

# Agenda Item

**Executive Board**

**27 February 2008**

**White Paper Consultation Documents**



## **Consultation Documents supporting the implementation of the 'Strong and Prosperous Communities' White Paper**

### **Summary**

In recent months a plethora of documents have been published for consultation with interested parties which will deliver the Government's aspirations contained in the White Paper, 'Strong and Prosperous Communities', and as legislated for in the Local Government and Public Involvement in Health Act.

The focus of these aspirations is on achieving positive outcomes for people and places through partnership and by engaging and empowering communities. Six consultation documents are described briefly so as to provide an overview of the Government's aspirations and the implications of delivering these on the way councils work in partnership and with local people.

### **Recommendations**

**That the Board debates the implications of the consultation documents, in particular the expanded roles of partnership and community engagement and empowerment.**

#### **a) Reasons for Recommendation**

To advise members of the main content of six consultation documents published late last year that will take forward the Government's aspirations for 'Strong and Prosperous Communities' through greater partnership working and increased involvement of local people.

#### **b) Alternative Options**

None.

#### **c) Risk Considerations**

A failure to make members aware of the six consultation documents could result in the Council being criticised in a future Inspection and could also compromise the Council's reputation and budgets.

#### **d) Policy and Budgetary Considerations**

##### **Positive Impact Overall**

Excellent Customer Service.  
Inspirational Council.

The policy and financial implications of the six consultation documents are under ongoing consideration.

#### **e) Date for Review of Decision**

The Board may wish to give further consideration to the final versions of the consultation documents when they are published.

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## **Main Body of the Report**

### **1.0 Introduction**

- 1.1 The Local Government and Public Involvement in Health Act which received Royal Assent in October 2007 paved the way for the publication of a series of documents for consultation on the Government's proposals to implement the aspirations of the White Paper 'Strong and Prosperous Communities' that was published a year earlier.
- 1.2 The White Paper promoted a new settlement between central government, local government and citizens, placing greater emphasis on place shaping and on improving outcomes for a whole area, particularly through partnership and the engagement of local people.
- 1.3 A paper charting progress with the White Paper, 'Strong and prosperous communities The Local Government White Paper Implementation Plan: One Year On' was considered by the Executive Board on 28 November. On 5 December, the Scrutiny Committee explored the implications of a new single set of National Indicators which was one of the first consultation documents to be published.
- 1.4 'An introduction to the performance management framework – delivering better outcomes for local people' which was published in November 2007, confirms the means by which the Government will deliver its aspirations. The key mechanisms of the framework are:
- Local Strategic Partnerships (LSPs) which set local priorities in Sustainable Community Strategies (SCSs)
  - national priorities as set out in the new single set of National Indicators (NIs)
  - Local Area Agreements (LAAs) negotiated between Government, local authorities and their partners
  - external assessment of achievement in an area through Comprehensive Performance Assessment (CAA).
- 1.5 The consultation documents relate specifically to partnership working and concentrating resources on shared priorities in order to achieve better outcomes. There is also a much greater focus on community engagement and empowerment and the new duty to involve looks destined to become significant. The six consultation documents that were published at the end of last year, each of which is described below, are:
- The Comprehensive Area Assessment
  - Use of Resources
  - Creating Strong, Safe and Prosperous Communities Statutory Guidance
  - Principles of Representation: A framework for effective third sector participation in Local Strategic Partnerships
  - Local petitions and Calls for Action
  - Place Survey.

### **2.0 The Comprehensive Area Assessment (CAA)**

- 2.1 The Audit Commission has published a joint consultation document setting out initial proposals for CAA, as originally outlined in the White Paper. It will come into effect in April 2009, replacing Comprehensive Performance Assessment (CPA).

- 2.2 The Commission states that “CAA will be relevant to the quality of life of local people, area and outcome focused, constructive and forward looking, joint and participative”. It proposes to present residents with an assessment of the ‘prospects for the area and the quality of life for local people’.
- 2.3 The proposals involve:
- An annual ‘area risk assessment’ based on the LAA (County) area and applying to all partners
  - Scored annual Direction of Travel and Use of Resources assessments applying to individual local authorities.
- 2.4 The CAA assessments will all draw on the single set of National Indicators which the Scrutiny Committee considered on 5 December, and will also be heavily influenced by the views of residents and those using services.
- 2.5 Because the area to be assessed in two tier arrangements under CAA is a County, a key issue for a council like ours will be the nature of our role and that of our LSP in relation to that of the County Council and their LSP. This needs to be resolved effectively because, after all, CAA will be assessing “how well counties, districts and their partners, including the private and third sectors are working together to address the priorities for their communities”.
- 2.6 In light of the feedback on the consultation document and the findings of initial trials, the Commission will publish a further consultation document and conduct more trials in the summer prior to publishing the final CAA framework at the end of 2008 or early 2009.

### **3.0 Use of Resources (UOR)**

- 3.1 In conjunction with the CAA consultation, the Audit Commission has also released a separate consultation document focussed on proposals around their new approach to the Use of Resources judgement. This includes the key lines of enquiry (KLOE) for 2008/09 “which will be the judgements delivered in the first year of CAA in 2009”. The consultation sets out the first generic use of resources KLOE covering local authorities, primary care trusts, fire and rescue authorities and police authorities. This, it is suggested, will “promote consistency and demonstrate that all organisations within a CAA area are being treated in exactly the same way and to the same standards of rigour”.
- 3.2 The proposed use of resources judgement will continue to operate as an annual scored assessment but will comprise three new themes:
- Managing Money
  - Managing the Business
  - Managing other resources.
- 3.3 The suggested scope is considerably expanded, embracing non-financial resource issues such as the management of ‘natural resources’ and ‘people and information technology’. It will also “place emphasis on current national priorities such as those stated by ‘Strong and Prosperous Communities’” White Paper. Partnership and community engagement and empowerment feature throughout the KLOE and commissioning and procurement, equality issues and environmental factors also appear frequently.
- 3.4 The KLOE are expected to bring about continuous improvement by raising the performance bar so that the “level of performance that might have been expected to score at level 3 in the past might, where appropriate, become that necessary to score at level 2 in the future”.
- 3.5 The expanded role of Use of Resources provides the Commission with the means by which to make sure that the key public bodies

will deliver the Government's aspirations at an organisational level whilst the CAA 'area risk assessment' will do the same for partnerships.

- 3.6 In light of the feedback on the consultation document and the findings of current trials, the Commission will finalise the methodology for 2008/09 which it aims to publish by 1 April 2008.

#### **4.0 Creating Strong, Safe and Prosperous Communities Statutory Guidance**

- 4.1 This builds on the key mechanisms confirmed by 'An introduction to the performance management framework – delivering better outcomes for local people' referred to in section 1.4. The consultation document is divided into five topic areas:

4.1.1 Governance and engagement:

- The role of the (County) LSP – the County, the partners and the third sector.
- The new duty to involve – “The aspiration for the new duty to involve is to embed a culture of engagement and empowerment.” “This means that authorities must “consider, as a matter of course, the possible information provision, consultation and involvement opportunities they need to provide to people across all functions”. The new duty will come into effect on 1 April 2009.

4.1.2 Establishing a vision for the area:

- The duty to prepare a Sustainable Community Strategy (long-term vision and priorities) which requires local authorities to not only consult and seek the participation of each partner authority but also, (as part of the new duty to involve), representatives of local people.
- Counties and Primary Care Trusts are required to produce a Joint Strategic Needs Assessment of future health and social care needs. There is a suggestion that Housing and Homelessness Strategies should be incorporated within Sustainable Community Strategy although there is no specific reference as to how this might apply to a two tier area.

4.1.3 Agreeing priorities for an area:

- Reference to Counties having a regard to their long-term SCS when preparing their 3 year LAAs which have to be agreed with Government.
- Consultation of non-partner authorities.
- The duty to publish information about an LAA, which is again linked to the new duty to involve.

4.1.4 Agreeing priority outcomes for an area – the role of local partners:

- Statutory 'partner' authorities and the duty to co-operate. The designated partner authorities “must be involved in helping to determine any target in the draft LAA which will relate to it and in doing so must co-operate with the responsible local authority (County)”. “The duty to co-operate applies to all local improvement targets in the draft LAA, not just for those which are likely to be national priorities and therefore become designated.”
- Non-statutory partners, including businesses and the third sector; and the expectation that they also be given the opportunity to participate in the negotiation of LAA targets and that they in turn be encouraged to observe the same standards of co-operation as statutory partners.

- 4.1.5 Delivering priorities:
- The overarching role of LSPs.
  - The County and partner authorities are required to “have regard” to all those LAA targets that relate to them and they must “be able to demonstrate how they are effectively planning for the implementation of their contribution to the achievement of those targets”.
  - The duty of Best Value or continuous improvement “remains at the heart of the new performance framework”.
  - The commissioning role of local authorities, with reference to “putting people and places at the heart of commissioning”, and the desire for a mixed economy of service delivery, with reference to 3 year grant funding arrangements for partners in the business and third sectors.
- 4.2 This consultation document throws up a series of challenges and issues for the various partners to consider such as the new duty to involve with a strong emphasis on active involvement and participation rather than consultation and the new duty to co-operate with the associated guidance on the roles and responsibilities of partners.
- 4.3 In light of the feedback on the consultation document, the Government will finalise the statutory guidance but has not indicated when this is likely to be published.
- 5.0 Principles of Representation: A framework for effective third sector participation in Local Strategic Partnerships**
- 5.1 The White Paper placed great importance on the role of the third sector, particularly in relation to LSPs and their contribution in place shaping. This consultation document contains “a guiding set of principles that should help the third sector bodies develop arrangements that strengthen their representation and widen participation with LSP partners”. They are intended to “provide information to local authorities and their LSP partners to assist them in understanding how to engage more effectively with the third sector and, through them, local communities”.
- 5.2 The ‘principles of representation’ focus on accountability, equality, leadership, openness, purpose, sustainability and values.
- 5.3 The consultation document recognises the existing good practice between the third sector and public bodies, particularly that developed through local Compacts and Compact codes of practice. However, the Government indicates that the good practice is not universal and suggests that the principles may be used to “build on what already works and offer a framework to address shortcomings”.
- 5.4 The ‘principles of representation’ are explicitly linked to the new performance management framework, particularly to the two key themes of partnership working and community engagement. In fact, the Government goes as far as to say that “it is important to consider how they (the principles) might be applied to all aspects of local engagement”.
- 5.5 The Government has invited feedback on the consultation document which is aimed at third sector groups operating within an LSP, but has not indicated the likely progress with the principles thereafter.

## **6.0 Local petitions and Calls for Action**

- 6.1 Under these proposals, councils would be required to respond to petitions submitted by local people, which could be on any issue for which the local council has responsibility, from abandoned vehicles to water safety. However, part of the consultation covers the 'local authority matters' to be excluded such as statutory processes like planning and licensing appeals.
- 6.2 Currently there is no requirement for councils to respond to petitions, no matter how many people sign up. But under these proposals, councils would be legally required to respond to any petition gaining significant local support. General principles, with options, for petitions to be valid are proposed for consultation, for instance the number of signatures required to demonstrate a sufficient level of support.
- 6.3 Under the proposed new measures if the council ignores the petition or the response is unsatisfactory, people could ask their local councillor to trigger a 'select committee' style hearing within the local authority to ensure that an issue affecting the people living or working in his or her ward is raised and debated, under the new 'councillor call for action', which was part of the Local Government and Public Involvement in Health Act.
- 6.4 Adding the duty on local councils to respond to petitions to the 'councillor call for action' is intended to give people an additional, direct route to ensuring that their concerns and ideas are considered properly by those who have the power to do something about them. Petitions already have legal teeth in Germany, the United States, Canada, Sweden, Italy and New Zealand.
- 6.5 The idea of a statutory duty on local authorities to respond to local petitions also links up with the new statutory duty on authorities to inform, consult and involve local people in their decisions and services.
- 6.6 The Government will consider the responses to the consultation document and publish a report on the feedback in June. If approved, the plans could come into force from as early as later this year, or later if legislation is required.

## **7.0 Place Survey**

- 7.1 As part of the national set of 198 national indicators, some 20 of them, known as 'citizen perspective indicators', would be collected through a new Place Survey. This would replace the General User Satisfaction Survey. The questions in the survey would focus on improving outcomes for local people and places rather than on institutions, services, processes and inputs.
- 7.2 It is proposed that councils will ask local residents their views on a wide variety of issues, ranging from their use of local services to their general health and well-being, from support for older people to tackling crime, as well as information on levels of participation in the local community. Respondents would also be able to say how concerned they are about the problems affecting their communities, from littering, graffiti or noisy neighbours, to whether they feel the police and local authorities are tackling anti-social behaviour effectively.
- 7.3 The new single survey would be similar to the General User Satisfaction Survey in that it is proposed that:
- it should be run by councils (by one tier or both tiers in two tier areas)
  - it should be conducted as a postal questionnaire
  - the Post Office small users address file (PAF) should be used as the sampling frame
  - it should have the same sample size (1,100)

- authorities should submit un-weighted data and weighting would then be conducted centrally through a third party, commissioned by Government.
- 7.4 However, it is proposed to conduct the Place Survey every two years rather than every three years for the General User Satisfaction Survey with the first survey being carried out between September and November 2008.
- 7.5 The survey would be shorter than the General User Satisfaction Survey with scope for councils to add questions, including questions from the General User Satisfaction Survey or joint questions with other members of their Local Strategic Partnership. If authorities choose to ask any additional questions, they would need to be set out in a separate section and the total survey length could be no more than 12 pages.
- 7.6 The Place Survey epitomises the Government's desire for greater engagement of local people on the issues that affect their lives and the places where they live and more effective partnership working because most of the issues raised in the survey can only be addressed by partners.
- 7.7 In light of the feedback on the consultation document, the Government will finalise the statutory guidance which is due to be published in April so that councils may conduct the first Place Survey next autumn. The findings of the survey will be used in the first round of CAA reporting a year later in autumn 2009.

## **8.0 Conclusion**

- 8.1 Because of the extent of change implied by the consultation documents, members will no doubt be returning to consider the detailed implications of them over the coming months. The two key themes of partnership and community engagement and empowerment feature significantly in all of the consultation documents and the action that the Council takes on the expanded role of each during the next 18 months will be crucial to our first CAA assessment, including Use of Resources and Direction of Travel judgements, that will be announced in the autumn of 2009.

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## **Legal Implications**

The Head of Legal, Licensing and Democratic Services reported to Annual Council in May 2007 on the Call for Action powers in the Local Government and Public Involvement in Health Act which has now become law. Council agreed that the additional powers and functions be noted in the Constitution.

The detailed mechanics for the Call for Action will need to be put in place, together with consideration by the Council of a range of new decision-making and governance processes brought in by the Act. None of these changes is yet in force and it is recommended that Scrutiny Committee considers their implications and implementation options at their April meeting.

## **Financial Implications**

There are no direct financial implications at this stage but if proposals do have financial consequences in the future then a separate report will be required to the Executive Board for approval.

## **Consultation on Reports to the Executive**

The six Government documents described in the report have been the subject of consultation nationally.

## **Background Papers**

The six consultation documents which are available on the website of the Department of Communities and Local Government:  
<http://www.communities.gov.uk/localgovernment/publications/all/>

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Executive Board  
27 February 2008