

NORTH LINCOLNSHIRE COUNCIL

CABINET

**UPDATE ON THE LOCAL GOVERNMENT WHITE PAPER and
LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To provide an update on the key developments arising from the Local Government White Paper, Strong and Prosperous Communities, the Local Government and Public Involvement in Health Act 2007.
- 1.2 These publications represent a significant change for the role of local councils to develop the areas economic prosperity and create better places for our communities. It sets out the Government's commitment to communities and individuals, devolving power to localities, giving more influence, choice and greater opportunity to own and run local services.
- 1.3 This report follows on from the Cabinet Reports, on 23 November 2007, 2 April 2008 and 17 September 2008, and summarises the most recent guidance notes that have been published.
- 1.4 The report identifies where further decision reports are required to implement the requirements.

2 BACKGROUND INFORMATION

- 2.1 The Government published the white paper "Strong and Prosperous Communities in Oct 2006. It contained the government's proposals on the role of local government.
- 2.2 In December 2006 Cabinet considered the implications of the White Paper and resolved to incorporate the additional actions into the council's strategic plan.
- 2.3 The Local Government and Public Involvement in Health Act received Royal Assent in October 2007. Cabinet considered the main aspects of the Act in November 2007 and April 2008.

- 2.4 In September 2008 a further update was provided which included details of the White Paper Communities in Control: Real People, Real Power
- 2.5 This paper is a continuation of these reports and outlines the guidance and implementation information that has been published since September 2008. A number of areas need to be progressed quickly as the time between the government publishing the guidance and the date they require for implementation is relatively short.
- 2.6 There is still guidance to be produced. These will need to be considered when it is produced and will be the subject of further decision reports if necessary. A summary of guidance published since September 2008 and recommendations for taking forward is detailed in Appendix 1.

3. OPTIONS FOR CONSIDERATION

- 3.1 The council is required to implement the Local Government and Public Involvement in Health Act 2007. Detailed guidance on implementation of this, and wider aspects of the Local Government White Paper, will indicate the extent to which councils have any options for implementation. These will need to be considered as each set of guidance is produced and be the subject of further decision reports.

4 RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

- 4.1 This new direction involves a greater emphasis on place making, a more enabling role, less direct service delivery and a sharing of assets, systems and skills. As such it will inevitably have a longer-term impact on the nature and size of our staff, property and IT.

5. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER)

- 5.1 The Local Government and Public Involvement in Health Act 2007 is a statutory requirement and the council will need to ensure that it meets the timetable for implementation.
- 5.2 There will be significant diversity implications arising from the new direction. There will be a much greater emphasis on diversity particularly in relation to personalisation of services, choice, cohesion; ensuring people are not disadvantaged and taking action where they are.
- 5.3 A full diversity impact assessment on Strong and Prosperous Communities: The Local Government White Paper was published in

October 2006. Any identified adverse impacts have been mitigated against.

- 5.4 Diversity Impact Assessment Screening will need to be undertaken for all new and existing policies changes as a result of any new requirements.

6. OUTCOMES OF CONSULTATION

- 6.1 Member and officer briefings have been undertaken. Further sessions are planned to ensure that we keep up to date with guidance as it is published.
- 6.2 The Act contains a new duty to involve, which will have implications on the way we engage with and involve local people.

7. RECOMMENDATIONS

It is recommended that:

- 7.1 The recommendations in Appendix 1 be approved and further reports are submitted to cabinet on key areas of implementation
- 7.2 Further briefings be given to all elected members and senior officers as guidance documents are published

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Background Papers used in the preparation of this report

Audit Commission news release – published July 2008
Comprehensive Area Assessment – LGA on the day briefing – published July 2008
Comprehensive Area Assessment – consultation LGIU briefing summer 2008
Comprehensive Area Assessment Joint Inspectorate Proposals for Consultation – Summer 2008
Local Petitions and Calls for Action –the government response LGIU briefing August 2008
Roles and responsibilities in the local performance framework LGIU briefing August 2008
Report to Cabinet December 2006 entitled “Local Government White Paper and Local Government and Public Involvement in Health Act 2007”
Report to Cabinet November 2007 entitled “Local Government White Paper and Local Government and Public Involvement in Health Act 2007”
Report to Cabinet April 2008 entitled “Local Government White Paper, Local Government and Public Involvement in Health Act 2007 - Communities in Control: Real People, Real Power”

Published Reports	Recommendations
<p align="center">'Communities in control: real power, real power' Response to the consultation document</p>	
<p>The Government have issued their response to the consultation paper Improving Accountability.</p> <p>The consultation sought views on three key areas of local accountability.</p> <ul style="list-style-type: none"> ○ Developing and strengthening local scrutiny – through secondary legislation to implement the scrutiny powers introduced in the 2007 Act and seeking views on how to best take forward the 2008 White Paper commitments to raise the visibility of current scrutiny arrangements. ○ Increasing the visibility and accountability of local public officers – to make them open to public scrutiny and questioning from the local community through a process where senior officers attend regular public meetings. Also seeking views on a new right for local people to petition to hold officers to account. ○ Facilitating the work of councillors – by modernising the way they do business to enable them to use information and communications technology to participate in meetings and vote remotely <p>The government resolved to:</p> <ul style="list-style-type: none"> ● Introduce a duty to respond to petitions ● Use secondary legislation to exclude planning appeals ● Include in the Local Democracy Economic development and Construction Bill limitations of one appeal per petition ● Chief Officers can be required to attend overview and scrutiny in relation to petitions with enough signatures ● Proposals to modify attendance and voting procedures to allow remote voting will require primary legislation and work will be undertaken with the Local Government Association to address concerns raised. 	<p>That the Service Director for Legal and Democratic Services prepare a comprehensive report on the implications of this and other provisions of the Local Government Act.</p>
<p align="center">Changing Council Governance Arrangements Consultation Document Closes 13 March</p>	

<p>The government is reconsidering the arrangements for mayoral petitions, at least to the extent that the current requirements could be varied to make it easier to obtain sufficient signatures to trigger a mayoral referendum. A consultation document, <i>Changing Council Governance Arrangements - Mayors and Indirectly Elected Leaders</i>, makes the following proposals:</p> <ol style="list-style-type: none"> 1. A reduction in the threshold required for a valid petition 2. The use of an e-petitioning process 3. A reduction in the moratorium period from ten to four years where a referendum has resulted in no change 4. Changing the special procedural requirements for a move from a mayor and cabinet executive to remove the requirement that the council must include a statement setting out the arguments for and against the change and giving the council's reasons for wanting to make the change. <p>The consultation runs until 13 March 2009</p>	<p>Members consider the proposals and the Service Director for Legal and Democratic Services responds to the consultation.</p>
<p>Comprehensive Area Assessment</p>	
<p>The final Comprehensive Area Assessment (CAA) framework has been published. CAA replaces CPA (Comprehensive Performance Assessment), which has been the inspection and assessment framework for local authorities since 2002.</p> <p>The new CAA framework is designed to connect inspection and assessment activity across local government and key partners. As well as sharing the national indicator set and local area agreement targets, partner assessments will all use similar methodologies and be reported through a shared, public-facing website.</p> <p>The assessment has two elements:</p> <p>Area assessment - The area assessment is reported as a narrative accompanied by green and red flags. There is no overall score. The assessment focuses on three questions:</p> <ul style="list-style-type: none"> • How well do local priorities express community needs and aspiration? • How well are outcomes and improvements being delivered? • What are the prospects for improvement? <p>Organisational assessment - This is an expanded 'Use of Resources' assessment, which was part of CPA. It will be used to measure partner organisations as well as councils. It will be</p>	<p>The council's performance arrangements continue to be amended in line with new CAA.</p>

<p>scored, and scores will be affected by relevant green and red flags in the area assessment.</p> <p>Most of the provision were outlined in previous consultation documents and significant work has been undertaken to prepare for the new requirements.</p>	
<p align="center">The Local Democracy, Economic Prosperity, and Construction Bill.</p>	
<p>The Local Democracy, Economic Prosperity, and Construction Bill received a Second Reading in the House of Lords on 17th December.</p> <p>The Bill aims to accelerate local economic development by increasing community and individual involvement, whilst making public services more transparent. The Bill takes forward many of the policies announced in the recent White Paper 'Communities in control: real people, real power' and includes proposals set out in the Review of Sub-National Economic Development and Regeneration (the SNR). To help deal with the immediate economic crisis, the Bill will also aim to improve the cash flow and adjudication of construction contracts through amending the Housing Grants, Construction and Regeneration Act 1996.</p> <p>The intention of the bill is to:</p> <ul style="list-style-type: none"> • Transfer more power to regions, local authorities and citizens • Involve local people more closely in shaping their areas • Improve strategy development at a regional level • Improve legislation on commercial contract to provide a fairer system for construction companies. <p>The main elements of the bill are:</p> <ul style="list-style-type: none"> • A duty on local government to promote democracy - stimulate local debate, improve democratic understanding and take-up of civic roles. • A legal duty on local authorities to respond to petitions • Extending the "duty to involve" so that local authorities ensure government bodies and agencies involve local people in their decision-making processes • Setting up a National Tenant Voice to ensure tenants' views are central to decision-making on housing issues • Strengthening the powers of joint committees to enable them to look at a wider range of issues raised by local citizens • New powers for the Audit Commission (in England) and the Auditor General for Wales (in Wales) to appoint auditors to certain entities and provide power for the auditor to report 	<p>That the Service Director for Legal and Democratic Services include the implication of this in a comprehensive report.</p> <p>The Head of Strategic Regeneration and Housing prepare a further report on the impact of the Economic Development Provisions.</p>

<p>public interest.</p> <ul style="list-style-type: none"> • Making the Boundary Committee for England an independent body and separate from the Electoral Commission • A new duty on local authorities to prepare an assessment of the economic conditions in their area • A joint duty on Regional Development Agencies and Local Authorities through a new Local Authority Leader's Forum to produce a single regional strategy • Allow the creation of multi area agreements with statutory duties. (Statutory duties to be available for existing MAAs) • Allow the creation of Economic Prosperity Boards • Improving the cash flow and adjudication of construction contracts through amending the Housing Grants, Construction and Regeneration Act 1996. 	
<p>Code of Conduct for Local Government Employees</p>	
<p>The Government consultation on bring in a mandatory code of conduct for local government employees closed on 24 December. It is proposed the code would come in two parts:</p> <ul style="list-style-type: none"> • The first part, a set of general principles, would apply to all employees. • The second, imposes some further restrictions including a requirement to register interests and involvement in matters in which they have a prejudicial interest which would apply to more senior officers, known as qualifying employees. The code would not apply to certain categories of staff who are already covered by their own professional codes or who are not direct employees of the council. <p>The consultation also proposes revisions to the existing code of conduct for members to clarify the rules in particular with regard to members' conduct in their private lives. It also proposes to include a general obligation that members must not bring their office or authority into disrepute by conduct which is a criminal offence and for criminal offences committed in a foreign country to be included if the conduct could also constitute a criminal offence if committed in the UK.</p> <p>The council has responded to the consultation.</p>	<p>That the Service Directors for Legal and Democratic Services and Human Resources consider the implications once the Government have produced a consultation response and published final details of the code of practice.</p>