been endorsed by the Assembly.
2. The Memorandum needs to be read in conjunction with the Bill. It is not, and is not meant to be, a comprehensive description of the Bill. So where a clause or part of a clause or Schedule does not seem to require an explanation or comment, none is given.

#### **BACKGROUND AND POLICY OBJECTIVES**

3. The purpose of the Bill is to confer certain regeneration and community development powers on, and transfer of certain functions relating to Laganside, to the new district councils.
4. This Bill contributes to the reform of local government and is part of the suite of legislation, the main piece of which is the Local Government Act (Northern Ireland) 2014, within which the new councils will operate from 1 April 2015. The delivery of the powers and functions conferred on a council by this Bill will be taken forward in the context of a council's statutory community planning duty, including, in relation to improving the social well-being of the district, promoting equality of opportunity in accordance with section 75 of the Northern Ireland Act 1998 and, without prejudice to this, having regard to the desirability of promoting good relations as provided for in the Local Government Act (Northern Ireland) 2014. The delivery of the powers and functions will also be subject to the framework for the protection of the interests of minorities provided by Parts 3 and 4 (sharing position of responsibility and membership of committees across the political parties and independents represented on a council) and Part 7 (in relation to decision-making) of the Local Government Act (Northern Ireland) 2014 and any associated regulations.

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*This Memorandum refers to the Regeneration Bill as introduced in the Northern Ireland Assembly on [Bill Office will insert date], (Bill [Bill Office will insert No.] 2014)*

## **CONSULTATION**

5. Public consultation on the proposals under the Review of Public Administration (as the Reform of Local Government was then known) to transfer functions from the Department for Social Development to district councils took place from 1 March 2010 to 26 April 2010 and the proposals were widely supported.

## **OPTIONS CONSIDERED**

6. The Executive decided to implement a radical reform of local government including reducing the number of councils from 26 to 11, introducing a new corporate governance regime and transferring a range of new powers and responsibilities from central government to local government. A new duty to bring forward community plans for their areas was also included.
7. A key element of the reform package related to DSD's responsibilities for urban regeneration and community development, and NIHE functions in respect of the regulation of housing unfitness in the social rented sector and houses in multiple occupation.
8. It was necessary to consider the need for primary legislation and the extent to which the Department should be prescriptive in terms of councils' discharge of their new responsibilities. In the course of preparing the final draft Bill, the Department also reviewed whether the package of responsibilities to be transferred remained appropriate.
9. The Department looked at the option of transferring these responsibilities to councils without the need for primary legislation but concluded that councils needed specific powers to carry out most of the work being transferred.
10. The Department also considered the option of being prescriptive in legislation by setting out where and when and how councils could use their new powers relating to urban regeneration and community development but concluded that it was best that councils were left to determine their own priorities and actions for their areas. Councils will however, have to have regard for any guidance issued by the Department.
11. It was also decided that housing functions should not be included in this legislation.

NIA Bill [Bill Office will insert No.]-EFM 2 Session [Bill Office will insert session/date]

*This Memorandum refers to the Regeneration Bill as introduced in the Northern Ireland Assembly on [Bill Office will insert date], (Bill [Bill Office will insert No.] 2014)*

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## **COMMENTARY ON CLAUSES**

12. The Bill has four Parts, totalling twenty-three (23) clauses, and three Schedules. A commentary on the provisions follows. Comments are not given where the wording is self-explanatory:

### **PART 1: POWERS IN RELATION TO SOCIAL NEED**

#### **Clause 1: Financial assistance to address social need**

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.

#### **Clause 2: Conditions attaching to financial assistance under section 1**

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.

#### **Clause 3: Power to carry out works for the improvement of the environment**

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.

#### **Clause 4: Power of Department to provide financial assistance**

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

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*This Memorandum refers to the Regeneration Bill as introduced in the Northern Ireland Assembly on [Bill Office will insert date], (Bill [Bill Office will insert No.] 2014)*

Councils who will take the decisions on local projects needed to bring about real improvements for their people.

## **PART 2: DEVELOPMENT POWERS AND OTHER POWERS FOR PLANNING PURPOSES**

### **Clause 5: Development schemes of councils**

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.

### **Clause 6: Adoption of development schemes by councils**

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.

### **Clause 7: Acquisition of land by councils for planning purposes**

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

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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.

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.

**Clause 8: Disposal of land held by councils for planning purposes**

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.

**Clause 9: Development of land held by councils for planning purposes**

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.

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.

**Clause 10: Powers of council before acquisition of land for planning purposes**

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.

**Clause 11: Extinguishment by council of right of way**

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

NIA Bill [Bill Office will insert No.]-EFM 5 Session [Bill Office will insert session/date]

*This Memorandum refers to the Regeneration Bill as introduced in the Northern Ireland Assembly on [Bill Office will insert date], (Bill [Bill Office will insert No.] 2014)*

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.

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

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.

**Clause 13: Development schemes made by the Department**

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.

**Clause 14: Interpretation of this Part**

This Clause defines a number of the terms used in PART 2 of the Bill.

**PART 3: LAGANSIDE**

**Clause 15: Transfer to council of certain functions in relation to Lagside**

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.

NIA Bill [Bill Office will insert No.]-EFM 6 Session [Bill Office will insert session/date]



*This Memorandum refers to the Regeneration Bill as introduced in the Northern Ireland Assembly on [Bill Office will insert date], (Bill [Bill Office will insert No.] 2014)*

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#### **PART 4: GENERAL AND SUPPLEMENTARY**

##### **Clause 16: Surveys, studies, etc.**

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.

##### **Clause 17: Guidance**

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.

##### **Clause 18: Powers to make orders under the Local Government Act in connection with this Act**

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.

##### **Clause 19: Regulations and orders**

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

##### **Clause 20: Interpretation**

This Clause provides definitions of terms used in the Bill.

##### **Clause 21: Minor and consequential amendments and repeals**

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

##### **Clause 22: Commencement**

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

##### **Clause 23: Short title**

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

NIA Bill [Bill Office will insert No.]-EFM 7 Session [Bill Office will insert session/date]

*This Memorandum refers to the Regeneration Bill as introduced in the Northern Ireland Assembly on [Bill Office will insert date], (Bill [Bill Office will insert No.] 2014)*

#### **FINANCIAL EFFECTS OF THE BILL**

13. The budget for urban regeneration, community development and Laganside will transfer from the Department to councils in 2015. To effect the transfer, it is intended to make a 'one-off' payment to councils via the rating system.

#### **HUMAN RIGHTS ISSUES**

14. The provisions of the Bill are compatible with the European Convention on Human Rights.

#### **EQUALITY IMPACT ASSESSMENT**

15. Under the terms of Section 75 of the Northern Ireland Act 1998, the Department carried out screening for equality impact and is satisfied that the proposed legislation will not lead to discriminatory or negative differential impact on any of the Section 75 groups. A copy of the screening form can be viewed on the Department's website [www.dsdni.gov.uk](http://www.dsdni.gov.uk).

#### **LEGISLATIVE COMPETENCE**

16. The Minister for Social Development has made the following statement under Section 9 of the Northern Ireland Act 1998:

*"In my view the Regeneration Bill would be within the legislative competence of the Northern Ireland Assembly."*

NIA Bill [Bill Office will insert No.]-EFM 8 Session [Bill Office will insert session/date]

*Regeneration*

*Pt. 1*

conditions, the amount of that assistance (as assessed in accordance with the conditions) shall be a charge on any property so specified.

(10) Accordingly, in Schedule 11 to the Land Registration Act (Northern Ireland) 1970 (matters required to be registered in the Statutory Charges Register) in paragraph 40 after "Article 4(1) of the Social Need (Northern Ireland) Order 1986" insert "or section 2 of the Regeneration Act (Northern Ireland) 2015".

**Power to carry out works for the improvement of the environment [j3]**

3.—(1) A council may carry out works for the improvement of the environment which the council considers will benefit one or more areas of social need in its district.

(2) In the exercise of its powers under this section a council may, with the consent of the Department for Regional Development, carry out works involving the placing of any structure in a road, but shall not so exercise those powers as—

- (a) to obstruct or prevent the passage of vehicles or of the public on foot along the road;
- (b) to obstruct or prevent normal access to premises adjoining the road; or
- (c) to prevent any person from having access to any works of that person under, in, on, over, along or across the road.

(3) A council may, with the consent of the Department for Regional Development, sell, let or otherwise dispose of any structure placed by it in a road under this section to any other person.

*Power of Department to address social need*

**Power of Department to provide financial assistance [j4]**

4.—(1) Article 3 of the Social Need (Northern Ireland) Order 1986 (power of Department to provide financial assistance) is amended as follows.

(2) For paragraph (1) substitute—

“(1) The Department may provide financial assistance to any person doing or intending to do anything falling within paragraph (2) which benefits one or more areas of social need.”.

(3) In paragraph (2) for “the district” substitute “an area of social need”.

**PART 2  
DEVELOPMENT POWERS AND OTHER POWERS FOR PLANNING  
PURPOSES**

*Development and other powers of councils*

**Development schemes of councils [j5]**

5.—(1) Where a council considers it expedient that any area in its district should be developed, redeveloped or improved as a whole the council may prepare a development scheme for the area.

(2) Where the Department considers that—

## DSD Briefing Paper 22.12.14

Dr Kevin Pelan  
Clerk to the Committee  
Social Development Committee Office  
Room 412  
Parliament Buildings  
BELFAST BT4 3XX



22 December 2014

Dear Kevin

### Regeneration Bill – Briefing by Officials

The Social Development Committee has requested briefing on the Regeneration Bill which was introduced to the Assembly on 8th December 2014. Written briefing which sets out the key points along with more detailed policy background is attached. Copies of the Bill and its accompanying Explanatory and Financial Memorandum have already been provided to the Committee.

Officials will be attending the Committee on 8 January 2015 to provide an overview of the policy context for the Bill and to answer any further questions the Committee may have.

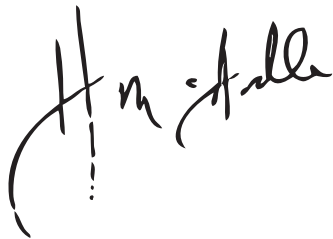
The following officials will attend:

Henry McArdle DSD – Bill Team Leader

Ian Snowden DSD – Business Continuity Lead

Antony McDaiddSD – Bill Team

Yours sincerely

A handwritten signature in black ink, appearing to read "H McArdle".

**Henry McArdle**

## The Regeneration Bill – Key Points

- Due to the delay in receiving Executive agreement to introduce the Bill it has been decided that the best course of action is to defer the transfer of responsibilities from the Department to councils for one year until April 2016.
- In response to concerns raised by some of his Executive colleagues, the Minister decided to remove from the Bill the transfer of some housing functions to local councils. These related to regulatory functions in respect of housing unfitness and Houses in Multiple Occupation (HMOs). As well as removing the transfer of specific housing functions from the Bill, an additional provision has been inserted requiring Departmental approval for any use of the new regeneration powers in respect of housing. More detailed explanations are also provided in the Explanatory and Financial Memorandum about the Bill's policy context, its relationship to the Local Government Act (Northern Ireland) 2014 and the safeguards in place regarding compulsory purchase powers and other constraints that it would place on councils.
- With the removal of the housing functions from the Bill it has been re-named 'the Regeneration Bill'.
- Powers currently available to DSD will be conferred on councils to assist them, where necessary, in addressing issues related to social need and to take forward regeneration within their areas by means of development powers. In addition, functions associated with Laganside will be transferred to Belfast City Council.
- DSD will continue to exercise policy responsibility for the powers and functions transferring.
- Councils will have a statutory duty placed on them to have due regard to guidance issued by the Department, the Urban Regeneration and the Community Development Framework, and its associated strategic outcomes.
- Legislative provision to effect the transfer of assets and liabilities connected with the new powers conferred on councils from DSD are contained within the Local Government Act (Northern Ireland) 2014.
- Officials from DFP, DOE and DSD will work to identify the most appropriate mechanism to transfer the relevant budgets from April 2016 that is consistent with the principles already in place for the other transfers and which ensures independence from the Executive in terms of detailed accountability and control and which is linked to changes in the level of District Rate.

## Regeneration Bill – Policy Detail

1. The key elements of the changes to be implemented from April 2016 through the Regeneration Bill, as part of the Reform of Local Government (RLG) may be summarised as follows:
  - The Bill will give the Department for Social Development a power to publish strategic guidance and will place a statutory duty on councils to have regard for any such guidance.
  - DSD will also publish guidance on related issues such as the evidence base and best practice interventions in respect of regeneration and community development, but the councils will be free to decide how best to deploy these in the context of Departmental guidance.
  - The Bill will confer on councils the powers that give the authority to carry out functions similar to those conferred on DSD by Part VII of the Planning (Northern Ireland) Order 1991 (“the Planning Order”) and the Social Need (Northern Ireland) Order 1986 (“the Social Need Order”). However, DSD will not be divested of those powers.
  - The Bill will transfer to Belfast City Council functions in respect of Laganside.
  - DSD will transfer to the councils the relevant budgets. It is intended that budgets will be transferred to councils via the rating system.
  - The Local Government Act (Northern Ireland) 2014 confers powers on DSD to supervise councils in the exercise of their functions and to transfer the assets and liabilities associated with all of the councils’ new duties.
  - DSD will retain responsibility for the overarching policy for regeneration and community development.
2. In order to give effect to these new relationships, the Department will undergo a restructuring of its Urban Regeneration and Community Development Group to reflect both its more strategic role and its relationship with the councils.
3. DSD will bring forward a Regeneration Bill to give effect to these arrangements.

### **Regeneration Bill**

4. The Regeneration Bill will have the following key elements:
  - Regeneration powers in respect of social need;
  - Development Powers and other powers for planning purposes;
  - Transfer of functions in respect of Laganside.
  - Miscellaneous powers, for example to undertake surveys or undertake research in support of regeneration interventions.

The following outlines these elements of the proposed Bill.

### ***Regeneration Powers in Relation to Social Need***

5. The powers contained in the Social Need (Northern Ireland) Order 1986 allow the Department to pursue ‘area-based’ regeneration, provide financial assistance and undertake works for the improvement of the environment. The Social Need Order powers underpin a wide range of activities undertaken by the Department, allowing it to support diverse regeneration and community development projects and provide support for the voluntary and community sector.
6. The Department currently operates a number of different programmes, for example, Neighbourhood Renewal, Areas at Risk, Urban Development Grant, each with specific objectives but all of which are designed to address social need. The Department has benefited from the flexibility of the Social Need Order to allow it to tackle the multi-faceted nature of deprivation. The bulk of the Department’s activities in this area involve the provision

of financial assistance to third parties (including local councils, government agencies, private developers and community groups). The Department also relies on the Social Need Order to enable it to carry out environmental improvement works ranging from tree planting to major public realm initiatives such as 'Belfast: Streets Ahead' or the recently completed Public Realm Scheme in Armagh.

7. Under the provisions of this Bill, the councils will be responsible for area-based regeneration and will be given the budgets associated with this area of work. The Department will therefore make the Social Need Order powers available to the councils to allow them to discharge this role and councils will, if they wish, be able to use these powers to work in both urban and rural areas.
8. A council will be able to provide financial assistance to third parties which it considers will benefit (directly or indirectly) areas of social need in its district. While a list of examples of the types of activities which a council may fund will be contained on the face of the Bill, this list will not be prescriptive; 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. A council will be able 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, without reasonable excuse, will be an offence.
9. The Bill will allow a council to carry out works for the improvement of the environment, such as public realm schemes, which it considers will benefit an area of social need in its district. Certain works will require the consent of the Department for Regional Development.
10. The Bill will amend 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 more clearly reflects the role the Department will have in supporting strategic activity, for example in respect of community and voluntary sector organisations providing services across Northern Ireland.

***Development powers and other powers for planning purposes***

11. Part VII of the Planning (Northern Ireland) Order 1991 provides the legislative basis for the Department's physical regeneration work, for example: making development schemes; acquisition, disposal and development of land for planning purposes; and the extinguishment of public rights of way. These statutory powers are exercised in the public interest by the Department to unlock development opportunities by for example releasing underused or derelict land and buildings. The Department is empowered to acquire land and arrange for its disposal and development, after public consultation, in a comprehensive manner in accordance with an adopted plan for the area. Under RLG, most operational delivery for physical regeneration will be undertaken by local councils.
12. The Bill will provide councils with corresponding powers to those available to the Department under the Planning Order to pursue physical regeneration and will provide for a revised operational role in development schemes for the Department which is limited to schemes considered to be of significance to the whole or a substantial part of Northern Ireland.
13. The Bill will give councils powers to prepare and adopt statutory 'development schemes' which, once adopted, form part of the local development plan. Development schemes have been used on occasion by the Department to pursue large-scale regeneration projects such as Victoria Square in Belfast.
14. The Bill will allow 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.

15. 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.
16. The Bill will specify 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 its draft schemes. Any relevant objections to a draft scheme which cannot be resolved must be considered by the planning appeals commission at public local inquiry. A development scheme cannot be formally adopted by a council without the approval of the Department.
17. A council will be able to acquire land, by agreement or compulsorily, for certain planning purposes. 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. 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. A council will be able to acquire land "in the interests of the proper planning of an area" if they are satisfied that the purpose for which they want to acquire the land is in keeping with an extant local development plan.
18. 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 on of works which the council considers are needed for the proper planning of the area in which the land is situated.
19. 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.
20. 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. If they are required, the detail of these regulations will be developed and consulted upon. The purpose of the regulations would 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 these regulations would be used to inform the Department's decision about whether to direct a council to prepare a development scheme.
21. 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.
22. 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.
23. The Bill will also contain a number of safeguards for operators of electronic communications networks in the event of an extinguishment order being made.

24. 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, without reasonable excuse, will be an offence.
25. The Bill will amend Article 85 of the Planning Order 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.

### ***Laganside***

26. The Laganside Development (Northern Ireland) Order 1989 (“the Laganside Order”) established the Laganside Corporation with the object of securing the regeneration of a designated area of Belfast’s waterfront. The Laganside Corporation was afforded regeneration powers under the Laganside Order which it could exercise within this designated area, including a number of powers which it could exercise in relation to a defined section of the River Lagan.
27. The Corporation was dissolved in 2007, having substantially fulfilled its statutory regeneration remit, and the Department assumed interim responsibility for management of Laganside’s legacy of assets, liabilities and development agreements and the regeneration of a small number of remaining sites which the Corporation had acquired. Under RLG, Belfast City Council will take over these responsibilities from the Department and the original Laganside Order will be repealed.
28. The Bill will provide for the repeal of the Laganside Order and set out the powers which Belfast City Council 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 Laganside 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.

### ***Miscellaneous powers***

29. A council will be able to conduct or fund studies, investigations or research related to the exercise of its functions related to social need in its district; development or redevelopment of its area etc.

## DSD Letter 03.04.15



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Your Ref:  
Our Ref:

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

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.

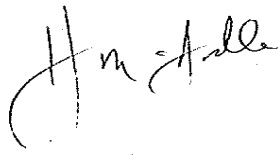
**7. *Can you provide a list of the groups and organisations the Department consulted with on the Bill?***

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', written in a cursive style.

**Henry McArdle**  
**Head of Bill Team**



## Appendix I

**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	

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	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
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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	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
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## ANNEX 2

## 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
<b>Explanation</b>	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><b><u>Fermanagh and Omagh District Council</u></b></p> <ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> </ul>
<p><b><u>JUNO Planning</u></b></p> <ul style="list-style-type: none"> <li>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</li> </ul>	<ul style="list-style-type: none"> <li>Agreed. This will be included in guidance to be developed by the Department in consultation with councils.</li> </ul>
<p><b><u>Mid &amp; East Antrim Council</u></b></p> <ul style="list-style-type: none"> <li>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</li> </ul>	<ul style="list-style-type: none"> <li>Agreed. This will be included in guidance to be developed by the Department in consultation with councils.</li> </ul>

Summary of Comments and Proposed Amendments	Departmental Response
<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><b>NILGA</b></p> <ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>Agreed. This will be included in guidance to be developed by the Department in consultation with councils.</li> </ul>
<p><b>Volunteer Now</b></p> <ul style="list-style-type: none"> <li>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.</li> </ul> <p>1. (1) A council may provide financial assistance to any <b>person/organisation</b> (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>(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;</b></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"> <li>Not accepted. The term 'person' can also be applied to cover 'organisation'. Section 37(1) of the Interpretation Act (NI) 1954 refers.</li> <li>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.</li> </ul>

Clause 2	Conditions attaching to financial assistance under section 1
<b>Explanation</b>	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><b>Fermanagh and Omagh District Council</b></p> <ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>The term 'other economic activity' would include the social economy.</li> </ul>

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><b>Fermanagh and Omagh District Council</b></p> <ul style="list-style-type: none"> <li>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..."</li> <li>A similar amendment should be made in para 3.3, line 21 (sale or disposal of structures).</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> </ul>
<p><b>JUNO Planning</b></p> <ul style="list-style-type: none"> <li>JUNO suggests that proposed works for the improvement of the environment must have regard to Councils Local Development Plan and Community Plans</li> </ul>	<ul style="list-style-type: none"> <li>Noted. However, most environmental improvement schemes will require planning permission and therefore will have to be consistent with the local development plan.</li> <li>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.</li> </ul>



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.
<div><div>Summary of Comments and Proposed Amendments</div><div>Departmental Response</div></div>	
<div><div><div>JUNO Planning</div><div><ul style="list-style-type: none"><li>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.</li></ul></div></div><div><ul style="list-style-type: none"><li>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.</li><li>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.</li></ul></div></div>	

## PART 2: DEVELOPMENT POWERS AND OTHER POWERS FOR PLANNING PURPOSES

Clause 5	Development schemes of councils
<b>Explanation</b>	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><b><u>CHARTERED INSTITUTE OF HOUSING NORTHERN IRELAND</u></b></p> <ul style="list-style-type: none"> <li>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"> <li>➢ 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"</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>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.</li> </ul>
<p><b><u>Fermanagh and Omagh District Council</u></b></p> <ul style="list-style-type: none"> <li>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 <b>assess the feasibility</b> of preparing a development scheme..."</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> <li>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</li> </ul>

Summary of Comments and Proposed Amendments	Departmental Response
<ul style="list-style-type: none"> <li>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.</li> </ul>	<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"> <li>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.</li> <li>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.</li> <li>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.</li> </ul>
<p><b><u>JUNO Planning</u></b></p> <ul style="list-style-type: none"> <li>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.</li> <li>If the Department directs Councils to prepare 'development Schemes'.</li> </ul>	<ul style="list-style-type: none"> <li>As above</li> </ul>

Summary of Comments and Proposed Amendments	Departmental Response
<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><b><u>Mid &amp; East Antrim Council</u></b></p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> </ul>
<p><b><u>NILGA</u></b></p> <ul style="list-style-type: none"> <li>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</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> </ul>

Summary of Comments and Proposed Amendments	Departmental Response
<p>it is applied.</p> <ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> </ul>

Clause 6	Adoption of development schemes by councils
<b>Explanation</b>	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><b><u>JUNO Planning</u></b></p> <ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>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).</li> <li>There should be no significant staffing implications as development schemes are very rare.</li> </ul>
<p><b><u>Mid and East Antrim Council</u></b></p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> </ul>

Summary of Comments and Proposed Amendments	Departmental Response
<ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> </ul>
<p><b><u>NILGA</u></b></p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> </ul>



Clause 7	Acquisition of land by councils for planning purposes
<p><b>Explanation</b></p>	<p>A council will be able to acquire land, by agreement or compulsorily, for certain planning purposes. For compulsory 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. 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><b><u>Fermanagh and Omagh District Council</u></b></p> <ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>The vesting process is in line with those used by all Government Departments.</li> </ul>
<p><b><u>JUNO Planning</u></b></p> <ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>Again, the vesting process is in line with those used by all Government Departments.</li> <li>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.</li> </ul>
<p><b><u>NILGA</u></b></p> <ul style="list-style-type: none"> <li>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:</li> </ul>	<ul style="list-style-type: none"> <li>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</li> </ul>

Summary of Comments and Proposed Amendments	Departmental Response
<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"> <li>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.</li> </ul>	<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"> <li>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 Department's view, the balance is about right. If necessary these issues can be addressed in any public enquiry.</li> </ul>

Clause 8	Disposal of land held by councils for planning purposes
<p><b>Explanation</b></p> <p>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.</p>	
<p><b><u>NILGA</u></b></p> <ul style="list-style-type: none"> <li>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.</li> </ul>	<p><b>Departmental Response</b></p> <ul style="list-style-type: none"> <li>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.</li> </ul>

Clause 9 Explanation	Development of land held by councils for planning purposes
	<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><b><u>JUNO Planning</u></b></p> <ul style="list-style-type: none"> <li>We request the opportunity to review and comment on the referenced regulations.</li> </ul>	<ul style="list-style-type: none"> <li>Agreed. Any subsequent draft regulations will be subject to public consultation.</li> </ul>
<p><b><u>NILGA</u></b></p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>Any subsequent draft regulations will be subject to public consultation.</li> </ul>

<b>Clause 10</b>	<b>Powers of council before acquisition of land for planning purposes</b>
<b>Explanation</b>	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.

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

<b>Clause 11</b>	<b>Extinguishment by council of right of way</b>
<b>Explanation</b>	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.

<b>Summary of Comments and Proposed Amendments</b>	<b>Departmental Response</b>
<p><b><u>Fermanagh and Omagh District Council</u></b></p> <ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul>
<p><b><u>NILGA</u></b></p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> </ul>

<b>Clause 12</b>	<b>Power of council to require information as to estates in land</b>
<b>Explanation</b>	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.

<b>Summary of Comments and Proposed Amendments</b>	<b>Departmental Response</b>
<p><b><u>Mid and East Antrim Council</u></b></p> <ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> </ul>
<p><b><u>NILGA</u></b></p> <ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. This is a wider issue than simply regeneration and is therefore not appropriate for this Bill.</li> </ul>



Clause 13 Explanation	Development schemes made by the Department
	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><b><u>CHARTERED INSTITUTE OF HOUSING NORTHERN IRELAND</u></b></p> <ul style="list-style-type: none"> <li>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"> <li>Part 2 Clause 13 "For Article 85 of the Planning Order substitute—" <ul style="list-style-type: none"> <li>○ Add "85. (2) (c) have regard to community plans within the meaning of the Planning Act (Northern Ireland) 2011"</li> <li>○ Add "85. (2) (d) have regard to local development plans within the meaning of the Planning Act (Northern Ireland) 2011"</li> </ul> </li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul>
<p><b><u>JUNO Planning</u></b></p> <ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>As above</li> </ul>
<p><b><u>Mid and East Antrim Council</u></b></p> <ul style="list-style-type: none"> <li>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</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> </ul>

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><b>NILGA</b></p> <ul style="list-style-type: none"> <li>• 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.</li> </ul>	<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> <ul style="list-style-type: none"> <li>• As above</li> </ul>

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.

**Departmental Response****Summary of Comments  
and  
Proposed Amendments**

No stakeholder comments were received and no amendments proposed.

**PART 4: GENERAL AND SUPPLEMENTARY**

Clause 16 Explanation	Surveys, studies, etc.
	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><b>Mid and East Antrim Council</b></p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>Accepted. The Department will develop guidance in consultation with local councils.</li> <li>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.</li> <li>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.</li> </ul>

<b>Clause 18</b>	<b>Powers to make orders under the Local Government Act in connection with this Act</b>
<b>Explanation</b>	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.

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

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

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



<b>Clause 20</b>	<b>Interpretation</b>
<b>Explanation</b>	This Clause provides definitions of terms used in the Bill.

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

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

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

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

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

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

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

## ANNEX 3

## DSD RESPONSE TO STAKEHOLDERS' COMMENTS

## Regeneration Bill – General Comments Table

## GENERAL COMMENTS

Stakeholder Comments	Departmental Response
<p><b>General Comments</b></p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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 :</li> <li>Current CIF infrastructure should therefore be maintained.</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> <li>Councils are to be given more power at a local level, as they will lead and facilitate the community planning process.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> </ul>

Stakeholder Comments	Departmental Response
	<ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>A de-coupling of CIF from RLG at this late stage could place other elements of transfer programme at risk.</li> </ul>
<p><b><u>Key Issues which we encourage the committee to consider:</u></b></p> <p><b>1. The Bill fails to honour the Government's commitment to work together</b> 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"> <li>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.</li> </ul>
<p><b>2. Lack of information</b> – 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"> <li>How much is being transferred? For what purposes? etc</li> <li>What is critical in this process is any transfer documents (between DSD and Councils).</li> <li>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?</li> <li>Have these Transfer Documents become the discussion tool for the meetings with councils to agree, disagree or otherwise, on the contents?</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul>

Stakeholder Comments	Departmental Response
<ul style="list-style-type: none"> <li>Are the transfer documents the legal document for councils - containing all the detail as to what elements from Government Departments would transfer?</li> <li>Do these documents exist? Are they available for scrutiny?</li> <li>Have these been discussed with the Community and Voluntary Sector in an open and transparent process? If not - why not?</li> </ul>	<ul style="list-style-type: none"> <li>Work is underway to develop the transfer schemes in consultation with the new councils.</li> </ul>
<p><b>3. No joined up thinking</b> – 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"> <li>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.</li> </ul>
<p><b>4. Timing</b> – 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"> <li>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.</li> </ul>
<p><b>5. What are the implications if the Community Investment Fund is transferred in April 2016?</b> 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"> <li>What services will be lost if CIF funding is transferred to Councils;</li> <li>What are the implications for organisations across NI?</li> </ul> <p><b>(NB. The key finding of the survey are contained in the Fermanagh Trust submission attached above)</b></p>	<ul style="list-style-type: none"> <li>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</li> </ul>

Stakeholder Comments	Departmental Response
<p><b><u>CHARTERED INSTITUTE OF HOUSING NORTHERN IRELAND</u></b></p> <ul style="list-style-type: none"> <li>• 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.</li> </ul>	<ul style="list-style-type: none"> <li>• The Executive agreed the range of powers to go to local government.</li> <li>• The Minister has agreed a deferral of one year to allow local government to be prepared for their new responsibilities.</li> <li>• There is still a clear need for the Department to continue to have an over-arching regional role</li> <li>• 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 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.</li> <li>• As with all reform arrangements the position can be reviewed in a number of years time</li> </ul>
<p><b><u>Fermanagh and Omagh District Council</u></b></p> <ul style="list-style-type: none"> <li>• 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</li> </ul>	<ul style="list-style-type: none"> <li>• 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.</li> </ul>

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"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> </ul>
<p><u>NICVA</u></p> <ul style="list-style-type: none"> <li>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.</li> <li>Without a standardised definition, the aims and, more importantly, outcomes could be wildly different across council areas.</li> <li>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.</li> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li><u>Definitions</u></li> <li>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.</li> <li>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.</li> <li>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.</li> <li><u>Neighbourhood Renewal Budget</u></li> <li>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</li> </ul>



Stakeholder Comments	Departmental Response
<ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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 in 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.</li> <li>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.</li> </ul>	<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"> <li><u>Funding for Advice Centres</u> <ul style="list-style-type: none"> <li>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.</li> </ul> </li> <li><u>Promotion of Shared Space</u> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul> </li> </ul>

Stakeholder Comments	Departmental Response
<p><b>NILGA</b></p> <ul style="list-style-type: none"> <li>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</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> <li>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).</li> <li>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.</li> </ul>
	<p><b>Budget</b></p> <ul style="list-style-type: none"> <li>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</li> </ul>

Stakeholder Comments	Departmental Response
<p>budget calculations.</p> <ul style="list-style-type: none"> <li>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.</li> </ul> <p><b>Additional Comments in relation to the original 'draft Regeneration and Housing Bill'</b></p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul> <p><b>Unfitness</b></p> <ul style="list-style-type: none"> <li>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</li> </ul>	<p>effectively plan for and deliver regeneration and community development from April 2016</p> <p><b>Removal of Housing Functions</b></p> <ul style="list-style-type: none"> <li>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 lifetime of the Housing Strategy Action Plan.</li> </ul> <p><b>Unfitness</b></p> <ul style="list-style-type: none"> <li>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.</li> </ul>

Stakeholder Comments	Departmental Response
<p>unfit condition.</p> <p><b>Houses in Multiple Occupation (HMOs)</b></p> <ul style="list-style-type: none"> <li>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.</li> </ul> <p><b>Energy Efficiency</b></p> <ul style="list-style-type: none"> <li>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.</li> </ul> <p><b>Housing Council</b></p> <ul style="list-style-type: none"> <li>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.</li> </ul>	<p><b>HMO's</b></p> <ul style="list-style-type: none"> <li>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 &amp; 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.</li> </ul> <p><b>Energy Efficiency</b></p> <ul style="list-style-type: none"> <li>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.</li> </ul> <p><b>Housing Council</b></p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul>

Stakeholder Comments	Departmental Response
<p><b><u>Supporting Communities NI</u></b></p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> <li>DSD will provide guidance to the Councils on good practice learning from the Programmes and interventions that it has carried out.</li> <li>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.</li> </ul>
<p><b><u>Volunteer Now</u></b></p> <ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> </ul>

## DSD Letter 22.04.15



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Your Ref:  
Our Ref:

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

22 April 2015

Dear Kevin

### Regeneration Bill

Following last week's meeting of the SDC at which officials briefed the Committee on the Regeneration Bill you wrote on behalf of the Committee seeking further information on a couple of issues.

#### **Staff Transfer Scheme**

The Committee queried what arrangements have been put in place for Departmental employees who will transfer to local councils. In June 2014, the then Minister for Social Development, Nelson McCausland, issued a document '*Future Delivery Arrangements for Urban Regeneration/Community Development*'. These arrangements were developed to support capacity building and business continuity within local government by providing new Councils with a means of access to DSD staff with experience in urban regeneration and community development. I attach a copy of these arrangements (**Appendix 1**), along with a copy of a letter sent by Deputy Secretary, Tracy Meharg to the new Council Chief Executives on 1 April (**Appendix 2**).

#### **Qualified Majority**

The Committee has asked whether, given the absence of a code of conduct for local government, the Department should have considered introducing a qualified majority voting clause to the Bill to ensure that controversial decisions, which could adversely affect community relations are not made.

The Northern Ireland Local Government Code of Conduct for Councillors was approved by the NI Assembly on 27 May 2014 and is currently in operation.

Sections 39 – 41 of the Local Government Act (Northern Ireland) 2014 (the 2014 Act) covers decision making by councils. Section 39 provides that, subject to the Act and any other statutory provision, every decision must be taken by a simple majority. In other words,

the legislation envisages that this will apply to most council decisions. Provision is made for specified decisions to be taken by a qualified majority i.e. 80 per cent of the votes of the members present and voting on the decision. These decisions must be specified in a council's standing orders for the regulation of its proceedings and business.

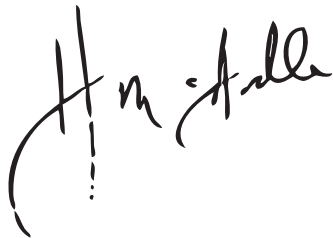
At this stage, the only decisions that are specified in the 2014 Act as being required to be taken by a qualified majority are decisions in connection with the political governance arrangements of a council.

The Minister has indicated that he would like to consider this issue further and will respond to the Committee in due course.

**Framework under which Councils will operate**

Discussion at the meeting also centred on the wide use of the social need powers proposed in the Regeneration Bill and whether there were sufficient checks and balances in place to ensure that councils would use these powers correctly. The attached **Appendix 3** sets out the Framework under which councils will operate when delivering regeneration and community development from April 2016. The Department considers that there are sufficient safeguards in place.

Yours sincerely

A handwritten signature in black ink, appearing to read 'H McArdle', with a large, sweeping initial 'H'.

**Henry McArdle**



## Reform of Local Government Future Delivery Arrangements for Urban Regeneration/Community Development

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## 1. Introduction

- 1.1 As part of Local Government Reform, the Department for Social Development (DSD) will place a duty on Councils, in relation to urban regeneration and community development, to have regard to strategic guidance that the Department will issue in respect of regeneration and will confer on Councils the powers that give the authority to carry out functions similar to those conferred on DSD by Part VII of the Planning (Northern Ireland) Order 1991 and the Social Need (Northern Ireland) Order 1986. While placing this duty on councils DSD will not divest itself of these powers.
- 1.2 With effect from 1 April 2015, new Councils will have the scope to exercise powers in relation to urban regeneration and community development work in different ways. As urban regeneration and community development work will represent a conferral of new powers on Councils, rather than a transfer of functions, DSD staff currently exercising these powers will not transfer to new Councils.
- 1.3 DSD has developed a framework to guide future policy making for urban regeneration and community development and is currently working on the new operational design for those aspects of urban regeneration and community development that will remain in the Department.
- 1.4 Capacity building and business continuity will be critical aspects of Local Government Reform. These arrangements have therefore been developed to support capacity building and business continuity within local government and to provide new Councils with a means of access to DSD staff with experience in urban regeneration and community development. The arrangements are based on a number of key principles which are attached at Annex C.

## 2 Scope

- 2.1 These arrangements are in place for use by DSD and the 11 new Councils (listed at Annex B).
- 2.2 While primarily designed to provide new Councils with a means of access to DSD staff with experience in urban regeneration and community development they will also be available to facilitate secondment of Council staff to DSD in line with NICS inwards secondment provisions. There may also be opportunities for job-shadowing, where Council staff would accompany and observe experienced staff, within DSD's Urban Regeneration and Community Development Group as part of preparatory activity ahead of April 2015.

### 3 Operation

3.1 These arrangements will operate in three phases:

- **Phase 1: from April 2014 to March 2015** when capacity building and sharing of knowledge and experience will be key for local government. The identification of staff requirements in the new Councils will be a core aspect of this phase.
- **Phase 2: from April 2015 to March 2017** when business continuity will be vital for local government; and
- **Phase 3: from March 2017 to March 2019** when local government has reached steady state.

#### 3.2 Phase 1: April 2014 to March 2015

3.2.1 This is the preparatory phase which will involve officials from DSD Development Offices and local government officers working jointly to draw up draft forward work plans for regeneration and community development activities. Draft work plans will feed into Corporate Plans which are to be prepared by the Statutory Transition Committees for new Councils.

3.2.2 DSD officers will be available to assist new Council clusters as they determine the staffing resources needed to deliver their forward work plans for regeneration and community development. The number and grade of both temporary and permanent posts that will be required and the skills and experience that the post holders should have will then feed into the work of Statutory Transition Committees on structures and staffing levels for new Councils. At this stage Councils may also identify where their requirements could be addressed through secondment of DSD staff (currently delivering regeneration and community development work).

3.2.3 By September 2014 it is anticipated that most Councils will have identified their staffing requirements for regeneration and community development, including the need for any secondments from DSD. Requirements for secondments need to be identified by the end of September 2014 as this is the point at which DSD will commence implementation work for the cessation of its regeneration and community development activities. If requirements are determined prior to the end of September 2014, early notification would be helpful and DSD officers will be available to work with Councils on secondment arrangements.

3.2.4 Secondment of DSD staff to Councils, or any extension of secondment periods, will be on a voluntary basis and arranged through existing secondment processes. Staff seconded to Councils will continue to be subject to all provisions of the NICS Handbook/NICS Pay and Conditions of Service Code. Key extracts from the NICS Secondment Policy are at Annex A.

3.2.5 During this phase Councils may wish to make arrangements with DSD for Council staff to job-shadow DSD staff in urban regeneration and community development posts. This will assist with development and transfer of regeneration/community development experience prior to April 2015. If the DSD staffing position allows there may also be opportunities for secondment of Council officers to urban regeneration and community development posts in DSD. This will be in line with NICS inward secondment provisions and will be in the period up to March 2014 only.

3.2.6 It may be the case that not all Councils are in a position to identify staffing requirements for regeneration and community development activities by September 2014. If this is the case a further preparatory period may be agreed between the Council and DSD. Any extended preparatory period would be time bound during which DSD would undertake agreed regeneration and community development activities on behalf of the Council concerned. The Council would be fully accountable for regeneration and community development in their areas with DSD acting solely as agent for the Council on an interim basis. Arrangements would be supported by Service Level Agreements with Councils responsible for meeting associated costs for any extended preparatory period.

### **3.3 Phase 2: April 2015 to March 2017**

- 3.3.1 The focus of this phase is on business continuity and the smooth transition from current arrangements to delivery by local government.
- 3.3.2 DSD officers will be available to assist those Councils who secured a further preparatory period in Phase 1 as they determine the staffing resources needed for regeneration and community development. This will include planning for handover from DSD delivery to Council delivery.
- 3.3.3 Councils that identified staffing requirements in Phase 1 may identify the need for further secondments from DSD or the need to extend existing secondments. Where extension beyond March 2017 is sought, this should be notified to DSD by December 2016 and be limited to a maximum of one year.
- 3.3.4 The process for staff returning from secondment will be initiated in sufficient time to facilitate the agreed date of return.

### **3.4 Phase 3: April 2017 to March 2019**

- 3.4.1 While the focus of Phase 3 will be on the return of seconded staff to the NICS Councils may identify the need to extend secondments established in Phase 2. No secondments will extend beyond 3 years.
- 3.4.2 All secondments from DSD will end by March 2019. By April 2019 all staff seconded through these arrangements will have returned to the NICS.

## Annex A

**HR Arrangements for Staff on Secondment to Local Councils****Applying for Posts/Promotion:-**

Staff on secondment already listed on Departmental/Service-wide promotion /trawl/interest circular/lists will remain eligible to be promoted and placed back in the Northern Ireland Civil Service (NICS).

Staff on secondment will remain eligible to apply for NICS promotion boards/trawls/interest circulars/competitions. DSD will arrange for details of competitions/circulars and other relevant information to be forwarded to staff throughout the period of secondment.

**Leave:-**

Annual leave entitlement will continue to be in accordance with NICS terms and conditions, however any annual leave taken during the period of secondment must be agreed by the local council. The council will notify DSD of any leave taken by staff during the period of secondment in line with NICS policy.

The council will consider any request for special leave during the period of secondment. The granting of special leave will be in accordance with NICS procedures.

**Sickness Absence:-**

Staff on secondment to councils who are unable to attend work due to sickness must contact their line manager within the council. The council must forward self-certification forms signed by the council line manager and any medical certificates to DSD in accordance with NICS procedures.

The council will notify DSD at the commencement and the end of any period of sickness absence during the secondment. However, more regular liaison will be necessary in the case of long term sick absence.

Staff will remain subject to NICS sickness absence procedures and sick pay scheme and will attend any medical examinations required by DSD.

DSD will retain responsibility for any statutory sick pay, statutory maternity pay (if relevant) or any statutory sums payable to the officer while on secondment. Costs will be recouped from the Council.

**Conduct:-**

Staff will remain subject to the NICS rules governing conduct and behaviour.

Staff will be required to abide by the council's governance arrangements, working practices and financial regulations but will remain subject to the NICS rules governing conduct and behaviour.

DSD will be responsible for any formal/informal action against an officer in relation to misconduct or inefficiency. The council will inform DSD of any instances of alleged misconduct which will be dealt with in line with NICS policy.

Staff will continue to have the right to invoke the NICS grievance procedures and NICS uniform appeal policy during the period of secondment.

**Performance:-**

Staff will be required to carry out diligently all reasonable instructions given by the council in connection with their work. The council line manager will manage staff on secondment and submit a report on each individual officer's performance to DSD in accordance with NICS

appraisal procedures. In line with NICS requirements council line managers will be required to undertake training in NICS appraisal procedures.

**Staff Development:-**

In addition to business-specific or other training provided by the council, staff will continue to have access to the range of core training provided by DSD and NICS during the period of secondment.

**Pay and Allowances:-**

The Employer (DSD on behalf of the Northern Ireland Civil Service) will continue to pay the seconded's salary through the NICS payroll system, in accordance with their terms and conditions of service while on secondment. The Employer is responsible for PAYE deductions for income tax, National Insurance contributions etc. Where staff volunteer to work overtime, overtime claims will also be paid by the Employer on receipt of appropriately authorised documents. All payments relating to salary and overtime will be recouped from the relevant Council.

Although excess fares are not payable to staff on temporary secondment (as secondments are voluntary), any travel expenses and other allowances arising from secondment to a Councils will be paid directly by the relevant Council.

**Managing Return to NICS:-**

When returning from secondment, all possible steps will be taken to place staff in posts where their skills and experience will be best used. This process will be initiated in sufficient time to suit the agreed date of return. While all efforts will be taken to utilise the experience gained from a secondment, there may be occasions where this will not be possible from the date of return – in such cases DSD will seek to place staff into a post where skills can be used as soon as possible. Postings to DSD will be considered in the first instance before consideration of posts in the wider NICS is considered.

## Annex B

### New Council Districts

- Antrim and Newtownabbey District
- Armagh, Banbridge and Craigavon District
- Belfast District
- Causeway Coast and Glens District
- Derry and Strabane District
- Fermanagh and Omagh District
- Lisburn and Castlereagh District
- Mid and East Antrim District
- Mid Ulster District
- Newry, Mourne and Down District
- North Down and Ards District

## Reform of Local Government (RLG)

### **Capacity Building Principles for Regeneration & Community Development**

1. Arrangements will operate in partnership between local government and DSD.
2. Arrangements will ensure that DSD is able to effectively deliver regeneration and community development in the period up to RLG transfer date.
3. Arrangements will assist local government to develop the capacity it requires to effectively deliver regeneration and community development from the RLG transfer date onwards.
4. Arrangements will ensure that there is a smooth transition between delivery arrangements.
5. Sufficient time will be built in to adequately develop arrangements.
6. Arrangements will be taken forward through a phased approach, with 3 specific phases envisaged:
  - A preparatory period prior to April 2015
  - An embedding period between April 2015 and March 2017
  - An established/mature phase post April 2017.
7. Participation of staff in these arrangements will be voluntary and based on an application and selection process.
8. Arrangements will be open to members of Urban Regeneration and Community Development Group within DSD.



## Appendix 2



From the Deputy Secretary  
Tracy Meharg

01 April 2015

Our Minister began a series of meetings with Council Chief Executives earlier this year. The issues discussed included arrangements to give Councils access to DSD staff with regeneration and community development experience to support capacity building within new Councils. Now that the new Councils are in place and budgets for 2016/17 have been clarified, I wanted to update you further on this.

In June 2014, the Minister for Social Development issued a document '*Future Delivery Arrangements for Urban Regeneration/Community Development*'. These arrangements were developed to support capacity building and business continuity within local government by providing new Councils with a means of access to DSD staff with experience in urban regeneration and community development. Although the transfer of DSD powers to Councils was subsequently delayed until 1 April 2016, the key principle within these arrangements remains in that Councils can access DSD staff for a period of time on secondment, should they wish to do so.

As Councils will have been established for a year prior to the transfer of powers from DSD, the option for an agent agreement included in the arrangements, to provide an additional preparatory period for Councils from April 2015 is no longer considered necessary.

The attached pro forma has been provided to help capture any Council requirements for secondment of DSD staff. It is expected that the majority of secondments will be for a 2-year period. I would be grateful if completed proformas could be sent to [hdivision@dsdni.gov.uk](mailto:hdivision@dsdni.gov.uk) by **30 June 2015** at the latest. This will allow us to progress secondment requests which would formally begin in April 2016. Should a Council ask for staff to be seconded prior to April 2016, this may be facilitated, subject to Departmental business need in 2015/16. Should you have any difficulty in identifying the NICS grade required, please contact your Transitional Management Team representative.

You may be aware that DSD, along with other departments in the Northern Ireland Civil Service (NICS), has to reduce staff numbers in 2015/16. This will be achieved in part through an NICS-wide Voluntary Exit Scheme which is expected to generate significant staff movement throughout the NICS. The June 2015 deadline for you to identify your secondment requirements has been set with this in mind.

Yours Sincerely

**Tracy Meharg**

**Insert Name of Council: Secondment Requirements**

<b>Post ID</b>	<b>NICS Grade</b>	<b>Post Suitable for Part-Time Staff?</b>	<b>Length of Secondment</b>	<b>Location</b>
1				
2				
3				
4				
5				

**For each of the posts included above, please include role and key duties below**

<b>Post ID</b>	<b>Role and Key Duties</b>
1	
2	
3	
4	
5	

## Appendix 3

### Framework under which councils will operate in relation to regeneration and community development

#### Guidance

Clause 17 of the Regeneration Bill requires councils, in exercising any function under this Act, to have regard to any guidance issued by the Department. Current guidance includes the Urban Regeneration and Community Development Policy Framework. This strategic document sets out the 4 key policy objectives which have been developed to focus on the underlying structural problems in urban areas and help strengthen community development throughout Northern Ireland. These are:

- To tackle area-based deprivation.
- To strengthen the competitiveness of our towns and cities.
- To improve linkages between areas of need and areas of opportunity.
- To develop more cohesive and engaged communities.

The Policy Framework is a “live” document and as such will be reconsidered against any revision of the Programme for Government (next revision due 2016). Any changes to the Policy Framework will be made after consultation with the 11 councils among others.

#### Community Planning

All Departments have a statutory duty to promote and encourage community planning and to have regard to community plans which emerge from the new Councils. The department will be required to:

- develop an overall strategic framework for the Department;
- establish key deliverables for the next planning period;
- share these with the new Councils; and
- co-ordinate the Department’s involvement in the community planning process.

The Council’s role will be to initiate, maintain, facilitate and participate in community planning for its district. The council is the lead partner and is required to put in place a process where it works with bodies to develop and implement a shared vision for promoting the well-being of its area, community cohesion and improving the quality of life of its citizens. As lead partner the council is responsible for making arrangements for community planning in its area.

#### Powers to Intervene

Part 14 of the Local Government Act (NI) 2014 provides Departments with a range of control over councils. In summary, the provisions extend the same powers of supervision to transferring Departments that DOE currently holds. Departments will be able to **request reports from Councils; carry out investigations and inquiries** concerning the administration of any transferred provision; and if the Department is satisfied that a Council has failed to discharge any of its functions, the Department may **make an order** declaring the Council to be in default and **directing it to take remedial action**. Should the Council fail to respond the Department can intervene directly or procure alternative services. In relation to any financial assistance provided, the new Councils will also be subject to audit by the Local Government Auditor.

#### Equality

Councils are required, in carrying out their functions, to adhere to Section 75 of the Northern Ireland Act 1998 which covers the promotion of equality of opportunity and good relations.

### **Code of Conduct**

The Northern Ireland Local Government Code of Conduct for Councillors, which was approved by the Assembly on 27 May 2014, sets out at paragraph 8 (reproduced below) the rules related to decision making which all councillors will have to follow. The Code also sets out the sanctions that can be applied by the Commissioner if they decide that a person has failed to comply with the Code.

## **8. Rules Relating to Decision-Making**

8.1 When participating in meetings or reaching decisions regarding the business of your council, you must:

- a) do so objectively, on the basis of the merits of the circumstances involved, and in the public interest;
- b) have regard to any relevant advice provided by your council's officers, in particular, by the chief executive, the chief financial officer (where appropriate) or the council's legal advisers;
- c) take into account only relevant and material considerations and discount any irrelevant or immaterial considerations;
- d) give reasons for your decisions, when required to do so, in the interests of fairness, openness and accountability and in accordance with any statutory requirements;
- e) act in accordance with any relevant statutory criteria;
- f) act fairly and be seen to act fairly;
- g) ensure that all parties involved in the process are given a fair hearing (insofar as your role in the decision making process allows);
- h) not prejudge or demonstrate bias, or be seen to prejudge or demonstrate bias, in respect of any decision;
- i) not organize support for, or opposition against, a particular recommendation on the matter being considered;
- j) not lobby other councilors on the matter being considered;
- k) not comply with political group decisions on the matter being considered, where these differ from your own views; and
- l) not act as an advocate to promote a particular recommendation in relation to the matter being considered.

### **Sanctions Applied by the Commissioner**

Under section 62(3) of the Local Government Act (Northern Ireland) 2014, where the Commissioner decides that a person has failed to comply with the Code, the Commissioner must decide whether no action should be taken or whether the nature of the failure is such that the Commissioner should-

- a. censure the person in such terms as the Commissioner thinks appropriate;
- b. suspend or partially suspend the person from being a councilor for such a period, and in the way, as the Commissioner thinks appropriate. However, that period shall not exceed one year or, if shorter, the remainder of the person's term of office; or
- c. disqualify the person for being, or becoming (whether by election or otherwise) a councilor, for such a period as the Commissioner thinks appropriate but not exceeding five years.



**Committee for Social Development**

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Our Ref:CSD/003/2015/SK

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

17 April 2015

Dear Billy

## Regeneration Bill

At its meeting on 16 April 2015 the Committee for Social Development received a briefing from the Department on issues raised during the Committee's scrutiny of the Regeneration Bill.

During discussions, the Committee queried what arrangements have been put in place for Departmental employees who will transfer to local councils. The Department agreed to provide the Committee with the scheme relating to the transfer of Departmental employees.

Given the absence of a code of conduct for local government, the Committee also queried whether the Department should have considered introducing a qualified majority voting clause to the Bill to ensure that controversial decisions, which could adversely affect community relations, are not made. The Department agreed to consult with the Office of Legislative Council on this issue.

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

Yours sincerely

**Kevin Pelan**

Dr Kevin Pelan  
Clerk, Committee for Social Development

## Letter to DSD 29.04.15



### **Committee for Social Development**

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Parliament Buildings  
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Our Ref: CSD/003/2015/SK

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

29 April 2015

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



## DSD Letter 13.05.15



Level 3, Lighthouse Building  
1 Cromac Place  
Gasworks Business Park  
Ormeau Road  
Belfast BT7 2JB

(028) 90829510 Network: 38510

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.

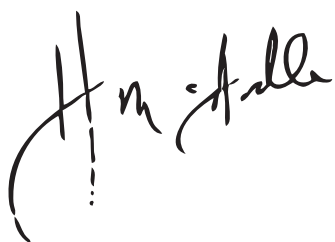
The Department expects that development schemes of regional significance will arise very rarely. It should be noted that only one development scheme, Victoria Square, has been taken forward by the Department in the last 10 years. The presumption in the legislation is that the local council is best placed 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



**Henry McArdle**



**Committee for Social Development**

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Our Ref: CSD/003/2015/SK

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

29 April 2015

Dear Billy

## Regeneration Bill

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

### Clause 1

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■ 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.*

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- 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



Northern Ireland  
Assembly

Appendix 5

# Other papers





# DSD Press Release

## Department for Social Development

11 November 2014

### **Reissue - Regeneration Bill to be implemented in April 2016 – Storey**

Social Development Minister, Mervyn Storey MLA, has confirmed today that the legislation to effect the transfer of a range of powers to the new Councils, will now be in place from 1 April 2016, as opposed to 1 April 2015 as had been previously agreed.

The Minister has written to his Assembly colleagues today by way of a written Ministerial Statement. The Statement can be viewed at: <http://www.niassembly.gov.uk/assembly-business/official-report/written-ministerial-statements-2011-2016/department-for-social-development-regeneration-and-housing-bill/>

The Minister said: “Since taking up appointment in September I have been actively working to progress the necessary legislation to transfer regeneration and community powers to the new Councils. There have been a number of discussions with my Executive colleagues and I have suggested some changes to the Bill which has now been agreed.”

Referring to the changes the Minister stated: “Concerns were raised regarding the proposed transfer of the Housing functions from the Northern Ireland Housing Executive and, having discussed these concerns with Executive colleagues, I decided to remove the relevant provisions from the Bill. I recently brought a paper on a proposed new regulatory regime for Houses in Multiple Occupation (HMOS) 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. I have therefore concluded that it is more appropriate to consider this work separately from the Bill. The Bill has therefore been renamed and will be referred to as the Regeneration Bill.

“The time taken to reach agreement has been considerable. Given the average length of time for a bill to pass through the Assembly, the significant operational issues that are still outstanding and the short time remaining before the Reform of Local Government takes place, the legislation will now have a commencement date of 1 April 2016.”

The Regeneration Bill will allow for the extension of powers to councils such as the power to address social need and carry out regeneration schemes. It would also allow for the responsibility for Laganside to transfer to Belfast City Council.

Concluding the Minister said: “I have written to the Chief Executives of the new councils to alert them to this revised implementation date and to reassure them that my Department will continue with the current work programme, allowing additional time to deal with transitional issues including projects, budgets and staff.”

Note to editors:

1. On 11 April 2013 the Northern Ireland Executive agreed that the Reform of Local Government should be implemented with effect from 1 April 2015 but DSD powers and functions will now transfer on 1 April 2016.
2. On 1 April 2016 DSD will no longer have responsibility for:
  - Town and city regeneration
  - Area based regeneration
  - Support for the voluntary and community sectors at local level

- Laganside which will transfer to Belfast City Council
3. Media enquiries to DSD Press Office on 028 9082 9494 or email [press.office@dsdni.gov.uk](mailto:press.office@dsdni.gov.uk). Out of office hours please contact the Duty Press Officer via pager number 07699 715 440 and your call will be returned. This is an automated distribution service - please do not reply to this email address..

# Department for Social Development

## Screening Form

Northern Ireland Act 1998

Section 75

Statutory Equality Obligation

### Section 1 - Background

Section 75 of the Northern Ireland Act 1998 requires the Department in carrying out its functions to have **due regard** to the need to promote equality of opportunity:

- between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- between men and women generally;
- between persons with a disability and persons without; and
- between persons with dependants and persons without.

Without prejudice to the obligations set out above, the Department is also required, in carrying out its functions relating to Northern Ireland, to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

### Section 2 – Information about your policy

Title of the policy

Regeneration & Housing Bill

#### Aims/objectives of the policy

- To support the vision of a strong, dynamic local government creating communities with the needs of all citizens at their core
- To enable transfer of certain urban regeneration, community development and housing functions to local government by 2011 under the Review of Public Administration (RPA)

**Description of the policy**

The policy will set out in detail the new and amended provisions in primary legislation which will enable transfer of urban regeneration, community development and housing functions from DSD and the Northern Ireland Housing Executive to the newly created 11 local councils under RPA.

The aim is to transfer the following functions by 2011:

**Regeneration**

- Physical development – this includes comprehensive development schemes, urban development grant and environmental improvement schemes;
- Area based regeneration including Neighbourhood Renewal;
- Support for the voluntary and community sector at a local level, for example the Community Support Programme and the Community Investment Fund.

**Housing**

- **Unfitness** - (NIHE is statutorily obliged to identify and address unfitness in housing, across all tenures and future delivery of this function by councils will fit with their existing local Government Environmental Health role)
- **Houses in multiple occupation** – (there are around 12,000 in Northern Ireland and the NIHE manages a mandatory HMO registration scheme and has a range of powers to address issues such as overcrowding, physical condition and standards, including health and safety. These powers will fit with the regulatory and licensing role of councils.
- **Local energy conservation** - The Home Energy Conservation Act 1995 required the NIHE to develop a strategy to significantly improve the energy efficiency of the entire housing stock. NIHE will retain its statutory role and councils will take the lead at local level. This would fit with the role of Councils in promoting sustainable development.
- **Living Over the Shop (LOTS) scheme** – LOTS is a small and relatively new grant scheme which is intended to encourage people to live in properties over shops in certain areas of town centre regeneration. The scheme provides funding for work carried out in order to make properties over shops fit to live in. This function fits well with other physical regeneration functions transferring to local councils and will provide councils with additional resources to tackle town centre regeneration.

The policy will set out lines of responsibility between central and local government, the circumstances where central government will be able to 'call in' significant projects and the powers of sanction in the event that local government is not considered to be properly discharging its new responsibilities.

**On which equality categories will the policy have an impact**

The policy will have an impact on all current users of the affected urban regeneration, community development and housing services, which would be expected to cut across all section 75 categories.

Who has responsibility for:

**(a) developing the policy**

DSD (Urban Regeneration Strategy Directorate and Housing Division)

**(b) delivering the policy**

DSD and local councils

**Note:** The reform of local government under the Review of Public Administration is being led by the Department of the Environment and legislation being brought forward by that Dept will give enhanced powers to local government and regulate operation and governance. DoE is also introducing legislation to transfer responsibility for planning to local government from the Planning Service and DRD is transferring some responsibilities from Roads Service to local government. These policies are subject to separate impact assessment

**Specify what data (either quantitative or qualitative) is available to help you to assess the impact of the policy on the nine equality categories**

The impact of DSD urban regeneration, community development and housing policy is currently monitored by departmental statisticians using a range of data sources, including Northern Ireland Neighbourhood Information Service and Northern Ireland Housing Executive surveys. Robust data on some of the section 75 categories are not available (specifically the “sexual orientation” and “political opinion” categories) whilst primary data are not available for the “Persons with a disability and persons without” category. However, relevant, primary and secondary data sources are available at various levels which can be applied to some of the Section 75 categories.

### Section 3 – Screening Analysis

1. Is there any evidence of higher or lower participation or uptake by different groups within any of the nine categories?

**Give reasons for your answer**

The policy proposals involve the transfer of responsibility for delivering a range of urban regeneration, community development and housing functions to local government. There are no proposals to materially change the nature of the services being provided and therefore the starting assumption is that the impact of the services on section 75 groups will not change. This is supported by the fact that local councils have the same obligations under Section 75 as DSD and the NIHE.

2. Is there evidence that different groups have different needs, experiences, issues and priorities in relation to the particular main policy area?

**Give reasons for your answer**

Yes. The main occupants of houses in multiple occupation (HMOs) are students and migrant workers. The intention is that the statutory HMO registration scheme will transfer to councils in its current form. This will ensure continued protection for these groups. The Department will continue to promote equality of opportunity regardless of where responsibility for delivery lies.

3. Is there an opportunity to better promote equality of opportunity or good relations by altering policy, or by working with others, in Government, or the community at large?

**Give reasons for your answer**

No. Consultation with local government will ensure that all functions transfer effectively from the Department and Housing Executive to councils, ensuring the continued promotion of equality of opportunity. Community planning powers being given to local government through DOE legislation will ensure effective linkages between transferring functions and linked functions which will remain the responsibility of the Department or Housing Executive.

4. Have consultations with relevant representative organisations or individuals within groups indicated that particular policies create problems that are specific to them?

**Give reasons for your answer**

No. Public consultation on the draft Regeneration and Housing Bill will provide an additional opportunity for comment on the policy proposals.

If the answer to any of the four questions is “Yes”, please indicate if you consider the policy may present a significant risk to DSD’s obligation to have due regard to the need to promote equality of opportunity.

**Give reasons for your answer**

No. The functions themselves will continue to be exercised, albeit by a different organisation than at present. There is no reason to believe that the transfer of responsibility in itself would impinge on equality of opportunity. The Department will continue to promote equality of opportunity regardless of where responsibility for delivery lies.

If the answer to the last question is “Yes” you will need to consider whether the policy could be changed in order to better promote equality of opportunity.

Please give a full explanation for your decision

It may be that a policy has an adverse impact on a certain group either because the policy has been designed to address an existing or historical inequality or disadvantage or in the case of a social security benefit is targeting a particular needs. If this is the case, please give details below:

Please provide details

**Section 4 - EQIA Recommendation**

An EQIA must be carried out on any policy considered to have significant implications for equality of opportunity. In light of the screening exercise please indicate in the box below what your decision is concerning the need for an equality impact assessment.

**Please give full details**

Based on the screening exercise it is not considered that the policy proposals require an EQIA to be carried out.

What monitoring data is required in the future, to enable you to start or continue to assess the impact of this policy on the nine equality categories?

**Please provide details**

Departmental statisticians will continue to monitor the impact of the policies using existing methodology and data sources. The Department will work closely with the newly established councils to ensure a smooth transition and the maintenance of service standards.

Signed: \_\_\_\_\_

Name: Bébhinn Ni Bhriain (Block Capitals)

Grade: Deputy Principal

Branch: Review of Public Administration Business Unit, URSD

Date: 25/02/2010

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**Section 5 – Disability Discrimination**

Does the policy/decision in any way discourage disabled people from participating in public life or does it fail to promote positive attitudes towards disabled people?

**Please provide details**

No

Is there an opportunity to better promote positive attitudes towards disabled people or encourage their participation in public life by making changes to the policy/decision or introducing additional measures?

**Please provide details**

Not applicable

Please detail what data you will collect in the future in order to monitor the effect of the policy/decision with reference to the disability duties?

**Please provide details**

Not applicable





Northern Ireland  
Assembly

## Research and Information Service Bill Paper

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Paper 534/14

15 January 2015

NIAR 534-2014

**Lynda Conlon**

# Regeneration Bill

This Bill paper provides an overview of the Regeneration Bill as introduced to the Assembly by the Minister for Social Development on 08 December 2014. It examines the role of the Department for Social Development in overseeing the councils' exercise of their new regeneration and community development powers. It also considers the resources that will be made available to facilitate the proposed transfer of these powers to the councils.

## Key Points

- The Regeneration Bill was introduced to the Assembly on 08 December 2014;
- The Bill contributes to the Reform of Local Government (RLG) and is part of the suite of legislation within which the new councils will operate from 01 April 2015;
- It confers certain regeneration and community development powers on, and transfer of certain functions relating to Liganside to, the new councils;
- The regeneration and community development powers are to be conferred on the councils, not transferred, which means that the Bill does not divest the Department for Social Development of these powers;
- However, the proposed Bill does narrow the existing power of the Department for Social Development to prepare development schemes, restricting it to schemes of significance to the whole or a substantial part of Northern Ireland;
- The powers conferred on the new councils by this Bill are discretionary, and some councils may decide not to exercise them;
- The Regeneration Bill replicates many of the provisions contained in *The Social Need (Northern Ireland) Order 1986* and *The Planning (Northern Ireland) Order 1991* and does not strengthen or refine the existing powers currently exercised by the Department for Social Development under these Statutory Instruments;
- While the new councils are due to come into existence from 01 April 2015, the transfer of powers and functions to the councils, as provided for by this Bill, has been deferred to 01 April 2016;
- The Bill may impact a number of regeneration and community development programmes currently delivered by the Department for Social Development, potentially creating uncertainty for voluntary and community groups relying on these schemes for funding;
- There have been a number of changes to the Bill since the initial consultation in 2010, the most significant of which is the removal of the transfer of housing powers;
- An additional provision has been inserted requiring the approval of the Department for Social Development for any use of the new regeneration powers in respect of housing;
- The Bill will not empower councils to build social housing;
- Post transfer to councils, the Department for Social Development will retain responsibility for overarching policy development, the *Urban Regeneration and Community Development Policy Framework*, and for the delivery of regionally significant projects;
- The Bill places a statutory duty on councils to have due regard for guidance issued by the Department for Social Development and for the *Urban Regeneration and Community Development Policy Framework* in administering their new regeneration-related powers;
- A financial allocation model, with indicative allocations of regeneration funding to each of the 11 new councils, has been developed in anticipation of the transfer of regeneration and community development budgets in April 2016;
- Specific financial details of this transfer arrangement are not available as funding will be based on the 2016/17 regeneration budget;
- Departmental staff currently exercising regeneration and community development powers will not automatically transfer to local government as part of the reform.

## Executive Summary

The Regeneration Bill was introduced to the Assembly by the Minister for Social Development on 08 December 2013. The Second Stage is scheduled to take place on 20 January 2015.

The Bill is divided into four Parts with 23 clauses and has three Schedules.

The Regeneration Bill, as introduced, makes statutory provision for the transfer of urban regeneration and community powers to the 11 new councils created by the Reform of Local Government. These powers will assist councils, where necessary, to address issues related to social need and to take forward regeneration within their respective areas by means of development powers. It will also allow for the responsibility for Laganside to transfer to Belfast City Council.

While the Bill will transfer considerable competences to local government, the Department for Social Development will retain responsibility for overarching policy for regeneration and community development and will continue to exercise an oversight function with regard to these powers and responsibilities.

The delay in receiving Executive agreement to introduce the Bill has resulted in a decision to defer the transfer of responsibilities from the Department for Social Development to the councils by one year to 01 April 2016.

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# 1 Introduction

The Regeneration Bill ('the Bill') was introduced to the Assembly by the Minister for Social Development on 08 December 2013. The Second Stage is scheduled to take place on 20 January 2015.

The Bill is divided into four Parts with 23 clauses and has three Schedules.

The Regeneration Bill contributes to the Reform of Local Government (RLG) and is part of the suite of reform legislation, the main piece of which is the *Local Government Act (Northern Ireland) 2014*.<sup>1</sup>

The Bill makes provision for the transfer of certain area-based regeneration and community powers to the 11 new councils created by RLG. It will confer powers to allow councils to carry out functions similar to those conferred on the Department for Social Development ('the Department') by Part VII of *The Planning (Northern Ireland) Order 1991*<sup>2</sup> and *The Social Need (Northern Ireland) Order 1986*<sup>3</sup>. These powers will assist councils in addressing issues related to social need and taking forward regeneration within their areas by means of development powers.

It will also allow for the responsibility for Laganside to transfer to Belfast City Council.

The delay in receiving Executive agreement to introduce the Bill has resulted in the transfer of responsibilities from the Department to the councils being deferred by one year to 01 April 2016. The Minister for Social Development announced this development in November 2014:<sup>4</sup>

*Given the average length of time for a bill to pass through the Assembly, the significant operational issues that are still outstanding and the short time remaining before the Reform of Local Government takes place, the legislation will now have a commencement date of 1 April 2016.*

Therefore, as of 01 April 2016, the following powers will be conferred on councils by the proposed Bill:<sup>5</sup>

- Regeneration powers in respect of social need;
- Development powers and other powers for planning purposes;
- Functions in respect of Laganside; and
- Miscellaneous powers, for example, to undertake surveys or research in support of regeneration interventions to tackle social need or the development or redevelopment of an area.

It is important to note that while the Bill confers these powers on the new councils, it does not divest the Department of the same powers.<sup>6</sup>

While the Bill will confer considerable powers on the new councils, it also places a statutory duty on them to give due regard to strategic guidance issued by the Department. The

1 Local Government Act (Northern Ireland) 2014 <http://www.legislation.gov.uk/nia/2014/8/contents>

2 The Planning (Northern Ireland) Order 1991 Part VII <http://www.legislation.gov.uk/nisi/1991/1220/part/VII>

3 Social Need (Northern Ireland) Order 1986 <http://www.legislation.gov.uk/nisi/1986/1302/contents>

4 This means that the Department will continue to have responsibility for the delivery of regeneration services to the community, retain its statutory powers, control of the overall budget and ownership of the associated physical assets and will continue to deliver the relevant programmes until April 2016. Written Ministerial Statement (11 November 2014) <http://www.niassembly.gov.uk/assembly-business/official-report/written-ministerial-statements-2011-2016/departments-for-social-development-regeneration-and-housing-bill/> ; Department for Social Development Regeneration Bill to be Implemented in April 2016 – Storey: News Release (11 November 2014) <http://www.northernireland.gov.uk/index/media-centre/news-departments/news-dsd/news-dsd-november-2014/news-dsd-111114-regeneration-bill-to.htm>

5 Department for Social Development Regeneration Bill: Briefing by Officials (22 December 2014)

6 Department for Social Development Regeneration Bill: Briefing by Officials (22 December 2014)

Department will retain responsibility for overarching policy for regeneration and community development and will continue to exercise an oversight function with regard to these powers and responsibilities.<sup>7</sup>

## 2 Background

As part of RLG, government departments were expected to adopt a more regional focus and to work in partnership with the new councils who will be responsible for taking decisions at a local level. In line with this vision, a number of departments agreed to transfer certain powers to the 11 newly formed councils.<sup>8</sup>

In a March 2008 statement to the Assembly on the local government aspects of the Review of Public Administration, the then Minister of the Environment proposed that the urban regeneration and community development delivery functions, exercised by the Department for Social Development, would transfer to local government.<sup>9</sup>

A 2009 report by PriceWaterhouseCoopers (PWC) provided further details of the specific Department for Social Development functions that might be transferred:<sup>10</sup>

- Tackling urban deprivation;
- Town and city centre regeneration;
- Local community development;
- Houses in Multiple Occupancy (HMOs);
- Housing unfitness;
- Local energy conservation;
- Travellers' transit sites; and
- Living Over the Shop Initiative (LOTS).

In April 2013, the Northern Ireland Executive ('the Executive') agreed a final package of functions that would transfer new powers and responsibilities to local government from 01 April 2015.<sup>11</sup> The Department for Social Development powers to be conferred on councils as part of this package included:<sup>12</sup>

- Functions associated with physical development (e.g. environmental improvement schemes);
- Area based regeneration (including programmes such as Neighbourhood Renewal); and

7 Committee for Social Development Official Report (Hansard): Regeneration and Housing Bill: Department for Social Development (05 June 2014) p.4 [http://www.niassembly.gov.uk/globalassets/documents/official-reports/social-dev/2013-2014/140605\\_regenerationandhousingbilldsd.pdf](http://www.niassembly.gov.uk/globalassets/documents/official-reports/social-dev/2013-2014/140605_regenerationandhousingbilldsd.pdf)

8 The Executive has set three standards with regard to the transfer of functions under RLG, agreeing that they should be fit for purpose, sufficiently funded and cost-neutral to the ratepayer at the point of transfer. There is also a requirement for departments to commit adequate resources in preparation for the functions to transfer. Official Report (Hansard) 22 April 2013 <http://www.niassembly.gov.uk/assembly-business/official-report/reports-12-13/22-april-2013/#8>

9 Official Report (Hansard) Monday 31 March 2008 <http://archive.niassembly.gov.uk/record/reports2007/080331.htm#2>

10 The report also advised that the Minister for Social Development should retain responsibility for setting the strategic and policy framework for the functions transferring and the Department should therefore retain staffing and resources to administer these responsibilities. PriceWaterhouseCoopers (PwC) Local Government Service Delivery: Economic Appraisal (2009) p.222 [http://www.doeni.gov.uk/lgsd\\_-\\_appendix\\_a\\_-\\_detailed\\_analysis\\_of\\_transferring\\_functions.pdf](http://www.doeni.gov.uk/lgsd_-_appendix_a_-_detailed_analysis_of_transferring_functions.pdf)

11 Official Report (Hansard) Ministerial Statement: Local Government Reform: Transfer of Functions to New Councils (22 April 2013) <http://www.niassembly.gov.uk/assembly-business/official-report/reports-12-13/22-april-2013/#8>

12 Department of the Environment Powers Agreed by the Executive to Transfer to Local Councils in April 2015 [http://www.doeni.gov.uk/powers\\_transferring-3.pdf](http://www.doeni.gov.uk/powers_transferring-3.pdf)

- Some community development programmes for the voluntary and community sectors.

The Department of the Environment determined that further legislation would be required to confer regeneration and community development functions on the new councils.<sup>13</sup> As it is the responsibility of each department transferring functions to local government to take forward its own transfer legislation<sup>14</sup>, the Department for Social Development issued a draft Regeneration and Housing Bill for consultation in March 2010.<sup>15</sup>

This draft Bill put forward policy proposals for the transfer of three areas of operational delivery from the Department and four from the Northern Ireland Housing Executive (NIHE) to local government control.<sup>16</sup>

The three departmental functions to be transferred were:<sup>17</sup>

- Work in tackling urban deprivation, primarily the Neighbourhood Renewal programme;
- Operational delivery of physical development projects under town and city regeneration including comprehensive development, public realm and environmental improvement schemes; and
- Local community development support.

The four NIHE functions were:<sup>18</sup>

- Houses in Multiple Occupation (HMOs);
  - Housing unfitness;
  - The Living Over The Shop (LOTS) initiative; and
  - Local energy conservation.
- The draft Bill was subject to an eight-week public consultation from 01 March to 26 April 2010 and it was hoped that it would be introduced to the Assembly in June 2010.<sup>19</sup>
- In June 2014, the Department provided a pre-introduction briefing to the Committee for Social Development on the Regeneration and Housing Bill. The Bill presented to the Committee on this occasion had changed considerably since the consultation phase. Provisions relating to the following matters had been removed from this version of the Bill:<sup>20</sup>
- Transfer of assets and liabilities to councils;<sup>21</sup>
  - Unadopted development schemes;
  - Functions of councils in relation to energy conservation; and
  - Constitution of the Housing Council.

13 [http://www.doeni.gov.uk/lgrt\\_tof\\_requiring\\_legislation.pdf](http://www.doeni.gov.uk/lgrt_tof_requiring_legislation.pdf)

14 Local Government Act (Northern Ireland) 2014 Part 16 Section 124(2) <http://www.legislation.gov.uk/nia/2014/8/section/124/enacted>

15 Department for Social Development The Draft Regeneration and Housing Bill: Consultation Document (2010)

16 Department for Social Development Ritchie Launches Consultation on Draft Regeneration and Housing Bill: Press Release (01 March 2010) <http://www.northernireland.gov.uk/index/media-centre/news-departments/news-dsd/news-dsd-march-2010/news-dsd-010310-ritchie-launches-consultation.htm>

17 Department for Social Development The Draft Regeneration and Housing Bill: Consultation Document (2010) p.1

18 Department for Social Development The Draft Regeneration and Housing Bill: Consultation Document (2010) p.1

19 [http://www.doeni.gov.uk/slb\\_meeting\\_14-04-2010\\_slb\\_16-2010\\_legislation\\_update.pdf](http://www.doeni.gov.uk/slb_meeting_14-04-2010_slb_16-2010_legislation_update.pdf)

20 Department for Social Development The Draft Regeneration and Housing Bill: Consultation Document (2010) Annex A; Department for Social Development Reform of Local Government: Regeneration & Housing: Pre-Introduction Briefing (30 May 2014) Annex B

21 Legislative provision to effect the transfer of assets and liabilities connected with the new powers conferred on councils from the Department are contained within the Local Government Act (Northern Ireland) 2014. Local Government Act (Northern Ireland) 2014 Part 16 Section 122 <http://www.legislation.gov.uk/nia/2014/8/part/16/crossheading/transfer-schemes>



- In response to an oral Assembly Question, the then Minister for Social Development outlined the efforts made to advance the draft Regeneration and Housing Bill at this time:<sup>22</sup>

*I have sought Executive approval to introduce the Regeneration and Housing Bill in the Assembly on a number of occasions. I made three attempts to table it at Executive meetings on 5 June and 9 June and on 8 July. I also sought clearance by urgent procedure on 9 July and 29 August.*

After further discussions with Executive Ministers, a number of additional changes to the Bill were made. Most significantly, the provisions relating to the proposed transfer of specific housing functions from the NIHE to the councils were removed. These included the introduction of a new regulatory regime for HMOs and the review of the statutory housing fitness standards across all tenures (both public and private).<sup>23</sup> A provision was also added to the Bill by the current Minister for Social Development requiring departmental approval for any use of the new regeneration powers in respect of housing.<sup>24</sup>

This Bill, subsequently retitled the Regeneration Bill, was introduced to the Assembly on 08 December 2014.

### 3 Powers to be Transferred

The powers conferred on councils by this Bill relate to area-based regeneration, community development, the improvement of the environment and tackling social need and deprivation. The Department currently delivers a range of programmes to address these issues, including the following:<sup>25</sup>

#### **Physical development programmes**

- Strategic Regeneration Projects;
- City Centre Regeneration;
- Comprehensive Development Schemes;
- Public Realm and Environmental Improvement Schemes;
- Restore and Revitalisation Projects; and
- Urban Development Grants.

#### **Area-based regeneration programmes**

- Neighbourhood Renewal Programme (both capital and revenue);
- Areas at Risk;
- Small Pockets of Deprivation;
- Belfast Area Partnerships; and
- Development of Non-Statutory Masterplans and Frameworks.

22 Official Report (Hansard) Oral Answers to Questions: Social Development (09 September 2014) (AQO 6509/11-15) <http://aims.niassembly.gov.uk/officialreport/report.aspx?&eveDate=2014/09/09&docID=205128#553353>

23 Written Ministerial Statement (11 November 2014) <http://www.niassembly.gov.uk/assembly-business/official-report/written-ministerial-statements-2011-2016/department-for-social-development-regeneration-and-housing-bill/>

24 Written Ministerial Statement (11 November 2014) <http://www.niassembly.gov.uk/assembly-business/official-report/written-ministerial-statements-2011-2016/department-for-social-development-regeneration-and-housing-bill/>

25 The legislative basis for many of these schemes and programmes is the The Planning (Northern Ireland) Order 1991 and The Social Need (Northern Ireland) Order 1986

### Community development programmes

- Community Support Programme (collaboration between the Department and councils); and
- Community Investment Fund.

In briefings to the Committee, departmental officials have confirmed that the new councils would have “fairly broad latitude”<sup>26</sup> in determining how they choose to exercise these functions once the powers have been transferred:<sup>27</sup>

*Councils...can use their own discretion to work in whatever area they want and to use whatever powers they want, if they want to use them at all.*

A council may choose to continue to deliver the Department's existing programmes or to develop new schemes to target specific priorities in its own area:<sup>28</sup>

*[Councils] could decide to keep things pretty much as DSD has done them or to go down an entirely different route.*

In their pre-introduction briefing to the Committee, departmental officials explained that they were working jointly with council change managers and Statutory Transition Committees to provide councils with an overview of all the projects currently being supported by the Department. On the basis of this information, the new councils will determine whether to continue investing in these projects or to divert funding into other areas.<sup>29</sup>

With regard to the Neighbourhood Renewal programme specifically, officials revealed that:<sup>30</sup>

*Some councils have indicated that they will probably continue with neighbourhood renewal as it exists for a couple of years at least. Others have decided already that they will do something entirely different. I know that Antrim and Newtownabbey have already fairly well-advanced plans for an alternative kind of spatial disadvantage scheme, which will have a different set of criteria.*

It is therefore possible that each of the 11 new councils may choose to deliver a range of distinctly local schemes, developed to address the specific needs identified within their own area. The conferral of these powers may give rise to a lack of uniformity in terms of the availability and provision of assistance to tackle social need and deprivation across Northern Ireland which could lead to a perception of inequity in some council areas.

## 3.1 Regeneration Powers

Currently, the powers conferred by *The Social Need (Northern Ireland) Order 1986*<sup>31</sup> underpin a wide range of activities undertaken by the Department to support regeneration and community development projects and to provide support for the voluntary and community sector.<sup>32</sup> The bulk of the Department's activities in this area involve the provision of financial

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- 26 Committee for Social Development Official Report (Hansard): Regeneration Bill: Department for Social Development (08 January 2015) p.9 <http://data.niassembly.gov.uk/HansardXml/committee-11271.pdf>
- 27 Committee for Social Development Official Report (Hansard): Regeneration and Housing Bill: Department for Social Development (05 June 2014) p.4 [http://www.niassembly.gov.uk/globalassets/documents/official-reports/social-dev/2013-2014/140605\\_regenerationandhousingbilldsd.pdf](http://www.niassembly.gov.uk/globalassets/documents/official-reports/social-dev/2013-2014/140605_regenerationandhousingbilldsd.pdf)
- 28 Committee for Social Development Official Report (Hansard): Regeneration Bill: Department for Social Development (08 January 2015) p.9 <http://data.niassembly.gov.uk/HansardXml/committee-11271.pdf>
- 29 Department for Social Development Reform of Local Government: Regeneration & Housing: Pre-Introduction Briefing (30 May 2014) Annex A
- 30 Committee for Social Development Official Report (Hansard): Regeneration Bill: Department for Social Development (08 January 2015) p.9 <http://data.niassembly.gov.uk/HansardXml/committee-11271.pdf>
- 31 The Social Need (Northern Ireland) Order 1986 [http://www.legislation.gov.uk/nisi/1986/1302/pdfs/uksi\\_19861302\\_en.pdf](http://www.legislation.gov.uk/nisi/1986/1302/pdfs/uksi_19861302_en.pdf)
- 32 This includes a number of different programmes designed to address social need, including Neighbourhood Renewal, Areas at Risk and the Urban Development Grants.
-

assistance to third parties, including local councils, government agencies, private developers and community groups.

Under the proposed Bill, powers in relation to social need will be conferred on the new councils, including:<sup>33</sup>

- Power to provide financial assistance to third parties that will benefit areas of social need;<sup>34</sup>
- Power to carry out works to improve the environment (such as public realm schemes); and
- Power to support community development.

The Bill includes a list of the types of activities which a council may fund in order to benefit areas of social need.<sup>35</sup> However, this list is not prescriptive and councils will have wide discretion about what they decide to fund.<sup>36</sup>

### 3.2 Development Powers

Part VII of *The Planning (Northern Ireland) Order 1991*<sup>37</sup> provides the legislative basis for the physical regeneration work currently carried out by the Department. The proposed Bill provides councils with corresponding powers to those available to the Department under the 1991 Order, making councils responsible for operational delivery of physical regeneration. These powers include:<sup>38</sup>

- Powers to acquire land, either by agreement or compulsorily;<sup>39</sup>
- Power to develop and dispose of land for planning purposes;<sup>40</sup>
- Power to prepare development schemes;<sup>41</sup> and
- Power to extinguish public rights of way.<sup>42</sup>

33 Committee for Social Development Official Report (Hansard): Regeneration and Housing Bill: Department for Social Development (05 June 2014) pp.1-2 [http://www.niassembly.gov.uk/globalassets/documents/official-reports/social-dev/2013-2014/140605\\_regenerationandhousingbilldsd.pdf](http://www.niassembly.gov.uk/globalassets/documents/official-reports/social-dev/2013-2014/140605_regenerationandhousingbilldsd.pdf)

34 Departmental officials have clarified that such works do not have to physically be in areas of social need, but if it can be demonstrated that the impact of such works go wider than its location and benefits such areas, this is considered sufficient. Committee for Social Development Official Report (Hansard): Regeneration and Housing Bill: Department for Social Development (05 June 2014) p.5 [http://www.niassembly.gov.uk/globalassets/documents/official-reports/social-dev/2013-2014/140605\\_regenerationandhousingbilldsd.pdf](http://www.niassembly.gov.uk/globalassets/documents/official-reports/social-dev/2013-2014/140605_regenerationandhousingbilldsd.pdf)

35 Regeneration Bill Part 1 Section 2 <http://www.niassembly.gov.uk/assembly-business/legislation/2011-2016-mandate/primary-legislation-current-bills/regeneration-bill-as-introduced/regeneration-bill-as-introduced/>

36 The Bill allows councils to provide financial assistance for activities not included in that list but “which the council considers will benefit the district”. Regeneration Bill Part 1 Section 2 <http://www.niassembly.gov.uk/assembly-business/legislation/2011-2016-mandate/primary-legislation-current-bills/regeneration-bill-as-introduced/regeneration-bill-as-introduced/>

37 The Planning (Northern Ireland) Order 1991 Part VII <http://www.legislation.gov.uk/nisi/1991/1220/part/VII>

38 Committee for Social Development Official Report (Hansard): Regeneration and Housing Bill: Department for Social Development (05 June 2014) p.2 [http://www.niassembly.gov.uk/globalassets/documents/official-reports/social-dev/2013-2014/140605\\_regenerationandhousingbilldsd.pdf](http://www.niassembly.gov.uk/globalassets/documents/official-reports/social-dev/2013-2014/140605_regenerationandhousingbilldsd.pdf)

39 Regeneration Bill Part 2 Section 7 <http://www.niassembly.gov.uk/assembly-business/legislation/2011-2016-mandate/primary-legislation-current-bills/regeneration-bill-as-introduced/regeneration-bill-as-introduced/>

40 Regeneration Bill Part 2 Sections 8 & 9 <http://www.niassembly.gov.uk/assembly-business/legislation/2011-2016-mandate/primary-legislation-current-bills/regeneration-bill-as-introduced/regeneration-bill-as-introduced/>

41 To date, development schemes have been used by the Department to pursue large-scale regeneration projects such as Victoria Square in Belfast. Department for Social Development Regeneration Bill: Briefing by Officials (22 December 2014)

Regeneration Bill Part 2 Sections 5 & 6 <http://www.niassembly.gov.uk/assembly-business/legislation/2011-2016-mandate/primary-legislation-current-bills/regeneration-bill-as-introduced/regeneration-bill-as-introduced/>

42 Regeneration Bill Part 2 Section 11 <http://www.niassembly.gov.uk/assembly-business/legislation/2011-2016-mandate/primary-legislation-current-bills/regeneration-bill-as-introduced/regeneration-bill-as-introduced/>

It should be noted that while neither the Bill nor the accompanying *Explanatory and Financial Memorandum* prescribe the circumstances in which councils can use their vesting powers<sup>43</sup>, departmental officials anticipate that such powers will be ‘wide-ranging’:<sup>44</sup>

*If a council determines that the acquisition of a site or a piece of land is in the best interests of best planning for an area, it can issue a vesting order, as the Department currently does.*

The Bill will also provide for a revised operational role for the Department in preparing development schemes, limiting it to schemes considered to be ‘of significance to the whole or a substantial part of Northern Ireland’.<sup>45</sup>

### 3.3 Laganside

The Laganside Corporation was established by the *Laganside Development (Northern Ireland) Order 1989*<sup>46</sup> for the purpose of securing the regeneration of a designated area of Belfast’s waterfront. With the dissolution of the Corporation in 2007, the Department assumed interim responsibility for management of Laganside’s legacy of assets, liabilities and development agreements and the regeneration of a small number of remaining sites which the Corporation had acquired.

The Bill, as introduced, provides for the repeal of the 1989 Order<sup>47</sup> and sets out the powers which Belfast City Council will be able to exercise in relation to part of the River Lagan.<sup>48</sup> These include:

- Power to execute works to facilitate access to the river, promote recreational use and improve the immediate environment of the river (subject to the approval of the Department of Agriculture and Rural Development);<sup>49</sup>
- Power to construct bridges and weirs;<sup>50</sup> and
- Power to make byelaws regulating fishing and the use of the river by vessels.<sup>51</sup>

## 4 Role of the Department for Social Development

While the Bill confers a range of new powers on the 11 councils established as a result of RLG, the Department will retain responsibility for overarching policy and will continue to

43 Councils must apply to the Department to make a vesting order if they wish to compulsorily acquire land. The procedure for acquisition of land by vesting order is set out in the Local Government Act (Northern Ireland) 1972. Local Government Act (Northern Ireland) 1972 Schedule 6 <http://www.legislation.gov.uk/apni/1972/9/schedule/6>

44 Committee for Social Development Official Report (Hansard): Regeneration and Housing Bill: Department for Social Development (05 June 2014) p.11 [http://www.niassembly.gov.uk/globalassets/documents/official-reports/social-dev/2013-2014/140605\\_regenerationandhousingbilldsd.pdf](http://www.niassembly.gov.uk/globalassets/documents/official-reports/social-dev/2013-2014/140605_regenerationandhousingbilldsd.pdf)

Section 7(1)(d) gives the councils considerable latitude in acquiring land compulsorily, permitting them to do so “... for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated”. Regeneration Bill Part 2 Section 7(1)(d) <http://www.niassembly.gov.uk/assembly-business/legislation/2011-2016-mandate/primary-legislation-current-bills/regeneration-bill-as-introduced/regeneration-bill-as-introduced/>

45 Regeneration Bill Part 2 Section13 <http://www.niassembly.gov.uk/assembly-business/legislation/2011-2016-mandate/primary-legislation-current-bills/regeneration-bill-as-introduced/regeneration-bill-as-introduced/>

46 Laganside Development (Northern Ireland) Order 1989 <http://www.legislation.gov.uk/nisi/1989/490/contents>  
Regeneration Bill Part 3 <http://www.niassembly.gov.uk/assembly-business/legislation/2011-2016-mandate/primary-legislation-current-bills/regeneration-bill-as-introduced/regeneration-bill-as-introduced/>

48 Regeneration Bill Schedule 1 <http://www.niassembly.gov.uk/assembly-business/legislation/2011-2016-mandate/primary-legislation-current-bills/regeneration-bill-as-introduced/regeneration-bill-as-introduced/>

49 Regeneration Bill Schedule 1(2) <http://www.niassembly.gov.uk/assembly-business/legislation/2011-2016-mandate/primary-legislation-current-bills/regeneration-bill-as-introduced/regeneration-bill-as-introduced/>

50 Regeneration Bill Schedule 1(3) <http://www.niassembly.gov.uk/assembly-business/legislation/2011-2016-mandate/primary-legislation-current-bills/regeneration-bill-as-introduced/regeneration-bill-as-introduced/>

51 Regeneration Bill Schedule 1(4) <http://www.niassembly.gov.uk/assembly-business/legislation/2011-2016-mandate/primary-legislation-current-bills/regeneration-bill-as-introduced/regeneration-bill-as-introduced/>

exercise a strategic oversight function with regard to these powers and responsibilities.<sup>52</sup> Though the Bill provides for an ongoing role for the Department in this regard, officials have stated that:<sup>53</sup>

*The vast majority of work that councils will be doing will not require any interference from the Department.*

It may have been hoped that this Bill would make regeneration and community development more locally accountable by enabling councils to make decisions about how to undertake regeneration works and support community development in their local areas. However, given the extent of the Department's strategic policy and oversight role, the practical ability of a council to determine the course of development at a local level may be constrained.

#### 4.1 Oversight Responsibilities

The power of the Department to intervene across some of the delegated operational functions and to exercise oversight has been written into the legislation.

- For example, the measures relating to the preparation and adoption of development schemes allow for significant input by the Department. The Bill provides the Department with the power to direct a council to prepare a development scheme where it considers the council is best placed to take this forward.<sup>54</sup> However, the Department also retains the right, after consulting the appropriate district council, to prepare their own development scheme for a council area.<sup>55</sup>
- Once prepared, the Bill requires councils to submit each development scheme to the Department.<sup>56</sup> If the council sees fit, it may amend the scheme in light of the comments received from the Department (or any other government department).<sup>57</sup> Ultimately however, the Department has the power to impose its desired changes on a council, as a development scheme cannot be formally adopted by a council without the approval of the Department.<sup>58</sup>
- The Bill also allows the Department to intervene on a statutory basis in how a council exercises its new development powers. It provides the Department with the power to make regulations which would:<sup>59</sup>

52 Committee for Social Development Official Report (Hansard): Regeneration and Housing Bill: Department for Social Development (05 June 2014) p.4 [http://www.niassembly.gov.uk/globalassets/documents/official-reports/social-dev/2013-2014/140605\\_regenerationandhousingbilldsd.pdf](http://www.niassembly.gov.uk/globalassets/documents/official-reports/social-dev/2013-2014/140605_regenerationandhousingbilldsd.pdf)

53 Committee for Social Development Official Report (Hansard): Regeneration and Housing Bill: Department for Social Development (05 June 2014) p.4 [http://www.niassembly.gov.uk/globalassets/documents/official-reports/social-dev/2013-2014/140605\\_regenerationandhousingbilldsd.pdf](http://www.niassembly.gov.uk/globalassets/documents/official-reports/social-dev/2013-2014/140605_regenerationandhousingbilldsd.pdf)

54 Regeneration Bill Part 2 Section 5(2) <http://www.niassembly.gov.uk/assembly-business/legislation/2011-2016-mandate/primary-legislation-current-bills/regeneration-bill-as-introduced/regeneration-bill-as-introduced/>  
On the Department website, it has been highlighted that the description of 'regionally significant' has not been defined as yet. [http://www.dsdni.gov.uk/index/urcdg-urban\\_regeneration/urcd-reform-of-local-government/urcd-dsd-role-after-rlg.htm](http://www.dsdni.gov.uk/index/urcdg-urban_regeneration/urcd-reform-of-local-government/urcd-dsd-role-after-rlg.htm)

55 Regeneration Bill Part 2 Section 13 <http://www.niassembly.gov.uk/assembly-business/legislation/2011-2016-mandate/primary-legislation-current-bills/regeneration-bill-as-introduced/regeneration-bill-as-introduced/>

56 Regeneration Bill Part 2 Section 6(1)(a) <http://www.niassembly.gov.uk/assembly-business/legislation/2011-2016-mandate/primary-legislation-current-bills/regeneration-bill-as-introduced/regeneration-bill-as-introduced/>

57 Regeneration Bill Part 2 Section 6(1)(b) <http://www.niassembly.gov.uk/assembly-business/legislation/2011-2016-mandate/primary-legislation-current-bills/regeneration-bill-as-introduced/regeneration-bill-as-introduced/>

58 Regeneration Bill: Explanatory and Financial Memorandum p.4 <http://www.niassembly.gov.uk/assembly-business/legislation/2011-2016-mandate/primary-legislation-current-bills/regeneration-bill-as-introduced/regeneration-bill-as-introduced-efm/>

59 Regeneration Bill Part 2 Section 9(5) <http://www.niassembly.gov.uk/assembly-business/legislation/2011-2016-mandate/primary-legislation-current-bills/regeneration-bill-as-introduced/regeneration-bill-as-introduced/>  
The Department has also stated that, if they are required, the detail of these regulations will be developed and consulted upon separately. Department for Social Development The Draft Regeneration and Housing Bill: Consultation Document (2010) pp.12-13

- 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.

In a written briefing to the Committee in December 2014, departmental officials stated that the purpose of these regulations are 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.

In recognition of the Department's and the Northern Ireland Housing Executive's wider housing functions, a clause relating to housing in the context of area-based regeneration was added to the Bill by the current Minister for Social Development. As a result, any financial assistance a council wishes to provide for the provision of housing will require prior approval of the Department.<sup>60</sup>

It should be noted that not all aspects of the Bill provide for such oversight by the Department. For example, the power conferred on councils to provide financial assistance for social need contains no reporting or approval requirements in relation to the Department.<sup>61</sup>

The precise arrangements for reporting and governance between the Department and local government have not yet been decided.<sup>62</sup> In a recent briefing to the Committee, officials reiterated that the Department intended to adopt a "light touch" approach to their oversight role.<sup>63</sup> However, some provision for supervisory powers already exists under the *Local Government Act (Northern Ireland) 2014*.<sup>64</sup> This Act allows any Northern Ireland department to direct a council to make reports and returns and to provide information regarding the exercise of a transferred function. It also allows departments to intervene where a council has been found to have failed in the discharge of a transferred function, including making an order declaring the council to be in default.<sup>65</sup>

## 4.2 Policy Development

It has been clearly stated that the Department will retain responsibility for policy development:<sup>66</sup>

*The Department will continue to have responsibility for policy in relation to the functions which are transferring...*

The councils will be charged with delivering this policy and will be expected to give due regard to guidance documents published by the Department as well as relevant strategic policy documents such as the current *Urban Regeneration and Community Development Policy Framework*.<sup>67</sup>

60 Regeneration Bill Part 1 Section 1(4) <http://www.niassembly.gov.uk/assembly-business/legislation/2011-2016-mandate/primary-legislation-current-bills/regeneration-bill-as-introduced/regeneration-bill-as-introduced/>

61 Regeneration Bill Part 1 <http://www.niassembly.gov.uk/assembly-business/legislation/2011-2016-mandate/primary-legislation-current-bills/regeneration-bill-as-introduced/regeneration-bill-as-introduced/>

62 Committee for Social Development Official Report (Hansard): Regeneration and Housing Bill: Department for Social Development (08 January 2015) <http://data.niassembly.gov.uk/HansardXml/committee-11271.pdf>  
A reporting and governance framework for the new councils is planned for February 2015. [http://www.dsdni.gov.uk/index/urcdg-urban\\_regeneration/urcd-reform-of-local-government/urcd-dsd-role-after-rlg.htm](http://www.dsdni.gov.uk/index/urcdg-urban_regeneration/urcd-reform-of-local-government/urcd-dsd-role-after-rlg.htm)

63 Committee for Social Development Official Report (Hansard): Regeneration Bill: Department for Social Development (08 January 2015) p.11 <http://data.niassembly.gov.uk/HansardXml/committee-11271.pdf>

64 Local Government Act (Northern Ireland) 2014 Part 14 <http://www.legislation.gov.uk/nia/2014/8/part/14>

65 Local Government Act (Northern Ireland) 2014 Part 14 <http://www.legislation.gov.uk/nia/2014/8/part/14>

66 Department for Social Development The Draft Regeneration and Housing Bill: Consultation Document (2010) p.1

67 [http://www.dsdni.gov.uk/index/urcdg-urban\\_regeneration/urcd-reform-of-local-government/urcd-dsd-role-after-rlg.htm](http://www.dsdni.gov.uk/index/urcdg-urban_regeneration/urcd-reform-of-local-government/urcd-dsd-role-after-rlg.htm)



### 4.3 Regionally Significant Projects

Although the Bill will confer a wide range of regeneration duties on the new councils, the Department will continue to have responsibility for regionally significant urban regeneration projects.<sup>68</sup>

*The Department will...be able to oversee major regeneration schemes which have regional significance.*

It should be noted that a definition of 'regionally significant' has not been provided as yet.<sup>69</sup> Departmental officials have stated that the Department will be responsible for determining which developments are considered to be of regional significance.<sup>70</sup>

## 5 Resourcing the Conferral of New Powers

### 5.1 Financial Arrangements

With regards to future funding, it has been confirmed that the councils will be provided with the totality of the area-based regeneration and community development budget.<sup>71</sup> Therefore, the proposed legislation would involve the transfer of substantial budgets from the Department to local councils

In response to an Assembly Question in January 2014, the Minister for Social Development estimated that the annual budget for regeneration and community development was £62m.<sup>72</sup> In a subsequent briefing to the Committee in June 2014, departmental officials revealed that the indicative budget to the councils was in the region of £70 million (with approximately £6.7 million of that associated with staff costs and overheads).<sup>73</sup> However, in the most recent

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- 68 Under the proposed Bill, the Department may either direct a council to prepare a development scheme, or the Department may prepare a development scheme (after consulting the appropriate district council) where "the development, redevelopment or improvement will be of significance to the whole or a substantial part of Northern Ireland". Regeneration Bill Part 2 Section 5(2) <http://www.niassembly.gov.uk/assembly-business/legislation/2011-2016-mandate/primary-legislation-current-bills/regeneration-bill-as-introduced/regeneration-bill-as-introduced/>; Part 2 Section 13 <http://www.niassembly.gov.uk/assembly-business/legislation/2011-2016-mandate/primary-legislation-current-bills/regeneration-bill-as-introduced/regeneration-bill-as-introduced/>
- 69 However, the consultation document highlights the fact that regional schemes are expected to be rare and councils will have operational responsibility for the vast majority of regeneration activity in their district. Department for Social Development The Draft Regeneration and Housing Bill: Consultation Document (2010) p.1
- 70 [http://www.dsdni.gov.uk/index/urcdg-urban\\_regeneration/urcd-reform-of-local-government/urcd-dsd-role-after-rlg.htm](http://www.dsdni.gov.uk/index/urcdg-urban_regeneration/urcd-reform-of-local-government/urcd-dsd-role-after-rlg.htm)
- 71 Committee for Social Development Official Report (Hansard): Regeneration and Housing Bill: Department for Social Development (05 June 2014) p.4 [http://www.niassembly.gov.uk/globalassets/documents/official-reports/social-dev/2013-2014/140605\\_regenerationandhousingbilldsd.pdf](http://www.niassembly.gov.uk/globalassets/documents/official-reports/social-dev/2013-2014/140605_regenerationandhousingbilldsd.pdf)
- 72 Committee for Social Development Official Report (Hansard): Regeneration and Housing Bill: Department for Social Development (05 June 2014) p.7
- 73 The Minister also stated that the annualised cost for Laganside had been calculated as £2.7 million per annum. AQW 30313/11-15 (28 January 2014). Further details of spending on specific aspects of regeneration have also been provided by the Minister in response to Assembly Questions: £55,462,403 has been spent on town regeneration schemes between 2011 and October 2014 (AQO 6903/11-15 (09 October 2014)); the Minister revealed that just over £50 million was spent on urban regeneration in 2011/12, rising to £65.3 million in 2012/13 (AQW 33000/11-15 (11 April 2014)); almost £2 million has been spent on comprehensive development schemes between 2009/10 and 2013/14 (AQW 35720/11-15 (09 September 2014)); and just over £79 million was spent on environmental improvement schemes in Northern Ireland between 2009/10 and 2013/14 (AQW 35723/11-15 (09 September 2014)).
- 74 Committee for Social Development Official Report (Hansard): Regeneration and Housing Bill: Department for Social Development (05 June 2014) p.10 [http://www.niassembly.gov.uk/globalassets/documents/official-reports/social-dev/2013-2014/140605\\_regenerationandhousingbilldsd.pdf](http://www.niassembly.gov.uk/globalassets/documents/official-reports/social-dev/2013-2014/140605_regenerationandhousingbilldsd.pdf)



departmental briefing, the indicative budget on the transfer of powers was revised downward to approximately £60 million (although this is yet to be finalised).<sup>74</sup>

Ultimately, the amount to be transferred to councils on 01 April 2016 will be based on the budget agreed for 2016-17.<sup>75</sup>

A financial allocation model for the transfer of budgets to each of the local councils has been developed by the Department in consultation with the existing local authorities.<sup>76</sup> The budget allocation for each council will be calculated on the basis of the urban population of the area and the level of deprivation there.<sup>77</sup> This model is particularly significant, as officials have stated that the allocation formula “will not be revisited regularly”, noting that “this transfer will effectively be in perpetuity”.<sup>78</sup>

In a written briefing to the Committee, departmental officials stated that they, together with officials from the Department of Finance and Personnel and the Department of the Environment, would work to identify the most appropriate mechanism to transfer the relevant budgets from April 2016.<sup>79</sup> It is anticipated that the initial transfer of the budget for urban regeneration, community development and Laganside in April 2016 will be effected by making a ‘one-off’ payment to councils via the rating system.<sup>80</sup>

## 5.2 Staffing Arrangements

Preparing local government staff and councillors for their new role in regeneration and community building is an important consideration in conferring these new powers. While the issue of capacity-building is not addressed in the Regeneration Bill, the Department has been actively engaging with local authorities on the transfer of these functions since September 2012.<sup>81</sup> The Minister for Social Development has confirmed that his Department were:<sup>82</sup>

*...working with Councils on the principles of a scheme that will provide Councils with access to experienced DSD staff.*

In a briefing to the Committee in June 2014, departmental officials stated that there were ‘around 188’ staff involved in delivering the regeneration and community development

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- 74 This figure is purely indicative as the amount of funding available at transfer will be based on the budget agreed for 2016/17. Committee for Social Development Official Report (Hansard): Regeneration Bill: Department for Social Development (08 January 2015) p.3 <http://data.niassembly.gov.uk/HansardXml/committee-11271.pdf>  
In the consultation on the Department for Social Development Spending and Savings Proposals, significant cuts to the regeneration budget were outlined, including anticipated cuts of approximately £2.5 million to the Neighbourhood Renewal budget. The future impact on councils was also noted: “The level of reductions will mean a decrease in the budget which is earmarked for transfer to Councils including Neighbourhood Renewal.” Department for Social Development Department for Social Development Spending and Savings Proposals (2014) p.14
- 75 Committee for Social Development Official Report (Hansard): Regeneration Bill: Department for Social Development (08 January 2015) p.3 <http://data.niassembly.gov.uk/HansardXml/committee-11271.pdf>
- 76 During December 2013, the Minister for Social Development approved the issue of a financial allocation model with indicative allocations of regeneration funding to each of the 11 new councils and other key stakeholders. Councils and other interested parties had until 28 February 2014 to make any representations or comments on the allocation model. Department for Social Development Reform of Local Government: Regeneration and Housing: Pre-Introduction Briefing (30 May 2014)
- 77 Committee for Social Development Official Report (Hansard): Regeneration Bill: Department for Social Development (08 January 2015) p.10 <http://data.niassembly.gov.uk/HansardXml/committee-11271.pdf>
- 78 Committee for Social Development Official Report (Hansard): Regeneration Bill: Department for Social Development (08 January 2015) p.10 <http://data.niassembly.gov.uk/HansardXml/committee-11271.pdf>
- 79 Department for Social Development Regeneration Bill: Briefing by Officials (22 December 2014)
- 80 Department for Social Development Regeneration Bill: Briefing by Officials (22 December 2014); Regeneration Bill: Explanatory and Financial Memorandum p.8 <http://www.niassembly.gov.uk/assembly-business/legislation/2011-2016-mandate/primary-legislation-current-bills/regeneration-bill-as-introduced/regeneration-bill-as-introduced-efm/>
- 81 Committee for Social Development Official Report (Hansard): Regeneration Bill: Department for Social Development (08 January 2015) p.12 <http://data.niassembly.gov.uk/HansardXml/committee-11271.pdf>
- 82 AQW 30313/11-15 (28 January 2014)
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functions to be devolved to the councils under the proposed Bill.<sup>83</sup> In a further briefing in January 2015, officials estimated that 170 staff are currently working in the area of regeneration and community development.<sup>84</sup>

However, the Minister has stated that as regeneration and community development work represents a conferral of new powers on councils, rather than a transfer of functions, departmental staff currently exercising these powers will not transfer to local government as part of the reform.<sup>85</sup> While there will be no obligatory transfer of staff, the Department has outlined a scheme that will be put in place allowing councils to identify the number of staff they will require from the Department. There will then be a selection process and staff will transfer on that basis.<sup>86</sup>

For staff who do not transfer to the councils under this arrangement, departmental officials have confirmed that they will be absorbed into the Civil Service in other roles:<sup>87</sup>

*There will no longer be a role for those staff in DSD...if the councils do not want any of the departmental staff, they will have to be redeployed.*

As a consequence of the changes effected by the Bill, the Department has stated its intention to restructure the Urban Regeneration and Community Development Group to reflect its more strategic role and its new relationship with the councils.<sup>88</sup>

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- 83 Committee for Social Development Official Report (Hansard): Regeneration and Housing Bill: Department for Social Development (05 June 2014) p.6 [http://www.niassembly.gov.uk/globalassets/documents/official-reports/social-dev/2013-2014/140605\\_regenerationandhousingbilldsd.pdf](http://www.niassembly.gov.uk/globalassets/documents/official-reports/social-dev/2013-2014/140605_regenerationandhousingbilldsd.pdf)
  - 84 Committee for Social Development Official Report (Hansard): Regeneration and Housing Bill: Department for Social Development (08 January 2015) <http://data.niassembly.gov.uk/HansardXml/committee-11271.pdf>
  - 85 However, with regard to the management of the Laganside Weir, the Minister for Social Development has stated that as this is regarded as a transfer of function, staff will transfer on the basis of Northern Ireland Civil Service staff transfer arrangements. AQO 5197/11-15 (28 November 2013)
  - 86 Committee for Social Development Official Report (Hansard): Regeneration Bill: Department for Social Development (08 January 2015) p.3 <http://data.niassembly.gov.uk/HansardXml/committee-11271.pdf>
  - 87 Committee for Social Development Official Report (Hansard): Regeneration and Housing Bill: Department for Social Development (05 June 2014) p.6
  - 88 Department for Social Development Regeneration Bill: Briefing by Officials (22 December 2014)
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Northern Ireland  
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Appendix 6

# List of Witnesses



## List of Witnesses

Henry McArdle	Department for Social Development
Ian Snowden	Department for Social Development
Anthony McDaid	Department for Social Development
Peter Toner	Department for Social Development
Karen Smyth	Northern Ireland Local Government Association
Cllr Dermot Nicholl	Limavady Borough Council
Helen Harrison	JUNO Planning and Environmental Limited
Andrew Heasley	JUNO Planning and Environmental Limited
Orlaith Kirk	JUNO Planning and Environmental Limited
Seamus McAleavey	Northern Ireland Council for Voluntary Action
Jenna Maghie	Northern Ireland Council for Voluntary Action
Lauri McCusker	The Fermanagh Trust
Karen Sweeney	Women's Support Network
Lyn Moffett	Ballymoney Community Resource Centre
Cathy Polley	Ards Community Network









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