

# Review of Local Government Aspects of the Review of Public Administration – emerging findings

Response to the above paper issued by the  
Northern Ireland executive sub committee.

16 November 2007

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# 1 Executive Summary

- ES1 The CIEH welcomes the opportunity to comment on and input to this ongoing process. We have taken a proactive interest in this entire review from its inception and commencement in 2002. The primary reason for our interest is that we believe that the principles and original terms of reference which underpin this review afford a huge opportunity to substantially improve integration and more effective delivery of public services in Northern Ireland (NI) and thereby improve the quality of life for all its citizens. It is therefore entirely in line with our own mission statement.
- ES2 Previous papers which have relevance to this latest submission have been included for ease of reference. In addition to the body of this paper which draw on previous arguments where appropriate.
- ES3 Whilst we accept that the latest paper from the executive sub committee does not purport to deal with the number of councils (but rather that it is being considered under strand two) it is nonetheless, we believe, appropriate to make a brief comment on this core issue within this response paper as set out in section two.
- ES4 Proposals for future structures can never be completely dissociated from actual roles and functions. The CIEH has consistently taken the view throughout this review that form (i.e. structure) must follow after function (i.e. roles and responsibilities) have been decided. We understand that there are other equally important considerations such as representativeness and community engagement to be considered as discussed previously. However, we believe that both considerations can be accommodated appropriately alongside each other, i.e. a model that fits both functionally and politically.
- ES5 We still believe that this review can, in principle, potentially deliver substantive improvements in the public sector. However we are disappointed with many of the findings and proposals within this current paper. In particular the now radically reduced role proposed for any new local government structure in NI to that proposed in the original Review of Public Administration (RPA) announcements under the previous administration.
- ES6 The CIEH believes that the concept of strong local government i.e. a system that is democratically accountable, competitive, dynamic and community led to work alongside and in partnership with local businesses, the community/voluntary sectors and other statutory agencies should be the hub for driving the wheel of a better quality of life for the population of NI. To that end the community planning function, along with the power of well being is critical. We are delighted that the executive sub committee has retained this new role and power within its current proposals.
- ES7 However to facilitate the process of meaningful community planning, local government needs to have more responsibilities than at present as well as significant influence over the delivery of other key regional services that directly effect communities. We have considerable sympathy with the views both of the Northern Ireland Local Government Association (NILGA) as well as individual councils in reaction to the proposals within these emerging findings. Insofar as they have suggested that the current proposals if implemented, will be a huge opportunity missed and will fall considerably short of delivering one of the clearly stated aims of

the review, i.e. strong local government, and as such could question the value of any structural change to the current system.

- ES8 The CIEH accepts that there are many functions within the current proposals that fundamentally affect the lives of communities. We would broadly support the NILGA position on these functions. There are also functions that are currently not included which we believe should be returned to local government.
- ES9 For the purposes of this paper the CIEH will comment in some detail on three core areas within which we have considerable expertise namely housing, public health, planning and environmental protection. This is set out in sections three, four and five respectively.
- ES10 The housing standards functions proposed within the previous RPA proposals that houses in multiple occupation (HMO), private sector grants group repair, unfit and energy standards should be transferred in full to local government. Not only would they be entirely complimentary to other areas of existing local government functions, most notably in environmental health and building control, but these services in particular have a long and established track record of expertise in regulatory work. In addition to this it is entirely inappropriate, in our view, that the Northern Ireland Housing Executive (NIHE) should be responsible for both the provision of public and social housing as well as the standards thereof.
- ES11 The CIEH has always held the view that public health should be relocated within local government where it historically originated and where it could operate directly alongside other key existing local government services which directly influence people's health for example environmental health, building control, waste management, leisure services, economic development and community development. We believe that this should be one of the proposed transfers to the new councils.
- ES12 We are also aware that the future arrangements for environmental governance are currently the subject of a separate review which may see the emergence of a new Environmental Protection Agency (EPA) for NI. This is a development that the CIEH is on record as strongly supporting. It is our intention to provide more detailed input and commentary to that process as a separate paper. We are of the view that certain aspects of environmental regulation should also be devolved to local level.

## 2.0 Future structures

- 2.1 Whilst there is, as yet, no clear decisions regarding the actual proposed structure for local government, it is clear that there are significant political concerns around the original proposal for seven new local authorities. Indeed, the majority of parties in NI have always been opposed to this model.
- 2.2 The CIEH accepts, understands and indeed supports the need for appropriate political representation, along with much greater community and citizen engagement with a new system of local government in NI. This in fact was the basis behind our previous proposals (February 2004) for a local government structure underpinned by either area committees or town councils (see attached previous paper).
- 2.3 This proposal was not favoured at that time as it was seen as adding another tier of government to the system. If that was the case it was a misinterpretation in our

view as we did not see such an underpinning system as being autonomous from the central local government structure. We still believe that such a structure could work.

- 2.4 We also understand that the newly appointed executive has a real desire to make a substantial difference to the lives of all our people. We applaud this and are committed to working with the executive to try and realise this right and proper aim as far as possible. However, we believe that as far as practical government, whether directly or indirectly, should not deliver public services.
- 2.5 The role of government is, we believe, to give strategic direction and leadership through appropriate policy development mechanisms, as well as facilitating and enabling the delivery and strategic outcomes from that policy. For government to become directly involved in the delivery of outcomes compromises its own position.
- 2.6 To do so would also ignore, at least to a significant extent, the principle of subsidiarity which was one of the key principles underpinning this review from the outset and which continues to be a fundamental principle.
- 2.7 Proposals for future structures can never be completely dissociated from actual roles and functions. The CIEH has consistently taken the view throughout this review that form (i.e. structure) must follow after function (i.e. roles and responsibilities) and we understand that there are other equally important considerations such as representativeness and community engagement to be considered as discussed previously. However, we believe that both considerations can be accommodated appropriately alongside each other, i.e. a model that fits both functionally and politically.

### 3.0 Housing

- 3.1 The CIEH was encouraged to see the housing functions originally proposed for transfer under RPA. We are extremely concerned that these appear to have been deleted for reasons that we do not accept and which relate to the NIHE.
- 3.2 As with all other areas of public policy the CIEH does not believe that it is appropriate for public services to act in conflicting roles. NIHE is and should remain the single provider of public housing for NI. A role which it has fulfilled very competently since 1972. However, it is completely inappropriate that the same body should have any direct responsibilities for the standards of housing it provides or indeed any others.
- 3.3 Councils, and in particular environmental health departments, have a long and credible track record in regulatory services. More specifically, they already have involvement in aspects of housing regulation under the public health acts, the rent order and more recently enhanced powers for dealing with unfitness under the Private Tenancy (NI) Order 2006.
- 3.4 Given these existing roles, coupled with the relevant expertise and experience we take the view that transferring housing standards functions from the NIHE to councils would not only be more appropriate but would provide much better clarity for citizens if councils were responsible for all regulatory aspects of housing. It would also, we believe, be relatively easy to accommodate such functions, including staffing issues within existing services if they were to be transferred.

- 3.5 Such a transfer would have the additional benefit of giving councils direct input into significant public health aspects of housing which would mean that housing could be even more significantly integrated into this agenda (particularly in light of our proposals contained within section four of this paper). We believe that the argument for transferring HMO regulation is particularly strong on public health grounds. The recently enhanced powers to deal with unfitness in the private rented sector (previously referred) would sit well with such a transfer as some of the worst conditions are to be found in a growing number of HMOs. It should also be noted that the housing executive's grant led approach to HMO control has become increasingly inappropriate and it is now being accepted that much of the sector is capable of achieving acceptable standards without grant support, thus facilitating control through regulation.
- 3.6 The wide range of local environmental issues associated with high concentrations of HMOs also provides a strong argument for locating regulatory responsibility in the authority that deals with the full range of problems and services at street level. Consequently transfer of HMO control to councils would be complementary to the proposals to transfer the public realm aspects of roads.
- 3.7 Councils also have a significant role to play in sustainable development. Specifically in terms of environmental sustainability and climate change, is in our view, perhaps the most significant public health challenge that the world faces at present. Within NI emissions from dwellings form a significant proportion of our carbon footprint and it is vital that the home energy issue is further reviewed. This is far from ensuring that new build housing is zero carbon but rather ensuring that existing housing stock, be it public, privately rented or individually owned, is made as energy efficient where possible.
- 3.8 There are already numerous council services that place staff in contact with members of the public in their own homes. Such staff already have both the opportunity and the expertise to take a leading role in a home energy conservation programme. This role could sit alongside and be integrated with other key council led environmental initiatives such as recycling and waste.

## 4.0 Public Health

- 4.1 Decisions announced by the previous administration included the retention of the public health function at operational level within the health system. We would now argue that it is appropriate to revisit this issue in light of the considerable divergence that may now arise from the original RPA proposals. The CIEH believes that the concept of strong local government i.e. a system that is democratically accountable, competitive, dynamic and community led working alongside and in partnership with local businesses, the community/voluntary sectors and other statutory agencies should be the hub for driving the wheel of a better quality of life for the population of NI. To that end, the community planning function, along with the power of well being is critical. We are delighted that the executive sub committee has retained this new role and power within its current proposals.
- 4.2 However to facilitate the process of meaningful community planning local government needs to have considerably both more responsibilities than at present as well as significant influence over the delivery of other key regional services that directly effect communities. We have considerable sympathy with the views both of NILGA

as well as some individual council's in reaction to the proposals within these emerging findings insofar as they have suggested that the current proposals, if implemented, will be a huge opportunity missed and will fall considerably short of delivering one of the clearly stated aims of the review, i.e. strong local government and as such perhaps question the value of any structural change to the current system.

- 4.3 We welcome the health minister's recent decision to place a hold on the health reforms that were proceeding on the basis of the previous RPA model; which was principle, designed to provide much stronger linkages between health authorities, and in particular the seven new local commissioning groups (LCGs) that were to be coterminous with the seven new proposed councils.
- 4.4 The proposals envisaged that these LCGs would be a key interface between health and local government and an integral part of the new community planning function which the councils would lead on. Whilst the reform has effectively been suspended by the minister, this was not before the new LCGs had been established in shadow form (the membership of these is shown at appendix two). Indications so far have not been encouraging in terms of what extent these LCGs might if followed through, provide the much needed interface between local authorities and health.
- 4.5 To a significant extent we believe that this is to do with the current balance of representation (as demonstrated in appendix two). It is alarming to note the almost entire absence of any local government representation on these groups. Nor indeed is there any indication of where the existing Investing for Health partnerships will sit within this framework.
- 4.6 The ten year Investing for Health Strategy (IfH) published in 2002 by the former executive has been described as "a ground breaking policy document" (Bates 2005:36). IfH was and is in our view, very clearly designed on a social rather than a medical model of health. Subsequently the four Investing for Health partnerships (IfHPs) were established within each of the four existing health boards as part of the outworking and implementation for the strategy. Prior to the health minister's announcements these boards were due to be abolished and replaced by a single strategic health authority and seven LCGs as described above. It is still unclear as to where the IfHPs might be located in the future. There is a presumption that they would be either aligned with, or worse still subsumed into the LCGs.
- 4.7 Bearing in mind the way in which the LCGs have developed, albeit in shadow form, with what appear to be a fairly medical/clinical dominated membership and potential approach, we would suggest that neither of these options is the best solution.
- 4.7 We do not believe and would argue that (and evidence demonstrates this) that preventative public health will never receive the priority that it requires whilst it remains within a health system that is so predominantly focused on treating those who have already become ill. It has long been the CIEH's position that public health services, particularly those concerned with health improvement, would be significantly better placed within local government. The transfer of that function would create a basis for a directorate within the new authorities. This could encompass infectious disease, health promotion and health protection which currently exist within the boards, as well as the full range of health protection and improvement functions that currently lie within environmental health (food safety,

health and safety, consumer safety, environmental protection, pollution control, housing and licensing).

- 4.8 Public health is the reason that local authorities were created in the first instance and we would call on the executive sub committee to revisit this issue based on the case outlined in this section. It is interesting to note a similar proposal from a recent policy paper A Picture of Health published in November 2007 (Wilson & Oliver).
- 4.9 CIEH would be happy to provide further evidence to this debate.

## 5 Environmental governance and regulation

- 5.1 We are aware that the minister for the environment is currently considering a review of environmental governance as a stand alone issue following the report from the expert panel convened under the previous administration which was published earlier this year.
- 5.2 The report recommends, amongst other things, the creation of an independent environmental protection agency for NI. If this is to materialise it will, in all likelihood, involve the transformation of the Environmental Health Service (EHS) into the new environment agency for NI (or alternatively a NI division of the existing environment agency for England and Wales)
- 5.3 The CIEH is fully behind this concept of an independent agency for NI. Previous parts of this paper allude to the fact that government should not be responsible for regulation per se, nor should public bodies have conflicting roles. There are comparable models for such an independent agency in other core areas of public protection such as food and health and safety.
- 5.4 Bearing in mind the separate, ongoing nature of the Review of Environmental Governance for Northern Ireland (REGNI), we feel it is more appropriate to submit a more detailed paper to that particular process. However, it is important to acknowledge the linkages with RPA insofar as future roles and responsibilities are concerned.
- 5.5 Whilst we do agree with the concept of an EPA we do not agree that all environmental regulation would be delivered regionally by such a body as has been suggested. Firstly, because not all regulation is either appropriate or effective at regional level and secondly because some appropriate responsibilities and roles should be conferred on a new local government system in the interests of subsidiarity and accountability.
- 5.6 The CIEH would suggest responsibility for the practical delivery of environmental pollution issues (i.e. complaint response, investigation and general regulation) should be placed within the new local authorities where the benefits of the multi disciplinary, partnership approach to many of these issues would be achieved most effectively. For example, regional approaches to an issue such as waste could be addressed through inter authority partnerships.

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**APPENDIX 1: proposed membership of Local commissioning Groups**



Acrobat Document