

Ballymoney Borough Council
Council Meeting No 989 – 6th January 2014

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BALLYMONEY BOROUGH COUNCIL

Minutes of Council Meeting No 989 held in the Council Chamber, Riada House, Ballymoney on Monday 6th January 2014 at 7.00 pm.

IN THE CHAIR: Councillor J Finlay, Mayor

PRESENT:**Aldermen**

F Campbell
H Connolly
C Cousley, MBE
B Kennedy

Councillors

J Atkinson
W Blair
A Cavlan
R Halliday
R McAfee
P McGuigan
T McKeown
C McLaughlin
A McLean
E Robinson, MBE
I Stevenson, Deputy Mayor

APOLOGIES: Nil

IN ATTENDANCE: Chief Executive
Director of Borough Services
Director of Central & Leisure Services
Head of Corporate & Development Services
Business Support Officer

Press x 2

Chair welcomed Councillor Alan McLean to the meeting.

989.1 CONDOLENCE

Councillor Finlay expressed his condolences to the local Police Chief Inspector, Brenda Cairns, on the sad loss of the death of her Father, Mr Dan Shortall.

989.2 NEW YEAR HONOURS

Councillor Finlay recorded his congratulations to two recipients of honours in Her Majesty's New Year Honours List.

Local resident, Mrs Barbara Blair, was awarded the BEM for services to young people in Northern Ireland and Mrs Mary McIntyre, Director of Strategic Planning at DoE, was awarded the OBE for services to planning and voluntary service to Strabane District Caring. Mrs McIntyre served the region for some time and attended planning meetings.

989.3 FLOODING

Councillor Finlay expressed concern that the torrential rain at the weekend saw some properties in the Borough being flooded, particularly in the Vow area and Shanaghy Road area. He urged the relevant authorities to resolve the problem.

989.4 RESIGNATION OF COUNCILLOR STOREY, MLA

Alderman Kennedy, as DUP Group Leader, welcomed Councillor Alan McLean. Alderman Kennedy paid tribute to the effort and contribution Councillor Storey has made to the working of the Council and citizens of the Borough. He placed on record Council's appreciation for his contribution to the community which would continue in his role as MLA.

989.5 RE-DEVELOPMENT OF 53-63 CASTLE STREET

Alderman Kennedy welcomed a planning application for the re-development of an existing town centre brownfield site, 53-63 Castle Street, Ballymoney, to provide replacement retail development, including associated alterations to existing road layout and replacement of two existing accesses, with one upgraded access.

* **Councillor McKeown arrived at the meeting at 7.05pm.**

989.6 PSNI RESPONSE VEHICLE

Alderman Kennedy advised of representations from constituents about only 1 Police Response Vehicle being available to cover Moyle and Ballymoney in the evenings. He described the situation as unacceptable given that the geographical area was one of the biggest of NI. Alderman Kennedy requested that Council progress a meeting with the Chief Superintendent, in charge of resources for Ballymoney, to seek a resolution to the present unsatisfactory situation.

Councillor Finlay concurred with Alderman Kennedy's comments and undertook to set up a meeting.

It was proposed by Alderman Kennedy, seconded by Councillor Atkinson and **AGREED:**

that Council invite a Senior PSNI representative to a meeting with Council to discuss the lack of PSNI Response Vehicles covering Ballymoney and Moyle in the evenings.

989.7 CONDOLENCE

Councillor Finlay expressed his condolences to Desmond Fulton and all the family of Kathleen Fulton, who died suddenly at her home on 1st January. Mrs Fulton was a highly esteemed, member of the Board of Governors of Balmore Primary School and Ballymoney High School and did a lot of charitable work.

Councillor Robinson associated herself with Mayor's remarks.

989.8 DECLARATIONS OF INTEREST

There were two declarations of interest.

Alderman Kennedy declared an interest in Leisure and Amenities, Item 412.4, as a member of Armoy Motorcycle Road Racing Club.

Chief Executive declared an interest in Corporate and Central Services Committee, Item 421.12, as the postholder.

989.9 MINUTES OF COUNCIL MEETING NO 988 – 2ND DECEMBER 2013

Matters Arising:

9.1 Good Wishes

Alderman Campbell thanked Council and the Mayor for their good wishes that were extended to his wife.

9.2 Adoption of Minutes

It was proposed by Alderman Campbell, seconded by Councillor Atkinson and **AGREED:**

that the minutes of Council Meeting No 988 – 2nd December 2013, as circulated, be confirmed as a correct record.

989.10 MINUTES OF CONSULTATION COMMITTEE NO 92 – 16TH DECEMBER 2013

Alderman Cousley presented the report.

The minutes of Consultation Committee Meeting No 92 – 16th December 2013, as circulated, were received.

989.11 MINUTES OF DEVELOPMENT COMMITTEE NO 255 – 18TH DECEMBER 2013

Alderman Kennedy presented the report.

Matters Arising:**11.1 Giro D'Italia (255.4)**

Councillor McGuigan remarked on the potential opportunity for the Giro D'Italia passing through from tourism, marketing and investment perspective. Councillor McGuigan suggested contacting Primary Schools and encouraging them to engage as the legacy could be that Ballymoney produces its first cyclist to participate in the D'Italia or produce a winner.

Alderman Kennedy concurred with Councillor McGuigan's comments and indicated that community engagement would be a key part of the project action plan. The Development Committee would be kept informed.

11.2 Adoption of Minutes

It was proposed by Alderman Kennedy, seconded by Councillor Atkinson and **AGREED:**

that the Minutes of Development Committee No 255 – 18th December 2013, as circulated, be confirmed as a correct record.

989.12 MINUTES OF LEISURE & AMENITIES COMMITTEE MEETING NO 412 – 17TH DECEMBER 2013

Alderman Campbell presented the report.

Matters Arising:**12.1 Good Relations Sub Committee Meeting 10th December 2013 (412.7)**

It was agreed that a meeting is held on Tuesday 4th February at 4pm.

12.2 Sports Hall Extension at Joey Dunlop Leisure Centre (412.2.1)

Alderman Kennedy requested additional information such as the size, dimensions, cost and estimated running costs of the sports hall extension, stating these details should have been placed within the record of the Minute. Councillor Finlay responded that the member should raise the matter at the Leisure and Amenities Committee meeting.

Alderman Campbell further advised that as grant money may be available for 'spade ready' projects, committee had wished to minimise the risk of a missed funding opportunity and had therefore decided that planning permission be applied for.

12.3 Dervock War Memorial (412.16)

Alderman Kennedy, welcoming the decision, queried whether a portion of land beside the War Memorial could have been incorporated by Council in the scheme. Director of Borough Services stated he was unaware that Council had made any recommendation regarding any other land currently in ownership. He would examine and revert to Leisure and Amenities Committee.

12.4 Dredging at Drumaheglis Marina (412.17)

Director of Borough Services updated members, that the estimated cost is £58,000 following tender review process.

12.5 Cemetery Access (412.9.1)

Councillor Finlay welcomed the outcome, which balanced the access to graves with prevention of damage.

Councillor McKeown queried whether maintenance personnel have authorised access. Director of Borough Services advised that where vehicles were required on site they must approach Council and could be accommodated subject to any approvals required.

12.6 Adoption of Minutes

It was proposed by Alderman Campbell, seconded by Councillor Robinson and **AGREED**:

that the Minutes of Leisure & Amenities Committee Meeting No 412 – 17th December 2013, as circulated, be confirmed as a correct record.

989.13 MINUTES OF HEALTH & ENVIRONMENTAL SERVICES COMMITTEE NO 397 – 19TH DECEMBER 2013

The report was presented by Councillor Atkinson.

Councillor Robinson requested information on the monthly amounts of waste to landfill be reinstated in reports to committee.

It was proposed by Councillor Robinson, seconded by Councillor Atkinson and **AGREED:**

that information in relation to the monthly amounts of waste to landfill be contained within the report.

It was proposed by Councillor Atkinson, seconded by Alderman Connolly and **AGREED:**

that the Minutes of Health & Environmental Services Meeting No 397 – 19th December 2013, as circulated, be confirmed as a correct record.

989.14 MINUTES OF CORPORATE & CENTRAL SERVICES COMMITTEE NO 421 – 23RD DECEMBER 2013

Alderman Connolly presented the report.

Matters Arising:**14.1 Statutory Transition Committee (421.17)**

Councillor McGuigan congratulated the Chief Executive on STC appointment as Deputy Returning Officer for the Election.

14.2 Adoption of Minutes

It was proposed by Alderman Connolly, seconded by Councillor Robinson and **AGREED:**

that the Minutes of Corporate & Central Services Committee No 421 – 23rd December 2013, as circulated, be confirmed as a correct record.

989.15 SEAL DOCUMENTS**15.1 Grave Registry Certificates**

It was proposed by Councillor Stevenson, seconded by Councillor Robinson
AGREED:

that the Seal of the Council be affixed to Grave Registration certificate numbers 1357, 1358, 1359.

15.2 Car Loan Agreement

Agreement between Ballymoney Borough Council with Employee 05064 relating to advance for purchase of car.

It was proposed by Alderman Kennedy, seconded by Councillor Robinson and **AGREED:**

that Agreement between Ballymoney Borough Council with Employee 05064 relating to advance for purchase of car be signed and sealed.

15.3 Dredging at Drumaheglis Marina (LAC. 412.17 – 17/12/2013)

Agreement with Waterways Ireland in respect of work to be undertaken during 2014 on the Lower Bann.

It was proposed by Alderman Kennedy, seconded by Councillor Robinson and **AGREED:**

that Agreement with Waterways Ireland in respect of work to be undertaken during 2014 on the Lower Bann be signed and sealed.

- * The Director of Borough Services and the Director of Central & Leisure Services left the meeting at 7.40pm.

989.16 FILL VACANCIES ON COMMITTEES AND OTHER BODIES ARISING FROM RESIGNATION OF MERVYN STOREY, MLA**16.1 Ballymoney Regeneration Company****16.2 Glebeside Community Association**

It was proposed by Alderman Kennedy, seconded by Alderman Campbell and **AGREED:**

that Councillor McLean fill the vacancy arising out of the resignation of Mervyn Storey, MLA for Ballymoney Regeneration Company and Glebeside Community Association.

989.17 ROADS SERVICE – A26 DUALLING

A copy of The Trunk Road T7 (A26 Dualling – Glarryford to A44 Drones Road Junction) Order (NI) 2013, made on 28th November 2013 and coming into operation on 9th January 2014, is tabled.

The A26 Dualling Scheme (Glarryford to Drones Road Junction) Environmental Statement has been considered by the Department and the opinions received, in compliance with Article 67A(7) of the Roads (NI) Order 1993, the Department has decided to proceed with the project. A notice of intention to proceed is tabled.

The Private Accesses (A26 Dualling – Glarryford to A44 Drones Road Junction) (Stopping-Up) Order (NI) 2013 (SR 2013 No. 280) made on 28th November 2013 and coming into operation on 9th January 2014, is tabled. The Order provides for the stopping-up to road traffic of the private accesses from A26 Crankill Road, Drumakeely; A26 Frosses Road, Ballyhunterland; A26 Frossess Road, Frosses; A26 Frosses Road, Lisnasoo; A26 Frosses Road, Drumadoon and A26 Frosses Road, Ballylig to the lands detailed in the schedule accompanying the Order.

Copies of documents referred to are available from Office of the Chief Executive on request.

989.18 FUTURE OF CONSUMER COUNCIL

This matter was deferred from the last Consultation Committee on 16th December (min. 92.4 refers), circulated. A copy of the NILGA response to DETI's consultation on the future arrangements for consumer representation in Northern Ireland was circulated. The deadline for comments is 17th January.

It was proposed by Alderman Kennedy, seconded by Councillor Robinson and **AGREED:**

that Council adopt the NILGA response to DETI's consultation attached as Appendix A.

989.19 REFORM OF LOCAL GOVERNMENT – DEVELOPMENT OF A SCHEME BETWEEN DSD AND LOCAL GOVERNMENT TO SUPPORT CAPACITY BUILDING FOR REGENERATION/COMMUNITY DEVELOPMENT ACTIVITIES

The DSD Minister has indicated that he intends to bring forward legislation that will place a statutory duty on councils to have regard to the outcomes contained within the Regeneration and Community Development Framework and to guidance that his Department will issue. As part of this, the legislation will make the necessary powers, budgets and assets available to Councils. It will however be a matter for Councils to determine how they will exercise the powers and deploy the resources in ways that are different from DSD's current practice, a discrete economic activity is not being transferred and for this reason there is no compulsory transfer of DSD staff to local government [with the exception of Housing and Laganside functions that will be dealt with separately].

While there will be no TUPE transfer of DSD staff currently engaged in regeneration/community development work the Minister is keen to work with Councils to ensure a smooth transition to the new arrangements and to ensure that there is the capacity needed to deliver going forward. To this end officials from DSD Development Office are working with local government officers to draw up draft forward work plans setting out the regeneration and community development activities that the new councils might aspire to deliver between 2015 and 2020. Meetings have taken place between the department's and council officials. The expectation is that there will be fairly well refined work plans available by March 2014 to feed into the draft Corporate Plans that will be prepared by the Statutory Transition committees for new Councils.

The Department expects that by April 2014 council cluster working with DSD officers will have begun to determine the staffing resources needed to deliver forward work plans for regeneration and community development... The work will identify the number and level of posts that will be required and the skills and expertise that the post holders should have. The aim will be to incorporate this into the work of Statutory Transition Committees on structures and staffing levels for new councils.

Alongside this DSD officials have developed some draft principles as the basis for establishing a voluntary scheme (using provision in the Local Government Act 1972) that would support capacity building and allow councils access to DSD staff with regeneration/community development experience under some type secondment arrangements. A copy of the principles were circulated and comments are invited by 17th January 2014.

989.20 DVA PETITION AGAINST CLOSURE OF ALL DVA OFFICES

The Mayor recently accompanied a delegation to Downing Street in order to present the petition against the closure of all DVA offices. This Council, with others, participated in the campaign to encourage support for the petition and

make it available in our key locations. The organizing committee has extended thanks to everyone for their support as they fight for the retention of a Northern Ireland based service for the Northern Ireland motorist and for the 324 jobs here in Northern Ireland.

989.21 REPORTS

A schedule of reports was circulated for members' information.

This being all the business the meeting closed at 7.45pm.

Appendix A: NILGA Response to DETI Consultation on Future Arrangements for Consumer Representation in Northern Ireland.



NILGA Response to DETI Consultation on Future Arrangements for Consumer Representation in Northern Ireland

This response was prepared further to a presentation by the Consumer Council, made to the NILGA Executive Committee on 13th December 2013. It has been issued to councils for comment and is to be further considered by the NILGA Executive Committee on 10th January 2014, prior to submission to the Department.

**For further information or to discuss any of the issues highlighted, please contact Karen Smyth at the NILGA Offices: Email: k.smyth@nilga.org Tel: 028 9079 8972
Derek McCallan
20th December 2013**

1.0 Introduction

NILGA, the Northern Ireland Local Government Association, is the representative body for local authorities in Northern Ireland. The membership is comprised of the 26 local borough, district and city councils and the organisation is supported by all the main political parties in Northern Ireland.

Consumer protection and representation are important issues for local government, particularly in the current economic climate. Councils have statutory responsibility for regulation of a range of issues impacting on consumers and are key funders of a number of advice bodies. NILGA is therefore pleased to respond to this consultation and would like thank the Department for Enterprise Trade and Investment for the opportunity to do so. We trust that the views of local government will be taken into account, and are content that this response is made available to the public.

2.0 Context

In October 2012, DETI commissioned an independent review of the efficiency and effectiveness of the Consumer Council for Northern Ireland (CCNI). The review took account of the changing consumer landscape in Great Britain, and the views of a wide range of stakeholders.

The report recognised that the Consumer Council has been responsive to consumers, and has been effective as an organisation. However, it concludes that the political and consumer landscape has changed significantly since the CCNI was created in 1985.

In that context, the report concludes that the continued existence of the CCNI is no longer essential to consumers, nor may not be the most cost-effective mechanism for consumer representation in Northern Ireland. It recognised however, that the Consumer Council

provides certain functions in relation to the regulated industries that are not currently exercised by another body, but must continue to be exercised.

DETI is now seeking views, in the light of the findings of the report, on the most appropriate arrangements for the future delivery of consumer representation in Northern Ireland, recognising the very different contemporary political and consumer context, and in particular on three options for delivery. These are:

- continuation of the current CCNI model of a non-departmental public body to represent the consumer;
- the establishment of an independent consumer representative body outside government; and,
- the transfer of the consumer representation role, including the regulated industries role, to an existing non-government advice body .

The Executive, in its 2011-15 Budget, committed to undertake a review of Arms Length Bodies, to ensure Ministerial priorities and statutory commitments continue to be delivered in the most cost-effective manner. The review of the CCNI, and this consultation on the future delivery of consumer representation in Northern Ireland, is a continuation of this process of ensuring value for money in the use of public funds and the delivery of services to the Northern Ireland public.

3.0 General Comments

NILGA has a good relationship with the Consumer Council and we would highlight the close working relationship that CCNI has with a number of district councils in Northern Ireland. Recent joint work has included 'Money Week' exercises and action on Fuel Poverty. The Consumer Council was invited, upon its request, to make a presentation to NILGA in relation to this consultation, and this response was drafted subsequent to that presentation.

NILGA is also keenly aware of the high levels of funding that district councils provide to local and regional advice bodies, and of the statutory work done by councils themselves, to address consumer complaints including food and consumer safety complaints.

The DETI consultation considers the future of the Consumer Council in isolation, on the basis of stakeholder views garnered during the recent review of CCNI. NILGA asserts that the Department seems to have missed the opportunity to do a system review / scoping exercise of advice services across Northern Ireland in order to map out areas of duplication and potential gaps in service provision. In direct contrast to the recent wide-ranging review of consumer representation conducted by BIS, the DETI commissioned review was limited in scope:

“The review will examine the delivery of the functions conferred on CCNI by the General Consumer Council (Northern Ireland) Order 1984, the Energy (Northern Ireland) Order 2003, the Water and Sewerage Services (NI) Order 2006, and the Transport Acts (NI) 1967 and 2011, and it will assess the validity of those functions in relation to Government policy objectives, and the views of stakeholders. Specifically the review will examine the roles, responsibilities, and the impact of the CCNI, including the Chairman, the Board, the Chief Executive, and staff members. It will consider also the optimum means of the delivery of those roles and responsibilities, having particular regard to cost effectiveness, Executive priorities, and the changing consumer landscape in GB.”

NILGA strongly encourages the Department, to take a more strategic approach to this issue and to determine a contemporary provision of consumer representation in Northern Ireland, in what is an increasingly complex and crowded field.

4.0 Specific comments in relation to consultation questions

Current Arrangements for Consumer Representation in Northern Ireland

The Northern Ireland consumer seems well represented, but due to the multiplicity of organisations, there may be a lack of clarity as to the body from which they should request assistance.

Consumer advice: There are a number of advice organisations such as AdviceNI and Citizens Advice that are well-known and understood. In addition, members of the public frequently contact councils for advice on issues that can be within or outside the remit of the council. Councils therefore provide a valuable signposting service to consumers, in addition to providing advice on areas within their remit. It would be useful to scope current provision regionally, and it might be useful for DETI to speak to colleagues in DSD who facilitate the Government Advice and Information Group, in this regard.

It would also be useful to do some scoping of advice provided through the media and private sources, which may overlap with Consumer Council provision, for example the BBC 'On Your Behalf' programme, www.cheapestoil.co.uk.

Complaints Handling: Again, greater clarity in relation to the organisation consumers should approach would be useful. There is a perception of duplication of advice services, and in the current economic climate, it is vital that our regional and local governments are using their limited resources as effectively and efficiently as possible.

It is therefore suggested that a strategic approach is taken, potentially at NI Executive level, to ensure that complaints handling services provided or funded through government departments, service regulators and councils, have as small an overlap as possible, and are well communicated to the consumer.

The consumer needs to be fully aware of who can advise them at different stages of their complaint, and who holds the responsibility for complaints on different issues, in a region where there is a fragmented approach to service delivery.

Representation on Consumer Issues: The Consumer Council has a defined role in representing consumers on certain issues, but other organisations have representational roles on other issues. These include councils, the Law Centre etc. It is vital that the NI Executive has an understanding of the overall scope of representational services, particularly given recently proposed changes to funding of legal aid. Any gaps must, at the very least, be identified.

Future Consumer Representation Arrangements in Northern Ireland

Perceived Independence: It is inarguable that consumer 'watchdogs' are needed in relation to provision of goods and services. There can be tension however, between the need for independence, and the need for a statutory role in complaints investigation. Again, comprehensive scoping of existing services might provide a better 'route map' for future arrangements.

It will be essential to establish where the statutory roles should sit, and where independence is crucial. Who investigates whom? Should DETI, the department responsible for energy, also be responsible for funding the 'independent' complaints investigation of energy providers? Should independent advice bodies be given statutory responsibilities?

There is some evidence that creation of 'independent' agencies such as the Food Standards Agency or independent Environmental Protection Agencies can provide the distance required to enable a stronger perception of independence. In the Northern Ireland situation, establishing a stronger perception of independence in relation to consumer affairs could perhaps be achieved through direct funding by DFPNI.

There is no reason why the Consumer Council could not be given greater perceived independence in this manner, which might be a preferable alternative to a commercially funded independent organisation.

Clarity of Role: Successful consumer representation in Northern Ireland will very much depend on strong definition of role and responsibility. Consumers require expert advice and support, particularly in relation to making complaints, and it is important that whichever body supports them has the expert technical knowledge to provide assistance e.g. in court, and the powers to seek information where necessary.

To have a single regional body with this level of expertise on all issues, and a suitable geographical coverage, could lead to an overly large, overly bureaucratic and costly arrangement that would be less beneficial to the consumer than current arrangements.

The main focus must be to develop consumer knowledge of and access to consumer advice. It might be useful to further develop a single access point for all consumer representation services, and it is acknowledged that DETI has made some progress on this with the Consumerline Service.

Better role definition must be ensured between the CCNI and, for example;

- advice services such as Citizens Advice
- the utility regulator
- the banking and financial services regulators,

Any change in arrangements should be promoted and communicated to the public, to generate better understanding.

A rationalisation of roles is likely to be required, to avoid overlap and address any gaps in service provision, particularly as digital technology advances. The fragmented nature of service delivery in Northern Ireland is likely to require this rationalisation to be driven by the NI Executive.

Proposed models

NILGA is of the view that none of the proposed models for future arrangements outlined in the consultation document are fully appropriate, and that more work is required by the Department before a decision is reached on this matter.

5.0 Conclusion

NILGA asserts that the Review commissioned by DETI was too limited in scope, and further work is needed, in partnership between the Department, other relevant government Departments, statutory bodies and consumer representation and advice bodies, to develop future arrangements for Northern Ireland. A needs assessment must be carried out to establish what is required for improved consumer services in relation to:

- Complaints investigation
- Advice provision
- Research
- Regulation
- Protection of the vulnerable

It must also be established, in the contemporary Northern Ireland, to which industries and services this representation and protection role should apply.

NILGA is happy to engage with the Department further on this matter.

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