



Northern Ireland
Assembly

Committee for Social Development

OFFICIAL REPORT (Hansard)

Regeneration Bill:
Department for Social Development

28 April 2015

NORTHERN IRELAND ASSEMBLY

Committee for Social Development

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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:

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

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.

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?

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.

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?

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.

Mr Wilson: We would not be too late at that stage, Kevin, would we?

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.

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".

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.

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?

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.

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".

The Chairperson (Mr Maskey): OK, so you essentially have two amendments to clause 1.

Mr Allister: Yes.

The Chairperson (Mr Maskey): Do we have a seconder for those?

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".

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.

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.

For all those reasons, if we are going to have a Regeneration Bill, let us make sure that it addresses economic regeneration.

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.

Mr Wilson: Even economic regeneration will address the social need aspect anyway, Jim.

Mr Allister: Yes.

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.

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.

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.

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 —

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.

The Chairperson (Mr Maskey): I will ask Henry about the intent behind the clause on behalf of the Minister and the Department.

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.

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.

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.

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?

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.

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 —

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?

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.

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.

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 —

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.

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.

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.

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.

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.

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.

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.

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.

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.

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?

Mr Allister: Yes, that a council could do anything that promoted economic regeneration in its district.

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.

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?

Mr Allister: Yes, that is what I am saying.

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.

The Chairperson (Mr Maskey): You had a second amendment, Jim.

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.

The Chairperson (Mr Maskey): Sammy, are you seconding that?

Mr Wilson: Yes.

The Chairperson (Mr Maskey): OK, those in favour —

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.

Mr Allister: For example?

Mr Dickson: For example, Nelson Mandela would be appropriate.

Mr Campbell: I did not know he was involved in drugs.

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.

The Chairperson (Mr Maskey): Henry, have you or your colleagues any comment?

Mr Dickson: I accept the sentiment of what you are getting at.

Mr McArdle: No, we have no comment to make on that.

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.

The Chairperson (Mr Maskey): We move on to clause 2. Jim, were you looking for a consequential amendment to clause 2?

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.

The Chairperson (Mr Maskey): OK. Are members content with clause 2 as drafted?

Members indicated assent.

The Chairperson (Mr Maskey): Are members content with clause 3 as drafted?

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".

What are you talking about there?

Mr McArdle: It could be public art or a kiosk.

Mr Snowden: The fountains in Custom House Square and in Guildhall Square in Londonderry.

Mr Allister: In a road?

Mr McArdle: You mean that in the sense that it is —

Mr Allister: — as defined in the Roads Order.

Mr Snowden: Yes.

The Chairperson (Mr Maskey): Are members content with clause 3?

Members indicated assent.

The Chairperson (Mr Maskey): We will move to clause 4.

Mr Allister: Could we have a little explanation of clause 4?

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.

Mr Allister: Suicide prevention?

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.

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.

Mr McArdle: Yes.

The Chairperson (Mr Maskey): Are members content with clause 4 as drafted?

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'."

That brings it down to the micro level, does it not?

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.

The Chairperson (Mr Maskey): Are members content with clause 4?

Members indicated assent.

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?

Mr Allister: Yes, there would probably be some consequential amendment.

Mr Wilson: It would probably have to follow through in a number of the clauses.

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?

Mr Allister: Yes, a read-across of any consequentials.

The Committee Clerk: We will get an official response from the Department anyway.

The Chairperson (Mr Maskey): OK. Are members content with clause 5?

Members indicated assent.

The Chairperson (Mr Maskey): Moving on to clause 6 —

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.

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.

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".

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".

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.

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

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

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

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

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

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?

Mr Wilson: Yes.

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

Members indicated assent.

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

Members indicated assent.

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

Members indicated assent.

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

Members indicated assent.

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

Members indicated assent.

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

Members indicated assent.

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

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.

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

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

Mr Wilson: It is the same issue again.

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

Members indicated assent.

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

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.

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.

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?

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.

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?

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.

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?

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.

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?

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.

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.

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.

Are members content with clause 14?

Members indicated assent.

The Chairperson (Mr Maskey): Are members content with clause 15?

Members indicated assent.

The Chairperson (Mr Maskey): Are members content with clause 16?

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".

How do you measure that? Is it just whatever they want? It does not have to be related to anything.

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.

Mr Allister: It says "its functions under this Act." It would have to be under the Regeneration Act.

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.

The Chairperson (Mr Maskey): Are members content with clause 16?

Members indicated assent.

The Chairperson (Mr Maskey): Are members content with clause 17 around guidance?

Members indicated assent.

The Chairperson (Mr Maskey): Are members content with clause 18?

Members indicated assent.

The Chairperson (Mr Maskey): Are members happy enough with clause 19?

Members indicated assent.

The Chairperson (Mr Maskey): Are members happy enough with clause 20?

Members indicated assent.

The Chairperson (Mr Maskey): Are members happy enough with clause 21?

Members indicated assent.

The Chairperson (Mr Maskey): Are members happy enough with clause 22?

Members indicated assent.

The Chairperson (Mr Maskey): Are members content with the schedules?

Members indicated assent.

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.

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.

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.

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.