

Planning Reform & Transfer to Local Government Consultation - Phase 1
Planning Policy Division
Department of the Environment
Level 6 Causeway Exchange
1-7 Bedford Street
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BELFAST
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11 August 2014

Dear Sir/Madam

Consultation Paper on Planning Reform and Transfer to Local Government: Proposals for Subordinate Legislation/Planning NI

Thank you for the invitation to respond to this consultation.

For your information, NICCY have advised the Department of Environment on the inclusion of Children and Young people in the Local Government Bill with specific reference to engaging with them in the Community Planning guidance.

The Department itself has endorsed NICCY's Participation Statement of Intent (PPSI) which outlines its commitment to:

- listen to the views, concerns and opinions of children and young people in an open and inclusive manner, enabling their voices to inform and be heard by engaging with them in meaningful and creative ways; and
- developing existing policies and working practices to embed participation into our department

While on this occasion, I will not be providing a detailed response, however, in considering the issues addressed in the consultation, I would urge the Department of Environment to take account of the four guiding principles of the United Nations Convention on the Rights of the Child (UNCRC). The UK Government, including Northern Ireland, is a signatory to the Convention and it has agreed to uphold the rights of children and young people based on the Convention. The UNCRC provides the overarching framework which guides NICCY's work.

The principles are:

- **Article 2:** '*Children shall not be discriminated against and shall have equal access to all articles in the UNCRC*'. This means every child within a jurisdiction should be able to enjoy the provisions and protections enshrined in law, policy and practice, without discrimination of any kind and irrespective of their or their parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

- **Article 3:** *'All decisions taken which affect children's lives should be taken in the child's best interests'*. Essentially, in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child should be a primary consideration.'
- **Article 6:** *'All children have the right to life and to the fullest level of development'*. The rights contained in this article are linked to an enjoyment of the 'highest attainable standard' of health and living and to specific issues including child protection, poverty and care.
- **Article 12:** *'Children have the right to have their voices heard in all matters concerning them'*. This article asserts that 'States shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting them, the views of the child being given due weight in accordance with their age and maturity'. Children and young people (c&yp) should therefore be afforded genuine opportunities to participate in decision making in relation to matters affecting their lives.

Also, the Government's **10-year Strategy for Children and Young People in NI, 2006 – 2016** includes an underpinning value that children and young people should be active participants in society. It supports this by aiming to develop a culture where the views of our children and young people are routinely sought in matters which have an effect on their lives.

"In accordance with the UN Convention on the Rights of the Child, we will be proactive in obtaining the views of children in matters of significance to them" (pg 20)

Two of the key outcomes of **Delivering Social Change (DSC) Strategy for Children and Young People** are also reflective of the High level Outcomes as identified in the 10 yr Children and Young People's Strategy:

- Children and young people contribute positively to community and society;
- Children and young people live in a society which respects their rights.

The DSC strategy has identified 'what works to do better' which is informed by research and consultation. Importantly, it has identified that involving children in their communities and decision making process works, as does embedding the UNCRC within policy development and service delivery. In response to this evidence, the following action has been identified:

- Develop a programme designed to challenge the negative perceptions of children and young people and to enable young people to play a full and active role in decision-making within their communities.

Section 75 of the Northern Ireland Act places a statutory obligation on designated public authorities to have due regard to promote equality of opportunity and regard to good relations. Age is included as one of the nine specific categories. In accordance with its Equality Scheme, such designated public authorities should consult with relevant stakeholders including children

and young people when, for example, developing policies or legislation on matters which may have an impact on their lives.

Additionally, with regard to this consultation, I would urge the Department of Environment to take account of the following issues relevant to children and young people:

- NICCY welcomes that there will be community involvement and participation at each stage of the local development plan procedure.
- NICCY welcomes the recognition that the Statement of Community Involvement (SCI) is a **key tool** in increasing awareness of the scope for community participation and involvement
- As new councils have responsibility for Community Planning under the Review of Public Administration, it is essential that a statutory requirement within the appropriate pieces of subordinate legislation (The Planning (Statement of Community Involvement) Regulations (NI) 2015) be placed on them to involve children and young people in the Community Planning process, in an appropriate and meaningful manner.
- **Definition of Community:** Although age is an identified group under section 75 of the Northern Ireland Act 1998, NICCY recommends that (i) as a group that represent almost 25% of the population, and (ii) as the above legislation, strategies and initiatives stipulate hearing the voice of children & young people, this **definition** of community should specifically identify children and young people.
- **Consulting with the public on the preparation of an SCI:** NICCY advises that it should be mandatory – and not only if a council feels it appropriate - that councils should consult with the public on the preparation of an SCI. In this way, it is more likely that the SCI will reflect actual rather than presumed needs.
- **Departmental Guidance to be prepared to assist councils in the preparation of an SCI:** This should include reference to engaging with young people in the development and consultation of SCI.

It is also imperative that adequate monitoring systems are introduced at council level to ascertain and monitor both the quantity and quality of engagement with c&y in the decision making process and how that engagement impacts on the development of strategies, policies and initiative such as, but not restricted to, the Statement of Community Involvement.

I would strongly advise that the key articles from the UNCRC; existing legislation, strategies and initiatives and the above issues pertaining to children and young people inform Department of Environment's decision-making in respect of all matters arising in the **Planning Reform and Transfer to Local Government: Proposals for Subordinate Legislation Public Consultation**, which may impact directly or indirectly on children and young people.

Yours sincerely



Patricia Lewsley-Mooney
Commissioner