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- c.c. Mr Bell
- Mr Stowe
- Mr Hannigan
- N I Permanent Secretaries
- Mr Marshall
- Mr Lane
- Mr Wilson
- Mr Gee

Miss Davis
I should like to
discuss.
WJS 23/7

P U S (L & B)

POLITICAL INITIATIVES AND THE DISTRICT COUNCILS

THE CASE FOR MOVEMENT

1. The search for a "political initiative" has been bedevilled by many conflicts and contradictions. If the aim is to leap at one bound to an elected regional administration for all or most of the previously devolved services, then one comes sharply up against the conflicting demands of the political extremes ("what is wrong with majority rule here, when it is good enough for everyone else?" versus "no return to the old Stormont system; if there is to be a return of devolved power, we must share in it"). My own view is that there is now no chance of restoring what might be described as a "power sharing" administration.

2. If one moves back a step and contemplates a major local government reorganisation, there are other dilemmas. If a local government body or bodies constituting an "upper tier" are to have real and worthwhile powers, the "power sharing" issues arise again. If only non-controversial powers are devolved, there is comparatively little political gain. If a "top tier" is seen as a destination, it can be criticised as essentially integrationist; if it is a step on the road to an administration, the basis on which it is set up is vital. If services still absorbing the consequences of the 1973 reorganisation are to be reorganised again, considerations of efficiency point to the simplest form of further reorganisation, ie one body rather than a number, and responsible for whole services rather than parts of services. Yet one elected body dealing with the whole of substantial services begins to look very like a devolved administration in reality or in embryo.

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3. Moving back yet another step, one considers the case for fortifying the role of existing local authorities in Northern Ireland, ie the district councils. These authorities are small in resources, limited in talent at elected and official levels, and were never designed to take on important or "wide area" services.
 4. Is the impasse then total? I do not think we can allow it to be. I base this contention on the following considerations:-
 - 4.1 The Macrory reorganisation undoubtedly over-emphasised the aspect of functional efficiency at the cost of local democratic control. Even with Stormont in place, I think the system would have been criticised long before this as bureaucratic and overcentralised.
 - 4.2 It is an inherently unhealthy situation to have a great head of political steam (which certainly exists in Northern Ireland) comprised within a very small vessel. Yet this is the present reality, with district councils the only bodies within Northern Ireland to which local politicians can seek election. With so little chance to manage things or exercise any real responsibility, it is little wonder that the politics of noisy confrontation come to the front of the stage.
 5. If one is looking for additional responsibilities for district councils, the following considerations are relevant:-
 - 5.1 The responsibility in question must be capable of being effectively discharged within a relatively small geographical area (ie it ought not to be a matter which can only be handled satisfactorily at the regional or strategic level). This constraint could in some cases be overcome by voluntary or other "grouping" of a number of authorities, although experience of operating on this basis, eg in building control, has not been particularly encouraging.
 - 5.2 District councils must be capable of discharging the responsibility concerned without a major addition to financial or human resources.

- 5.3 The responsibility concerned should not be one open to manipulation or obstruction on sectarian grounds; or, to the extent that such a risk exists, the exercise of the responsibility should be capable of being regulated by various forms of checks and safeguards.
6. Looking at the functions of the Department inherited from local government or other outside bodies, the considerations listed above can be applied as follows:-
 - 6.1 Water is essentially a "wide area" service and not suitable for highly localised responsibility, although it is in Northern Ireland terms comparatively non contentious.
 - 6.2 Much of the Roads function is best discharged on a wide area basis; although there are elements of road work amenable to more localised control. Again, this is a comparatively non contentious service.
 - 6.3 While town and country planning has important strategic elements, the development control responsibility in particular could be discharged at district level. But some planning decisions can be highly contentious in Northern Ireland terms, and checks and safeguards would be necessary.
 - 6.4 Some housing functions could perhaps be performed at district level, but the questions of allocation and where to build have been shown in the past to be highly contentious.

WHAT LOCAL GOVERNMENT HAS PROPOSED IN THE PAST

7. In September 1975 the Association of Local Authorities (ALA) declared it to be the ultimate aim of local government to restore the concept of the multi purpose authority. In the meantime, the ALA asked for consideration of more limited short-term action, according to the following priorities:-

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- 7.1 "Development control could be returned to district councils provided certain checks and balances were introduced District councils in considering development applications would have to deal with them in accordance with the overall plans for the area and in accordance with the planning principles".
- 7.2 "Local authorities to become responsible now for general road maintenance and minor improvements leaving, in the meantime, the Roads Service of the Department of the Environment responsible for major road construction and new roads On the question of traffic management, it would seem that traffic bylaws, parking by-laws, street lighting and allied matters could come back immediately along with responsibility for car parking both on and of streets".
- 7.3 Return of libraries to the larger authorities.
- 7.4 "It would seem that water distribution could come back fairly quickly to district councils but might need a certain amount of co-operation between adjoining districts. Bulk supply of water should probably remain the function of the Department of the Environment. Again, water by-laws could come back to local authorities immediately. There seems no reason why sewerage should not come back under local government control at the same time as water distribution is returned".
- 7.5 Some housing powers should be discharged by district councils in parallel with the NIHE.

The ALA also called for progressive "democratisation" of the Area Health and Education Boards to the point where each would have at least 60% of elected members.

A DUAL SYSTEM?

8. To avoid undue disruption of the post 1973 administrative arrangements, particularly while the possibility of the return of a top tier elected body must be held open, it seems most realistic and most promising to think in terms of the development, in some services at least, of a dual system, the essence of which would be that Departmental staff would make

recommendations and carry out executive work, but that certain decisions in the process would be taken by Northern Ireland elected politicians in their district council, rather than under Ministerial authority. In the paragraphs which follow I attempt to set out a blueprint for such a dual system in two areas.

9. PLANNING: The Planning legislation would be amended to create a system on the following lines. There would be two tiers of planning authority for Northern Ireland. The Department of the Environment would continue to employ all the planning staff. It would prepare and revise regional strategy, and issue circulars of advice and guidance on planning matters to district councils. It would prepare area plans, but there would be statutory provision for its officers to work in conjunction with a Steering Group drawn from councils within the plan area. Applications for planning approval would be made to the Department, and referred with a recommendation to the appropriate district council. Save where otherwise provided, the council would - having considered the recommendation of the planning professionals - accept, reject or modify the recommendation. The Department's officers would then proceed on the basis of a council decision.
10. There would certainly have to be safeguards. The Department would need a power to "retain" major planning applications (ie those where, if development were to be permitted, there would be a substantial departure from the area plan; or the development would be of significance to the whole or a substantial part of Northern Ireland; or the development would affect the whole of a neighbourhood). Such cases would then be determined not by the district council but by the Department, with or without a preceding public inquiry. A "Poleglass" kind of situation could be handled in this way.
11. The Planning Appeals Commission would be retained, and indeed its importance would be enhanced. Any applicant whose application was rejected by a district council could appeal to it. There would thus be a remedy in cases where a council reached a perverse decision as a result of sectarian or political bias. There might, however, also have to be some form of remedy against applications perversely approved. This could involve a reserve power, which would obviously have to be most sparingly invoked, for the Department to refer to the Planning Appeals Commission for review any decision by a Council to approve development which seriously conflicted with the

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regional strategy, with an area plan, with Departmental policy guidance or appeared to be in any way perverse or unreasonable. The difficult area here would be rural policy, where some councils would be inclined to take a wholly permissive approach.

12. Means would also be needed to cope with undue delay. There would be a risk of a hostile council, aware that there were not sound grounds for refusing approval to a development, nevertheless delaying and frustrating that development by repeatedly adjourned meetings, demands for site visits etc. The answer here could be to provide that, if a council had not reached a decision after a recommendation had been before it at two successive meetings of the council, the application should be determined in accordance with that recommendation.

13. ROADS: The Department would continue to be the primary roads authority, and to employ the roads staff. It would be wholly responsible for the construction of all "major" road works (at the moment, any scheme costing in excess £200,000) although it would consult district councils about these. The Department would, however, be required to determine for each incoming financial year an allocation of money to each local government district for the purpose of carrying out minor improvement works in that district. The Department would be required to make recommendations to the district council as to the way in which this allocation should be spent. The council would have the right to vary this programme, to alter orders of priority etc. The Department would then be bound, within financial and other constraints, to follow the council's decision. A council might not always take a sensible view of the priorities in the mind of the professional engineers; but would this matter unduly? At least the Department would be doing what the people, through their elected representatives, could be considered to want. One could, of course, expect arguments about the amount of the allocation to particular councils, but it would have to be made clear at the outset that the Department would control funds leaving the districts to decide priorities.

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1. There are, of course, arguments against changes such as these. Departmental staff forced to "serve two masters" could sometimes find themselves in invidious positions. Equity and uniformity of treatment could break down to some extent as a consequence of local preference or bias. The system could be, in some senses, less efficient; but it might also be more acceptable.

HOW TO MOVE FORWARD

15. It would probably be a mistake for Government to table the solutions above or other solutions. Some at least would be bound to reject proposals simply because Government had offered them. The search for a trojan horse has become a provincial obsession. My own view is that the best chance of success would be to see if an initiative can be drawn out of the local government practitioners. The involvement of all parties would be crucial in this, and it is relevant that Mr Edward McGrady, the new Chief Whip of the SDLP, is a current member of the Executive Committee of the ALA. I attach as an Annex the terms in which I think the Secretary of State might conceivably approach the ALA.

K.P. Bloomfield

K P BLOOMFIELD
19 July 1979

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ANNEX

Since coming to Northern Ireland I have heard a good deal from many quarters about what is described as the "Macrory gap". This term is used to describe the fact that the present organisation of services is not what Sir Patrick Macrory and his committee intended. Their plan was essentially to develop a two tier system of local government, with one tier consisting of the 26 district councils and another, ^{concerned with the} province wide centralised services, based on an elected council for Northern Ireland, taken on as an additional role by the existing Northern Ireland Parliament. Without that Parliament, there is no elected body within Northern Ireland with executive responsibility for important services such as housing, health and personal social services, education, town and country planning, roads, water and sewerage.

I am in no doubt that this is a less than satisfactory situation. Too many people have told me that they find the present administration of services to be undemocratic, bureaucratic and overcentralised. So what do we do about it? We can wait until, hopefully, some kind of elected regional council or assembly or parliament ^{emerges} envisages by general consent. I know that there are those who genuinely feel that a step in any other direction is helping to foreclose that possibility. There are the further points that the arguments in the Macrory Report for dealing with certain vital services on a "broad area" basis remain valid, and that it could be considered a retrograde step to return the responsibility to a comparatively large number of small councils. Then there is the fact that all reorganisation takes time and effort and tends to be costly. Do you really want to be reshuffling staff, buildings etc about in present difficult financial circumstances?

*Don't forget
to say
to the
members
of the
committee
that
the
idea
is
to
be
discussed
at
the
next
meeting.*

(But I do not think all these very real difficulties mean we have to accept an indefinite impasse. It is not a bad rule in life to make what progress you can even if it is not all you would want. And although I have considered all sorts of possibilities for involving outside experts, I am disposed to rely a good deal upon the feeling of local people and in particular those who have been elected to represent them.

And so I would like to say this to the Association of Local Authorities, as the representative body of local government in the Province. I am prepared to consider seriously proposals for a deeper involvement of those councils and their

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ANNEX (contd)

members in the administration of services centralised since the reorganisation of 1973, if such proposals can be put to me on a basis

- (i) commanding a wide spectrum of political support; in other words the more unanimity the parties/ⁱⁿ local government can reach about what they want, the more prospect there is of my being ready and able to agree;
- (ii) which would not mean dismantling the regional services as operated since 1973;
- (iii) which has regard to the financial and manpower resources of the district councils; and
- (iv) which does not involve a wholesale disruption of existing staffing, accommodation and other arrangements.

(v) *what would result if a number of district councils were grouped together*
It may be that for some purposes district councils grouped together could have a more useful role than such councils individually; I would certainly not rule that out.

You may like to consider how you would wish to proceed. If at some stage you wish to talk to Ministers or officials as your thinking develops, I would be most happy to facilitate this.

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