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**Briefing 06/54**

**TO: ALL CHIEF EXECUTIVES, MAIN CONTACTS AND EMAIL CONTACTS  
(England)**

**CC: ALL CHIEF EXECUTIVES, MAIN CONTACTS AND EMAIL CONTACTS  
(Scotland, Wales and Northern Ireland)**

**‘Strong and Prosperous Communities’ - The Local Government  
White Paper, DCLG**

**Responsive services and empowered communities; Effective,  
accountable and responsive local government**

***Key issues:***

- The Choice agenda is a central theme of the White Paper
- The role of and arrangements for directly elected mayors and executives and indirectly elected leaders are addressed
- New arrangements for overview and scrutiny committees are covered
- Opportunities have been put in place for applications for unitary status

**1. Introduction**

The Local Government White Paper ‘Strong and Prosperous Communities’ was issued by the Department of Communities and Local Government (DCLG) on 26<sup>th</sup> October, 2006. APSE will be issuing a series of briefings referring to the White Paper. This briefing is relevant to chapter 2 titled ‘Responsive services and empowered communities’ and chapter 3 ‘Effective, accountable and responsive local government’.

**2. The White Paper**

Chapter 2 notes that there is a realisation of the improvements made in the quality of public services over recent years and goes on to say that the pace of change will remain and that the public will continue to demand further

improvements in terms of tailored services and opportunities to be involved in how services are managed and delivered.

Proposals in the chapter titled 'responsive services and empowered communities' are aimed at supporting local government to deliver more responsive services, extend choice and control, give individuals and community groups a real say over services and strengthen the role citizens and communities play in shaping the places they live in.

### **3. Extending choice for individuals and families**

The Paper states the aim is that wherever practical, individual users should be offered a choice over what is provided and how it is provided. Extending the number of hours of childcare entitlement, offering choice based lettings to all local authority tenants and exploring the options for making greater use of individual budgets for social care provision are examples of promoting greater choice noted in the Paper.

### **4. Giving local people more say in running local services**

Examples of innovative service delivery are listed such as neighbourhood-based participatory budgeting, using ICT to improve the responsiveness of services, dealing with graffiti and fly-tipping and neighbourhood management pathfinders for housing services.

There will be a change to the Best Value Regime so that authorities will be required to take steps, where appropriate, to ensure the participation of local citizens in their activities. This will include taking steps to ensure participation by key groups such as community bodies and local business and giving consideration to engaging with hard-to-reach groups. It is described as a duty to inform, consult, involve and devolve.

One piece of best value statutory guidance on the new best value regime and commissioning will be issued to support the development of and promote the take up of techniques for greater service responsiveness and citizen empowerment. It will look at the provision of contractual incentives for providers to meet user expectations and put citizens at the heart of service commissioning. Encouraging local authorities to collect and incorporate citizen intelligence into management and information systems. A new Beacon council theme entitled 'Empowering citizens: transforming services' will be launched.

The Paper notes that better information about service quality should be made available. Simple and easy ways to enhance accountability will be promoted using best practice examples. Acting on responses to such information is vital to encourage involvement and the Paper makes notes the benefits of dealing with

petitions in a transparent and effective way. If petitioners are unhappy they will be able to ask their councillor to take the matter up as a 'Community Call for Action'.

'Community Call for Action' (CCfA) will be an extra power to councillors who are having trouble overcoming barriers for genuine problems in the community. Knowing that they can if necessary invoke the CCfA will strengthen their hand in such discussions. Councillors will have a role in supporting the most vulnerable in society to make use of the CCfA and they will also have a role in ensuring that frivolous or vexatious complaints are not taken forward. CCfA will work by councillors identifying significant issues that cannot be solved by existing arrangements. The issue will be referred to their overview and scrutiny committee which may following an investigation make recommendations. Relevant public bodies will be required to respond to these recommendations and their responses will be publicised. The overview and scrutiny committees will be able to decide which complaints it deals with so avoiding spending time on irrelevant issues.

Action will be taken to modernise the role of the Local Government Ombudsman including actions taken by joint arrangements and partnership being open to Ombudsman investigation, investigating flaws in an authority's administration even if an injustice has not taken place, making complaints by telephone or e-mail and enhancing the ability of the Local Government Ombudsman and the Parliamentary and Health Ombudsman to work together more closely.

## **5. Neighbourhood Management and Community Management of Facilities**

The Paper states that more and more residents are prepared to take on responsibility for running services and making their neighbourhood a better place to live. Neighbourhood management has been effective in promoting this and further encouragement will be provided including raising the profile of those local authorities pioneering this approach, encouraging neighbourhood management as part of New Deal for Communities, and encouraging local partnerships to consider this approach if their services are poorly performing.

Although community management of facilities is an option for community groups, a review of current powers and policies, better promotion of the scheme and whether extra powers are needed will be undertaken. A fund will be established to give local authorities capital support in refurbishing buildings to enable transfer to community management. Communities wishing to take over management of a local asset will be able to use the Community Call for Action to ensure that their request is taken seriously.

Tenant Management Organisations (TMO) are noted as a powerful area of community management and there is an intention to develop this model via a review of current Right to Manage and TMO procedures. The aim is to simplify

processes, encourage an easier route into tenant management beginning with limited responsibilities rather than full management, provide more opportunities for residents to manage services such as caretaking or grounds maintenance and explore new opportunities for Registered Social Landlord tenants to become more engaged in management decisions.

Local charters are noted as a method of promoting service improvements and encouraging participation. Community and Parish Councils are also described as a valued form of neighbourhood democracy and management. The power of well-being will be extended to all parish and town councils if they satisfy the Quality Parish Scheme criteria. The power to create parishes will be devolved to district and unitary authorities and communities in London will be given the same rights to have a parish council as the rest of the country.

## **6. Support for community groups**

The need to provide support to encourage full use of the new and existing procedures is recognised and there is an intention to provide better support for capacity building, publicising how users and citizens can make the most of the new opportunities as well as inviting relevant partnership organisations to collaborate to make their support more effective and accessible especially for the most disadvantaged.

Chapter 3 opens by stating that localities need effective democratic governance with strong, accountable and responsive leadership if communities are to respond successfully to the demands of the modern world and meet citizens' rising expectations. While recognising that there are many successful examples of community leadership in place, barriers to effective governance are highlighted. A number of solutions are proposed

## **7. More diverse and representative councillors**

The Paper addresses the need to ensure councillors are representative of the population. It notes that while it is the responsibility of political parties and independents to put forward candidates for election, it is important to encourage a greater range of candidates to come forward, especially those of working age. An independent review of the incentives and barriers to serving on councils will be established looking at issues including the difficulties of getting time off work, the level of allowances, and reminding people they have a legal right to ask employers for time off work to fulfil council duties.

The Secretary of State's role in confirming byelaws will be ended allowing councillors and communities to put byelaws in place quicker and easier. Byelaws will be enforced through fixed penalty notices.

## **8. Strong leadership**

The Paper states that it is important that councils move towards having more stable and more visible political leadership. To support this the intention is to legislate so that there will be three models of executive arrangements – a directly elected mayor with a 4 year term, a directly elected executive with a 4 year term and an indirectly elected leader with a 4 year term. In each model, all executive powers will be vested in the mayor or leader who will have responsibility for deciding how these powers should be discharged – either by the mayor or leader themselves or delegated to members of the cabinet individually or collectively; the mayor or leader will either be responsible for appointing the cabinet members or in the case of directly elected executive, will have agreed that they should be on his or her slate of candidates standing for election; the mayor or leader will allocate portfolios to cabinet members. At present most council constitutions contain provisions to remove a leader at any time by a simple majority vote of no confidence. It will continue to be for councils to decide, through their constitutions, under what circumstances the leader might be removed during the 4 year term. In addition where a council elects by halves or thirds the leader would stand down if their term as a councillor ends.

There will be a change in arrangements for all councils with leader and cabinet executives but a small number of authorities that due to their size, operate a reformed committee system will not be changed. Local authorities will be expected to consult widely prior to adopting a directly elected model. Once an authority has opted for a directly elected mayor or executive the presumption will be that it should not move back to an indirectly elected model.

## **9. Strengthen overview and scrutiny**

This new system will require scrutiny arrangements that are even more effective. This includes the requirement to consider issues raised by councillors under the Community Call for Action noted above. To ensure that elected members are in a stronger position to support citizens and communities, there will be a requirement that public service providers covered by the duty co-operate to either appear before or provide information to the committee within 20 working days insofar as their actions relate to functions or service delivery connected with the authority. (A list of bodies covered by the duty to co-operate is provided). Overview and scrutiny committees will copy recommendations to public bodies affecting them and those bodies will have regard to the recommendations when exercising their functions. The council will publicise a response to recommendations within 2 months.

Local authorities will be encouraged to set up 'area' overview and scrutiny committees and make use of existing powers to co-opt non-councillors onto committees. Such committees would be able to review the impact of actions of the council and other bodies on the area.

Overview and scrutiny committees will be encouraged to focus on strategic issues, established priorities agreed as part of Sustainable Community Strategies or Local Area Agreements and on policy development.

## **10. Improving participation and electoral arrangements**

The Paper notes how low turnout for elections results in weaker local government. The irregular and confusing pattern of local elections is noted and the White Paper will enable councils currently elected by thirds to move to whole council elections more easily by removing the requirement to get the Secretary of State's permission to do so. The call for single member wards is noted but they are not considered a sound electoral option when there are elections by thirds. However any council which holds whole council elections will be enabled to request that the Electoral Commission undertakes a review for the purpose of re-warding the area with single member wards.

## **11. Localise and simplify the conduct regime**

Recent consultation on proposals to promote high standards in public life showed broad support for new legislation in this area. Legislation will cover a more locally-based regime with local standards committees making initial assessments of misconduct allegations and most investigations and decisions made at a local level and a revised strategic regulatory role for the Standards Board to provide supervision, support and guidance for local authorities and ensure consistent standards. A clearer, simpler and more proportionate code of conduct for local authority members and a new code for employees will also be put in place.

## **12. Opportunities to create unitary local government**

Local authorities are being invited to make proposals for unitary government that will enhance strategic leadership, neighbourhood empowerment, value for money and equity; command a broad cross-section of support and are affordable, representing value for money and meeting any costs of change from councils' existing resources. Proposals will need to reflect the contribution councillors, town, parish and community councils and community forums can make to representing, leading and empowering local communities within the new area.

Councils in two tier areas where no move to unitary councils is to be made should try to secure more effective working arrangements. These councils should achieve similar levels of improvement and efficiency gains to those expected of the new unitaries. There will be an investigation into how the barriers to innovative local governance arrangements in two-tier areas can be removed. The goal for continuing two-tier areas is to achieve unified service delivery models, strong leadership for place shaping and shared back-office functions and integrated service delivery mechanisms.

County areas in which all councils are committed to developing a radically improved two-tier approach are invited to become pathfinders. The aims of these pathfinders would be broadly similar to those for new unitary councils as noted above.

### **13. APSE Commentary**

APSE agrees with the theme of this section of the Paper stating that within the context of recent service improvements, services must be more responsive to citizen needs and circumstances. One of the principles underlying the argument for responsive services is that there should be an element of choice and again this is to be welcomed. Extending opening hours, providing neighbourhood-based and mobile contact points, one stop shops and web based services are developments which fit well with the lifestyle of citizens as well as providing some benefits to council staff. As such they are positive developments.

Choice in terms of local government services should relate to choice of time, place and method of accessing services. It should not relate to choice of provider. The user is concerned with the quality of the service - not with who the provider is. If local councils are to fulfil the Government's aim for it to show local leadership, bring partners together and be a place-shaper, it must provide a set of core service to the local community. It will be able to put in place a holistic approach to doing so, gain efficiencies, develop the local economy and provide services that are needed locally. Local councils have a unique asset – knowledge of the local area and access to the local community. This is fundamental to being an effective place-shaper and providing local leadership.

The desire noted in the Paper to encourage empowerment and participation by hard to reach groups is welcomed. Hard to reach groups have previously been recognised as ethnic minorities, the most deprived, disabled people, the homeless, those who move home regularly, students and the very elderly. These are the groups that councils regularly deal directly with. However, in terms of pushing up low levels of voters the hard to reach are quite another group of people - they are often white, working and have little direct contact with councils. They make up a large proportion of the electorate and an increase in the numbers of them voting will have a substantial impact on the overall turnout. There needs to be a focus on this group if the level of turnout is to be increased. The White Paper suggests that it should be the traditional hard to reach groups who receive special attention whilst missing the point with regard to turnout at local elections. Some councils are effective at promoting and publicising the work they do whilst others are not so good. This kind of communication with citizens is a vital method of engagement with all sectors of the community (traditional hard-to-reach groups and those people councils do not regularly communicate directly with) and can help to motivate all to vote.

The Paper states that 'The more performance information is made available and relevant to local people the more likely that they will want action taken if services are not up to scratch. That is as it should be'. As a general rule APSE agree with this approach. The Paper goes on to note that there has been too great an emphasis on local government reporting performance information to central Government in the past. The quote above appears to suggest that further information should be provided to inform local people. If this is the case, it would reverse the general trend of reducing the amount of information provided. Equally it would negate any benefit gained for local government in terms of reporting streams in general. It is important to note that it is the quality of the information which is important rather than the quantity. The move away from local councils providing large amounts of information to Government is a beneficial one. It is vital when taking forward the suggestions in the White Paper that councils do not revert to publishing the amount of data that was published in the mid-1990s but realise that in terms of performance information, less is more.

The Community Call for Action (CCfA) process can be seen as an attempt to bolster the role of local backbench councillors. Since the introduction of the cabinet model, some councillors feel that the importance of their role has diminished. The CCfA appears to provide the facility for backbench councillors to be leaders in their wards by dealing with problems on the ground and raising them at overview and scrutiny if appropriate. Meanwhile, cabinet members provide leadership for the council and community at a strategic level. In practice, there is a danger that the role of the councillor may be purely one of initiating the CCfA and then being omitted from the process because the issue moves into the hands of overview and scrutiny committee.

The issue of community management and ownership of assets has had a high profile for some time. There are examples of good practice but they remain the exception. There is a danger that well-meaning but enthusiastic amateurs become involved, require significant support from local authorities and could potentially see the management of the asset fall under the influence of unrepresentative or extremist groups.

One of the themes running through the Paper is about strong leadership. The three models of executive arrangements are an attempt to provide more stable and visible political leadership. APSE has long argued that it is the individual councillors who provide leadership and executive arrangements are far less important than the leadership qualities of the councillor. More emphasis should be given to providing support to existing councillors to develop their skills and greater attention should be paid to encouraging people with appropriate skills into local government. A reduction in the influence of central government would prompt local councillors to develop their leadership skills further.

Once an authority has opted for the directly elected mayor or executive there is a presumption that it should not move back to an indirectly elected model. This assumes that this model will always be appropriate for a local authority.

APSE welcome attempts to strengthen overview and scrutiny committees and to bring other local service providers into the system as a way of and promoting the role of the councillor, boosting local democracy and encouraging partnership working.

The White Paper recognises that there are problems associated with the sheer number of local elections and with a number of councillors representing a single ward. However the suggestions for change to election arrangements and single member wards are likely to have little if any impact in the short term. If these issues are to be successfully addressed further solutions are needed. These issues are linked to the problem of low turn out noted earlier.

The move to enable some districts to apply to move to unitary status is welcome. It is important that the criteria set out as part of the invitation are such that they encourage a range of council types to apply and be successful. There is no one size fits all council arrangement and local councils should be encouraged to put in place a regime which is appropriate to local circumstances. In order to do so they should not be ruled out of gaining unitary status due to the criteria being unjustifiably difficult to meet.

Some of the suggestions in the White Paper support the call from Government for local councils to be place-shapers. Meeting citizens' needs, more engagement and improving services are ideal objectives. A focus on leadership, new executive arrangements, the Community Call for Action, strengthening the role of overview and scrutiny, choice in accessing services and opportunities for unitary status can all potentially enhance the role of local councils and councillors so enabling them to become leaders and place shapers. Such a role obviously sits with local councils and councillors.

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