

# PLEASE NOTE VENUE

## CABINET AGENDA



**Monday 8<sup>th</sup> January, 2007**

**at 9:00 a.m**

**in the Red Room, Avondale Centre, Dyke House, Hartlepool  
(Raby Road entrance)**

MEMBERS: CABINET:

The Mayor, Stuart Drummond

Councillors Hargreaves, Hill, Jackson, Payne, Tumilty and R Waller

**1. APOLOGIES FOR ABSENCE**

**2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**

**3. MINUTES**

To receive the Record of Decision in respect of the meeting held on 18 December 2006  
(already circulated)

**4. BUDGET AND POLICY FRAMEWORK**

4.1 Corporate Plan (BVPP) 2007/8 – Proposed Objectives– *Assistant Chief Executive*

**5. KEY DECISIONS**

5.1 Building Schools for the Future – Stage 2 Consultation – *Director of Children's Services*

5.2 Coronation Drive – Contaminated Land Update – *Director of Neighbourhood Services*

5.3 Public Conveniences– *Director of Neighbourhood Services*

# PLEASE NOTE VENUE

**6. OTHER ITEMS REQUIRING DECISION**

6.1 Local Government White Paper and Local Government Bill – *Chief Executive*

**7. ITEMS FOR DISCUSSION / INFORMATION**

No items

**8. REPORTS FROM OVERVIEW OF SCRUTINY FORUMS**

No items

# CABINET REPORT

8 January 2007



**Report of:** Assistant Chief Executive

**Subject:** Corporate Plan (BVPP) 2007/8 – proposed objectives

---

## SUMMARY

### 1. PURPOSE OF REPORT

To enable Cabinet to discuss the objectives proposed for inclusion in the Council's Corporate (Best Value Performance) Plan for 2007/8.

### 2. SUMMARY OF CONTENTS

This report proposes the objectives for each of the eight community strategy aims and the council's organisational development priorities. The purpose of the plan is to describe the Council's priorities for 2006/7, including how weaknesses will be addressed, opportunities exploited and better outcomes delivered for local people.

### 3. RELEVANCE TO CABINET

The Corporate (Best Value Performance) Plan is part of the Council's Budget and Policy Framework. It is a key document that sets out the Council's priorities and contribution to achieving the Community Strategy aims. The Corporate Plan is being developed in conjunction with the Local Area Agreement (LAA) to ensure the outcomes included in the Local Area Agreement are embedded in the Council's Corporate Plan.

The Corporate Plan is an important document because it formally communicates the council's vision and priorities.

### 4. TYPE OF DECISION

Budget and Policy Framework.

### 5. DECISION MAKING ROUTE

The production of the Corporate (Best Value Performance) Plan by 30 June each year is a statutory requirement.

The Scrutiny Co-ordinating Committee will consider the proposed Council objectives at its meeting on 19 January 2007. Cabinet will be given further opportunities to consider the Corporate Plan as further progress is made. Final approval of the Plan will be by Council in June 2007.

**6. DECISION(S) REQUIRED**

Cabinet is asked to approve the proposed objectives for inclusion in the Corporate Plan 2007/08 for consideration by Scrutiny Coordinating Committee on 19 January.

**Report of:** Assistant Chief Executive

**Subject:** Corporate Plan (BVPP) 2007/8 – proposed objectives

---

**1 PURPOSE OF REPORT**

- 1.1 To enable Cabinet to discuss the objectives proposed for inclusion in the Council's Corporate (Best Value Performance) Plan for 2007/8.

**2 BACKGROUND**

- 2.1 The Government introduced the Best Value regime as part of its programme to modernise local government and the Corporate (Best Value Performance) Plan for 2007/8 must be approved and published by the Council by 30 June 2007. This is the Council's top-level corporate plan. It sets out the Council's top priorities and contributions for delivering the Community Strategy aims in 2007/8.
- 2.2 The Corporate Plan is an important document because it formally communicates the council's vision and priorities. The process for producing the plan has been designed to ensure the risk is minimised and that the Corporate Plan is fit for purpose.
- 2.3 This year the Corporate Plan objectives have been developed with reference to the Local Area Agreement (LAA) to ensure the outcomes included in the LAA are embedded in the Council's Corporate Plan. The Mayor signed the LAA on behalf of the Council in March 2006.
- 2.4 The Corporate Plan is based around the Hartlepool Partnership's Community Strategy aims, which have been adopted by the Council. In previous years there have been seven aims, but the Community Strategy is currently being reviewed and it is proposed to split the Environment and Housing theme into two separate themes. For that reason, the proposed Corporate Plan objectives have been organised around the eight themes, with an additional section proposing objectives around organisational development priorities.
- 2.5 The Corporate Plan objectives and actions approved by Council in June will be incorporated into the Council's performance management database and progress reported quarterly to Cabinet and Scrutiny Co-ordinating Committee.
- 2.6 The focus of the Corporate Plan for 2007/8 is on priority activities for improvement at a strategic level rather than day to day service delivery objectives. The operational service delivery objectives are picked up through Departmental service plans which are reported to individual portfolio holders.
- 2.7 Cabinet is asked to consider whether the objectives identified, properly reflect the council's priorities for the year ahead and if they wish, suggest amendments.

### **3      THE CORPORATE PLAN**

- 3.1      As in previous years the plan will be produced in 2 parts. Part 1 describes the Council's overall aim, contributions to the Community Strategy aims and organisational development priorities.
- 3.2      Part 2 will continue to contain the detailed supporting information relating to performance statistics which the Council is required to publish. This will include the BV performance indicators for 2006/07 and targets for 2007/08, 2008/09 and 2009/10. This information can not be collected until after 31 March, and is therefore not available at present. As with previous years, this will be presented to Cabinet and Scrutiny Coordinating Committee in May/June for consideration. At this stage Cabinet is therefore only being asked to consider the Corporate Plan objectives, which is attached at Appendix A, although Cabinet will be given further opportunities to consider the Corporate Plan as further progress is made.
- 3.3      The proposed list, at appendix A, is not a final definitive list. Officers will continue to review the objectives over the coming months, and will amend, if deemed appropriate and if changing priorities demand it. Any proposed changes to the list of objectives will be brought to Cabinet for consideration.

### **4      TIMETABLE FOR CONSIDERING THE PLAN AND NEXT STEPS**

- 4.1      The key dates for completing the plan are as follows.
- 4.2      The Scrutiny Co-ordinating Committee will consider the proposed Council objectives on 19 January 2007. Cabinet and Scrutiny Co-ordinating Committee will then be asked to consider a more detailed action plan in February, agree Part 1 of the Corporate Plan in April and Part 2 in May/June. Final approval of the Plan will be by Council in June.

### **5      RECOMMENDATION**

- 5.1      Cabinet is asked to approve the proposed Corporate Plan 2007/08 Objectives for consideration by Scrutiny Coordinating Committee on 19 January.

## Appendix A

## Service Planning 2007/08

## Corporate Plan Objectives (Proposed)

## Jobs and the Economy

Ref	Objective	LAA
JEO 1	Increase skill levels of the population with clear reference to local business	LAA 1
JEO 2	To attract appropriate inward investors and support indigenous growth, making use of local labour resource and supporting local people in gaining maximum benefit from the economic regeneration of the town, including all people of working ages especially the young	LAA 2
JEO 3	To support the sustainable growth, and reduce the unnecessary failure, of locally-owner business, promoting the growth and sustainability of enterprise and small businesses and to increase total entrepreneurial activity amongst the local population	LAA 3
JEO 4	For those living in the wards with the worst labour market position in areas in receipt of NRF, significantly improve their overall employment rate and reduce the difference between their employment rate and the overall employment rate for England	LAA 4
JEO 5	Achieve Economic Well Being (Children and Young people will achieve the qualifications, develop the skills and be given the necessary life experiences to enable them to lead full and active adult lives)	LAA 5
JEO 6	Improving training and employment prospects for targeted groups	LAA 6

## Lifelong Learning and Skills

Ref	Objective	LAA
LLO 1	Enjoy and Achieve – raise achievement and standards of children and young people in the early years, primary and secondary phases of education	LAA 7
LLO 2	Provision of high quality learning and skills opportunities that drive economic competitiveness, widen participation and build social justice	LAA 8

**Health and Care**

Ref	Objective	LAA
HCO 1	Improved health – reduce premature mortality rates and reduce inequalities in premature mortality rates between wards/neighbourhoods	LAA 9
HCO 2	Be Healthy (Children and young people will be physically, mentally, emotionally and sexually healthy, lead healthy lifestyles and choose not to take illegal drugs)	LAA 10
HCO 3	Exercise of choice and control and retention of personal dignity	LAA 11
HCO 4	Mental Wellbeing (To promote a positive approach to the mental wellbeing of Hartlepool residents)	LAA 12
HCO 5	Access to Services (Support easier access to services which are integrated and tailored to individual need)	LAA 13

**Community Safety**

Ref	Objective	LAA
CSO 1	Reduce total crime (as measured by 10 BCS comparator crimes) and narrow the gap between Neighbourhood Renewal area and Hartlepool	LAA 14
CSO 2	Reduced harm caused by illegal drugs and alcohol	LAA 15
CSO 3	Improved neighbourhood safety and increased public reassurance leading to reduced fear of crime and anti-social behaviour	LAA 16
CSO 4	Build respect in communities by reducing antisocial and criminal behaviour through improved prevention and enforcement activities	LAA 17
CSO 5	Stay Safe (Children and young people will live, grow, and learn in safety, where parents, carers and all adults take responsibility for their safety and well-being and they are free from harm, discrimination, harassment and exploitation)	LAA 18
CSO 6	Reducing incidents of Domestic Violence	LAA 19

**Environment**

Ref	Objective	LAA
EO 1	Delivering sustainable communities through protecting natural resources and enhancing the local environment and the community's enjoyment of it	LAA 20
EO 2	Improve the quality of the local environment by having cleaner, greener and safer public, private and community spaces and by reducing the gap in aspects of liveability between the worst wards/neighbourhoods and the district as whole, with a particular focus on reducing levels of litter and detritus	LAA 21
EO 3	Provide a safe, efficient, effective and accessible transport system	LAA 22

Ref	Objective	LAA
EO 4	Make better use of natural resources, reduce greenhouse gases, minimise energy use and reduce the generation of waste and maximise recycling	LAA 23
EO5	Improve the natural and built environment and ensure the proper planning of the area	

## Housing

Ref	Objective	LAA
HO 1	As part of an overall housing strategy for Hartlepool, improve housing conditions within the most deprived neighbourhoods/wards, with a particular focus on ensuring that all social housing is made decent by 2010	LAA 24
HO 2	Meeting Housing and Support Needs	LAA 25
HO 3	Improving the advice and support provided to homeless people and helping them to access employment, training and educational opportunities	LAA 26
HO 4	Improving the energy efficiency of houses	LAA 27
HO 5	Balancing Housing Supply and Demand	LAA 28

## Culture and Leisure

Ref	Objective	LAA
CLO 1	Enrich individual lives, strengthen communities and improve places where people live through enjoyment of leisure, culture and sport	LAA 29
CLO 2	Cultural and leisure services, including libraries, better meet the needs of the community, especially disadvantaged areas	LAA 30

## Strengthening Communities

Ref	Objective	LAA
SCO 1	To empower local people to have a greater voice and influence over local decision making and the delivery of services	LAA 31
SCO 2	Make a positive contribution (Children and young people who live in Hartlepool are provided with the opportunity to participate fully in the life of their community)	LAA 32
SCO 3	To improve the quality of life for the most disadvantaged neighbourhoods and ensure service providers are more responsive to neighbourhood needs and improve their delivery	LAA 33

Ref	Objective	LAA
SCO 4	Increasing financial resources within family environments to provide improved lifestyle opportunities	LAA 34
SCO 5	Freedom from discrimination or harassment	LAA 35
SCO 6	Creating a fairer world	LAA 36
SCO 7	Ensure communities are well prepared to respond to emergency incidents	
SCO 8	Ensure Cleveland Emergency Planning Unit delivers on behalf of the Council a comprehensive Emergency Planning and Resilience Service	

**Organisational Development**

<b>Ref</b>	<b>Objective</b>	<b>Responsible Officer</b>
ODO 1	Continued development of service planning and performance management arrangements	Peter Turner
ODO 2	Implement Risk Strategy to ensure robust risk management arrangements are in place	Peter Turner
ODO 3	Develop and improve the effectiveness of the overview and scrutiny process	Charlotte Burnham
ODO 4	Development of Statement on Internal Control and Governance arrangements	Noel Adamson
ODO 5	Develop and implement options for further restructuring of the authority	Paul Walker
ODO 6	Ensure arrangements in place to deal with new and existing legislation	Tony Brown
ODO 7	Develop and Implement Efficiency Strategy	Mike Ward
ODO 8	Develop the Contact Centre to increase the range of services provided	Christine Armstrong
ODO 9	Implement the Communicating with your Council plans	Liz Crookston, Alastair Rae and Christine Armstrong
ODO 10	Enhance Equality and Diversity arrangements and mainstream into all council activities	Joanne Machers
ODO 11	Implement Elected Member Development Strategy	Julie Wilson
ODO 12	Implement the People Strategy and the Workforce Development Strategy	Joanne Machers
ODO 13	Implement Pay and Grading and Single Status arrangements	Joanne Machers
ODO 14	Delivery of the ICT Strategy to support corporate objectives	Joan Chapman
ODO 15	Develop Strategic Financial Plans	Mike Ward

# **CABINET REPORT**

**8<sup>th</sup> January 2007**



**Report of:** Director of Children's Services

**Subject:** BUILDING SCHOOLS FOR THE FUTURE  
STAGE TWO CONSULTATION

---

## **SUMMARY**

### **1. PURPOSE OF REPORT**

To seek Cabinet approval to undertake a second stage of Building Schools for the Future (BSF) consultation based on options agreed by the BSF Project Board.

### **2. SUMMARY OF CONTENTS**

This report summarises progress to date on Building Schools for the Future and outlines the nature and purpose of Stage Two consultation.

### **3. RELEVANCE TO CABINET**

Although the detailed governance of the Building Schools for the Future project has been delegated by Cabinet to the BSF Project Board, key milestone decisions are to be made by Cabinet, in accordance with the Council's Forward Plan.

### **4. TYPE OF DECISION**

Key decision, test ii applies.

### **5. DECISION MAKING ROUTE**

Cabinet meeting scheduled for 8<sup>th</sup> January 2007.

**6. DECISION(S) REQUIRED**

Cabinet is recommended to authorise a second stage of consultation on the Building Schools for the Future programme, based on three options agreed by the BSF Project Board.

Cabinet is recommended to approve in principle the outline of the Stage Two consultation document and to delegate final approval to the BSF Project Board.

**Report of:** Director of Children Services

**Subject:** BUILDING SCHOOLS FOR THE FUTURE –  
STAGE TWO CONSULTATION

---

## **1. PURPOSE OF REPORT**

To seek Cabinet approval to undertake a second stage of Building Schools for the Future (BSF) consultation based on options agreed by the BSF Project Board.

## **2. BACKGROUND**

On 14<sup>th</sup> August 2006 Cabinet approved the preparation of a formal submission to be a Wave 5 BSF authority. This would involve submitting a 'Readiness to Deliver' assessment document to the Department for Education and Skills (DfES) and Partnerships for Schools (PfS) by 13<sup>th</sup> October 2006. Cabinet also approved the establishment of a BSF Project Board and BSF Stakeholder Board at this meeting, with formal decisions on membership delegated to the Children's Services Portfolio Holder. On 25<sup>th</sup> September 2006 the Children's Services Portfolio Holder agreed membership and terms of reference of the BSF Project Board and BSF Stakeholder Board.

On 25<sup>th</sup> September 2006 Cabinet approved the launch of the first stage of consultation in preparation for BSF and agreed in principle the outline of the Stage One consultation document. The final approval of the Stage One consultation document was delegated to the Portfolio Holder for Children's Services.

Stage One consultation began on 26<sup>th</sup> September 2006 and continued until 3<sup>rd</sup> November 2006.

The scope and outcomes of BSF Stage One Consultation were reported to Cabinet on 20<sup>th</sup> November 2006. Cabinet noted the outcomes of the first stage of consultation and approved the preparation of the second stage of consultation.

### 3. CONSULTATION OPTIONS

On 11<sup>th</sup> December 2006 the BSF Project Board agreed three options for second stage BSF consultation. These are:

- **Option 1: The status quo - 6 schools all rebuilt or remodelled to current size.**

If this option were to be implemented it is unlikely that the Minister would approve the Council's BSF "Strategy for Change". The Project Board did agree that this option should be presented, even if the consequence could be failure to secure BSF funding.

- **Option 2: Modified status quo - 6 schools, capacities reduced to 5,550**

In this option the capacities of three schools would be reduced to match current pupil projections for 2012 and beyond to 2016. For Brierton School this would mean reducing the capacity to 600.

- **Option 3: Reduced schools – 5 schools, revised partner primary schools.**

In a 5 school model, it is suggested that Brierton would be the school to close, for reasons of demography, suitability, condition and performance. Each of the remaining five secondary schools would be allocated a group of partner primary schools, allocations made on a balance of geographical proximity and an attempt to balance the comprehensive make-up of each secondary school's intake.

The details of the 3 options to be considered at Stage Two were made public, following the Project Board meeting of 11<sup>th</sup> December 2006. It was felt that it was important to ensure that those who could potentially be most affected by the detail of the options, especially those closely associated with Brierton School, should find out about the detail of the options directly after the Project Board meeting.

A second stage consultation document is currently being prepared and the outline is presented in **Appendix 1**.

### 3. BSF ANNOUNCEMENT

On 15<sup>th</sup> December 2006 Government announced that Hartlepool is to be a Wave 5 authority for BSF, with a formal launch on the programme in September 2007. It is therefore even more important to make progress through consultation on options to formal proposals in accordance with the Project Plan.

### **3. RECOMMENDATIONS**

Cabinet is recommended to authorise a second stage of consultation on the Building Schools for the Future programme, based on three options agreed by the BSF Project Board.

Cabinet is recommended to approve in principle the outline of the Stage Two consultation document and to delegate final approval to the BSF Project Board.

### **4. REASONS FOR RECOMMENDATIONS**

The Df ES decision to allocate Hartlepool to Wave 5 of the BSF programme was based on the 'Readiness to Deliver' submission made in October 2006. Included in the submission was a detailed project plan which indicated that consultation could be undertaken and statutory proposals determined by the time a Wave 5 authority would be formally engaged in the programme, in Autumn 2007.

Stage Two consultation identifies options to be considered ahead of the publication of statutory proposals for change. If an appropriate timeline for a Wave 5 authority is to be maintained, it is important to undertake Stage Two consultation early in 2007.

### **5. CONTACT OFFICER**

Paul Briggs, Assistant Director of Children's Services  
Telephone 284192

# Children's Services Department

*Every Child Matters*



## **Building Schools for the Future (Secondary)**

### **Stage Two Consultation Document**

**Autumn 2006**

**(Outline of Document Structure and Content)**

Contact Officer:

Paul Briggs  
Assistant Director  
Children's Services Department  
paul.briggs@hartlepool.gov.uk  
01429 284192

## **PART A. AN INTRODUCTION TO BUILDING SCHOOLS FOR THE FUTURE (BSF)**

A brief introduction to BSF (just over 1 side) and main contact details for the BSF team. Also reference to Primary Capital Programme and likely timescale.

## **PART B. BUILDING SCHOOLS FOR THE FUTURE – OUTCOMES OF STAGE ONE CONSULTATION**

This section will describe the Stage One consultation process, summarise the content of the Stage One consultation booklet and identify that different views were put forward at Stage One as to how secondary education should be organised in future. The section will also introduce the rationale for including detailed consultation on Special Educational Needs (SEN) at the second stage of the consultation process.

## **PART C. 11-16 SECONDARY EDUCATION: DATA ON EXISTING SCHOOLS**

This section will introduce data on each of the six existing mainstream schools. The section will re-visit the data provided at Stage One, remove post-16 data and update 11-16 data where possible. The actual data will be presented at Appendix 1.

## **PART D. OPTIONS FOR CONSULTATION AT STAGE TWO**

This section will present the three 11-16 options agreed for consultation by the BSF Project Board. Some advantages and disadvantages will be presented for each option, along with an indication of the potential impact on primary schools. The section will also describe possible re-configuration of Special Educational Needs (SEN) provision.

## **PART E: WHAT HAPPENS NEXT?**

This section will present a timeline for the second stage of consultation and an indication of likely timescale leading to statutory proposals and final decisions on change.

## **PART F: SOME QUESTIONS AND ANSWERS ABOUT BSF**

This section will re-visit the questions and answers offered at Stage One, refresh these and add to them as appropriate, highlighting issues of particular significance at Stage Two.

## **PART G: HOW TO RESPOND TO THIS CONSULTATION**

Consultees will be informed how they can respond by letter or email, or by completing the response form at the end of the document. They will also be informed that all relevant documents are available on the Council's website and the dedicated address will be identified.

## **APPENDIX 1: 11-16 DATA**

As described at PART C above.

# **CABINET REPORT**

8<sup>th</sup> January 2007



**Report of:** Director of Neighbourhood Services

**Subject:** CORONATION DRIVE – CONTAMINATED LAND  
UPDATE

---

## **SUMMARY**

### **1. PURPOSE OF REPORT**

- 1.1 The purpose of this report is to update Cabinet in respect of progress made since the previous report of 13<sup>th</sup> March 2006 and to request approval to proceed with the proposed way forward.

### **2. SUMMARY OF CONTENTS**

- 2.1 The report includes
- (a) a progress statement;
  - (b) details of a proposed way forward.

### **3. RELEVANCE TO CABINET**

- 3.1 This is a highly sensitive issue which is having a severe impact on the residents of a large residential estate.

### **4. TYPE OF DECISION**

- 4.1 Key decision (test (i) applies)

### **5. DECISION MAKING ROUTE**

- 5.1 This is a Cabinet decision.

### **6. DECISION(S) REQUIRED**

- 6.1 That the Cabinet note the progress made.

That the Cabinet authorise the Director of Neighbourhood Services to:-

- distribute the residents packs
- tender the remediation scheme
- explore all available funding avenues for additional financial support

**Report of:** Director of Neighbourhood Services

**Subject:** CORONATION DRIVE – CONTAMINATED LAND  
UPDATE

---

**1. PURPOSE OF REPORT**

- 1.1 The purpose of this report is to update Cabinet in respect of progress made since the previous report of 13<sup>th</sup> March 2006 and to request approval to proceed with the proposed way forward.

**2. PROGRESS**

- 2.1 An application was made to DEFRA on 16<sup>th</sup> May 2006 for funding to carry out remediation and reinstatement.
- 2.2 Running alongside DEFRA's consideration of the application, the Council began working on Contractor procurement and looking at survey work required prior to commencement of remediation work.
- 2.3 An advertisement for Contractors expressions of interest for remediation work was placed in the local and European Journals. A large number of applications were received and these have been evaluated and a select list of tenderers has been compiled by the Head of Technical Services.
- 2.4 Survey work consisting of a detailed ground survey, a photographic record, an external structural survey and a horticultural survey of all properties was undertaken during August – October 2006. In order to record sufficient detail a scanned survey was undertaken for each property by specialist contractors with the external structural survey, horticultural survey and photographic record being undertaken by HBC staff. From this, each resident will be given a pack containing all of the above information which will detail the current condition of their property and the existing layout of garden areas. These packs are currently being compiled for each individual property and it is intended that residents will sign off the packs as a condition record prior to commencement of the remediation works.
- 2.5 Following detailed further consultation with DEFRA regarding the remediation proposals, verbal approval was received from DEFRA in September 2006 (with written approval expected shortly after, but as yet this has not been received) for the Council to proceed with implementing the work. Apparently the long delay is due to the fact that this is one of the first applications to be processed by DEFRA under their new guidelines and it is

taking time to go through their new procedures. At the time of writing this report DEFRA have verbally agreed:-

- to fund the survey work described in 2.4 above;
- to fund further site investigation work in order to develop and finalise the most practicable remediation procedure;
- that the Council would tender the remediation work and then submit an updated funding application for the proposed remediation with actual costs from the competitive tender process, to inform the final DEFRA approval.

- 2.6 Following advice from the Council's Development Control Section, a planning application detailing the proposed remediation was submitted at the end of November 2006. Current indications are that this will be considered at a Planning Committee in January 2007.

### 3.0 THE WAY FORWARD

- 3.1 The Mayor, the M.P and Council Officers. are scheduled to attend a Residents Meeting on Wednesday 3<sup>rd</sup> January 2007 at the Staincliffe Hotel.
- 3.2 The Residents Packs (as referred to in Paragraph 2.4 above) will be ready for distribution in January 2007 and approval is sought from Cabinet for these to be sent out.
- 3.3 It is anticipated that compilation of the tender documentation will be complete in January 07 and approval is sought from Cabinet to tender the remediation scheme using the select list (as referred to in Paragraph 2.3 above). The tender documentation will be tailored toward a "like for like" reinstatement of all areas whereby, where practicable, all areas will be returned to their original condition and layout with hedges, bedding plants, patios, paths, rockeries, sheds, greenhouses etc being re-established on completion. It must be emphasized that as yet this "like for like" reinstatement (which is included in the DEFRA funding application) has not been approved and it is extremely unlikely that this particular element of the application will be approved. Instead DEFRA have indicated that a basic reinstatement covering lawn turf and paths is more likely to be approved.
- 3.4 DEFRA's funding rules concerning final reinstatement of remediated garden areas state that *"Works to re-instate a site on completion of the remediation works may also be eligible, but this will normally be limited to the minimum works necessary to make the site capable of being used for its current use (for example, re-turfing or repairing fences of residential gardens following remediation in the gardens). Other reinstatement works such as extensive landscaping and items such as mature shrubs and trees or reconstruction or renovation of buildings & structures will not normally be eligible, even though such works would be necessary to fully restore a site to its former condition or to meet current legislative requirements for new work, such as those concerning access for disabled people"*.

- 3.5 It is therefore likely that, although DEFRA eligibility rules state that funding can be offered covering the remediation and basic reinstatement, a shortfall in finance for full “like for like” reinstatement will exist.
- 3.6 It is intended that the Council will seek, through all available avenues, to achieve full reinstatement. One avenue available is to re-open negotiations with those that may have liability under the contaminated land regime with a view to negotiating a settlement that includes full garden reinstatement.
- 3.7 Return of tenders is anticipated in February / March 07 and it is likely that the revised full remediation application can be submitted to DEFRA in late February / early March 2007 with a tentative commencement date in April / May 2007. DEFRA have been advised of these timescales.
- 3.8 Following the above process, a further report will be submitted to Cabinet detailing committed finance to the scheme and highlighting any shortfalls to enable members to determine how they wish to proceed with financial provision and engaging the successful Contractor.

#### **4.0 FINANCIAL IMPLICATIONS**

- 4.1 DEFRA support for remediation is now delivered by 100% direct grants made to the Council under section 31 of the Local Government Act 2003, instead of support via additions (called SCE(R) loan sanctioning) to the Council's Revenue Support Grant. This is a significant benefit to the Council, as the Council does not need to budget for repayment of the loan from existing revenue funding.

#### **5.0 DECISION(S) REQUIRED**

- 5.1 That the Cabinet note the progress made.
- 5.2 That the Cabinet authorise the Director of Neighbourhood Services to:-
- distribute the residents packs
  - tender the remediation scheme
  - explore all available funding avenues for additional financial support
- 5.3 That the Cabinet note that a further report will be submitted detailing committed contributions to the scheme to enable members to determine how they wish to proceed with financial provision and engaging the successful Contractor.

# CABINET REPORT

8<sup>th</sup> January 2007



**Report of:** Director of Neighbourhood Services

**Subject:** PUBLIC CONVENIENCES

---

## SUMMARY

### 1. PURPOSE OF REPORT

To make recommendations to the Cabinet in respect of future public convenience provision following the recommendations of the Neighbourhood Services Scrutiny Forum.

### 2. SUMMARY OF CONTENTS

A list of revised recommendations in light of the Neighbourhood Services Scrutiny Forum decisions.

### 3. RELEVANCE TO CABINET

This is a matter that affects all of the population of Hartlepool and visitors.

### 4. TYPE OF DECISION

Key decision (tests (i) and (ii) apply)

### 5. DECISION MAKING ROUTE

Cabinet on 8<sup>th</sup> January 2007

### 6. DECISION(S) REQUIRED

To determine future public convenience provision throughout the Borough.

**Report of:** Director of Neighbourhood Services

**Subject:** PUBLIC CONVENIENCES

---

**1. PURPOSE OF REPORT**

- 1.1 To make recommendations to the Cabinet in respect of future public convenience provision following the recommendations of the Neighbourhood Services Scrutiny Forum.

**2. BACKGROUND**

- 2.1 Cabinet at its meeting on 12<sup>th</sup> April 2006 agreed a series of recommendations subject to a full report being submitted to the Neighbourhood Services Scrutiny Forum. This was done and the Forum met in August of this year to consider the Cabinet's referral.
- 2.2 Scrutiny's findings were reported to Cabinet on 25<sup>th</sup> September 2006 when it was agreed that I should present a final report to Cabinet outlining:-
- i) The final implications of each of the proposals contained within the Neighbourhood Services Scrutiny Forum report and the additional suggestions made by Cabinet members.
  - ii) The overall financial package required for the implementation of the Forum's recommendations, including the additional suggestions made by Cabinet
- 2.3 The additional suggestions made by Cabinet at that time were:-
- i) Opening times. Concern was expressed regarding the opening times of public conveniences across the town and the fact that some facilities were closing as early as 3.15pm. Members were of the view that in tourist areas conveniences needed to be open at appropriate times. Particular attention was drawn to the need for facilities on the Headland to be open.
  - ii) The Clock Tower. Concern was expressed regarding longer term proposals for the closure of facilities at the Clock Tower particularly in light of the possibility of efforts being made to secure funding to bring the whole building up to standard.
  - iii) Upper Burn Valley facilities. It was suggested that the reopening of the facility in the Upper Burn Valley site for the use of the Allotment Association be looked into.

- iv) Old Seaton Bath's site. Concern was expressed regarding the implications of the closure of facilities in terms of public health and the distance between public conveniences along the Coastal Arc. It was suggested that the public convenience at the old Seaton Baths site should be open all year round. Concern was also expressed regarding the feasibility of an arrangement with the owners of the new bistro on the adjacent site for use of their toilets by the public.

2.4 The Neighbourhood Services Scrutiny Forum recommendations were as follows:-

- (a) The Neighbourhood Services Scrutiny Forum supports the proposals for the:-
- (i) Closure of the Thorpe Street, Pilot Pier and Rocket House facilities and their securing with aesthetic materials; - **Cost £4,500**
  - (ii) Building of a new facility adjacent to the old Rocket House site and closure of the Clock Tower site; - **Cost £228,500**
  - (iii) Undertaking of only essential maintenance to Clock Tower facility to keep them functioning until the new facilities are up and running; - **Cost £1,500**
  - (iv) Refurbishment and upgrade the Lighthouse (Heugh Battery) facilities; - **Cost £6,000**
  - (v) Undertaking of no work to the Albert Street facility; - **Cost £1,000 (maintenance)**
  - (vi) Taking no action in respect of the Seaton Park facilities other than essential maintenance; - **Cost £5,000**
  - (vii) Demolition and making good of the site at the Ward Jackson Park facilities. The toilets at the café to be made available to all public during the opening hours of the park; - **Cost £6,000**
  - (viii) Maintenance and improvements to the facilities at Rossmere Park; - **Cost £50,000**
  - (ix) Demolition and making good the site in the Upper Burn Valley, with the development of a policy for the provision of public conveniences in the Burn Valley to be looked into; **Cost £6,000**
  - (x) Maintenance of the Lower Burn Valley facility; - **Cost £10,000**
  - (xi) Introduction of adequate heating, together with routine and planned maintenance to the Stranton Cemetery main facility; - **Cost £5,000**
  - (xii) Maintenance of existing facilities at West View Cemetery; – **Cost £1,500**
  - (xiii) Demolition of the Hartlepool Maritime Experience facility and the marketing of the site with any capital receipt to be reinvested for the improvement of public convenience provision. – **Cost – mothballing £2,000 – demolition £10,000**
- (b) Disagrees with the proposed course of action for the former Seaton Baths site and recommends that the facility be improved in terms of its general condition and more specifically its disabled access externally and disabled facilities; - **Cost – demolish and rebuild - £233,000 – refurbish - £70,000**

- (c) Agrees that all Council owned buildings should provide, wherever possible, toilet facilities for the public and that town centre landlords and other businesses need to be encouraged to make their facilities available to the public during normal, and extended opening hours.

2.5 I have consulted the Assistant Director (Community Services) on the proposals in so far as they affect buildings for which Adult and Community Services has a responsibility and he comments:-

- a) The demolition of the Ward Jackson Park facilities is supported but there could be some staffing/ cost implications in keeping the café facility open till dusk during the summer months.
- b) There are talks on going with the Burn Valley Allotment holders to take in the upper Burn Valley toilet block into a Burn Valley allotment estate for their sole use. This proposal would have some cost implications.
- c) Whilst there is support for the demolition of the Historic Quay toilets, the Assistant Director advises against any potential sale of this site bearing in mind the larger agenda in respect of the whole site.

### 3. FINANCIAL IMPLICATIONS

- 3.1 The overall costs of the Neighbourhood Services Scrutiny Forum's recommendations are set out above and they total between £397k and £568k.
- 3.2 Since completion of the report a further investigation has revealed that the facilities on the Town Moor require some works.
- 3.3 The Town Moor site requires investment of £8,500 whilst the facilities at Friar Terrace are considered adequate.
- 3.4 Built into the original proposals was a revenue saving of £55k in respect of Clock Tower attendants wages and it is proposed to use this revenue saving to fund the prudential borrowing required for all of the proposals.
- 3.5 In addition cleaning of the public convenience is now being undertaken by the Building Cleaning Service to a much higher standard and frequency.
- 3.6 In respect of Cabinet's four issues outlined earlier,
  - i) Throughout the democratic process it was always the intention to ensure public conveniences are open to the public between the hours of 8.00am and dusk.
  - ii) The clock tower facility, at the moment, is far too expensive to refurbish but if monies are made available in the future then consideration will be given to completely upgrade these facilities which will cost

approximately £90k. This does not take into account structural works to the roof etc. which will be needed.

- iii) The Assistant Director (Community Services) is currently negotiating with the Burn Valley Allotment holders in respect of the upper Burn Valley Facilities.
- iv) Proposals in respect of the old Baths Site are outlined above.

#### **4. RECOMMENDATIONS**

4.1 Cabinet's views are sought on the recommendations of the Neighbourhood Services Scrutiny Forum and in particular whether:-

- a) The conveniences at the former Seaton Baths site should be:-
  - i) Demolished
  - ii) Refurbished
  - iii) Demolished and a new facility built
- b) The Historic Quay block should be:-
  - i) Demolished
  - ii) Maintained and used for major events
  - iii) Closed as a public convenience and used for another LA purpose
- c) Further discussions should be held with the Burn Valley Allotment holders in respect of the upper Burn Valley site.

# CABINET REPORT

8 January 2007



**Report of:** Chief Executive

**Subject:** Local Government White Paper and Local Government Bill

## SUMMARY

### 1. PURPOSE OF REPORT

To provide members with an overview of the Local Government White Paper and Local Government Bill and to suggest a series of seminars.

### 2. SUMMARY OF CONTENTS

The report provides an overview to members in relation to Local Government White Paper and Local Government Bill including the views of the Local Government Association. There are a range of proposals included in the White Paper and Bill which may potentially affect other related council developments.

### 3. RELEVANCE TO CABINET

The White Paper and Bill are of strategic significance to the authority

### 4. TYPE OF DECISION

Non-Key

### 5. DECISION MAKING ROUTE

Cabinet 8<sup>th</sup> January 2007

### 6. DECISION(S) REQUIRED

Cabinet are recommended to:-

- i) note the report and the information incorporated in the appendices;
- ii) agree to a series of seminars being established for all elected members in the new year; and
- iii) agree to receive further reports dealing with the implications of the White Paper and Local Government Bill.

**Report of:** Chief Executive

**Subject:** Local Government White Paper and Local Government Bill

---

### 1. **PURPOSE OF REPORT**

This report is to provide Cabinet with a combined overview of the Local Government White Paper and Local Government Bill.

### 2. **BACKGROUND**

The Local Government White Paper “Strong and Prosperous Communities” and the subsequent Local Government Bill have recently been published. The Lyons review, which was scheduled to be published in December 2006 has been delayed and will now not be published until sometime in early 2007.

### 3. **THE WHITE PAPER AND LOCAL GOVERNMENT BILL**

Attached to this report are two summaries provided by the Local Government Association (LGA) which relate to the White Paper and Local Government Bill (these are attached as appendix 1 and 2).

There are a number of matters considered in these documents many of which are permissive powers. These include (though this is not a comprehensive list or assessment of the potential implications of these matters)

- Structural and Boundary change – proposals to invite councils to make bids for unitary status
- Elections in England – measures to enable councils that elect by thirds to change to whole council elections and the freedom to choose the number of members in each ward
- Executive arrangements – measures to require council to adopt one of three political management arrangements
- Local Area Agreements – measures to provide a statutory framework for LAAs, a duty to co-operate drawing up the LAA, a proposed power for the Secretary of state to designate targets for the LAA (potentially limited to 35)
- Overview and Scrutiny – Community Call for action, scope extended to cover activities of partners contributing to the development or delivery of LAAs.
- Byelaws – measures to enable the Secretary of State to devolve powers over byelaws and fixed penalty notices to councils
- Best Value – abolishes the requires to undertake best value reviews

- Inspection and Audit – Removes the duty on the Audit Commission to report on categorising councils
- Ethical standards – measures to provide for local standards committees to make an initial assessment of misconduct allegations.
- Patient and Public Involvement in Health and Social Care – Measures for a duty for each local authority to develop and create Local Involvement Networks (LINKs)

#### 4. **IMPLICATIONS**

There are a range of potential implications for the Local Authority and partner organisations in these proposals and powers. Given that a number are permissive there will need to be further detailed consideration given to their relative merits in the context of other arrangements which may already be in place in Hartlepool. There are a number of duties identified in the bill where it is not currently clear if there will be resources made available to support.

Whilst the Local Government Bill does clarify a number of issues the delay of the Lyons Enquiry into Local Government with its potential findings does not assist in the identification of a clear path for development in the medium term.

#### 5. **FURTHER CONSIDERATIONS**

The implications of the White Paper and Bill are potentially far reaching although the overall extent of the implications will need to be considered further as additional detail is made available.

The undertaking of a series of members seminars on the component parts of the Bill and White Paper would, it is believed be beneficial to ensure that members have a clear understanding of the measures, powers and duties being proposed and their potential impact upon the authority and partners.

#### 6. **RECOMMENDATIONS**

Cabinet are recommended to:-

- i) note the report and the information incorporated in the appendices;
- ii) agree to a series of seminars being established for all elected members in the new year; and
- iii) agree to receive further reports dealing with the implications of the White Paper and Local Government Bill.

# Strong and prosperous communities

## Local government white paper

26 October 2006

### LGA key messages on today's local government white paper

- The white paper is encouraging and reflects some of the LGA's long-standing demands for deregulation. It takes significant steps with proposals to strengthen local leadership, enhance the role of frontline councillors, cut back the plethora of national targets, streamline inspection and to broaden the scope of local area agreements.
- The white paper does not, however, reflect our call in '**Closer to People and Places**' to devolve national and regional powers to cities, towns and counties.
- This is only the first step. We want to see our devolutionary vision made a reality. This means the Government must go further with stronger measures in the Queen's Speech, the Lyons review and next year's Comprehensive Spending Review.

### Key proposals in the local government white paper

- **A new performance framework** that will cut the number of national performance indicators to 200, and targets to around 50 and replace CPA with new assessment arrangements with a reduced and risk-based role for inspection.
- **An enhanced role for councils as strategic leaders and place-shapers** through stronger Local Strategic Partnerships and next-generation Local Area Agreements with wider scope and importance, and a duty to cooperate between councils and local partners
- **Stronger cities, strategic regions**, reforming Passenger Transport Authorities and the development of LAAs into sub-regional Multi-Area Agreements.
- **Stronger political leadership** by requiring all councils to opt for a directly-elected mayor, directly-elected executive or indirectly-elected leader for a four-year term.
- **An invitation** to councils in shire areas to bid for unitary status or enhanced two-tier working.
- **A strengthened role for front-line councillors** including powers to respond to community calls for action on local issues and greater freedom to speak up on planning and licensing issues affecting their wards.
- **A wider and stronger role for scrutiny** including the power to require evidence from all local service providers and a duty on them to have regard to scrutiny recommendations.
- **Devolution** of powers, including removing the requirement for Secretary of State's consent to bye-laws and the creation of parish councils.
- **Community cohesion** – councils encouraged to put integration and cohesion at the heart of community strategies and LAAs.

### LGA next steps

The LGA and IDeA will drive forward a number of actions coming out of the white paper and are developing a set of proposals which will be available on the LGA's white paper website (see below). We will also lobby to ensure that the legislation that results from the white paper is bold and devolutionary and that this approach is reflected across all of the legislation that will affect local government in the forthcoming Queen's Speech.

### Further details

- Information on the LGA's work on the white paper can be accessed here at <http://whitepaper.lga.gov.uk/> and we have a inquiry line on the white paper which you can contact on **020 7947 8885** and [white.paper@lga.gov.uk](mailto:white.paper@lga.gov.uk).

**briefing**

## Chapter 1 - Strong and prosperous communities

In this chapter the Government provides an assessment of progress made by local councils so far towards creating strong and prosperous communities and highlights the future direction that needs to be taken. It argues that substantial improvements have been made and must be built upon, and that public expectations of services continue to rise. There must be a new role for local government, involving strong strategic leadership, effective local partnership working on cross-cutting issues, more information to local people, focusing on their needs with greater community consultation and involvement.

### Wales

The introduction also explains that provisions will be made to give the National Assembly for Wales an enhanced role in matters within the field of local government. The Assembly is expected to publish their proposals in due course, which are likely to address the recommendations of the Beecham Review of Public Services in Wales.

## Chapter 2 - Responsive services and empowered communities

This chapter sets out proposals designed to devolve power to the communities and give local people a greater say over local public services through extending individual choice, giving local people more say in running local services, providing better and more timely information on the quality of local services, listening to and acting on local concerns, empowering local people to manage and own community facilities. The key proposals are:

- A Community Call for Action (enabling citizens to address serious or persistent problems all local public services)
- Reforming legislation so that councils have the power to create parish councils or similar structures

White paper proposal	LGA response
<b>Petitions</b> All councils to consider how they deal with petitions.	Petitions are an important way for communities to raise local issues and seek change. We agree that councils should make sure they respond to petitions consistently and appropriately way.
<b>Community call for action</b> Citizens able to seek action through their local councillor on persistent or serious problems with local services. <ul style="list-style-type: none"><li>• Councils encouraged to delegate powers and budgets to tackle minor problems</li><li>• Councillors to have right to raise issues across all local services with Executive or refer them to the Scrutiny Committee (although the committee can ration number of calls they will actually consider).</li></ul>	Frontline councillors should have the power to take up any local problem on behalf of their constituents. In the Spring we called for more powers to be given to local residents and councillors to influence local services and raise local problems, and good councillors are doing this already. Putting the relationship between the councillor and resident on a formal footing will enshrine local people's ability to help improve the services they use.  Wherever possible councillors should be empowered to resolve issues locally, leaving reference to the executive or scrutiny, as a last resort.
<b>Role of the Ombudsman</b> Widening the powers of the Local Ombudsman to include action taken by councils where they work in partnership.	We support the principle of extending the scope of the ombudsman to apply to wider local services.
<b>Neighbourhoods</b> Empower local people to manage their neighbourhoods and own and manage community facilities: <ul style="list-style-type: none"><li>• Encouraging extension of neighbourhood management</li><li>• Encouraging community ownership and management of assets.</li></ul>	We support more power for local people and communities and the responsible community ownership of assets provided their sale does not compromise the long term ability of councils to invest in new infrastructure by accessing current resources.  The government's 'encouraging and enabling' approach to councils taking forward the neighbourhoods agenda forward is right – we do not want to see national

White paper proposal	LGA response
<ul style="list-style-type: none"> <li>Barry Quirk, Chief Executive of Lewisham, will lead an enquiry to look at powers and obstacles (and pros and cons in terms of providing best value) will report in Spring 2007</li> <li>Simplifying and extending the scope of the Right to Manage of social housing tenants</li> <li>Encouraging councils to adopt neighbourhood charters</li> </ul>	prescription on what is essentially a wholly local issue.
<b>Parishes</b> Legislate to reform parish councils: <ul style="list-style-type: none"> <li>Extend the power of well-being to quality parish councils</li> <li>Devolve power to district and unitary councils to create parish councils</li> <li>Enable allow councils to decide upon other forms of community governance beyond parish councils</li> <li>Permit parish councils in London</li> <li>Allow parish and town councils to be named village, community or neighbourhood councils</li> </ul>	Devolving powers to districts and unitaries so that they can create parish councils and allow other forms of community governance are significant and sensible steps to devolve power to local people.

### LGA action on this agenda

- The LGA and IDeA are taking this agenda forward through our *Closer to People* campaign, providing best practice advice to councils, and a programme of support to develop the role of frontline councillors. *Closer to People* encourages all councils to know and understand their distinctive communities and neighbourhoods and make adequate arrangements for them to:
  - be involved in shaping the future of their community and the design and delivery of local services and to hold service providers to account
  - exercise direct influence or power through parish or town councils, and neighbourhood committees (or similar)
  - strengthen support to local councillors so they can act more effectively as community advocates and leaders.
  - this will also include recommendations on how to implement the community call for action and petitions locally
- On the transfer of community assets, we are keen to work with Barry Quirk's review. We have a strategic project group with the Development Trust Association and ACEVO which has issued guidance on asset transfer and is holding regional events to inform councils of its benefits.

## Chapter 3 - Effective, accountable and responsive local government

This chapter sets out proposals to create a framework for councils to act as strong leaders of their communities, removing any barriers to effective working and attracting more diverse and capable councillors. The key proposals are:

- Devolving powers over bye-laws and fixed-penalty notices to councils
- Requiring councils to adopt one of three political management arrangements
- Inviting bids from councils for unitary status and to trial more effective two-tier working

White paper proposal	LGA response
<b>Councillor recruitment</b> An independent review of the incentives and barriers to serving as councillors to: <ul style="list-style-type: none"> <li>consider the time needed to be an effective councillor, time-off arrangements and councillors' remuneration</li> </ul>	We agree that local government needs a more diverse body of talented councillors. The obstacles to achieving this need to be reviewed – including members' allowances and time off arrangements.

White paper proposal	LGA response
<ul style="list-style-type: none"> <li>encourage LGA and political parties to work together to promote the recruitment of more diverse and capable councillors.</li> </ul>	
<b>Building capacity</b> Work with LGA, IDeA and Leadership Centre for local government, and through the Regional Improvement Partnerships to; <ul style="list-style-type: none"> <li>develop a clear definition of the councillor's role as community champion</li> <li>encourage a greater diversity among those who serve as councillors</li> <li>develop capacity-building and support</li> </ul>	We welcome this commitment to support our on-going work.
<b>Bye-laws and fixed penalty notices</b> Removes the requirement for councils to get government consent to bye-laws and give councils powers to enforce bye-laws through fixed-penalty notices.	This is sensible devolution of powers to councils. It makes far more sense for councils themselves to create bye-laws. They have more understanding of what issues in their area require bye-laws than a Minister in central government. Similarly fixed penalty notices will give councillors' powers to protect local residents and help improve the quality of life.
<b>Political management</b> <ul style="list-style-type: none"> <li>Legislation to require councils to adopt one of three political management arrangements (directly-elected mayor, directly-elected executive or indirectly-elected leader for a 4-year term).</li> <li>Councils to opt for a directly-elected mayor or executive without a referendum. All executive powers will be invested in a mayor (or leader), including appointing the cabinet and deciding portfolios.</li> <li>Councils free to decide how a leader may be removed in their constitutions (reformed committee system councils will be unaffected).</li> </ul>	<p>Strong, democratically accountable leadership is central to our vision for local government. There is no right model for all areas – whether mayor or leader. The powers devolved to leaders to put in place the best solutions for their communities is what matters, not the leadership model.</p> <p>We recognise that the proposal for leaders to serve a four-year term is intended to provide the stability necessary for strategic and sustained action. However there must be adequate means for removing incompetent leaders.</p>
<b>Overview and scrutiny</b> Widen and strengthen the role of overview and scrutiny in legislation to: <ul style="list-style-type: none"> <li>give power to consider specific matters regarding the action of local public service providers</li> <li>require service providers covered by the duty to cooperate (see chapter 6) to appear or provide information</li> <li>require these providers to have regard to scrutiny recommendations.</li> </ul>	<p>We welcome these proposals. Broader and more powerful scrutiny is the essential counterpart to the wider and stronger role of leaders as place-shapers and convenors of local public services.</p> <p>This broader role for scrutiny will help frontline councillors take effective action on behalf of their constituents to tackle any local issue and hold local service providers to account.</p>
<b>Electoral arrangements</b> Legislate to: <ul style="list-style-type: none"> <li>remove requirement for councils to get Secretary of State approval to adopt whole-council elections</li> <li>enable councils with whole-council elections</li> </ul>	We think electoral and ward arrangements should be a matter for local discretion.

White paper proposal	LGA response
to request the Electoral Commission to review creating single member wards	
<b>Standards and conduct</b> Legislate to: <ul style="list-style-type: none"> <li>• implement the Graham Committee recommendations to create a more locally based conduct regime with a revised role for the Standards Board</li> <li>• revise the code of conduct to allow members to speak and vote on planning and licensing matters unless their interest is "greater than most other people in the ward"</li> </ul>	We welcome these proposals. If councillors are elected to put people first, these proposals – to speak on behalf of their residents on licensing, planning and gambling - will enable them to do this.
<b>Unitary status</b> All councils (except London Boroughs and Metropolitan Districts) are invited to submit proposals to create unitary councils by 25 January 2007. Proposals must: <ul style="list-style-type: none"> <li>• command a broad cross-section of support</li> <li>• enhance strategic leadership, neighbourhood empowerment, value for money and equity;</li> <li>• meet the costs of change from councils' existing resources.</li> </ul> <b>Enhancing two-tier working</b> Councils in shire areas invited to submit proposals to become pathfinders for enhanced two-tier working by 25 January 2007. Proposals must: <ul style="list-style-type: none"> <li>• be submitted jointly by all the districts and the county council</li> <li>• demonstrate enhanced leadership, efficiency and outcomes equivalent to a unitary council</li> <li>• commit to explore how to remove barriers to innovative and more effective governance.</li> </ul> Pathfinders will be subject to long term evaluation with reports after 2, 4 and 6 years to inform future government policy.	We support those councils, including counties and districts in two-tier areas, which are working together more closely to share services and integrate decision-making to provide a better deal for tax payers.  But we are resolutely opposed to imposed restructuring. Experience shows that imposed reorganisation of local government always takes longer, costs more and delivers less than ever envisaged.

### LGA action on this agenda

- On councillor recruitment – we have begun work with the main political parties on proposals for a national campaign to raise awareness of the role of councillors and encourage more people to come forward as candidates.
- On building capacity – The LGA and IDeA's *Closer to People* campaign has begun work to develop support for frontline councillors.
- On overview and scrutiny – the LGA and IDeA will be working with the Centre for Public Scrutiny to support councils in exercising these new powers.

## Chapter 4 - strong cities, strategic regions

This chapter sets out proposals to further national and regional economic growth in our cities and regions, through improving the quality of governance and leadership. The key proposals are:

- Reform of passenger transport authorities and new powers for councils on bus services
- Creating multi area agreements

White paper proposal	LGA response
<b>Sub-national review</b> A Treasury-led review of sub-national economic development and regeneration (feeding into the Comprehensive Spending Review) will identify the most appropriate level to locate responsibility for interventions for the different policy areas which impact on economic development, regeneration and neighbourhood renewal.	We have submitted to the Treasury review proposals that sub regional partnerships should be the focus of future decision-making structures for economic development and that councils should hold the convening role in these partnerships.
<b>Passenger Transport Authorities</b> The Department for Transport will propose reforms to Passenger Transport Authorities (PTAs), including greater local government representation on PTAs.	We think a strengthening of PTA's powers is needed
<b>Bus services</b> New powers for those councils that require them to ensure that bus services deliver for their communities.	It is important that the option of greater control over buses made available to councils outside PTA areas. We await the detailed proposals from the Department for Transport expected shortly.
<b>Multi area agreements (MAAs)</b> The government will work with councils to develop MAAs to support effective collaboration at the city region level, but these need not only apply to large cities.	We support the proposal for MAAs and have proposed three models for these: Metropolitan Area Agreements, City Area Agreements, and Shire Area Agreements.
<b>Leadership models</b> The government will encourage stronger leadership models, including directly elected executives and elected mayors where there is local support.	The LGA accepts that the devolution of resources and powers will need to be accompanied by strong local leadership and clear accountability. We strongly endorse the White Paper's emphasis on developing local models that have local support – however no specific model should be imposed.

### LGA action on this agenda

- We have made a submission to the Treasury's sub national review focusing on the role of sub-regional partnerships. In the near future we will be publishing an analysis of the evidence on economic devolution and views on the areas where powers and funding need to be further devolved, as well as research underpinning the case for devolution of the business rate.
- Over the next six months we will also publish a series of publications that develop in detail the case for devolution of specific powers to local councils and partnerships.
- On powers for PTAs - we will lobby for all councils to have a range of options, including forms of franchising, for influencing the quality of local bus services.
- On MAAs - we will work with the government on developing these agreements and press for the differential devolution of planning and housing, transport, economic development and skills and worklessness to them.
- On leadership models - we will work with the government and local partnerships to develop a range of models that can deliver the leadership and accountability needed.

## Chapter 5 - Local government as strategic leader and place-shaper

This chapter sets out proposals to strengthen the strategic leadership role of councils as coordinators of all local agencies and groups involved in shaping the community through their work in different sectors.

Key proposals are:

- A duty on upper-tier councils and unitaries to prepare local area agreements, and a duty for district councils and partners to cooperate with councils and have regard to LAA targets
- Stronger political leadership of local strategic partnerships and statutory partnerships within this, including a new partnership for health and well-being

White paper proposal	LGA response
<p><b>New duty for upper tier councils to prepare Local Area Agreements</b> in consultation with other partners (see below), forming part of a new statutory framework.</p>	<p>The new 'duty' to prepare a LAA is a positive step towards achieving wellbeing for local people, as advocated by the LGA. This is a welcome and explicit underpinning of councils' community leadership role, which reaches out beyond the services currently provided by local government.</p>
<p><b>New model of LAAs</b> – to strengthen partnership working and council leadership of the LAA, and to streamline and simplify funding and consultation. The LAAs will encompass more area-based funding, and the four blocks of funding will be replaced by four themes, to form a 'single pot'.</p>	<p>We welcome this proposal. In Closer to People and Places the LGA called for a second generation of LAAs to pool the totality of public resources in an area, to deliver improved outcomes, give better access for service users, and achieve efficiency savings.</p> <p>The proposed model does not, however, go far enough. We want to see local partnerships in a position to steer all mainstream as well as 'area-based' funding. Areas can then realign resources to meet new demands, and give partners incentives to work collectively to prevent and pre-empt problems, rather than intervening once they occur.</p> <p>The LGA has long argued that LAA funding streams should not be ring-fenced so that localities have maximum flexibility and can address cross-cutting issues. Many areas have found it useful to structure their LAAs around themes that the four blocks represent – and in this regard welcome the proposals for themes rather than blocks.</p>
<p><b>Creating multi area agreements (MAAs)</b> – the new model will allow localities to extend the geographic scope of the LAA and apply the principles to a sub regional area through what are being called multi area agreements</p>	<p>We welcome MAAs, which will need to be backed up by the devolution of further funding and powers over transport, housing, strategic regeneration and learning and skills. MAAs will need robust governance arrangements, visible political leadership, and a streamlined performance and accountability framework (as set out in Chapter 6).</p> <p>We have proposed three models of MAAs - Metropolitan Area Agreements, City Area Agreements, and Shire Area Agreements.</p>
<p><b>Duty to cooperate and duty to have regard to LAA targets</b></p> <ul style="list-style-type: none"> <li>• There will be a duty to cooperate between councils and named partners to agree LAA targets</li> <li>• Duty for partners to have regard to LAA targets.</li> <li>• Councils will also be subject to a duty to prepare the LAA in consultation with others.</li> <li>• Councils will also have to ensure involvement</li> </ul>	<p>The LGA has called for the duty to cooperate and we welcome this proposal. It will strengthen LSPs, the council's leadership role and the ability of councils to engage partners in preparing and delivering LAA targets.</p> <p>With it, local partners will be more accountable to local people, and will be able to challenge constraints to finding local solutions that central Government Departments may impose.</p>

White paper proposal	LGA response
<p>of the voluntary and community sector</p> <ul style="list-style-type: none"> <li>The named partners are upper tier or unitary councils, districts, chief police officers, Police Authorities, Local Probation Boards, Youth Offending Teams, Primary Care Trusts, NHS Foundation Trusts, NHS Health Trusts, the Learning and Skills Council in England, Job Centre Plus, Health and Safety Executive, Fire and Rescue Authorities, Metropolitan Passenger Transport Authorities, the Highways Agency, the Environment Agency, Natural England, Regional Development Agencies, National Parks Authorities, Broads Authority, Joint Waste Disposal Authorities.</li> </ul>	<p>We support the named organisations set out in the list of In principle partners, as it includes those responsible for delivering local services. Ultimately there should be an opportunity to develop the list to include further partners working in localities.</p> <p>We recognise that these proposals will present specific challenges in shire areas and we will work with councils and Government on this issue.</p> <p>The nature and involvement of the voluntary and community sector should be for local discretion, recognising that the sector has different roles - as deliverers of services and community representatives.</p>
<p><b>Strengthening the political leadership of Local Strategic Partnerships (LSPs)</b></p> <p>An expectation that council leaders will play a leading role and agree the appointment of the chair of the LSP, with council executive members chairing or leading thematic sub-groups.</p>	<p>We welcome this recognition that council leaders need a clear leadership role within the LSP. This follows LGA arguments that democratically accountable political leadership should be integral to LSP structures, whilst still allowing for local flexibility.</p> <p>Involving elected portfolio holders will allow the LSP to operate more as a multi-agency board, helping to integrate local public services whilst ensuring that political leadership and accountability extends to the thematic sub-groups.</p>
<p><b>Statutory partnerships for health and well-being under the LSP</b></p> <p>These will follow a similar model to Crime and Disorder Reduction Partnerships and Children's Trusts. The Department of Health will invite views on the detail of this proposal, including the role of the elected member.</p>	<p>We support new health and well-being partnerships to ensure that the planning, commissioning and delivering health and social care is a core part of the LAA framework. This follows the LGA's calls for a partnership approach to health and wellbeing, based on councils and Primary Care Trusts working together to develop a vision and action plan, to achieve outcomes which would form part of the LAA. Political leadership is critical. Therefore the elected portfolio holder must play a significant role in the partnership.</p>
<p><b>Sustainable Community Strategy (SCS)</b></p> <ul style="list-style-type: none"> <li>Reiterates the existing duty for SCS and proposes new statutory guidance will strengthen the relationship between Sustainable Community Strategy and other local and regional plans, requiring them to "have regard" to each other.</li> <li>A comprehensive engagement strategy for SCS, LAAs and Local Development Frameworks, repealing the existing Statement of Community Involvement for LDFs</li> <li>A commitment to explore whether councils could be given the responsibility for hearing appeals in relation to planning decisions delegated to officers.</li> </ul>	<p>The links between the SCS and other regional and local plans is important, and the duty to have regard will encourage consistency across plans and help to align them. This will be particularly important in making the links between priorities of districts and counties in two-tier areas.</p> <p>A single engagement strategy for SCS, LAAs and LDFs is welcome as it will simplify and streamline consultation processes and avoid duplication. Guidance on community engagement should not be overly prescriptive or burdensome.</p> <p>On the planning decision appeals, we look forward to working with Government to develop a detailed policy on this.</p>

## LGA action on this agenda

- Local area agreements - the LGA will continue to work with Ministers via the Central Local Partnership to plan for a second generation of LAAs, and the proposed MAAs. This work will include selecting suitable localities for field trials and a transition programme from the current generation of LAAs.
- We will continue to work with HMT and DCLG on more radical approaches to steering the totality of locally based public money, and on arrangements that allow for more radical shifts of funds between for example health, employment and the benefits system.
- Duty to co-operate - the LGA will continue to work with DCLG to develop the statutory guidance on sustainable community strategies and LSPs to ensure that the duty to co-operate is well framed in legislation.
- There will be continued engagement with the Department of Health on the detail of statutory partnerships for health and well-being.

## Chapter 6 – A new performance framework

This chapter sets out proposals to improve local public services by reforming the current system of targets and inspection. There will be a framework of national outcomes, with locally set and delivered targets that will ensure minimum standards, with a closer focus on the views of the public, encouraging local solutions to problems. Key proposals are:

- Progress on delivering national outcomes to be measured against a core set of 200 national indicators and a maximum of 35 targets to be set and delivered for each locality through the LAA, plus 18 statutory DfES targets on early years and performance targets.
- A new annual Comprehensive Area Assessment from 2009 based on risk assessment, with the Audit Commission acting as gatekeeper over inspection
- Reforming Best Value to make it more citizen-focused.

White paper proposal	LGA response
<p><b>Customers and citizens driving improvement</b></p> <p>Strengthen customers' and citizen's role in driving improvement, monitoring performance and inspection:</p> <ul style="list-style-type: none"> <li>• clarifying responsibilities to respond and report to citizens (see new duty to consult in Chapter 5)</li> <li>• incorporating user views into inspection activities</li> <li>• taking account of user views in shaping improvement support and intervention.</li> </ul>	<p>We wholeheartedly share the aim of putting customers at the heart of high quality public services and are working to ensure an increased role for citizens, taxpayers and consumers in shaping local services, monitoring performance, and holding the councils and its partners "to account" for poor performance.</p> <p>We have published good practice advice on customer led performance management - "Putting the customer first?" and have established a partnership with the National Consumer Council to advise councils on how to segment local services and measure customer satisfaction.</p>
<p><b>National outcomes to reflect priorities</b></p> <ul style="list-style-type: none"> <li>• Use CSR 2007 process to develop a clear set of national outcomes reflecting Government priorities.</li> <li>• Progress on delivering national outcomes to be measured against a core set of 200 national indicators.</li> <li>• A maximum of 35 targets to be set and delivered for each locality through the LAA, plus 18 statutory DfES targets on early years and performance targets, with the Secretary of State exploring a reduction in these.</li> <li>• Government Offices will lead on negotiating targets, with annual LAA reporting.</li> </ul>	<p>We strongly welcome this proposal and the commitment to develop a clear set of national outcomes, through the CSR process, measured by a limited set of national indicators. This clearly builds on LGA and IDeA proposals developed with Government over the past year.</p> <p>The national outcomes and a smaller number of locally owned targets are major step forward in reinvigorating local ambition, choice and accountability, refocusing efforts on satisfying service users and local people. We will press for the DfES to reduce their statutory targets further.</p> <p>We have set out our initial proposals for a national outcomes framework and will continue to pursue discussions with Government through the Central Local Partnership and bi-lateral discussions with HM Treasury and individual departments.</p>

<b>White paper proposal</b>	<b>LGA response</b>
<p><b>Annual Comprehensive Area Assessment</b></p> <ul style="list-style-type: none"> <li>• A new annual Comprehensive Area Assessment, replacing Comprehensive Performance Assessment, Joint Area Reviews, Annual Performance Assessment and Social Services star rating by March 2009.</li> <li>• The Audit Commission will lead the process and identify risk areas in relation to performance, involve other inspectorates and draw on a range of data including existing inspection information. Additional inspection activity would be identified by the risk assessment, but with the Audit Commission acting as “gatekeeper” in respect of the overall burden of inspection on a council.</li> </ul> <p>The following data will be published about a locality’s performance</p> <ul style="list-style-type: none"> <li>• Performance against the core set of 200 or so national indicators</li> <li>• Locality based, integrated risk assessment – across partners and services</li> <li>• Scored direction of travel statement for the council</li> <li>• Scored use of resources statement for the council</li> <li>• Judgements from any inspections undertaken, including those previously triggered by previous risk assessment</li> </ul>	<p>We welcome the move towards a more “risk based” approach to inspection and the proposed reduction in inspection activity.</p> <p>“Risk assessment” must be informed by up to date high quality information about performance from the locality. We are working with councils to develop further our proposals for an annual assessment which, we believe, should provide the basis for the risk assesment.</p> <p>The annual direction of travel statements, spelling out how quickly councils are improving, will continue to provide local people with a better overall picture of performance. We acknowledge the importance of the annual use of resources statement, however we do have concerns that the way it is currently configured is unrealistic and overprescriptive.</p> <p>Getting the detail of the new performance framework right will be critical – and we will intensify our work with Government, the Audit Commission and Inspectorates to develop this element of the White Paper.</p>
<p><b>LGA/Government wide improvement strategy</b></p> <ul style="list-style-type: none"> <li>• Continued support for improvement, with investment priorities shaped through a jointly agreed LGA/Government–wide improvement strategy</li> <li>• The Government’s response to under-performance will build on LGA proposals for a sector-led approach, whilst maintaining statutory fall back powers for the Secretary of State to intervene where necessary.</li> </ul>	<p>We welcome the proposals for a joint LGA/Government improvement strategy and have initiated discussions with councils to develop a view of future improvement and capacity building challenges for the sector.</p> <p>The sector now has the maturity to own poor performance and the experience to deliver improvement. We are working with the IDeA to develop the necessary tools for the sector itself to lead the way in which areas of poor performance are tackled.</p>
<p><b>Reforming best value</b></p> <p>Improve the focus on citizens and competition by legislating to:</p> <ul style="list-style-type: none"> <li>• Remove requirements for best value authorities to prepare Annual Best Value Performance Plans and conduct reviews</li> <li>• Exempt all parish councils from best value</li> <li>• Ensure that best value authorities (except the police) secure participation of local citizens</li> <li>• Encourage councils to strengthen their approach to competition, by testing the competitiveness of services and, introducing fair and open competition where practical.</li> </ul>	<p>Removal of the requirements on best value performance plans will help councils to tailor their reports to residents more closely to local circumstances. Likewise, removing the prescription governing best value reviews will provide valuable freedom to develop local approaches to innovation and improvement.</p> <p>Councils share the government's aim to secure local participation, but it will be important that legislation focuses attention on participation contributing to better services and outcomes, not participation for its own sake.</p>

## LGA action on this agenda

- We are now keen to work jointly with Government, the Audit Commission, other Inspectorates and the wider community of local councils and their partners to develop elements of the new framework “in the field” in order to ensure that it achieves what it sets out to, that it is owned by the sector and that it puts the expectations of citizens and users at its heart
- We will continue to pursue our proposals with Government for a new national outcomes framework to be set out in CSR 07
- We will work with councils to develop our proposals for a locality based “annual assessment” tool to be used by the council and its partners to assess their collective performance against priorities set out in the community strategy and LAA. The annual assessment would provide a key component of the proposed Audit Commission risk assessment
- We will work with the IDeA to develop the “peer challenge” proposals – a new, periodic, cross-sector approach to challenging the locality’s assessment of its own performance

## Chapter 7 – Efficiency - transforming local services

This chapter sets out proposals to ensure that every council, working with its partners, is able to improve local services and drive forward efficiency. This is to be done through transforming how services are delivered, encouraging collaboration across administrative boundaries and greater competition in contracts for the provision of the delivery of local public services. Key proposals are:

- Securing more collaboration between councils and across public bodies
- Ensuring greater contestability through the use of open competition through code of local government service markets
- Stable finance including publishing three year council tax figures and more stable funding to the third sector

White paper proposal	LGA response
<b>Efficiency gains</b> Ambitious efficiency gains to be achieved over the next few years as part of CSR 07	<p>Councils are currently delivering efficiency gains one year ahead of schedule - at 3%, against a set target of 2.5% and is leading the public sector on the agenda.</p> <p>Councils must not be penalised for their success. Incentives should continue and councils should not be deterred from being even more innovative. We oppose an increased cashable target as this may not bring the best gains and can encourage “short termism”. There is no reason for local government to have a higher target than the rest of the public sector.</p>
<b>Collaboration across the public sector</b> Collaboration between councils and across all public bodies, where this improves effectiveness and efficiency, and ensuring administrative boundaries are not a barrier to service transformation and efficiency.	<p>Many councils are already joining up across boundaries to deliver services – creating economies of scale and efficiency savings. However quality should not be sacrificed and it will not always be appropriate to do this where there are specific local needs.</p> <p>There can be barriers and practical problems to achieving this collaboration in some areas. Councils need to be given the power to establish voluntary joint boards so that they can join up across the public sector to undertake joint procurement and competition.</p>
<b>Local government service markets</b> Greater contestability through the use of fair and open competition, using a code of local government services markets which will include: <ul style="list-style-type: none"> <li>• stimulating new markets to introduce contestability;</li> <li>• increase capacity and competitiveness in</li> </ul>	<p>The LGA has already established that the future role of councils should be market shapers and we therefore welcome this as a step in the right direction. The role should be developed in partnership with councils and partners, and should not be centrally imposed.</p>

<b>White paper proposal</b>	<b>LGA response</b>
existing markets; <ul style="list-style-type: none"> <li>encourage diversity of suppliers across sectors.</li> </ul>	
<b>Service transformation</b> Transformational government agenda will link with Sir David Varney's review to look at opportunities for local and central government and other providers to work more closely together on customer centred services.	We recognise that service transformation is a long term process. However local government is already progressing well on this agenda and a number of examples of service transformation are occurring across local government, e.g. the Worcestershire hub and Staffordshire Connects.
<b>Three year budgets</b> As local government moves to three year formula grant settlement for 2008-2011, local government will have the opportunity to publish three year council tax figures.	The LGA will scrutinise the practicality of these proposals. We believe that councils themselves should decide when they report on council tax figures. Government needs to recognise the local realities which can make this difficult – for example, elections and unfunded pressures.
<b>Third sector funding</b> Greater stability for funding to the third sector through three year grant funding, except where this does not represent best value in individual cases.	The LGA supports longer term funding for the third sector whenever practical and a move to full cost recovery to the third sector.
<b>Alignment with Local Area Agreement framework</b> Examine scope to align efficiency into the broader LAA framework	The LGA supports this. Cost shunting across the public sector can increase costs for some organisations and does not demonstrate real gains to the public purse. We believe that efficiency savings should be fed back through the LAA.

### LGA action

Set out below are the actions that the LGA are already taking on efficiency issues:

- On local government service markets – the LGA is working with DCLG to produce the markets code
- On efficiency support - The LGA is working with the review of support arrangements which will report by the end of the year. We will work with government to identify local authorities to take part in pathfinder projects.
- Service transformation - The LGA and IDeA have submitted two joint submissions to the Varney review setting out our future vision for local government. The LGA will continue to work with government on this agenda through the member and ministerial led Central Local Partnership efficiency and service reconfiguration subgroup and the *Transformation through front office shared services* programme led by local government support bodies.
- Third sector - the LGA is working with DCLG, CIPFA and Audit Commission to look at the compact principles and how these can be integrated into auditing and financial codes. We will also assess if the principles are the right ones in the compact finance and procurement code and develop guidance on funding which is relevant to councils.

## Chapter 8 - Community Cohesion

This chapter sets out the importance of local councils leading the response to the challenges created by an increasingly diverse society. This is to be done by incorporating community cohesion across council structures and processes, tackling extremism and by implementing the conclusions of the Commission on Integration and Cohesion.

<b>White paper proposal</b>	<b>LGA response</b>
<ul style="list-style-type: none"> <li><b>Performance and LAAs</b> - puts community cohesion firmly into the new performance framework, and LAAs should reflect community cohesion where it is a particular</li> </ul>	Creating strong, vital and cohesive communities is one of the most important issues that we face. It impacts on local quality of life and on the harmony of the nation.

White paper proposal	LGA response
<p>issue that needs to be reflected</p> <ul style="list-style-type: none"> <li>• <b>LSPs</b> - emphasises the importance of community cohesion in LSPs and sharing best practice</li> <li>• <b>Extremism</b> - makes tackling extremism core business</li> <li>• <b>Commission on Integration and Cohesion</b> - encourages the Commission on Integration and Cohesion to produce more detailed plans when it reports next year.</li> </ul>	<p>Community participation is key. Strong leadership from local government can foster more effective participation in the local decision-making process. This can help to counter perceptions of unfairness, reduce conflict and suspicion between different groups, and engage communities who feel marginalised. Local government is best placed to make the links across service providers within communities at a local level to create and sustain cohesive communities. Our vision is one of partnership, with all agencies working together and with the local authority giving full effect to its community leadership role.</p>

### LGA action

- The LGA has highlighted “Greater cohesion, social responsibility and respect in communities” in its proposed national outcomes framework.
- The LGA and IDEa is leading the way in spreading best practice with practical guidance to councillors and chief executives, covering key themes and approaches to cohesion and a casebook of examples of local authority work to promote cohesive communities.
- The LGA is working with the IDEa to help build the capacity of local government to fulfil the community leadership role.
- We look forward to working with the Commission on Integration and Cohesion as it develops its thinking and proposals.

## Chapter 9 – Steps towards implementation

This chapter sets out the programme of legislation, guidance and consultation that the Government will undertake to implement the proposals in the white paper.

### Annexes

Set out below are some of the key issues highlighted in each of the annexes to the white paper

#### Community safety

- White paper will aim to remove barriers to work in partnership to create safer local environments
- Creates a duty to work with named partners to agree relevant targets in LAAs
- Extend the Community Call for Action to cover community safety issues
- Requires portfolio holder for Safer Communities to play an active role in CDRP

#### Health and well-being

- Statutory duty for councils to establish new inspection body with Local Involvement Networks to provide flexible ways for communities to engage with health and social care organisations
- Extend Community Call for Action to include social care issues
- New powers to overview and scrutiny committees including evidence from Social Care providers and scrutinising PCTs
- Encourage councils and PCTs to coordinate consultations
- Ensure that council restructuring complements PCT boundaries and provides greater coterminosity

- Directors of Public Health to be jointly appointed
- New statutory partnership for health and well being under the LSP

### **Vulnerable people**

- Make local government a stronger champion of those who are disadvantaged and discriminated
- Statutory guidance to target disadvantaged and marginalised groups
- Encourage councillors to work proactively with outreach workers
- Work with LGA and political parties to ensure democratic representative reflect local communities
- Cross boundary strategies linking physical regeneration, economic growth and neighbourhood renewal
- Ensuring access to skills and training
- Proposal to publish a national housing strategy a new Supporting People Strategy
- Social Exclusion Task Force

### **Children, young people and families**

- Leadership role through ECM
- Strengthen scrutiny for children's services
- Stronger LSPs with children's trusts as one of the main thematic partners
- Performance framework

### **The third sector**

- New duty for participation
- Extend choice in services
- Local community groups to have a key role alongside frontline councillors
- Three year funding grants

### **Economic development, housing and planning**

- Shared objectives through LAAs and Sustainable Community Strategies
- More meaningful consultation with residents on Sustainable Community Strategy, LAAs and Local Development Framework
- Reviewing planning resources
- Consulting on new Housing and Planning Delivery Grant
- Make it easier to set up Tenant Management Organisations
- Strong leader mandate
- Greater strategic housing role
- Endorse strategic regional approach to economic development - RES
- New duties to cooperate on LAAs

### **Climate change**

- Strong leadership on climate change
- Parish councils encouraged to use powers on energy saving measures
- Use Local Area Agreements to tackle climate change with partners
- Climate change an explicit part of the new performance framework
- Additional funding for SALIX to help councils tackle climate change
- LGA's Climate Change Commission
- Spreading Best Practice - Sustainable Energy Beacons

## LGA briefing on the Local Government and Public Involvement In Health Bill

Wednesday 13 December 2006

### LGA key messages on today's bill

- ξ The Bill takes forward some of the useful steps towards decentralisation and deregulation first proposed in the Local Government White Paper, particularly around local political leadership, democratic representation and tackling bureaucratic burdens.
- ξ But the LGA is extremely concerned that the Bill, unlike the White Paper, allows the Secretary of State to impose restructuring on two tier councils.
- ξ The Bill also delivers less than the White Paper promised, specifically it omits:
  - o an explicit upper limit on the number of national targets;
  - o NHS and foundation trusts having regard to Local Area Agreement (LAA) targets;
  - o a single system for a 'community call for action' on all local issues.
- ξ The Bill fails to plug the large hole in the White Paper around devolving powers over planning, housing, transport, skills and economic development from national and regional government to councils. Nor does the proposed legislation cover the funding of local government.
- ξ The LGA will be: pushing for the removal of the power to impose unitary status; seeking assurances from the Government that all the positive steps outlined in the White Paper become legislation; pressing for joint waste authorities to be enabled during this process; and, calling for devolution over economic powers in forthcoming legislation and next year's spending review, and a return of the business rate.

### Key proposals

- ξ **Structural changes** - including powers for the Secretary of State to invite or direct councils to make bids for unitary status, and to implement restructuring following consultation.
- ξ **Stronger political leadership** - measures requiring all councils to opt for a directly elected mayor, directly elected executive or indirectly elected leader for a four-year term
- ξ **A strengthened role for frontline councillors** - ensuring greater freedom to speak and vote on local planning and licensing issues through a localised code of conduct and providing delegated powers to tackle local issues
- ξ **Inspection and best value reviews** - abolishing the requirement on councils to undertake best value reviews with a new role for the Audit Commission to lighten the burden of inspection.
- ξ **Electoral arrangements** - enabling changes to whole-council elections and freeing metropolitan districts to choose the number of members in each ward.
- ξ **Stronger local partnerships** - putting LAAs on a statutory footing with wider scope and importance and a duty to co-operate between named partners
- ξ **A wider and stronger role for scrutiny** - powers to require evidence from all local partners and a duty on them to have regard to scrutiny recommendations
- ξ **Parish councils and byelaws** - removing the need for the Secretary of State's consent to byelaws and the creation of parish councils
- ξ **Patient and public involvement in health and social care** - giving a duty to each local authority to develop and create Local Involvement Networks (LINKs) and abolishing Patients' Forums.

briefing

### **Your contacts at the LGA**

For further information on this briefing, please contact Saffron Cordery, Head of Public Affairs, on 020 7664 3252 or email [saffron.cordery@lga.gov.uk](mailto:saffron.cordery@lga.gov.uk) or Kevin Hootor, Senior Public Affairs Officer, on 020 7664 3334 or email [Kevin.hootor@lga.gov.uk](mailto:Kevin.hootor@lga.gov.uk)

### **Summary of chapters and proposals**

The Bill has 14 parts, containing 176 clauses, with 15 supporting schedules. Copies can be found at

[http://www.publications.parliament.uk/pa/pabills/200607/local\\_government\\_and\\_public\\_involvement\\_in\\_health.htm](http://www.publications.parliament.uk/pa/pabills/200607/local_government_and_public_involvement_in_health.htm)

### **Part 1 – Structural and boundary change in England**

- § Proposals to give Secretary of State powers to invite or direct councils to make bids for unitary status, and to implement restructuring following consultation.

#### **LGA view**

- § We support those councils, including counties and districts in shire areas which are working together more closely to share services and integrate decision-making to provide a better deal for tax-payers.
- § We are, however, resolutely opposed to imposed restructuring and consequently opposed to the proposed Secretary of State powers to direct.
- § We are also keen to see additional measures enabling councils to work with their neighbours to create Joint Waste Authorities. This opportunity should not be missed as such partnerships will enable councils to achieve economies of scale in waste treatment and disposal services.
- § We look forward to a discussion with the government on how the bill might be amended to permit those councils who wish to introduce financial incentives for residents to re-use and recycle.

### **Part 2 - Elections in England**

- § Measures to allow councils that elect by thirds to change to whole-council elections by resolution.
- § Measures to give metropolitan districts (which are currently required to have three-member wards) the same freedom as other districts to choose the number of members in each ward.

#### **LGA view**

We believe electoral and warding arrangements should be a matter for local discretion and therefore support these proposals.

### **Part 3 - Executive arrangements in England**

- § Measures to require councils (except small councils currently permitted to operate a modified committee system under the Local Government Act 2000) to adopt one of three political management arrangements: leader and cabinet executive, mayor and cabinet executive, or directly-elected executive;
- § Measures to make the arrangements for the discharge of functions in all models the same as they are currently under the mayoral models;
- § Measures to permit councils to change political management arrangements by resolution, except that a referendum will be needed to change arrangements adopted following a referendum;
- § Measures to prescribe how the term of an indirectly-elected leader will be determined where there are whole council elections and elections by thirds.

#### **LGA view**

- § Strong, democratically-elected leadership is central to our vision for local government. There is no right model for all areas, whether mayor or leader. What is important is that leaders, whether directly or indirectly elected, have the powers, needed to make a difference in their areas.
- § We recognise that the proposal for leaders to serve a four year term is intended to provide the

stability necessary for strategic and sustained action, but there must be adequate means for removing incompetent leaders. We therefore support the provision for indirectly-elected leaders to be removed by council resolution.

#### **Part 4 – Parishes**

- § Measures to permit parish councils and groupings of parish councils to style themselves community, neighbourhood or village councils;
- § Measures to extend the power of well-being to parishes meeting criteria specified by order of Secretary of State.
- § Measures to devolve to district councils (including London boroughs) the power to conduct community governance (formerly parish) reviews and establish, amalgamate, alter or abolish parish councils. Reviews may be initiated by a council or by a petition of local electors

#### **LGA view**

- § The Local Government White Paper proposed extending this power to quality parishes; this power goes wider, and we will want to be involved in deciding the specified criteria.
- § Devolving powers to district and unitary councils so that they can create parish councils and allow other forms of community governance are significant and sensible steps to devolve power to local people

#### **Part 5 – Co-operation of English authorities with Local Partners, etc**

##### **Chapter 1 – Local Area Agreements (LAAs)**

- § Measures to provide a statutory framework for LAA's with County and unitary authorities made responsible for their initiation;
- § Provisions reflecting the content of the White Paper, with a few points to note:
  - the Bill includes a list of partners which will be subject to new duties to cooperate in drawing up a LAA, and to have regard to targets included in it (this list differs slightly from the equivalent White Paper list: Sports England and the Historic Buildings Commission are added, but NHS Foundation Trusts and NHS Health Trusts are omitted although Primary Care Trusts are still included);
  - a power is proposed for the Secretary of State to "designate" targets set in the LAA; it is intended that this power will be used to set around 35 "national" targets in each LAA (although not the same 35 in each LAA);
  - the requirement on partners to 'have regard' to improvement targets set in LAAs lacks is not well defined.

#### **LGA view**

- § We are concerned that no upper limit on the number of LAA targets that may be designated appears on the face of the Bill;
- § The proposed processes for revision and addition of improvement targets could potentially prove to be cumbersome. In practice these arrangements may prove possible to achieve as part of the regular 'review and refresh' process for LAAs, handled largely at Government Office level. The LGA will be exploring the detail further with DCLG. 'Local' priority targets within LAAs will be able to be changed without the involvement of the Secretary of State.
- § The Bill addresses the transition from the current voluntary LAAs to the new statutory model, and is designed to ease the transition process. The LGA is discussing with DCLG the details of transition arrangements for 2007/8 and 2008/9, with LGA members favouring a process which allows for as full implementation of new arrangements as proves possible, in all English authority areas, from April 2008.
- § The LGA believes that the increased accountability around improvement targets is a measure which undoubtedly strengthens council's hand in ensuring that partner authorities are accountable and measured on their ability to deliver relevant components of LAA's.

##### **Chapter 2 – Overview and scrutiny**

- § The 'community call for action' proposals from the White Paper are taken forward by establishing the right of individual councillors to refer a matter affecting their area to scrutiny, unless it relates to a crime and disorder matter (covered by the Police and Justice Act

2006 provisions). Part 13 of the Bill proposes greater delegation of powers to ward members.

- ξ The scope of scrutiny is explicitly extended to cover the activities of partners contributing to the development or delivery of LAAs, and scrutiny committees given powers to require evidence from such partners, and to require them to respond to scrutiny recommendations; as with community call for action these powers do not apply in relation to crime and disorder matters, which are covered by Police and Justice Act provision.

#### **LGA view**

- ξ We support the proposed enhancement of the powers of scrutiny and individual councillors to represent the interests of their constituents. However, separate and different arrangements for crime and disorder from all other local issues will be difficult to operate and lead to confusion for local people, councillors and councils. We are disappointed that the opportunity has not been taken to bring in a single system for all local issues.

#### **Part 6 - Byelaws**

- ξ Measures to enable the Secretary of State to devolve powers over byelaws and fixed-penalty notices to councils (although councils will have to have regard to using funds from this to combat nuisance).
- ξ Also will enable Community Support Officers to issue fixed penalty notices where the councils and chief police officer for the area agree.
- ξ Enables councils, the GLA, Transport for London, Metropolitan County Passenger Transport Authorities to remove byelaws made by themselves.

#### **LGA View**

- ξ This is sensible devolution of powers to councils. It makes far more sense for councils themselves to create bye-laws. They have more understanding of what issues in their area require bye-laws than a Minister in central government. Similarly fixed penalty notices will give councillors' powers to protect local residents and help improve the quality of life.

#### **Part 7 – Best Value**

- ξ In relation to Best Value, the Bill picks up on the White Paper commitments to:
  - o abolish the requirement on councils to undertake Best Value performance reviews and to publish best value performance plans
  - o abolish requirement for Best Value authorities to meet Performance Indicators and standards specified by Secretary of State
  - o exempt parishes from Best Value
  - o require councils to involve representatives of local people in the exercise of their functions - where they consider it appropriate to do so

#### **LGA view**

- ξ We believe that the removal of the duty to undertake Best Value reviews will provide welcome flexibility for councils to further develop more locally owned approaches to performance management and improvement. We will be playing close attention to ensure that the other Performance Indicator sets (e.g social care performance assessment framework indicators etc) are removed when the new set of 200 or so national indicators are introduced. Importantly the requirement to involve seems to apply only where authorities consider it to be appropriate.

#### **Part 8 – Inspection and Audit**

- ξ Sets out the Audit Commission 'gatekeeping' role over inspection, enabling it to prevent inspections by other inspectorates where they believe it would impose an unreasonable burden.
- ξ Removes the duty on the Audit Commission to report on categorising councils, but gives the Secretary of State the power to direct the Audit Commission to do so again in the future.

#### **LGA view**

- ξ The LGA would have preferred a more forward looking approach with the Audit Commission working with the other inspectorates to set out a forward programme of inspections for a locality over a 2/3 yr period.
- ξ We welcome the removal of the duty on the Audit Commission to report on categorising councils (although categorisation can be helpful) but we are concerned about the new powers conferred upon the Secretary of State to direct the Audit Commission to do so again in the future.

#### **Part 9 – Ethical Standards**

- ξ The Bill gives effect to the Government's proposal for the reform of the regime relating to standards of conduct for local government. The aim is to devolve most decision-making on the conduct regime for local authority members to local authorities, with a revised, regulatory role provided for the Standards Board. The measures provide for local standards committees to make initial assessments of misconduct allegations and for review arrangements for those assessments which lead to no action being taken.
- ξ The Bill also makes provision for decisions in respect of local authority posts subject to political restrictions to be undertaken by standards committees rather than, by the Independent Adjudicator. The Secretary of State will also be able to issue orders to allow the maximum pay of political assistants to be linked to a point on a relevant pay scale specified by order.

#### **LGA view**

- ξ We believe that measures to free up councillors to speak out on local issues on behalf of constituents will enable them to get on with the job of putting people first. The investigation and resolution of conduct issues is best handled in most cases at the local level.

#### **Part 10 – Valuation Tribunal for England**

- ξ Provisions to replace the 56 Valuation Tribunals in England (independent bodies set up to hear appeals in relation to business rating and council tax valuations) into a single Valuation Tribunal for England (VTE).

#### **Part 11 – Patient and Public Involvement in Health and Social Care**

- ξ Measures for a duty to each local authority to develop and create Local Involvement Networks (LINKs) to ensure the involvement of people in the commissioning, provision and scrutiny of local care services; to seek the views of people in relation to their experience of and need for local care services and a duty to make these views known in the form of reports and further recommendations as to how improvements can be made to local care services.
- ξ Measures to abolish Patients' Forums for NHS trusts, Primary Care Trusts and NHS foundation trusts and the Commission for Patient and Public Involvement in Health (CPPIH).
- ξ The new duty states that English bodies must consult on the provision of services, the development and consideration of significant proposals for change in the way in which services are provided and significant decisions affecting the operation of services.

#### **LGA view**

- ξ The LGA supports the development of LINKs with the responsibilities and rights as described within the bill. However we are concerned that both local authority contractors and the host organisation which will support each LINKs must be adequately funded by Government to ensure LINKs can work to deliver the stronger local voice referred to in its earlier consultation about patient and public involvement in health. We want to see the creation of a central website or central information resource, through which all LINKs could share information and good practice with each other.
- ξ The LGA supports the proposed abolition of Patients' Forums and their replacement with the LINKs, as part of the move towards the integration of health and social care. Locally-focused and locally-derived bodies such as LINKs, that have the right to a response to requests and recommendations they make to commissioners and service providers, provide the best avenue through which the Secretary of State can be assured that suitable arrangements are in place for public involvement in health and social care.

- § We support the concept of local councils, PCTs and other relevant partners co-ordinating their consultations. This will reduce the likelihood of duplicating the work of the LINKs. We note, however, that gaining the participation of hard-to-reach groups can be costly and that this should be recognised when considering local authorities' funding needs

## **Part 12 – Powers of the National Assembly for Wales**

- § The Bill amends to Part 1 of Schedule 5 to the Government of Wales Act 2006, which confers enhanced legislative powers on the Assembly in relation to specific fields, of which there are currently 20 fields (including local government).

## **Part 13 – Miscellaneous**

- § This section contains a clause (clause 166) allowing councils to delegate executive functions to individual councillors in order to tackle issues affecting their ward or division.

## **LGA view**

The LGA welcomes moves to empower frontline councillors to act on behalf of local residents but we are concerned how this fits with the Community Call to Action proposals.

## **Part 14 – Final Provisions - this complements part 6 of the Bill on overview and scrutiny**