



2014 CHAPTER 8

PART 10

COMMUNITY PLANNING

General

Community planning

66.—(1) A council must—

- (a) initiate; and
- (b) having done so, maintain, facilitate and participate in, community planning for its district.

(2) Community planning for a district is a process by which the council and its community planning partners—

- (a) identify long-term objectives for improving—
 - (i) the social well-being of the district;
 - (ii) the economic well-being of the district; and
 - (iii) the environmental well-being of the district;
- (b) identify long-term objectives in relation to the district for contributing to the achievement of sustainable development in Northern Ireland; and
- (c) identify actions to be performed and functions to be exercised by the council and its community planning partners (including actions and functions related to the planning, provision and improvement of public services) for the purpose of meeting the objectives identified under paragraphs (a) and (b).

(3) In subsection (2)(a)—

- (a) the reference to improving the social well-being of the district includes promoting equality of opportunity in accordance with section 75 of the Northern Ireland Act 1998 and, without prejudice to this, having regard to the desirability of promoting good relations; and
- (b) the reference to improving the economic well-being of the district includes tackling poverty, social exclusion and patterns of deprivation;

and expressions used in this subsection and in section 28E of that Act (Executive Committee's strategy relating to poverty, social exclusion etc.) have the same meaning as in that section.

(4) Every community planning partner of a council—

- (a) must participate in community planning for the district to the extent that such planning is connected with the partner's functions; and
- (b) must assist the council in the discharge of its duties under subsection (1).

(5) For the purposes of this section, a reference to an action to be performed or a function to be exercised by a council or one of its community planning partners is a reference to an action or function which is within the powers of the council or partner.

(6) In the discharge of its duties under subsection (1) a council must where appropriate have regard to its plan strategy and its local policies plan under sections 8 and 9 of the Planning Act (Northern Ireland) 2011.

Community planning partners

67.—(1) The Department may by order specify the bodies or persons who are to be the community planning partners of a council.

(2) The Department must not make an order containing provisions under subsection (1) unless a draft of the order has been laid before, and approved by resolution of, the Assembly.

(3) The Department must not make an order under subsection (1) unless it has consulted—

- (a) the bodies and persons specified in the order as community planning partners of a council;
- (b) district councils; and
- (c) such other bodies and persons as the Department considers appropriate.

(4) Subsections (2) and (3) do not apply to an order under subsection (1) which is made solely in consequence of a change of name of a body or in consequence of a body ceasing to exist; but such an order is subject to negative resolution.

Community plan

Production of community plan

68.—(1) Once community planning for a district has reached the stage described in subsection (2), the council must produce a document (a “community plan”) containing the information described in subsection (3).

(2) The stage referred to in subsection (1) is reached when the council is of the opinion that the degree of consensus amongst the community planning partners and the council—

- (a) as to community plan objectives for the district is such that it is appropriate to set such objectives in the community plan; and
- (b) as to the actions to be performed and functions to be exercised for the purpose of achieving those objectives is such that it is appropriate to describe them in the community plan.

(3) The information to be contained in the community plan is—

- (a) a description of the community plan objectives which the council considers it appropriate to set having regard to the consensus referred to in subsection (2)(a); and
- (b) a description of the actions to be performed and functions to be exercised for the purpose of achieving those objectives which the council considers it appropriate to include in the plan having regard to the consensus referred to in subsection (2)(b).

(4) The community plan—

- (a) must be produced as soon as is reasonably practicable after community planning for the district has reached the stage described in subsection (2); and
- (b) once produced, must be published as soon as is reasonably practicable by the council.

Duty to review community plan

69.—(1) A review must be completed in accordance with section 70—

- (a) before the fourth anniversary of the date on which the community plan was published under section 68(4); and
- (b) subsequently, before the fourth anniversary of the date on which the last such review was completed.

(2) For the purposes of this section and section 70, a community plan review is completed on—

- (a) the date on which an amended community plan is published under section 70(6); or

- (b) if a review does not result in any amendment to a community plan, the date on which the council decided that it was not required under section 70(4) to amend the plan.

Review of community plan

70.—(1) This section sets out the process by which a community plan must be reviewed.

(2) A council and, subject to subsection (3), its community planning partners must—

- (a) taking into account any statement published under section 71(3) since the community plan was produced or (as the case may be) its last review was completed, consider the extent to which—
 - (i) the community plan objectives contained in the plan have been met; and
 - (ii) if an objective has not been met, progress has been made towards meeting the objective;
- (b) in the light of the consideration under paragraph (a) and any other factors which the council or a partner thinks appropriate, consider—
 - (i) whether the community plan objectives should be modified;
 - (ii) whether new objectives should be set;
 - (iii) whether the plan's description of the actions to be taken and functions to be exercised for the purpose of achieving a community plan objective should be modified (whether in the light of a modification of an objective or for any other reason);
 - (iv) where the council or partner considers that a new objective should be set, which actions should be taken and which functions exercised for the purpose of achieving the objective.

(3) A community planning partner's duty under subsection (2) extends only to matters connected with its functions.

(4) If the requirement in subsection (5) is met a council must, following the consideration required by subsection (2), amend the community plan for its district by doing all or any of the following—

- (a) modifying the community plan objectives;
- (b) setting new objectives;
- (c) modifying the actions to be taken and functions to be exercised for the purpose of achieving a community plan objective;
- (d) describing the actions to be taken and functions to be exercised for the purpose of achieving a new objective.

(5) The requirement is that, in relation to a proposed amendment, the council is of the opinion that the degree of consensus amongst the community planning partners and the council in relation to the amendment is such that it is appropriate to make the amendment.

(6) The council must, as soon as is reasonably practicable after becoming subject to the duty under subsection (4), publish an amended community plan.

Monitoring

71.—(1) A council and its community planning partners must ensure that arrangements are made for monitoring—

- (a) progress made towards meeting the community plan objectives for the district contained in the current community plan; and
- (b) the effectiveness of actions taken and functions exercised for the purpose of meeting those objectives.

(2) A community planning partner's duty under subsection (1) extends only to matters connected with its functions.

(3) A council must at least once every two years publish a statement which describes—

- (a) progress made and outcomes achieved in meeting the community plan objectives for its district; and
- (b) actions taken and functions exercised for the purpose of meeting those objectives.

(4) It is the duty of each community planning partner of a council to provide such information as the council may reasonably require in order to enable it to comply with its duty under subsection (3).

(5) The first statement under subsection (3) must be produced within two years of the date on which a community plan is published under section 68(4).

Implementation

72.—(1) This section applies to a council or one of its community planning partners if the current community plan for the district describes—

- (a) an action to be performed by the council or partner for the purpose of achieving a community plan objective; or
- (b) a function to be exercised by the council or partner for the purpose of achieving a community plan objective.

(2) The council or community planning partner must take all reasonable steps to perform the action or exercise the function in accordance with the community plan.

Community involvement

Community involvement

73.—(1) A council and its community planning partners must seek the participation of and encourage the persons mentioned in subsection (2) to express their views, and take those views into account, in connection with—

- (a) community planning;
- (b) the production of a community plan for the district; and
- (c) the review of community plans.

(2) The persons are—

- (a) persons resident in the district;
- (b) persons who are not resident in the district but who receive services provided by the council or one of its community planning partners;
- (c) representatives of relevant voluntary bodies;
- (d) representatives of persons carrying on businesses in the district;
- (e) other persons who, in the opinion of the council, are interested in the improvement of the district's social, economic or environmental well-being.

(3) For the purposes of this section “relevant voluntary bodies” means voluntary bodies whose activities directly or indirectly benefit the whole or any part of the district.

(4) A registered housing association which provides housing in the district is a relevant voluntary body for the purposes of this section.

(5) In this section—

“registered housing association” has the same meaning as in Part 2 of the Housing (Northern Ireland) Order 1992;

“voluntary body” means any association carrying on or proposing to carry on any activities otherwise than for the purpose of gain by the association or by individual members of the association.

Miscellaneous

Guidance

74.—(1) The Department may issue guidance about—

- (a) any aspect of community planning;
- (b) the production and review of community plans;
- (c) the duties of a council and its community planning partners under sections 71 to 73.

(2) Before issuing guidance under this section the Department must consult councils and—

- (a) such associations or bodies representative of councils;
- (b) such associations or bodies representative of officers of councils; and
- (c) such other persons or bodies,

as appear to the Department to be appropriate.

(3) A council and its community planning partners must have regard to any guidance issued under this section.

Duties of departments in relation to community planning

75. So far as it is reasonably practicable to do so, every Northern Ireland department must—

- (a) in exercising any function which might affect community planning, promote and encourage community planning;
- (b) have regard to any implications of a community plan for the exercise of that department's functions.

Establishment of bodies corporate

76.—(1) The Department may—

- (a) on the application of a council and at least one of its community planning partners; and
- (b) after considering a report on the matters specified in subsection (2) made to the Department by the council and at least one of the council's community planning partners,

by order establish a body corporate having the constitution and functions specified in the order.

(2) The matters referred to in subsection (1)(b) are—

- (a) what consultations were conducted on the question whether to apply for an order;
- (b) the views on that question of the council and the council's community planning partners;
- (c) the views of other persons consulted on that question;
- (d) what functions should be specified in the order; and
- (e) such other matters as may be prescribed.

(3) An order made under subsection (1) may include provisions about—

- (a) the membership of the body established under it;
- (b) the proceedings of the body;

- (c) the transfer of property, rights and liabilities to and from the body;
- (d) the appointment and employment by the body of staff;
- (e) the supply by councils and other persons of services for the body;
- (f) the audit of the accounts of the body;
- (g) the dissolution of the body; and
- (h) such other matters as the Department thinks fit.

(4) A function may be specified under subsection (1) and accordingly fall to be discharged by the body in relation to which it is specified notwithstanding that under any statutory provision the function falls to be discharged also by another body or person.

(5) Subsection (4) has effect notwithstanding—

- (a) the absence of any statutory provision or rule of law providing for the discharge of that function otherwise than by the other body or person having that function; or
- (b) any statutory provision or rule of law preventing the discharge of that function in that way.

(6) In subsection (5) “statutory provision” does not include this section.

(7) Section 19 of the Interpretation Act (Northern Ireland) 1954 applies to a body established under subsection (1).

Amendments of the Planning Act (Northern Ireland) 2011

77.—(1) The Planning Act (Northern Ireland) 2011 is amended as follows.

(2) In section 8 (plan strategy), in subsection (5) (matters which a council must take account of in preparing a plan strategy) after paragraph (a) there shall be inserted—

“(aa) the council’s current community plan;”.

(3) In section 9 (local policies plan), in subsection (6) (matters which a council must take account of in preparing a local policies plan) after paragraph (a) there shall be inserted—

“(aa) the council’s current community plan;”.

(4) In section 250 (interpretation), in subsection (1) after the definition of “clerk of the council” there shall be inserted—

““current community plan” has the same meaning as in Part 10 (community planning) of the Local Government Act (Northern Ireland) 2014;”.

(5) The amendments made by this section do not apply in relation to a council until the council has published a community plan under section 68(4).

Interpretation

78.—(1) For the purposes of this Part—

“community planning” must be construed in accordance with section 66;

“community planning partner” means a person falling within section 67;

“current community plan” means the community plan for a district published under section 68(4) or, where the plan has been amended following a review under section 70, the plan most recently published under section 70(6).

(2) Any reference in this Part to an action being performed or a function being exercised for the purposes of achieving a community plan objective is a reference to an action being performed or a function being exercised as described in section 66(2)(c).

(3) Where this Part refers to a thing being connected with a community planning partner’s functions, the functions in question do not include the partner’s functions under this Part.

(4) A document referred to in this Act as a “community plan” (or by an expression including that term) may instead be referred to by whatever alternative name is agreed between a council and its community planning partners.