

Consultation Response Template

Please use this template for submitting your responses and comments. The template should be read in conjunction with the proposals which can be viewed at www.dardni.gov.uk/consultations.

To request a hard copy of the consultation papers please write, or email, as detailed below or telephone 028 9052 4106. The deadline for responses to this consultation is 16 March 2015. All responses should be received by then to ensure they can be fully considered.

DARD welcomes any comments you wish to make on all of the proposals or just on those issues that are of particular interest to you in the consultation.

If you are completing an electronic version of this form, it should be emailed to: rural.proofing@dardni.gov.uk.

Alternatively you can post a hard copy of the completed form to:

Rural Proofing Bill Team
Department of Agriculture and Rural Development
Room 654 Dundonald House
Ballymiscaw
Belfast BT4 3SB

All responses should be received by 16 March 2015 to ensure they can be fully considered.

Freedom of Information

In line with the Department's policy of openness at the end of the consultation period, copies of the responses we receive may be made publicly available. The information they contain may also be published in a summary of responses, which will be placed on the internet at <http://www.dardni.gov.uk/index/consultations/current-consultations.htm>.

This summary will include a list of names of organisations or sectors that responded but not personal names, addresses or other contact details.

If you do not consent to this, you must explicitly request that your response be treated confidentially. Any confidentiality disclaimer generated by your IT system in e-mail responses will not be treated as such a request.

You should also be aware that there might be circumstances in which we will be required to communicate information to third parties on request, in order to comply with our obligations under Freedom of Information Act 2000 and the Environmental Information Regulations 2004. For further information about confidentiality of responses, please contact the Information Commissioner's Office, or visit their website at www.ico.org.uk.

RESPONDENT INFORMATION

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately.

1. Name / Organisation

Organisation Name (If applicable).

Centre for Cross Border Studies

Title Mr Ms Mrs Miss Dr **Please tick as appropriate**

Surname

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Consultation Questions

1) Do you support the need for change in line with DARD's aspirations (as outlined at paragraph 4.8):

- rural issues would be embedded in the development and delivery of all government strategies and policies (including spending plans);
- rural needs and impacts would be identified and addressed appropriately as a matter of course across government;
- there would be transparency and availability of information on rural proofing; and
- government would establish and maintain a joined-up and collaborative approach to considering and taking account of rural needs when designing all services.

Yes

No

Don't Know

The Centre for Cross Border Studies (CCBS) is supportive of the need for change in line with the Department of Agriculture and Rural Development's aspirations (as outlined at Para 4.8). We strongly endorse the decision taken on behalf of the Department to put rural proofing on a statutory footing.

Moreover, CCBS considers this proposed legislation to be a constructive development towards ensuring the effective implementation of rural proofing across all Executive Departments, local Councils and non-departmental public bodies. Evidence provided by rural stakeholders points to a growing concern that existing practices of rural proofing have consistently failed to deliver for rural communities. We maintain that existing rural proofing practices have proven unsuccessful due to a lack of due attention given by policy makers within other Departments and a failure on the part of other Departments, local councils and non-departmental public bodies to recognise that rural issues extend beyond the remit of DARD.

CCBS further welcomes any legislation which helps address the needs of rural communities, particularly rural populations in the border region, who face unique challenges as regards to access to public services, infrastructure provision, rural and urban connectivity, business growth and unemployment. Tackling these challenges and delivering outcomes for rural communities requires fundamentally effective rural proofing to ensure that their specific needs are considered during policy-making processes and to provide that any adverse impacts upon rural areas are effectively mitigated, thereby improving the quality of life for rural citizens.

2) Do you think that placing a statutory duty on all government departments and local councils would help to ensure that the needs of rural dwellers are appropriately considered when policies and public services are being developed and delivered?

- Yes**
- No**
- Don't Know**

CCBS supports the proposal to place a statutory duty on all government departments and local councils. We believe this would help to ensure that the needs of rural populations are appropriately considered when policies and public services are being developed and delivered.

While CCBS supports the need for a statutory duty to be placed on all government departments, we also maintain that the wording of the statutory duty should explicitly require the relevant duty holders to mitigate any adverse impacts should they be identified when developing new or existing policies or strategies.

Para 4.1 in the policy proposals outlines the Executive's commitment to a Rural Vision "of a fair and inclusive rural society where rural dwellers enjoy the same quality of life as all others in the region". Para 4.8 of the policy proposals accordingly outlines the need to enhance rural proofing so that "rural needs and impacts would be identified and addressed appropriately as a matter of course across government".

In order for this aspiration to be met and for this approach to be successful, CCBS contends that the statutory duty must oblige duty holders to mitigate adverse impacts. Our concern here is that the statutory duty, currently worded as "to consider the needs of people living in rural areas" (para 5.2) risks the prospect of having the needs of rural communities considered but without compelling any action to mitigate adverse impacts identified.

CCBS maintains that only by enshrining in legislation the duty to rural proof can it achieve meaningful impact for rural dwellers. Where Executive Ministers and Departments are committed to implanting rural proofing we strongly endorse the view that this will lead to better policy development and service delivery for rural citizens.

3) Do you think that such a duty should extend to non-departmental public bodies in addition to government departments and councils? If so, which bodies?

Yes

No

Don't Know

CCBS supports the proposal for the duty to consider rural needs to be extended, in addition to Executive departments and local councils, to non-departmental public bodies.

While it may not be practicable or desirable for all NDPBs (extending to Advisory NDPBs, Tribunal NDPBs and Independent Monitoring Boards) to be included, it is imperative that Executive NDPBs responsible for carrying out set functions within a government framework under statutory provisions, with varied degrees of operational independence, possess a duty to consider rural needs. The most notable examples of Executive NDPBs with a direct impact upon rural populations include:

- Health and Social Care Board;
- Invest NI;
- Northern Ireland Fire and Rescue Service;
- Northern Ireland Housing Executive;
- Northern Ireland Tourist Board
- Police Service of Northern Ireland; and
- Translink

CCBS would also note that in order for the duty to rural proof by NDPBs to be implemented effectively this would also require that those NDPBs provide information and data on its rural proofing practices to DARD or in a report laid before the Assembly, in plenary or in through the relevant Assembly committee.

4) Do you think that DARD should have a statutory role to promote and encourage other bodies to undertake rural proofing?

- Yes**
- No**
- Don't Know**

CCBS strongly endorses the position that DARD should have a statutory role to promote and encourage other bodies to undertake rural proofing.

When other bodies are developing new or existing policies, strategies or plans and designing or changing public services, DARD's duty to promote and encourage rural proofing should take the form of being a first point of contact for these policy makers.

DARD must also ensure policy makers are provided with the necessary resources to implement rural proofing, including the development of rural proofing training programmes. Equally, CCBS is of the view that DARD should play a role in building the capacity of communities and rural stakeholders to effectively scrutinise policy and public service delivery to appraise whether or not effective rural proofing has been conducted.

In addition, through establishing greater engagement with rural stakeholders DARD should identify and target new areas and opportunities where further promotion and encouragement is required.

Through such increased engagement DARD will be able to establish examples of good practice where policy makers have managed to effectively identify and mitigate adverse impacts of policy upon rural communities.

5) Do you think that the proposed monitoring and reporting arrangements will help to improve the availability and transparency of information available about rural proofing?

- Yes**
- No**
- Don't Know**

CCBS welcomes the proposed monitoring and reporting arrangements for DARD to produce and publish regular rural proofing reports to be laid before the Northern Ireland Assembly. We believe such measures would help improve the transparency of information on rural proofing, which will in turn facilitate and encourage the effective implementation of this process across departments, local councils and NDPBs.

However, it is the view of CCBS that an independent body be required to produce and publish regular monitoring reports to be laid before the Assembly to demonstrate what DARD has done in furtherance of its duty to encourage or promote rural proofing. Regular reports should also provide an evidence-based account of how other departments, local councils and NDPBs are implementing rural proofing in the furtherance of their duty to consider the needs of rural populations. Furthermore, where rural proofing is not being carried out these independent monitoring reports should highlight such instances, identify the barriers to rural proofing and offer suggestions for further improvement. CCBS is not calling for the creation of a Rural Commissioner but rather given the importance of independence for effective scrutiny, we believe that independent scrutiny should be built into existing structures.

In order for rural proofing processes to be effective the information to be collated and laid before the Assembly by duty holders should entail an account of:

- The quality of rural impact statements;
- Departmental performance against rural stakeholder evidenced targets;
- The mitigation measures identified and implemented; and
- The impact had on rural dwellers.

We strongly endorse the proposal for rural proofing reports to be laid before the Assembly as this will provide Executive and non-Executive elected representatives with the opportunity to scrutinise its progress. Moreover, as alluded to within our response to Consultation Question 3, we believe that the Assembly's statutory committees could have a constructive role to play in the monitoring and reporting of each department's and NDPB's performance in relation to rural proofing.

Beyond proving greater transparency, the value added by the use of an Assembly committee to scrutinise departmental rural proofing practices is the greater degree of independence from the department itself. Such independence enables greater potential for effective challenging and scrutiny based upon evidence which can be obtained from rural stakeholders.

6) Do you think that increased co-operation and collaboration between DARD, other government departments and public bodies is desirable?

- Yes**
- No**
- Don't Know**

CCBS strongly endorses the view that increased co-operation and collaboration between DARD, other Executive Departments and NDPBs is essential for ensuring that rural proofing leads to developing real outcomes for rural communities.

In particular, DARD must work to ensure greater joined up co-operation with other Departments and with local Councils and NDPBs in furtherance of its duty to promote and encourage rural proofing.

CCBS believes that such cooperation will ensure informed policy making primarily through enabling greater sharing of data, information and best practices associated with rural proofing.

7) Do you agree with the strengthening of DARD's role in providing support for rural proofing?

- Yes**
- No**
- Don't Know**

In line with our response to Consultation Question 4, CCBS is supportive of the need to strengthen DARD's role in providing support for rural proofing. Nevertheless, CCBS acknowledges the challenges facing DARD to ensure that effective rural proofing is carried out.

Accordingly, we believe that the proposed Rural Proofing Bill ought to contain reference to the importance of departmental engagement with rural stakeholders and the public when compiling evidence for policy development.

CCBS is strongly of the view that DARD must play a role in ensuring training is provided to build the capacity of policy makers in other departments, local councils and NDPBs to ensure effective implementation, as well as of communities to ensure effective scrutiny of rural proofing practices.

8) Is there any other aspect of the proposals you wish to comment on?

In order for rural proofing to have a tangible impact CCBS believes that the proposed Rural Proofing Bill must focus on securing better policy outcomes for rural dwellers. In order for DARD's aspirations (as outlined at Para 4.8) to be achieved the proposed Bill must clearly set out the spirit of what the legislation is attempting to achieve.

9) Do you have any views on the conclusions reached by DARD to screen out from further assessment the impacts of a Rural Proofing Bill in respect of:

- (i) Equality Impact Assessment;**
- (ii) Regulatory Impact Assessment; and**
- (iii) Rural Proofing?**

