



## **NILGA response to the NIO consultation on measures to improve the operation of the Northern Ireland Assembly**

**October 2012**

### **1. Background stakeholder information for NIO**

**NILGA, the Northern Ireland Local Government Association, is the representative body for district councils in Northern Ireland. NILGA represents and promotes the interests of the 26 local authorities, has full membership from all Councils, and is also supported by all the main political parties.**

**NILGA's role has developed over the last ten years, with modernisation and improvement work complementing its advocacy programme (local government obtaining recognition and resources to fulfil its role in a contemporary, peaceful and dynamic Northern Ireland) and engagement / event projects such as the annual Conference for members / officers.**

**In the context of determining formal, two tier devolved government within Northern Ireland, NILGA welcomes this NIO Review, requiring it to be part of a whole system review of public representation and service in NI, underpinned by the need to optimise both political representation and spend / investment in the starkly changed (from 1998) political, social and economic environment which now prevails.**

**NILGA has realised robust and constructive work in relation to the Review of Public Administration – both the first and present iterations – and it trusts that the Association's knowledge and experience of reform will prove useful to the NIO in its deliberations.**

### **Question 1**

**What should the future size of the Northern Ireland Assembly be?**

**NILGA asserts that this question must be responded to in the context of further devolution from the Assembly to Councils, with greater local services and decision taking being determined at community level, and greater policy and oversight being determined at regional (NI) level.**

This two tier government structure is immature in Northern Ireland, for reasons to do with its recent past (1972 – date), and the present structures are not fit for purpose within a contemporary, stable and enterprising society.

It is hugely important – to tax payers and ratepayers – that a whole system review occurs, in order to transform public service representation, governance, policy and practice. Leaner government does not mean less service quality, just as reduction in numbers does not mean reduced representation or democratic scrutiny.

Therefore, the size of the NI Assembly can be looked at from two critical angles

- (i) Representativeness;
- (ii) Functionality.

**(i) Representativeness**

There is a marked contrast between devolved government representation in NI compared with the other devolved regions in the UK.

	Population (30 June 2010)	No. of devolved govt reps	No. of population per devolved govt rep
Scotland	5,222,100	129	40,481
Wales	3,006,400	60	50,107
Northern Ireland	1,799,000	108	16,657

NILGA would agree with the assertion within the NIO consultation that “serving a population of around 1.8 million, there appears to be a reasonable case for a reduction in the size of the Northern Ireland Assembly” (NIO consultation, page 5).

The Association considers it appropriate to phase the reduction in MLA numbers, *beginning* with the reduction from 108 to 96. It sees the link with Westminster constituencies as having practical benefits – avoiding potential confusion over having separate boundaries for different elections and also the costs of separate boundary reviews (NIO consultation, page 5).

However, it believes that there should be consideration, between 2015 and 2019, for further reductions in the Assembly’s size, as part of a *sequenced devolution of power to councils, with a proportionate transfer of the requisite resources from regional to local government*. It believes that this should happen in order to present local people in local communities in Northern Ireland with – at the very least – a clear reflection of the national, regional and local representation and service structure & delivery which exists in Wales, Scotland and the Republic of Ireland.

(ii) **Functionality**

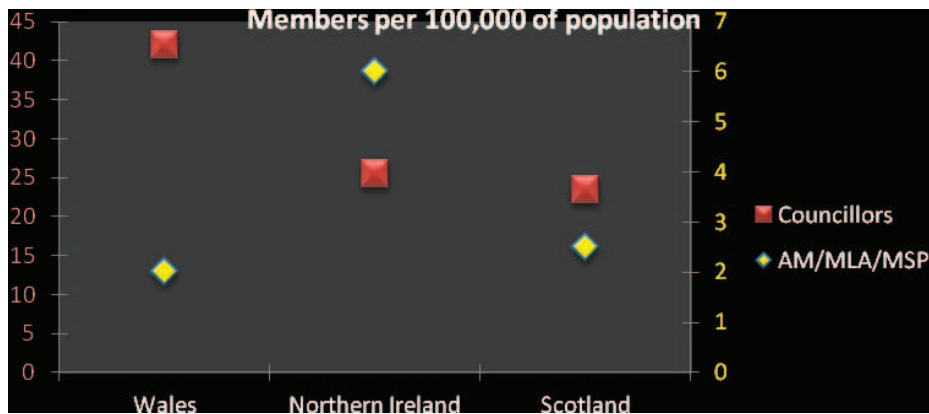
There is an increasingly held view that the Assembly, due to its operational size and span, is an institution similar to a large council.

This view – whether wholly credible or not – cannot be allowed to take hold.

The Assembly should reflect the regional representativeness and operational profile of its sister institutions in Scotland and Wales (themselves different but similar in as much that councils and the so called “third sector” do more in each case).

In Wales, for example, there are fewer AMs because local government fulfils more functions.

The reduction in size of the NI Assembly should therefore be progressive, until the type of representation graphically illustrated below more reflects the Welsh / Scottish devolved, and council, administrations.



**NB: the councillor figure for NI reflects the Local Government reform Programme requirement, namely reducing the number of councillors by 21%, from 582 to 460.**

At this juncture in terms of NI’s stabilising society, and in order to ensure optimum yet cost effective representation, whilst maintaining equality and political inclusion, NILGA believes that a sequential approach should be taken in terms of maintaining, for one further full term of Assembly office, the six members per constituency figure. This should be reviewed prior to the Assembly election which comes after that which is presently proposed for 2015.

Therefore, if there are to be 16 Parliamentary Constituencies, 96 MLAs should be selected and elected in the next term, with six MLAs per constituency.

Fundamentally, NILGA believes that there is sufficient political capacity at local level in NI (benchmarked against Scotland and Wales) which is not being utilised, even with the proposed reduction in councillor numbers in the Local Government Reform Programme. It is fundamental that both tiers of government in Northern Ireland reform together and in an integrated, inter-dependent way. The proportion of administration, the number of government departments and quantity of functions should all sequentially decrease, **starting with**

Planning and those other Transfers of Function being determined as part of the Department of the Environment's Local Government reform Programme. This sequential transfer should of course be evidence based, be subject to a rigorous, independent and entirely objective efficiency audit and be underpinned by the need to sustain local economies consolidate local communities.

It is important that the consultation is not engulfed into a very mechanical debate based on the Assembly being assessed on an almost managerial basis.

The Assembly is a political institution. Consequently the representational role of the politician needs to be pivotal. Nothing is gained by having a small political institution that can run itself functionally, but where members are too remote from their public. For example, in Scotland and Wales, there are 2 – 2½ devolved Assembly members per 100,000 (NI = 6).

If the Assembly felt that a ratio of this type should also be factored into the functional debate, **then it could work towards a “democratic minimum”**, whilst simultaneously devolving **over successive terms of office**, powers and responsibilities to local councils and communities.

At present, there are demands placed upon elected members – whether MEPs, MPs, MLAs or Councillors – which are driven by processes, attendance, and equality of representation, rather than on pure public representation or on constituency issues.

NILGA does not foresee any fundamental change, but a streamlined number of MLAs must lead to a streamlined number of “process” requirements of the type mentioned above and should also pre-suppose the transfer (with full business and resource planning) of powers from the Assembly to Councils.

A New Burdens Doctrine – as exists in England between central and local government – could assist this extensively. This succinctly provides a template to enable formal transfer of functions to be completed in terms of a partnership of consultation, assessment of risk, determination of business rationale, implementation and resource management.

Constituency demands on members will also increase.

*If confidence is to be maintained in the Assembly's scrutiny role, and in the participation of elected members on committees, thought should be given to a rationalisation of both the committee structures and departments, and therefore a significant reduction in their back office demands and functions.*

NILGA asserts that the Localism debate here in Northern Ireland has not even begun, and the Association is very keen, here and now, armed with knowledge through experience, to work in partnership with the NIO and the NI Assembly to deliver localism as a customer (cost) & locality (values) centred product tailored to the unique circumstances which prevail in Northern Ireland.

## **Question 2**

**Do you believe that there should be combination of Parliamentary and Assembly elections in 2015 or should these be decoupled?**

NILGA acknowledges that substantial and high level discussions are in progress with political parties in this regard and would simply assert that the outcomes of these discussions must be clearly communicated to the electorate as soon as possible, underlining the importance of each and every election, together with a sound and clear justification of any decision taken.

## **Question 3**

**Do you think the term of the current Northern Ireland Assembly should be extended from 2015 to 2016?**

NILGA acknowledges that substantial and high level discussions are in progress with political parties in this regard and would simply assert that the outcomes of these discussions must be clearly communicated to the electorate as soon as possible, underlining the importance of each and every election, together with a sound and clear justification of any decision taken.

## **(B) LENGTH OF ASSEMBLY TERMS**

### **Question 4**

**Should the Northern Ireland Assembly move to a fixed 5-year term permanently?**

On the proviso that the electorate in Northern Ireland must be fully aware that it is choosing its representatives for an extended term when it goes to the polls, NILGA supports the political discussions ongoing in this regard and requests that their outcomes are clearly communicated to the electorate.

NILGA's view is predicated by the need for fiscal, societal and political stability in the most austere environment facing the public since the 1930's.

Election fatigue, time and labour costs, the potential duplication of administrative systems and the need – instead – to prioritise our public service resources into delivering optimal front line services and economic investment – supported by contemporary political processes – all combine to encourage the conclusion of the debate on “five year for national and / or regional tiers” as expressed above.

## **(C) MULTIPLE MANDATES**

### **Question 5**

**Do you believe that representatives should be prohibited from holding the offices of MP and MLA at the same time?**

NILGA would broadly agree with this but respects the deliberations of each party in this regard. It believes that the overwhelming view of the voting and non-voting public would be the same. Importantly however, NILGA considers this from the perspective of the mandates and responsibilities which will grow in their distinctiveness and importance, as well as from a succession management perspective.

Regardless of the excellent delivery in many cases of multiple mandates, the increasing body of representational, governance, accountability, democratic scrutiny and oversight and operational work required of an elected member now and in the future is substantial. Added to this, the competencies required to be productive corporate and constituent politicians are becoming ever more distinctive when one looks at variations between the role of an MP, an MLA and a councillor.

Distinguishing between these portfolios and different governance requirements also creates greater numbers of clearly mandated politicians, with distinct terms of reference, working for the communities they serve in a tiered yet integrated manner. With that come higher levels of knowledge through experience and political enthusiasm. NILGA would assert that this could create greater levels of political succession management, mindful that “career politicians” in many jurisdictions do exist in EACH tier of government as political leaders in councils, devolved assemblies and in national institutions.

As a matter for separate discussion, NILGA believes that councillors should be properly remunerated as a part of government – just like the other two tiers.

Political leadership is essential in all three tiers and should be fully distinctive in each case, without of course disabling the ability to move between tiers.

### **Question 6**

**Should MLAs also be prohibited from being members of the House of Lords?**

NILGA has no detailed comment on this issue, other than to highlight that if the principle of distinctiveness exists between councillor and MLA, it should also apply between MLA and MP, and MP and other Houses.

### **Question 7**

**Is it better to use primary legislation to ban such practices outright at the earliest opportunity or to take a power to do so at a later date to allow space for agreement to be reached?**

NILGA understands that political parties in Northern Ireland are collectively and individually considering this issue.

***Whatever the final decision, it needs to be easily understood by, and well communicated to, the public.***

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