

From: PAUL SWEENEY
2 December 1998

To: Dr Monica McWilliams
Councillor Eileen Bell
Councillor Billy Hutchinson
Councillor Fred Cobain
Councillor Carmel Hanna
Councillor Mary Nelis
Mr David Ferguson
Dr Graham Gudgin
Mr Colm Larkin
Mr Hugh Logue



file (Civic Forum)

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CONSULTATIVE CIVIC FORUM SUB-GROUP

The next meeting of the consultative Civic Forum sub-group will be held at 2.00 pm on Thursday, 10 December 1998 in Room 152, Parliament Buildings. Please find attached an agenda and working papers.

If you would like to share some views on the Civic Forum in advance of the meeting, please do not hesitate to contact me.

Paul

Paul Sweeney

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CONSULTATIVE CIVIC FORUM SUB-GROUP

Thursday, 10 December 1998

AGENDA

1. Other models of Civic Fora
2. Role and functions of the Civic Forum Annex A
3. Issues to be addressed Annex B
4. Consider the merits of meeting with some of the organisations who made submissions to the First and Deputy First Ministers
5. Future work programme of the sub-group
6. Any other business
7. Date of next meeting

ROLE AND FUNCTIONS OF THE CIVIC FORUM

1. Paragraph 34 of the Agreement provides that the Forum “will act as a consultative mechanism on social, economic and cultural issues”.
2. Sections 56(1) and 56(2) of the Northern Ireland Act 1998 provides that the First Minister and the Deputy First Minister acting jointly shall make arrangements for obtaining from the Forum its views on social, economic and cultural matters. The arrangements so made shall not take effect until after they have been approved by the Assembly.
3. So the Forum is established in law by fulfilment of the steps set out in paragraph 34 of the Agreement and the making of the arrangements stipulated in section 56 of the Act, by which representatives of the business, trade union and voluntary sectors (and such other sectors as the First and Deputy First Minister shall agree) shall meet for the purpose of expressing its views on social, economic and cultural matters.
4. It follows that the Forum has no legislative, executive or administrative functions.
5. On deciding upon the arrangements for the Assembly obtaining from the Forum its views on social, economic and cultural matters, it follows that there will have to be close interaction between the Assembly and the Forum.
6. Given the rather non-prescriptive nature of paragraph 34 of the Agreement and section 56 of the Act the role and functions of the Forum is open to interpretation.
7. In the narrowest sense one could argue that it is a matter for the Assembly to approve the areas of work which the Forum should undertake. Consequently the Forum would also invest time and resources in examining and expressing views on social, economic and cultural matters referred to it by the Assembly.

- seeking agreement with the Assembly on an approved programme of work;
- providing advice to Assembly on programmes of Government, related public expenditure priorities and legislative proposals.
- examining and making recommendations on social, economic and cultural matters referred to it by the Assembly;
- considering social, economic and cultural matters referred to it by its constituent sectoral groups;
- providing broad based independent advice and insight to the Executive Ministers, Assembly Committees and Members of the Assembly on social, economic and cultural matters in a manner that assists the work of the Assembly;
- reviewing and monitoring the implementation of the Forum's proposals and if necessary making further recommendations to the Assembly;
- publishing reports as may be appropriate, and informing the public on its deliberations;
- liaising with any independent consultative Forum that might be appointed by the North-South Ministerial Council and any similar bodies that might arise within the work of the British-Irish Council.

8. This narrow approach would likely be challenged as not being within the spirit of the Agreement. Any attempt by the Assembly to be overly prescriptive could be counter productive. Furthermore, if the Forum is not viewed as having a degree of autonomy in selecting areas of work, it is unlikely to attract the calibre of independently minded lateral thinkers who will be critical to the success of the Forum and its usefulness to the Assembly.
9. Conversely, if the Forum sought to comment on all the pressing social, economic and cultural issues, this could be viewed as ineffective and likely duplication of the work of other bodies (eg Assembly Committees, Northern Ireland Economic Council, Human Rights Commission, Community Relations Council). Furthermore, seeking to comment on a wide range of issues runs the risk of the Forum being perceived as lobbyist and superficial.
10. From the above it will be obvious that there needs to be a clear understanding between the Assembly and the Civic Forum as to the role and functions of the Civic Forum. Likewise, whilst approving the arrangements for the Civic Forum to be consulted it will be important for the Assembly to respect the Forum's prerogative to develop its own work programme within a broad framework approved by the Assembly.
11. Outlined below is a first draft text on the role and functions of the Civic Forum. Members of the sub-group are invited to amend this accordingly.

In pursuance of paragraph 34 of the Agreement, the Civic Forum has been established as a consultative mechanism to assist the Assembly in addressing social, economic and cultural matters. Comprised of representatives from the business, trade union and voluntary sectors (and such other sectors as the First and Deputy First Ministers shall agree) the functions of the Forum shall include:

ISSUES TO BE ADDRESSED

In advance of the 30 November meeting of the Sub-Group, the Support Team issued a set of papers which included a paper entitled "Civic Forum: Views Expressed to Date and Issues to be Addressed". It was agreed that this paper should be reviewed at the 10 December meeting of the Sub-Group and that a series of prompt questions would be prepared by the Support Team to facilitate discussion – see below.

1. The relationship between the Forum and the Assembly

It is accepted that there will have to be a very close working relationship between the Forum and the Assembly

- Are members content to use terms such as "complementary to" and "assisting the work of the Assembly" in describing the role and functions of the Forum?
- How can the interface between the Assembly and the Forum be managed to the mutual benefit of both organisations? For example, should a standing committee be established in the Assembly specifically for the purpose of managing the relationship between the Forum and the Assembly?

2. Representation

- What organisations represent the business, trade union and voluntary sectors?
- What (if any) other sectors should be represented? (See list in section 3.2 of the Annex B paper issued in advance of the 30 November meeting.)
- Should quotas be set in relation to the percentage of say women (51% of the NI population), youth (40%), people with disabilities (17.4%) etc who should serve on the Civic Forum?

- Should elected representatives be included or expressly excluded from the Civic Forum?

3. Selection

The guidelines for selection (when agreed) will need to be very comprehensive, setting out the number of representatives from each sector, what bodies within each sector shall have representative rights, the criteria for selection and the date by which selections must be made. The guidelines made by the First and Deputy First Ministers must be carefully drawn to ensure that they do not discriminate against any person or class of person on the grounds of religious belief or political opinion, in breach of the selection obligations under Section 24(1) of the Northern Ireland Act.

The Agreement and Act are silent on the matter of who is to select the representatives of the various sectors. It is not outside the scope of those provisions for the First and Deputy First Ministers to incorporate in the guidelines a requirement that they shall select the representatives, whether from nominations or from those persons whom they think should be representatives. However, this would likely prove to be a contentious option, judging from the expressed preference of the sectoral bodies to have nomination rights.

- On balance does it seem reasonable to agree the sectoral bodies and then invite those representative bodies to make their own nominations?
- Is there merit in establishing a selection body (made up of sectoral bodies) whose job it would be to select the full membership of the Forum on the basis of merit from the list of nominees from the sectoral bodies?
- Would an appointment system based on an open recruitment process be preferable?

Number of Forum Members

- On balance does the broad consensus around a body of 50-60 people seem about right?
- What are the merits of a much larger “standing conference” approach?
- Is there merit in providing for powers to co-opt non members of the Forum, based on expertise that they might bring to a given subject matter?

Tenure of Office

- What is the optional term of office (2, 3 or 4 years)?
- Is the principle of rotation of membership accepted?
- Should daily allowances to cover loss of earnings be paid?

Chairperson

- Is there merit in appointing a full-time Chairperson (recruited by public advertisement) or should the Chair be appointed by the members of the Forum?
- Should there be one/two Vice-Chairpersons?
- Should the Chairs be paid a salary/allowances?

Secretariat

- What is the appropriate staffing levels (see suggested staffing complement in section 8.3 of the 30 November Annex B paper)?
- Should the post of Director/Head of Secretariat be publicly advertised?

- Where should the Secretariat be housed?

Work Programme

- Is there merit in the Forum focussing its energies on a small number of strategic themes (eg long-term unemployment, social exclusion etc)?
- Should the Forum be encouraged to be innovative and forward looking, rather than retrospective?

**MEMORANDUM OF KEY POINTS DISCUSSED AT THE CIVIC
FORUM SUB-GROUP ON MONDAY, 30 NOVEMBER 1998**

PRESENT:

Councillor Mary Nelis
Councillor Billy Hutchinson
Ms Jane Morrice
Councillor Fred Cobain
Councillor Carmel Hanna
Councillor Eileen Bell
Mr David Ferguson
Mr Paul Sweeney

1. Members thanked the Support Team for the papers produced in advance of the meeting.
2. It was agreed that the Support Team should facilitate the Sub-Group meetings.
3. There was general agreement that the focus should be on getting the Civic Forum established, on the understanding that it is unlikely that the issue of representation will be fully resolved to everyone's satisfaction in the short term, but that the model can be improved through time. The Forum itself should be a dynamic, developmental organisation.
4. The Support Team were asked to gather information on models of other Civic Fora.
5. It was agreed that there should be a good working relationship between the Assembly and the Forum. The focus should be on what is mutually deliverable, rather than simply behaving as a talking shop.
6. Unresolved discussion on the merits of the Forum being purely a consultative mechanism for the Assembly as opposed to the Forum actually initiating its own work in examining social, economic and cultural matters.

7. It was suggested that the representation should be based on social partner panels in each of the 18 Westminster/Assembly constituencies, with a liaison role between Assembly members and the panels in each of the respective constituencies. (Concerns were expressed that this could potentially politicise the Forum's membership).
8. Should seek to build on the existing partnership experiences throughout Northern Ireland.
9. It is imperative to ensure that the needs and aspirations of the most marginalised are represented on the Forum.
10. Acceptance of the limitations of representative bodies actually presenting the views of people they purport to represent.
11. It was suggested that a one-day conference should be organised in January 1999 to provide an opportunity for interested sectors/groups to have input on the establishment of the Forum. However, members were reminded that the First Minister and Deputy First Minister are not keen to undertake community consultation at this stage.

Action Points

- The Support Team will gather information on examples of other Civic Fora.
- It was agreed to meet again at 2.00 pm on Thursday, 10 December 1998
- The 10 December meeting should examine the issues of detail contained in the Annex B paper issued in advance of the 30 November meeting. The Support Team will prepare prompt questions to facilitate this.