

NILGA Response to Draft Programme for Government (PfG) Consultation

“The 2016 – 2018 phase of the Programme for Government should herald a new era of joined up government in Northern Ireland. There is an opportunity to rewire our public services, grow productive, value added jobs, decrease the reliance on the public sector, sustain the environment and enhance all communities across NI. The 11 councils - if the draft PfG is to be credible and deliver success, regardless of measure – need to be trusted, resourced and constitutionally strengthened. NILGA will not waver from fulfilment of this essential, democratic outcome as local government’s representative body.”

30th November 2016

The following paper is NILGA’s second level formal response to the consultations on the draft Programme for Government Framework 2016-21. It is directly aligned to the Associations initial and many councils, agreed responses to the Draft Programme for Government Framework in July 2016.

This response has been compiled as a result of extensive consultation across the local government sector and should be read in direct conjunction with the sector’s Programme for **Local** Government (enclosed). It follows substantial engagement and work with Councils, NILGA Office Bearers & Executive, SOLACE, Elected Members both councillors and MLAs, the Strategic Investment Board, the Northern Ireland Strategic Migration Partnership and Climate Northern Ireland, together with council professional officer groups and representative bodies including LGA (England), AILG (Ireland) CoSLA (Scotland) WLGA (Wales), Colleges NI, FSBNI and Hospitality Ulster.

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30th November 2016

1. INTRODUCTION & CONTEXT

1.1 The draft Programme for Government 2016-2021 (PfG) is presented at a time of both great opportunity and huge challenge for Northern Ireland. The new NI Assembly and the new enlarged councils together provide an environment which could enable radical change to the way we work, to break through silos, and to create a citizen centred, efficient, collaborative society that the citizens we serve will understand and readily support. We encourage the NI Executive and all parties to continue to be bold and innovative in their approach, and welcome the draft PfG as the fundamental step in a much longer term strategic planning exercise.

1.2 NILGA broadly welcomes the iterative approach that the NI Executive is taking to the development of this overarching work, strategies and action plans that will eventually become the 2016 – 2021 Programme for Government.

1.3 The consultation acknowledges the need for a sea-change in how government – both central and local – delivers in partnership for our society. NILGA welcomes the move to a more outcome-based approach, involving other sectors as key delivery partners.

1.4 NILGA agrees that to ensure this new approach is successful, time will be required. But so will demonstrable evidence, across all 14 Outcomes, from 2017, of delivery. Like all councils, NILGA looks forward to working in partnership with the NI Executive to build robust and shared engagement, delivery and accountability and performance mechanisms, together with a shared and open approach to data collection and use.

2. Draft PfG: NILGA Key Commentary for Councils and The Executive Office (TEO)

2.1 **Outcomes Based Communication:** NILGA welcomes the political and senior officer engagement that has occurred in the run up to the draft PfG. While welcoming this, and the “ethos” of Outcomes Based Government, it cautions against the repeat of a number of diametrically opposed actions which create the perception and have the impact of reinforcing centralist silos. These include the absence of Regeneration powers, the (at the time of writing) proposed (arguably imposed) transfer of function of Prohibition or Restriction of Use of Public Roads for special events, and 8 weeks or less consultation periods on matters of major importance to councils and communities. Direct comparisons with neighbouring jurisdictions unequivocally confirm that Northern Ireland has still not ideologically “turned the curve” – to use draft PfG terminology - towards local government and local decision taking. That change will require deinstitutionalisation and devolution beyond Stormont, not just an Outcomes Based Approach to a Programme for Government.

2.2 **Incremental Approach:** NILGA, as local government’s representative body, asserts that it would be inappropriate to over analyse or prioritise the 48 indicators and the emerging Delivery Plans since, particularly in the latter case, these must be substantiated with partners, over time, and at this stage all are formative and some have not yet even appeared.

2.3 Graphical Overview: NILGA draws attention to **Appendix 1 of its response**, which graphically illustrates the dynamic involvement of councils *now* (per draft PfG direct reference to councils) and *potentially* (through for example, Community Plan delivery and through emergence of as yet unseen Delivery Plans). Appendix 1 demonstrates that the 11 councils in Northern Ireland are **absolutely crucial** in the effective development of the PfG. It is therefore imperative that they are **materially involved as co-designers**, not just as Delivery Partners, in 2017 and beyond.

2.4 Less is more: NILGA broadly welcomes the **clustering** of these indicators, the modifications to six indicators including having a Better Jobs Index and the inclusion of the additional six indicators, all resultant from the Framework consultation. NILGA is grateful that many proposals contained in the Framework response have been reflected in the current consultation and refers TEO to Appendix 3 for further suggested inclusions.

2.5 Fully Align PfG to Community Plans: The Association welcomes the direct reference in the Draft (page 6) to councils' community plans: *We are encouraged by the considerable interest in particular of local government in aligning community planning with the goals we described in the draft PfG framework.*

2.6 Commit to Community Plans, Co Design and Co Deliver:

(i) NILGA calls on TEO from April 2017 to apply a power to enable the **direct delivery of community planning actions and enable pooling of elements of budgets by departments, public bodies and councils**, to facilitate the implementation of community plans and the achievement of agreed outcomes. This is entirely in keeping with the PfG's ethos of partnership, but – as in neighbouring jurisdictions which have local, Single Outcome Agreements at council level – this will demonstrate **partnership in practice**.

(ii) NILGA calls on TEO to ensure that Departments, Committees, Councils and relevant Agencies agree – not centrally create and enforce – appropriate **Performance, Measurement and Accountability measures**. Councils seek proportionate (to their responsibilities and spend) and workable Performance Indicator Frameworks and legislation, together with practical yet accountable audit arrangements for their own services and statutory roles AND for those which materially involve a multiplicity of partners, such as in Community Planning. As such, **Community Planning Performance Indicators should clearly measure all partners, with such measurement being SMART**. Precedent in neighbouring jurisdictions will assist the implementation of such a framework. It is imperative that such arrangements are appropriate otherwise determining whether or not interventions are getting results will be completely compromised. In our view, the most exciting opportunity outcomes based government presents is prioritisation of the impact (effect) of what you are doing above the process (effort) of doing it. Therefore, we need to ensure that we can accurately evaluate when results are not being achieved so that the necessary change is forced to happen.

(iii) NILGA requests that **TEO applies strong measures – including statutory provisions** – to be put in place to ensure **written, statutory, clearly resourced and effectively measured NI Executive and Departmental commitments** to the 11 Community Plans.

2.7 Make the PfG Local and Real: NILGA urges the NI Executive to work with councils and with the Association itself as key Delivery Plan designers and partners. It is vitally important that the NI Executive **fully aligns** the significant roles that councils and local communities have in the future success of Northern Ireland, including Community Plans and the specific ‘asks’ in Appendix 1, **NILGA’s Programme for Local Government (attached)**. Collectively, these will be necessary for the PfG to materially succeed.

2.8 Apply Subsidiarity – the PfG should – enabled by TEO’s Scrutiny Committee in the first instance – apply the principle that a central authority should have a subsidiary function, performing only those tasks which cannot be performed at a more local level. This will help to “normalise” Northern Ireland, strengthening democracy and trust in so doing.

2.9 Address Cross-Cutting Issues:

(i) NILGA notes and broadly supports the (evolving) content and performance benchmarks for the (emerging) Delivery Plans for each outcome. There is some risk that old processes will be replaced by new ones, and that this will be seen by some in authority as an achievement.

(ii) With a very mechanistic “pyramidal” work plan coming to fruition, there is real danger of **measurement for measurement’s sake and the creation of new silos**. This is NOT the manner in which important cross-cutting issues can be usefully considered, and requests that TEO defines new protocols to determine greater budget, resource and related flexibility within the NI Executive’s new departments applying **formal fiscal devolution to councils themselves**. NILGA’s work with sister LGAs and regional government in Scotland and Wales can be of assistance in this regard. We reiterate that this is not just programmatic; it will need to be ideological.

2.10 Waste not Want Not: An important illustration of the need for such lithe government is the (i) **circular economy**, which is now referenced specifically in the draft PfG beyond the information given on indicator 36 which deals with household recycling. Other notable examples are (ii) **community resilience and (iii) climate change**, which are not sufficiently stressed in the draft PfG document. NILGA refers TEO to and re-iterates its Framework Response for further recommendations on this (*reference: NILGA’s Draft PfG 2016 – 2021 Framework Response, sections 2.2.1 – 2.2.3 pages 3 & 4*).

2.11 Partner of Equals: NILGA therefore requests that local government is fully involved in development of cluster and cross cutting work associated with this draft PfG – as a partner of equals, **with the 9 Departments. This must happen in addition to being invited to** engagement exercises, road shows, implementation events and similar.

2.12 One Public Service, One Public Purse:

(i) NILGA supports the emergence of high level **strategic and operational engagement** between Council Chief Executives and other Senior Officers of Councils, with Permanent Secretaries and other senior Civil Servants. Such meetings should be one means by which 2.11 (above) is realised.

(ii) NILGA requests that the TEO, with SOLACE, develops further engagement with strategic personnel in councils and all SROs, to enable integration, joint design of measurement and performance indicators as well as appropriate, proportionate, audit requirements as befits the draft PFG, the Outcomes Based Approach and the present (approximate) **94% - 6%** split between central and local government spend.

(iii) NILGA also asserts that Policy Level recommendations in regard to 2.12 (i) and (ii) should be materially considered at the **Political Partnership Panel from February 2017** and that this is reflected in an **adapted Scrutiny and Work Plan** for the Panel, to ensure joint political oversight, and effective communication and ownership ultimately by both the NI Executive and the 11 sovereign councils.

2.13 Clarity of the Role of Government at all levels: NILGA requests TEO, through its Junior Ministers and its Scrutiny Committee, to develop proposals with NILGA for an **All Party Group on Local Government Development**, to ensure not only improved and contemporised roles, challenges and resources for local government within the PfG but, also, to ensure that the corollary occurs in Regional Government also. The underpinning drivers for this All Party Group would include the Programme for Local Government (Appendix 1 attached), the Programme for Government (once approved), ambitions creating budgets - not the other way around – independent (ex NI) , empirical evidence and the principle of subsidiarity. This must be considered as a distinct - yet complementary - initiative to the Partnership Panel. The realisation of this initiative would ultimately be linked to fulfilment of many Outcomes, but notably 1, 2, 3, 5, 6, 7, 9, 10, 11 and 13.

2.14 Funding: NILGA asserts that in relation to funding the PfG, notably as stressed on Page 14 of the Draft PfG, an annual resource budget is being developed due to wider political and fiscal uncertainty. As this is universally undesirable, NILGA believes fundamental changes will be needed to the budget “ownership” in the NI Executive, and re-asserts that (TEO) from April 2017 applies a power to enable the **direct delivery of community planning actions / pooling of elements of budgets by departments, public bodies and councils**, to facilitate the implementation of the PfG, community plans and the achievement of jointly agreed outcomes. This is entirely in keeping with the PFG’s ethos of partnership, but – as in neighbouring jurisdictions which have local, Single Outcome Agreements at council level – this will demonstrate **partnership in practice** amidst fiscal uncertainties.

2.15 Better Measurement:

(i) NILGA asserts that in relation to measurement the PfG should invest – potentially sourcing funding from (e.g.) Cabinet Office – to apply a version of Open Data technology, illustrated by Mapping GM (Greater Manchester) to map through citizen input a region’s infrastructure and to provide a NI-wide tool to understand social and infrastructure needs to support growth and development. This could be done in conjunction with councils in relation to Planning, but would be cross cutting, in regard to the Transport Network, flood plains, emergency planning, health provision, broadband infrastructure, even tree preservation orders, and more. In this way, the Outcomes Based Approach would be underpinned by

integrated regional and local data – contemporary evidence which can (i) map needs and (ii) map investment forecasting. This would be done in conjunction, also, with NISRA & OSNI, and evidence has shown that this ensures greater efficiencies and reduces what may be considered as ineffectual, time consuming Freedom of Information requests.

(ii) NILGA asserts that the final Programme for Government needs to form part of a new Performance Framework for Northern Ireland, similar to ‘Scotland Performs’ and we would strongly encourage the NI Executive to take this next step – materially involving councils, NILGA and the Partnership Panel. **An open, consistent, inclusive, integrated and accountable performance framework can only increase public understanding of and confidence in how Northern Ireland is governed.** There will be clear advantages for a framework of this nature to enable cross-referencing with council performance frameworks, tied into community plans, furthering shared accountability for delivery by all key partner sectors. A mechanism is required for ensuring programmes of work are successful and ideally, to begin to foster bottom-up delivery of real solutions designed in partnership with communities. An overarching, consistent **Regional Performance Framework, related Protocols and Codes of Conduct**, should be established during this Assembly Mandate as a matter of urgency, and should include local government, as part of the “normalisation” of the Public Service.

(iii) NILGA once more asserts (see also 2.5) that performance measurement, key performance indicators and resultant audits should be co-designed and wholly commensurate with the roles of each organisation in, e.g. Rural Partnerships which are housed in councils but not owned by them, and (mindful of their statutory footing), Community Planning / Policing and Community Safety Partnerships.

2.16 **Accountability & Governance:**

(i) Linked to the Draft PfG, a common framework should apply to the Code of Conduct for Councillors and MLAs, as Northern Ireland is at variance with neighbouring jurisdictions and as yet the revised Code of Conduct for Councillors has yet to be consulted upon – essentially rendering local government elected members to be working within a high risk, unproductive climate of uncertainty.

(ii) In consideration of the Framework document, and this Draft Programme for Government consultation, NILGA and many councils expressed concern relating to **how** the aspirational outcomes are to be achieved, and **who / what** will be measured. It was noted that all the outcomes aren’t ‘pure’ Outcome Based Accountability outcomes, and there was a lack of detail in relation as to how and why indicators were selected, as well as the measurement of delivery against these in the shorter to medium term. Fundamental to the effectiveness of Outcomes Based Accountability is that indicators are technically robust, simple to understand and give a high level picture of how those responsible for delivery are doing. Also, NILGA is keen along with councils and SOLACE to establish what involvement councils will have in reporting on their contribution towards Delivery Plans, as direct correlation will often be difficult for councils to demonstrate. We would again highlight the case that local place-based working through community planning will make the council contribution more easily identifiable.

(iii) NILGA and our member councils are keen to work with government to develop the process for implementation of the Draft PfG and seek to materially contribute to the drafting of the Delivery Plans

and reporting arrangements, in governance terms linked to the Partnership Panel strategic Scrutiny & Work Plan as per 2.12 above.

(iv) **'Permission to make mistakes'**: It should be necessary for the outcomes and indicators emerging from the councils 11 community planning exercises to reflect those of the Programme for Government. As demonstrated in the early days of similar changes to the Scottish System, optimum design may not be achieved at the start.

2.17 Adapt & Review & Report:

(i) A review mechanism is built into community planning processes. It should be built into PfG processes too. NILGA would strongly recommend to the Executive that they consider developing direct alignment, no later than September – December 2018. This will enable an examination of whether the outcomes, indicators and actions are useful and 'right' for Northern Ireland. The Review should be timed to allow for sufficient progress to have been made and to enable identification of areas which aren't delivering the desired results. It is highly unlikely that we will get such a huge system change completely right first time – if the PfG, in its delivery, is to be as transformational as it purports - and local government is keen to work with the NI Executive and Departments to make any necessary 'tweaks' to the system as the need for these becomes apparent. We need to have a mutual understanding of what 'good' looks like, **so that local government's 11 councils are not required to focus on – nor measure - things they cannot nor should not deliver.**

(ii) NILGA also asserts that a clear **Results Against Targets** piece (of course designed to reflect the OBA approach) is published and distributed, drawn from the Review, during the first half of 2019, ensuring that citizens and ratepayers, not just politicians and public servants, can **gauge progress and participate in change.**

3. Wider Political & Fiscal Environment:

3.1 **Brexit** - NILGA asserts that to achieve key aspects of the Draft PfG, councils here and in other regions of UK are given assurances that any new constitutional settlement is guided by the principle that decisions should be taken at the level closest to the citizen and that councils in NI receive, post 2020, funding to deliver all previously EU supported programmes where there is a clear business, socio – economic impact and rural disadvantage case to do so.

3.2 **Autumn Statement**: Directly linked to all but especially Outcomes 1, 3, 5, 6 & 10, Indicators 17, 18, 19, 20, 23, 25, 28, 30, 32, 33, 34 and 40, NILGA asserts that the decision on what to spend the additional £250 million produced for Northern Ireland resulting from the Chancellor's Autumn Statement on should materially involve councils, drawing on regional & sub regional strategic infrastructure development priorities and ensuring optimum local gain for communities right across NI.

3.3 **New Burdens Principle**: Regarding any aspect of the PfG which materially involves councils taking on further responsibilities, potentially to include in the immediate future road closures for special events and Electoral Offices transfers, NILGA asserts that the New Burdens principle should apply. This should be

furthered through the Partnership Panel, during 2017, to avoid the inequitable processes and outcomes of past iterations of reform / programmes for government.

4.0 Conclusion

4.1 NILGA is *broadly* satisfied with the 14 outcomes and 48 indicators identified in the Draft PfG and is of the view that they provide sufficient flexibility to enable adaptation & as soon as is practicable a complete alignment with councils Community Plans. We particularly welcome that the first three outcomes are designed to cover the three pillars of sustainable development – economic, environmental and social; and we look forward to working with the NI Executive, Departments and Parties to explore how Northern Ireland can contribute to achieving the UN Sustainable Development Goals to which the UK and Irish governments are committed.

4.2 We view community planning as 11 locally autonomous but regionally linked PfG foundations for delivery at grass roots community level, where greatest need, greatest deprivation, greatest disconnect often exists. 4.3 Given the statutory role of councils in facilitating community plans, we encourage TEO and government departments to ensure councils are invited right now to co-produce the necessary delivery programmes and performance arrangements emanating from this Draft, with the requisite resources devolved to councils or delivered in council areas by Departments, to ensure high quality public services at affordable costs.

4.4 We also ask TEO and specific Departments to note that, unlike Government Departments, many councils have sought that NILGA confirms that they do not have the fiscal resilience to absorb “transfers of functions” in kind or directly, with little capacity building or resources transferred with them.

4.5 NILGA notes that many outcomes will materially involve local government, whilst others do not, and in this context asserts that local government, because of its unique role and constitution, is a key partner to **achieve all** Outcomes, as *Appendix 2*, the Programme for **Local** Government (attached) illustrates.

4.6 A number of suggestions for alternative wording drawn from member councils and NILGA’s regional associates are offered in *Appendix 3*, to ensure the inclusion of issues which we believe warrant insertion in the priority outcomes for Northern Ireland.

4.7 The 2016 – 2018 phase of the Programme for Government heralds a new era of joined up government in Northern Ireland. There is an opportunity to rewire our public services, grow productive, value added jobs, decrease the reliance on the public sector, sustain the environment and enhance all communities across NI. The 11 councils - if the draft PfG is

to be credible and deliver success regardless of measure – need to be trusted, resourced and constitutionally strengthened. NILGA remains fully committed to this strong, democratic outcome as local government’s representative body.

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