



# Local Government (Wales) Measure 2009 – statutory guidance - Part 2

This briefing focuses on Part 2 of the statutory guidance published by the Welsh Assembly Government on the Local Government (Wales) Measure 2009. It is provided to local authority chief executives, council leaders and all APSE contacts in Wales and to England, Scotland and Northern Ireland contacts for information.

## Key issues

A summary of the guidance on Part 1 - 'Collaborative Community Planning'

Includes membership and structures; setting objectives and actions; formulating and publishing the strategy; monitoring, reporting and review; and engagement and scrutiny.

The consultation closes on 15 January 2010, please email responses through to [djohns@apse.org.uk](mailto:djohns@apse.org.uk) by Thursday 14 January 2010.

## 1. Introduction

The Local Government (Wales) Measure 2009 has two substantive parts – Part 1 which deals with improvement and business planning by local authorities and Part 2 which deals with strategic community planning by local authorities and a range of public sector partners. The original consultation on the measure was launched in October 2008 and APSE, following consultation with its membership, responded to the consultation ([click here to view the briefing paper](#)). The measure was passed on 28 April 2009 and received Royal approval on 10 June.

The Assembly has now issued statutory guidance on both Part 1 and Part 2 of the measure. One of the main aims of the measure is to join together improvement and community planning; that is, improvement should take full account of the strategic vision and community planning should be based on what is deliverable and on

continual monitoring of how effective that delivery is. The briefing paper for Part 1 has already been produced ([click here to view the briefing paper](#)) and Part 2 of the measure has been summarised in this briefing paper. For a copy of the full consultation documents, please [click here](#).

## **2. Collaborative community planning**

Part 2 of the Local Government (Wales) Measure 2009 repeals and replaces many of the provisions of Part 1 of the Local Government Act 2000, which required local authorities to produce community strategies following consultation with others. This is to:

1. Give more emphasis on community planning as a process rather than the production of strategies
2. To include a common duty to co-operate with all major local agencies as opposed to only applying to local authorities.
3. It requires local authorities and their partners to identify and carry out actions which aim to realise community strategy objectives.

The Local Government (Wales) Measure defines community planning as a process by which the authority and its community planning partners:

- Identify long-term objectives for improving the social, economic and environmental well-being of an area
- Identify long-term objectives in relation to the area for contributing to the achievement of sustainable development in the UK and
- Identify actions to be performed and functions to be exercised by the local authority and its community planning partners for the purpose of meeting those identified objectives in the community strategy.

### **a) Community planning: membership and structures**

Under the measure, the local authority and its **community planning partners** should participate in community planning and the community planning partners should assist the local authority in the discharge of their duties relating to community planning. The community planning partners are:

- Community councils
- Fire and rescue authorities
- Local Health Boards
- NHS Trusts
- National Park authorities
- Police authorities
- Chief constables

In addition, under section 44 of the Measure, local authorities and their partners have a duty to consult with a number of other bodies as part of the planning process. As a bare minimum this ought to include representatives of local business interests and the third sector. However, local partners may wish to invite other bodies to become involved where useful.

Local authorities and community planning partners have three main duties under the measure:

- To develop the vision, objectives and actions which together form the community strategy
- To carry out those actions to implement the community strategy that fall within their remit
- To engage with, and account to, local citizens and communities for the above.

Under the measure, local authorities have a duty to facilitate the community planning process as community leaders. However, the development and delivery of specific strategies and themes within the partnership should be a shared task. Participating partners should be encouraged to lead on appropriate themes. However, individual partners' capacity to act (and constraints on acting) needs to be fully reflected.

In terms of partnership structures, the consultation states that local partners should not automatically assume that current arrangements are fit for purpose. Local Service Boards may be the most suitable means for undertaking community planning, although LSB's are voluntary arrangements that have no statutory basis and the measure does not change that. If local partners wish to use the LSB as the basis for community planning, they should review its arrangements to ensure those partners are able to fulfil their statutory functions. The local delivery agreements should encompass projects grounded in the community strategy that require the commitment of organisations to integrate delivery and pool their resources. Local partners will need to agree partnership governance arrangements that ensure clarity about delegation and reporting back; agreeing joint projects; and how disagreements will be resolved.

### **b) Setting objectives and actions**

The strategy should generate a 10-15 year vision for improving local social, economic and environmental wellbeing, and contributing to sustainable development. In determining their vision, local partners may wish to consider the following questions:

- What is the current state of the area – what are the main issues, problems and citizen and community aspirations that need to be addressed?
- To what extent are these likely to persist over a 10-15 year timeframe?
- What is known about likely future trends over this timeframe, whether demographic, socio-economic or environmental?
- Where there are gaps in knowledge, what can reasonably be done to solve them?
- To what extent will partners be able to address current and future issues, and to what extent is that best done jointly?
- In light of the above, how far does the current community strategy provide a valid basis for developing a refreshed and revised vision for improving wellbeing?

The strategy should focus on issues where partners can add value over the longer term and local authorities and partners should seek to draw together the views of the communities and engage with them to identify a number of broad priorities or themes. Once they have agreed on the vision and objectives, local partners need to develop a set of actions which will give visible effect to them over a shorter (maybe 3-5 year) timescale, which should be clearly ascribed to one or more of the community planning partners. Section 43 of the measure requires local partners to take all reasonable steps to deliver community planning actions which fall to them.

The statutory purpose of community strategies is to promote economic, social and environmental well-being. Therefore, community planning partners should ensure that community strategies positively contribute to prosperity, social inclusion, protecting the environment and spatial issues. Other key considerations include sustainable development, consideration of whether a strategic environmental assessment is needed, addressing climate change, promoting equality of opportunity and planning for the Welsh language.

The guidance states that it is important, when developing and delivering the community strategies, that the needs of Communities First areas are fully considered. Community strategies should inform and reflect the agreed priorities and commitments set out in

the Children and Young People's Plan; and complement each area's Health, Social Care and Well-being strategy and Local Development Plan. Those preparing and implementing the community strategy should liaise with the local authority representative and Area Manager of the Spatial Plan Area Group. They should consider the priorities set out in a range of national strategies and the work of the WLGA regional boards. The community strategy may also address issues outside each local authority's boundaries if that action contributes to the well-being in their own area.

### **c) Formulating and publishing the strategy**

Once a local authority and its community planning partners have reached a consensus on their community strategy objectives and actions, a local authority should produce a community strategy capturing that consensus. The consultation states *'The objective should be to develop a shared understanding of local needs, grounded firmly in the available evidence and the views and aspirations of citizens and communities and how to meet them, not to accommodate the separate operational outlook of individual partners'* (pg 37).

There is no statutory deadline for producing community strategies but the Assembly expect them to be in place during 2010. They should be reviewed by the local authority and its community planning partners at least every 4 years to consider progress made. A community strategy should have 6 basic components:

1. Long-term vision (10 to 15 years) for the area focusing on outcomes
2. Action plan identifying shorter term priorities and activities that will contribute to the achievement of the long-term vision.
3. A clear, shared and equal commitment from community planning partners to implement the action plan, and proposals for doing so;
4. Arrangements for monitoring, scrutinising and accounting publicly for the implementation of the community strategy action plan, and for periodically reviewing the community strategy;
5. Arrangements for coordinating the work, and actions, of the community planning partners, local service boards and the other key thematic partnerships towards delivering their objectives.
6. Details of how the community strategy is complementary to neighbouring strategies, details of any joint projects and how the strategy has been developed in the regional context as set out in the Wales Spatial Plan.

Local authorities are free to publish community strategies in any style/format they choose, whilst taking into account the need for clarity, accessibility, relevance for different audiences and languages.

### **d) Monitoring, reporting and review**

A summary report should be produced, or updated, at least every 2 years, which should contain a broad restatement of the long-term aims of the community strategy and a balanced summary of delivery and its effectiveness since the last report in terms of:

- the progress that has been made on delivering the community strategy outcomes and the well-being of communities;
- progress that has been made in carrying out community planning actions, including those which form part of the local delivery agreement;
- a summary of what action local partners are taking to address potentially negative developments; and

- future plans for engagement and accountability in relationship with communities and other stakeholders and, the scrutiny arrangements for the coming year.

In addition, effective delivery of the community strategy will require the building of a performance management culture across organisational, and sector specific, boundaries. The guidance highlights the need for local partners to be able to measure and compare performance. The monitoring process should bring together data collected by a range of bodies, including improvement objectives described under [Part 1 of the measure](#), which relates to reforming the Wales Programme for Improvement.

### **e) Engagement and scrutiny**

The guidance states that local partners, collectively and individually, should involve the community throughout the community planning process, and consider:

- ensuring all involvement is continuous and meaningful;
- involving a wide range of people through the many networks;
- involving senior people in participative events;
- reaching out to those who tend not to participate and actively facilitating their involvement; and
- being creative in how to engage people

Local partners should ensure that engagement techniques do not discriminate against particular groups and specific efforts should be made to involve different communities. All councillors should be involved as representatives of their wards, members of overview and scrutiny committees, members of area forums and council representatives on outside bodies. Community and town councils can help to facilitate citizen engagement in community strategies at the most local level and may want to prepare strategies for their own individual communities, which should be recognised in the overall community strategies.

The guidance states that community engagement is likely to reveal differences of view, not all of which will be reconcilable. Therefore, local service boards and other key partnerships will need to consider how community views are going to influence and inform the decision-making process, how differences of views are to be aired and resolved and how decisions are to be explained to communities.

The consultation paper also highlights the need to involve the third sector and private sector in community planning and to consider how best to involve regional bodies. Section 46 of the measure requires Welsh Ministers to promote and encourage community planning and they intend to discharge this duty by creating and sustaining a policy framework, allowing local authorities and their partners the freedom to respond to local concerns within a national strategic policy framework, maintaining representation on LSBs and responding positively to suggestions for change which would better facilitate community planning. The community strategy should also have a central position in overview scrutiny committees work programmes and a Scrutiny Advice Note will be issued in relation to this.

### **3. APSE comment**

APSE generally welcomes the guidance contained in Part 2, which includes further emphasis on a number of issues APSE raised as part of the consultation process. APSE welcomes the light touch approach taken by the Assembly rather than a prescriptive approach,

***“Community planning is necessarily a local activity, grounded in the interests, concerns and aspirations of an area, its citizens and communities, and the capacity of***

**local organisations to address them. Accordingly, the Measure gives very considerable flexibility to local partners to decide how to undertake community planning, and on identifying the objectives they will develop and pursue”** page 9.

APSE also welcomes the leadership role of local authorities asserted in the guidance with their duty to facilitate the community planning process as community leaders, whereby the other agencies share the development and delivery of specific strategies and themes. This is conversant with local authorities being the only local democratic elected body. APSE also agrees that it is vital that elected members are fully involved in the process and that the community strategy should also have a central position in overview scrutiny committees work programmes.

The Measure creates a common duty to co-operate on all major local agencies, which may prove difficult due to cultural differences and the different individual priorities of the organisations involved. The guidance does acknowledge that **‘it could take some time for that consensus to be reached, but once it is, the local authority should capture it in a published community strategy’** page 37. However, the guidance also states that the Assembly expect community strategies to be in place during 2010. This timeline may be tight given the consultation is still underway.

The consultation closes on 15 January 2010, please email responses through to [djohns@apse.org.uk](mailto:djohns@apse.org.uk) by Thursday 14 January 2010.

**Debbie Johns**  
**Principal Advisor**