



Policy Briefing: *The Local Government White Paper 'Strong and Prosperous Communities' & The Local Government and Public Involvement in Health Act 2007*

Introduction

This briefing provides an update on the passing of the Local Government and Public Involvement in Health Act and on progress within CYC on implementing individual elements of the Act and White Paper, highlighting key issues that still need to be addressed. Additional briefings and a report on the White Paper were submitted to CMT in November 2007.

Overview

The White Paper was published on 26th October 2006 and was followed by the Local Government and Public Involvement in Health Bill which was intended to give legislative effect to many of the proposals contained within the White Paper. The Bill received Royal Assent on 30th October 2007 and the Local Government and Public Involvement in Health Act has now been published in final form.

The key themes of the White Paper 'Strong and Prosperous Communities' were

- Responsive services and empowered communities
- Effective, accountable and responsive local government
- Strong Cities, strategic regions
- Local government as a strategic leader and place shaper
- A new performance framework
- Efficiency- transforming local services
- Community cohesion

The Act gives effect to the Government's proposals for the reform of the local government system in England and the reform of current arrangements for public involvement in the provision of health and social care services.

The Bill was less proactive than the White Paper; several proposals in the White Paper were not specifically mentioned. However, some of the issues the White Paper contained have been carried forward by other government reviews and papers (e.g. the review of Sub-national Economic Development and Regeneration and the Comprehensive Spending Review). Whilst the Act contains statutory duties, the White Paper is more of an overarching and aspirational document. The Government's intention is that councils striving for excellence will consider the recommendations such as neighbourhood working, participatory budgeting and area-based scrutiny. The more good practice that can be embedded the better as the policy direction of central government indicates that it is likely that there will be forthcoming proposals on petitions, and around informing and involving citizens.

The underlying premise of both White Paper and emerging legislation is to improve participation and engagement with democracy, strengthen the role of the frontline councillor, improve partnership working and enable local authorities to deal with local issues. However there are still contentions between central and local direction regarding accountability and funding.

There have been some amendments to the Bill during its progress through both the House of Commons and House of Lords, most notably regarding executive arrangements and the Councillor Call for Action (CCfA). Central government has continued to emphasise the need to put users at the heart of services, improve involvement and allow local flexibility as policy objectives. Following the Green Paper on Governance in July 2007 forthcoming legislation to establish a concordat between central and local government is likely.

Some additional guidance and confirmation of timescales for implementation is still expected from Government. Table 1 provides details of this plus CYC's progress to date.

Key Points from the Local Government and Public Involvement in Health Act

Summarised below are key points from the Act. The implications of these and CYC's progress are included in Table 1.

- Executive & Decision-Making Models – a Lords amendment removed the option of a directly elected executive. The options are now a leader and cabinet executive or mayor and cabinet executive with either leader or mayor holding office for 4 years.
- Unitary authorities – a time limit, up to January 2008, was put on the power to direct councils in two-tier authorities to make bids for unitary status.
- Byelaws – a process for devolution of byelaws was set in motion, this is expected to be in place for April 2008 following consultation (secondary legislation is required).
- Neighbourhoods & Decision making –the Act contains less on this aspect than the White Paper, however the recent Action Plan for Community Empowerment: Building on Success (DCLG Oct 2007) sets out methods for devolving power to local communities, such as transferring assets and participatory budgeting.
- Community Cohesion – local authorities have a duty to ensure cohesive communities.
- Scrutiny – there is an enhanced role for local authorities to review actions of key public service providers and to call for evidence. Overview and Scrutiny is expected to have a new locality focus with increased potential for area-based reviews. Further guidance is expected.
- Councillor Call for Action (CCfA) – there will now just be one model rather than two (there was going to be a separate model for Crime and Disorder as announced in the Police and Justice Act 2006 but this was suspended due to the Flanagan review of policing). The simpler DCLG model is to be adopted. The focus is on the ward councillor to bring forward CCfAs which must as a minimum be considered by Scrutiny Management Committee, which will to decide whether or not to pursue the matter further. Statutory guidance is still to be published.
- Performance and Comprehensive Area Assessment (CAA)– new National indicators were announced as part of CSR07. CMT received a briefing on the new performance management framework on 31st October. The technical guidance is currently being consulted on. CMT will receive a further briefing on this and a report on CAA in the next few weeks.
- Local Area Agreement (LAA) – the Act introduced a statutory duty for local authorities to have an LAA. Once agreed all partners must have regard to the targets when conducting business. NHS and foundation trusts were originally omitted as named partners, they have now been included.
- Local Involvement Networks (LINKs) - the Act introduced a duty on each local authority to appoint an independent organisation to develop and support LINKs which replace Patient Forums. £10,000 has been allocated to councils to support implementation to commission a provider. A further announcement to be made on funding for the three year period from 2008-09.
- Waste PFIs – Councils were given the power to submit proposals to create joint waste authorities.

- Duty to Involve – the Act introduces the duty from 2009. Local authorities will be required to involve local people in the exercise of their functions. Guidance will be issued which is likely to focus on involving local people in the design and delivery of services. It is likely there will be CAA measures around involvement of citizens in decision-making processes.

Implications & Analysis

Table 1 details the main areas of action from the White Paper and summarises progress alongside outstanding issues that still need to be addressed. Since an initial CMT report in January 2007 there have been a number of related reports which have been linked to specific elements of the White Paper, (e.g. neighbourhood management and on the transfer of community assets), and work is ongoing in responding to the White Paper.

Some of the initiatives at CYC have gone further than responding to the basic statutory requirements and have taken a more holistic view embracing the spirit of the White Paper and in line with the direction of central government policy. This reflects CMT's decision in January 2007 to take a 'proactive' approach to the White Paper. The priorities and direction statements in the corporate strategy and work around neighbourhoods are good examples of this approach.

Future Action

The policy direction emerging from central government indicates that in future we are likely to be asked to do more around community and stakeholder involvement and partnership working in addition to continuing to make efficiency savings. This is evidenced in 'An Action Plan for Community Empowerment: Building on Success' (DCLG, Oct 2007), and the Governance Green Paper (July 2007).

Key outstanding issues in responding to the White Paper and the Local Government and Public Involvement in Health Act for CYC are

- Scrutiny – ensuring our function will meet new requirements
- CCfA – ensuring CYC has a system in place to meet demands including support for ward councillors
- Performance, new indicators and transition to CAA – work is ongoing around this. CAA will focus more on outcomes, customer experience and the delivery of outcomes through partnership.
- LINKs – replace Patients Forums. The focus of a LINK is ensuring local community can influence key decisions on health and social care services. Work is ongoing on commissioning an organisation to run the local LINK.
- Citizen involvement - future measures will look for more evidence of engagement and CYC could start to embed this across all Directorates. There is a need to demonstrate that corporate importance is placed on enabling citizens to influence decision-making.

There are a number of consultations still scheduled to take place and confirmation of guidance and final implementation from central government remain outstanding on a number of the key issues. There is need to ensure that such information is communicated to relevant staff. There is also a need to engage with Elected Members and ensure they have an understanding of the key issues. Once the arrangements for CCfA are available they will need to be fully briefed on how this will work for CYC.

Linkages to Current CYC Priorities

Many elements of the corporate strategy link well with the policy direction of the original White Paper and successive policy announcements. The refreshed corporate values and direction statements are in line with current policy thinking and if we use these to develop our overall agenda we are likely to go some way to fulfilling not just statutory obligations but the tenor of the original White Paper such as involving citizens, place-shaping, tackling the key issues that affect the locality, and promoting community cohesion and inclusion.

Table 1 White Paper Actions and Progress**Governance and Empowerment**

Proposal	Government progress to date	CYC progress	Deadline	Comments
Changes to Executive arrangements: Executive structure to be one of the following: Directly elected mayor, appointing a cabinet or Leader elected by council, cabinet chosen by Leader (4 year term)	Amendments made in the Bill to remove one of the options (directly elected executive)	CYC model already similar	2011 for unitary councils	Councils will be able to adopt a mayoral model following community consultation – does not need referendum
Local authorities can opt for all-out elections every 4 years and single member wards	To be phased in with electoral cycles	CYC already has 4 year cycle. Single member wards not considered to date.	2009 -2011	Councils can request Electoral Commission to review for single member wards
Expansion of powers of overview and scrutiny to enable review actions of key public service providers and call for evidence.	Regulations to be introduced – not yet in force. Intention to increase locality focus of scrutiny	CYC have amended topic registration form.	April 2008	Police & Justice Bill stated we should have a separate Crime & Disorder scrutiny committee
Creation of a 'Councillor Call for Action'.	Now only one model with focus on role of the ward councillor. All councillors to be able to refer matters for overview and scrutiny. Statutory guidance still to be published.	Members will need briefing and training before implementation, Issues of support for ward councillors in determining what is a Call for Action (need for clear definitions)	Consultation Jan 2008 Introduction from April 2008 (subject to Police review)	Scrutiny services need to examine current practice and include any amendments required to enable CCfA Information on Kirklees pilot has been passed to scrutiny.
Set up of Commission on Local Councillors	Reported 10 th Dec 2007 Gov. implementation plan March 2008	Briefing produced Jan 2008	Dec 2007 March 2008	Further action depends on implementation plan

Proposal	Government progress to date	CYC progress	Deadline	Comments
Local authorities to adopt new, simpler code of conduct for members.		York adopted new Code of Conduct at Council in August & all members are signed up.	April 2008	
<p>Extension of neighbourhood management e.g.</p> <ul style="list-style-type: none"> • Community ownership and management of assets • Neighbourhood Charters • Community kitty/ participatory budgeting • Area based scrutiny • Petitions 	<p>Action Plan for Community Empowerment published Oct 2007</p> <p>Quirk Review published March 2007 - government committed to implementation May 2007 Toolkit due Spring 2008</p> <p>Pilots set up, probable introduction 2012 for all</p> <p>Consultation Jan 2008</p>	<p>Paper on asset transfer has been to Executive & decision taken Oct 2007</p> <p>CYC already has Neighbourhood Action Plans</p>	Spring 2008	<p>Need to keep under review if requests are made for community ownership.</p> <p>Neighbourhood Services already reviewing - paper to Executive due 26/2/08</p> <p>Briefing produced for CMT</p>
Community governance	<p>New powers to carry out community governance reviews</p> <p>Well being of parishes</p>	CYC could consider if it would want to look into this.	<p>Feb 2008</p> <p>April 2008</p>	Council can start process leading to creation of parish councils.
Joint Strategic Commissioning – requirement for PCT & LA to undertake		Work underway and report to come to CMT in 2008	April 2008	

Proposal	Government progress to date	CYC progress	Deadline	Comments
New duty to inform, consult & involve local people	Statutory guidance to be developed in 2008	New duty to involve local people will need to be considered across all Directorates.	April 2009	Briefing to be provided once further information available
Creation of Local Involvement Networks (LINks) for patient and public involvement in health and social care to replace Patients' Forums. LINks will be attached to a local authority area rather than a specific NHS Trust	£10,000 allocated to councils to support implementation. Announcement to be made on funding for the three year period from 2008-09.	Joint procurement of a LINks service between York and North Yorkshire is being progressed by Partnerships Team. Designed to comply with statutory requirement for host organisation	April 2008	Strategic Partnerships Team developing
New powers to introduce byelaws	Secondary legislation to be implemented to enable local authorities to make certain byelaws	CYC will need to consider if they want to take this up	April 2008 – regulations to be issued	
Joint Waste Authorities * (was added in to Bill at late stage)	Councils were given the power to submit proposals to create joint waste authorities.	CYC currently has a PFI project jointly with NYCC		CYC may wish consider in future
Restructure into new unitary authorities	Final decisions to be made Dec 2007 NYCC already been unsuccessful in bid	No action required	April 2009	No action required

Performance

Action	Progress to date	CYC Progress	Deadline	Comments
<p>New single set of national indicators to be used for performance management</p> <p>No longer a requirement for BVPPs</p> <p>New Places survey will replace the BVPI satisfaction survey</p>	<p>198 indicators announced as part of CSR07</p> <p>Consultation on technical definitions Nov – Dec 2007</p> <p>Final handbook due to be published by end Feb 2008</p> <p>Consultation Dec 07- Jan 08</p>	<p>CMT briefed 31/10/07</p>	<p>April 2008</p> <p>Autumn 2008</p>	<p>Policy Improvement Equalities Team/ Strategic Partnerships team dealing & involving other directorates</p> <p>Marketing / Policy Improvement Equalities Team leading</p>
<p>Comprehensive Area Assessment (CAA) to replace CPA, JAR, APA and social care star ratings</p>	<p>Consultation to take place 2007 /2008 (more than 1)</p>	<p>CMT discussion paper 28/11/07</p> <p>Will need to involve all Directorates & lessons from CPA</p>	<p>April 2009 (for full implementation)</p>	<p>Policy Improvement Equalities Team /Partnerships working on this.</p>
<p>National Improvement & Efficiency Strategy to be introduced</p>	<p>Publication Jan 2008</p> <p>Prospectus due March 08</p>	<p>Briefing produced for CMT Jan 2008</p>	<p>March 2008</p>	<p>Resources Directorate leading</p>
<p>Local Area Agreements</p> <p>Statutory requirement for LAAs</p> <p>Duty for other agencies to cooperate in development of LAA</p> <p>LAA targets (up to 35) to be negotiated with partners</p>	<p>Amended to include NHS & Foundation trusts as named partners</p> <p>Guidance on negotiation published Sept 2007</p>	<p>Negotiation of revised LAA ongoing</p>	<p>June 2008</p>	<p>Strategic Partnerships Team leading</p>

City and Regions

Action	Progress to date	CYC Progress	Deadline	Comments
Involvement of local authorities as place shapers in relation to economic development and regeneration	Review of sub-national economic development & regeneration published July 2007.	CYC to consider focus in relation to Future York report etc CMT paper on LCR 7/11/07		Separate briefings have been provided on this & regional agenda. Economic Development Team leading
Multi Area Agreements	Guidance to be published by end 2007	To be taken up through Leeds City Region	June 2008	Economic Development leading
Local Transport Bill	Draft published May 2007 Bill due this Parliament			

Community Cohesion

Action	Progress to date	CYC Progress	Deadline	Comments
Commission on Integration & Cohesion to make recommendations on how local communities can build cohesion	Report published July 2007 - initial government response October 2007 Detailed government response due 2008	Cohesion & Inclusion agreed as direction statement in corporate strategy. 'Cohesion Strategy' under consideration		Cohesion will be linked into LAA and new performance framework. Need to review once detailed government response available.
Migrant workers	Good practice website launched Feb 2007	Work begun in conjunction with Inclusive York on changing population in York- includes migrant worker issues		
Establishment of Forums on Extremism	12 have been set up 2007			

Last updated 30/01/08