

**REPORT TO:-** Corporate Services Policy and Performance Board

**DATE:-** 9 September 2008

**SUBJECT:-** The Empowerment White Paper – "Communities in Control"

**REPORTING OFFICER:-** Strategic Director Corporate and Policy

**WARD(s):** Borough-wide

## **1.0 PURPOSE OF THE REPORT**

The purpose of this report is to update Members on the Government's Empowerment White Paper.

Over recent months the Government have issued various documents (White Papers, Bills, Acts of Parliament etc) which are aimed at giving local people more influence on the design and delivery of the services provided by statutory bodies. This paper provides a summary of those initiatives and their current status.

## **2.0 RECOMMENDED that:-**

- (1) the contents of the report and the implications for the council be noted;**
- (2) Executive Board be asked to develop an action plan with partners to take this agenda forward; and**
- (3) future reports on community empowerment be made as new guidance and legislation is published.**

## **3.0 Background**

3.1 The Empowerment White Paper – 'Communities in Control' was published in July this year. This is the latest in a series of Government papers that puts community empowerment at its heart. In 2006 the White Paper, Strong, Safe and Prosperous Communities, set out a radical agenda for change with reforms to empower citizens and communities.

3.2 This was followed by the Local Government and Public Involvement in Health Act 2007, which introduced a range of measures to ensure that local government gives local people more influence over the services and decisions that affect their communities, including:-

- devolving power to regions and local areas
- Better co-ordination of services locally (through the LSP)

- Lead role for local councils in setting local priorities with partners (Community Strategy, LAA)
- Greater involvement of local communities
- More choice for service users

3.3 In addition there have been a number of papers, research and guidance, which has built up a clearer picture of the ways in which Government expect local authorities to deliver this challenging agenda. Appendix 1 sets out in more detail the wide range of Government documents that relate to community empowerment and engagement. These include the Equality Bill, Participatory Budgeting – A Draft National Strategy, Engaging Communities in Fighting Crime, Sustainable Communities Act 2007, Community Empowerment, Housing and Regeneration Bill, Local Petitions and Calls for Action – A consultation and Working together, Listening to the voices of children and young people, Policing Green Paper and Creating Strong and Prosperous Communities.

### 3.4 Main Issues

- Duty to Involve
- Duty to Promote Democracy
- Parish Councils
- Participatory Budgeting
- Duty to respond to Petitions
- Councillor Call For Action
- Overview and Scrutiny
- Empowering the frontline taskforce
- Ownership and asset transfer
- Role of Councillors
- Policing and community empowerment
- Sustainable Communities
- Local Neighbourhood Charters
- Single Equality Duty
- Comprehensive Area Assessment

### 3.5 Duty to Involve

3.5.1 The Local Government and Public Involvement in Health Act 2007 requires all local authorities to consider, as a matter of course, the possible information provision, consultation and involvement

opportunities they need to provide people across all authority functions. This will include involving people in developing and commissioning local services including through the use of direct payments for service users and transfer of ownership. There will also be a requirement for authorities to consider how organisations delivering services on their behalf can comply with the duty. The new duty is in addition to existing requirements to consult and comes into force on 1 April 2009. The Empowerment White Paper proposes the extension of this duty to certain other public bodies including for example regional development agencies and Job Centre Plus

### **3.6 Duty to promote democracy**

- 3.6.1 The Empowerment White Paper proposes that drawing on existing best practice examples, local authorities will be encouraged to take a range of actions to promote democracy. This will mean councils should run campaigns to register voters, to explain voting to local people, work with schools to explain the local councillors' roles, train staff to be able to say which group controls the council, explain how to register to vote, and when the next elections are. It will also include better practical support for councillors, including allowing councillors to hold surgeries on council premises, and allowing all political parties to hire council premises for meetings and events. It also encourages local authorities to do more to encourage voting through positive campaigns to promote voter registration and voting.

### **3.7 Parish Councils**

- 3.7.1 The Government wants to encourage more parish and town councils, including new village, neighbourhood and community councils, particularly in urban areas. There are plans to introduce a right for local people to appeal to the Secretary of State if their local authority denies them the opportunity to establish a community council. Revisions to the regulations governing parish polls are planned which will more clearly define their scope.

### **3.8 Participatory Budgeting**

- 3.8.1 Participatory budgeting (PB) is already operating in 22 local authorities and the Government wants all councils to use such schemes by 2012. PB allows local people to have direct influence over how some public budgets are spent locally (so-called "community kitties"). A National Strategy on Participatory Budgeting is expected shortly which will set out how this will be achieved. Participatory budgeting has been described by government as engaging residents and community groups to discuss spending priorities, make spending proposals and vote on them. Most examples to date have involved relatively small budgets similar to this Council's Area forum budgets, but the government aspires to extend the scope. Other Government departments are also working on measures to implement PB such as

the Home Office who will support piloting of the use of PB for local community safety budgets.

### **3.9 Duty to respond to Petitions**

3.9.1 There will be a duty on councils to respond to all petitions, including electronic petitions, relating to local authority functions or other public services where the council shares delivery responsibilities. If the petition has the support of over 5% of the population, there must be a debate in full council. Councils will also have to act as community advocate on petitions related to NHS Primary Care Trusts.

### **3.10 Councillor Call For Action**

3.10.1 The councillor call for action introduced by the Local Government and Public Involvement in Health Act 2007 will be brought into force by the end of 2008. Guidance is expected by the end of the year, detailing how councillors can use the power and how the authority should deal with calls for action. The councillor call for action will allow Councillors to require committees to consider issues of local concern in certain circumstances.

### **3.11 Overview and Scrutiny**

3.11.1 To raise the profile of overview and scrutiny, the Empowerment White Paper proposes that local authorities be encouraged to consider large scale public event meetings; holding overview and scrutiny committee meetings in the community; and greater public involvement in the selection of topics for consideration by overview and scrutiny.

3.11.2 The White Paper refers to local public officers - chairs or chief executives of local public bodies will need to appear before regular public hearings so that they are open to public scrutiny and questioning and there will be a new right to petition to hold local officers to account at public meetings. Unitary and county councils will be expected to have some dedicated scrutiny resource.

### **3.12 Empowering the frontline taskforce**

3.12.1 The taskforce which will be launched this Autumn, (and likely to run until autumn 2010) is expected to look at the role of the public service workforce in empowering users and residents. It will consider work with the most vulnerable groups.

### **3.13 Ownership and asset transfer**

3.13.1 The Empowerment White Paper indicates the government's desire that more assets, , such as community centres, swimming pools, parks, and

land be transferred to local community ownership especially if they are underused. This builds on the findings of the Quirk review. The Government also want to see more local co-ops and mutually-owned groups running local services. A new Asset Transfer Unit will be established to speed this up.

### **3.14 Role of Councillors**

3.14.1 A number of measures are proposed in the Empowerment White Paper to remove some of the barriers to becoming councillors, including removing restrictions of council officers from political activity, extending the right to time off for public duties and a formal accreditation for councillors. Ward Councillors and Community Leadership - A future perspective identified areas of change which members need to adopt, including being more actively engaged with all parts of the community, exercising community development skills, educating people about local participation and to have the knowledge and skills to engage people in a variety of ways (not just meetings).

### **3.15 Policing and community empowerment**

3.15.1 More local funding should be made available for community groups tackling crime, potentially through local authorities giving funding to neighbourhoods for participatory budgeting. The Councillor Call to Action on crime has been put into place with immediate effect, to enable local redress when problems are not tackled effectively.

3.15.2 The Policing Green Paper makes a range of recommendations about police reform including a new Crime and Policing Representative - a new publicly elected politician to sit on the police authority and chair the Crime and Disorder Reduction Partnership (CDRP). There is also a commitment to neighbourhood policing and a national pledge to guarantee the public key service standards for policing.

### **3.16 Sustainable Communities**

3.16.1 Local authorities are invited to make proposals to Government through the Secretary of State and a selector (likely to be the LGA), which would promote the sustainability of their local community. Proposals may include the transfer of functions from one public body to another, or a transfer from a national body to a local body. Before making such a proposal the local authority would need to establish a community panel to consult and try to reach agreement with local people.

### **3.17 Local Neighbourhood Charters**

3.17.1 Local charters are voluntary partnership agreements between the community, the local authority, and other service providers and can operate at neighbourhood, area or parish level. They are designed to

strengthen local democracy and enable more people to have their say in the decisions that affect their quality of life. The guidance entitled "How to develop a local charter - A guide for local authorities" has been drafted to encourage councils to get more people involved in local decision-making. Local authorities will need to review how local charters could fit with other neighbourhood or area arrangements that involve and empower residents and the local community in service planning and delivery.

### **3.18 Single Equality Duty**

3.18.1 A Framework for a Fairer Future - The Equality Bill, sets out its plans for a Bill to be introduced later this year. This legislation will ultimately replace all existing equality laws. The Bill will provide for a new single public sector equality duty applying to race, disability and gender, age, gender reassignment, sexual orientation and religion or belief. Local authorities may also be expected to use procurement contracts to secure similar transparency from private sector suppliers. The Equality Bill will be introduced in the next parliamentary session, in December or early in the new year. The implementation of the new duty will be delayed until 2010 - 2011 at the earliest.

### **3.19 Comprehensive Area Assessment**

3.19.1 The Comprehensive Area Assessment (CAA), which replaces the CPA will come into force from April 2009. Key proposed changes (currently out to consultation till October 2008) include the requirement for an area assessment, which will assess the impact that local services are having on outcomes for local people. This will also look at the impact that partners have on the local area, including how well we understand and engage with communities, especially the hard to reach, and the new duty to involve. An assessment will be made of progress against the Sustainable Community Strategy and the LAA priorities.

## **4.0 Implications for Halton**

4.1 The Government's community empowerment agenda will clearly have implications as to how we operate and deliver services as a council. There are many existing examples of good practice from the youth parliament and youth forum to community engagement with service user groups for example carers and neighbourhood management. We already have a procedure for considering petitions for example, although this may need to be refined. However we will need to examine all our current practices against these new or emerging requirements from Government.

4.2 Legislation and additional guidance is still awaited around the community empowerment agenda, but the Government's intentions are clear and consistent. The Council needs to prepare for this agenda so that it is well placed to respond. As stated earlier there are many

examples of good practice in community empowerment upon which the Council can build. It is suggested that the Executive Board be asked to develop an action plan with the Council's partners as to how this new agenda should be developed in Halton.

## **5.0 POLICY IMPLICATIONS**

- 5.1 Community empowerment will affect policy development and how the Council delivers services and makes decisions. The Council will need to measure its current practices and procedures against these new requirements making adjustments where necessary.

## **6.0 OTHER IMPLICATIONS**

- 6.1 There are likely to be both cost and resources in terms of staff time to ensure that the council are able to effectively deliver the community empowerment agenda. Although it would be hoped that these will be met from within existing council budgets and using existing staff resources.

## **7.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

- 7.1 All of the council priorities will be affected by the community empowerment government agenda, and this will extend to the work of partner organisations. The new Comprehensive Area Assessment will hold both the council and its partners to account over outcomes delivered for local people.

## **8.0 Children and Young People in Halton**

- 8.1 The new Children's Trust arrangements for Halton should include and build upon the processes already in place for involving children and young people, through the borough wide youth forum and working with parents and carers in formal and informal settings. In particular, this agenda could impact on volunteering and community projects, especially through developing participatory budgeting.

## **9.0 Employment, Learning and Skills in Halton**

To meet the needs of the White Paper, resources will have to be focused on providing the necessary skills for communities to participate in the key areas of the Paper, such as participatory budgeting, volunteering and becoming more involved in the democratic process. Some of the skills developed in these areas will be transferable and be able to be utilised in tackling worklessness in Halton.

## **10.0 A Healthy Halton**

- 10.1 There is a new requirement to produce a joint strategic needs assessment between the council and health. This is currently in the

process of being produced. The Government's community empowerment agenda will extend to health services with patients expected to have more control over what services they receive and more reforms on health.

## **11.0 A Safer Halton**

11.1 Implications for Safer Halton may include the need to publicly elect a representative to sit on the police authority. A devolved community safety budget allocated to neighbourhoods to spend on community safety issues and a Government commitment to neighbourhood policing.

## **12.0 Halton's Urban Renewal**

12.1 The expected Community Empowerment, Housing and Regeneration Bill will encompass the outcomes from the Empowerment White Paper. It will also legislate the key recommendations from the review of sub-national economic development and regeneration including making Regional Development Agencies statutory planning bodies, creating a duty for local authorities to assess local economic conditions, and supporting cross-boundary working among local authorities, possibly through statutory partnerships at sub-regional level.

## **13.0 EQUALITY AND DIVERSITY ISSUES**

13.1 The empowerment agenda and particularly the Equality Bill will have implications for the council. The Equality Bill will replace existing legislation and bring it together into one place. We will need to consider the diverse needs and requirements of the community and workforce when developing policies and services.

## **14.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

14.1 The Empowerment White Paper - Communities in Control, Real Power, Real People

14.2 Creating strong and prosperous communities

14.3 Comprehensive Area Assessment – consultation summer 2008

14.4 Improving local accountability : a communities in control consultation

14.5 Policing Green Paper – From the Neighbourhood to the national

14.6 Framework for a fairer future – The Equality Bill

(see also papers listed in Appendix 1)



## Appendix 1

**Local Government and Public Involvement in Health Act 2007** introduced a range of measures to ensure that local government gives local people more influence over the services and decisions that affect their communities. Draft statutory guidance on this Act was produced in December 2007, which included a duty to involve – embedding a culture of community engagement and empowerment in local government. The new duty is in addition to existing requirements to consult and comes into force on 1 April 2009.

**Local Petitions and calls for Action: A Consultation** was produced in January 2008. It proposed a statutory duty on local authorities to respond to local petitions. The Government response was published in August 2008, It is expected that the duty to respond to local petitions will be included in the forthcoming Community Empowerment, Housing and Economic Regeneration Bill. The councillor call for action will be brought into force by the end of 2008;

**Local Charter Guidance** produced in February 08 provides guidance on how to develop a local charter. They are designed to strengthen local democracy and enable more people to have their say in the decisions that affect their quality of life.

**The Sustainable Communities Act 2007** The regulations and guidance in the Sustainable Communities Act 2007 published in February 2008, has a broad remit to improve local sustainability. This could include identifying proposals in consultation with the community to the Secretary of State, for example transferring duties from one public body or national body to another.

**Community Empowerment, Housing and Regeneration Bill** - The bill will encompass the outcomes from the Empowerment White Paper, including individuals having a right of response to petitions. It will also legislate the key recommendations from the review of sub-national economic development and regeneration including making RDAs statutory planning bodies, creating a duty for local authorities to assess local economic conditions, and supporting cross-boundary working among local authorities, possibly through statutory partnerships at sub-regional level.

**Citizenship Review – Lord Goldsmith’s Report** - Lord Goldsmith's report on citizenship sets out the legal rights and responsibilities of citizenship and makes recommendations to enhance its meaning and significance. It looks at the role of education and the role of local government in promoting citizenship and civic participation.

**User involvement in public services** – May 2008 –This report of the House of Commons Public Administration Select Committee investigates how far public services could be improved by involving the people that use them in their design and delivery. The report draws out a number of conclusions and recommendations including, people should have a choice as to whether they

want to be involved in designing the services and should not suffer a poorer quality of service if they do not wish to do so, and that sometimes involving service users is not always appropriate and in some situations could create inequalities of service, as well as being risky and expensive.

**Path to citizenship Green Paper** – May 2008 - The Home Secretary plans to review the immigration system to introduce the notion of “earned citizenship” and include suggestions that new migrants will be required to demonstrate their contribution to the UK at every stage of the process towards full citizenship; access to benefits would be delayed until after a probationary period had passed; migrants would be expected to contribute to a new fund for managing the transitional impacts of migration, providing extra financial help to communities experiencing change from migration.

**Participatory Budgeting: A Draft National Strategy** - This consultation document from the Department of Communities and Local Government seeks views on a draft participatory budgeting strategy for local authorities to use participatory budgeting (or ‘community kitties’) as a tool to give local people a greater say on how public money is spent.

**Working together: Listening to the voices of children and young people** - This statutory guidance outlines best practice in promoting the participation of children and young people in decision-making in school, local authority and related settings. It relates in particular to schools’ duty to promote children’s well-being under Section 38 of the Education and Inspections Act 2006, and local authorities’ requirement to give due consideration to the views of children and young people before determining services that will affect them, under Section 53 of the Children Act 2004.

**Guidance on community cohesion contingency planning and tension monitoring** - Communities and Local Government has published guidance for local authorities on contingency planning and tension monitoring as part of its programme of setting objectives for cohesion. The aim of the guidance is to encourage councils to track and monitor local trends and be alert to potential tension, with an emphasis on prevention and early intervention.

**Engaging Communities in Fighting Crime** -The Cabinet Office report from Louise Casey makes 30 recommendations, including:

- There should be more local funding available for community groups tackling crime, potentially through local authorities giving funding to neighbourhoods for participatory budgeting
- Introducing the Councillor Call to Action on crime immediately to enable local redress when problems are not tackled effectively.

**The Empowerment White Paper**, Communities in control: real people, real power (July 2008) - The White Paper looks at ways to pass power to local communities and citizens, giving them real control over local decisions. Key points include: a new duty on councils to promote democracy, an expansion of the duty to involve and a duty to respond to petitions, including where these

relate to Primary Care Trusts. For citizens, promised measures include a review of redress, extending participatory budgeting, community engagement in planning, a toolkit on empowering people in decisions about housing growth, and empowerment of tenants.

**Creating Strong, Safe and Prosperous Communities** - the statutory guidance (July 2008) This is the final statutory guidance that covers a number of aspects of the Local Government and Public Involvement in Health Act and revises earlier guidance on community strategies and best value. It covers Local Strategic Partnerships, Duty to involve local people, Sustainable Community Strategies, Joint Strategic Needs Assessments, Local Area Agreements, Best Value and commissioning

**Policing Green Paper** 'From the Neighbourhood to the National: policing our communities together'. (July 2008) The Government plans to legislate on the proposals in the green paper, following a 12 week consultation period. The green paper makes a range of recommendations about police reform.

**Equality Bill** - The Government Equalities Office has published *A Framework for a Fairer Future: The Equality Bill*, setting out its plans for a Bill to be introduced later this year. This legislation will ultimately replace all existing equality laws. It is intended that the Equality Bill, supported by secondary legislation and additional non-statutory measures, will "strengthen protection, advance equality and 'declutter' the law". The Equality Bill will be introduced in the next parliamentary session, in December or early in the new year. The implementation of the new duty will be delayed until 2010 - 2011 at the earliest.

**Comprehensive Performance Assessment** - The Comprehensive Area Assessment framework will come into effect from April 2009, and replaces the current Comprehensive Performance Assessment (CPA) regime which has been in place since 2002. The consultation period runs until Monday 20 October 2008. Key elements of the new system is an area assessment which will assess the impact that local services are having on improving outcomes for citizens. This assessment will look beyond councils and include the work of other partners locally.

**Improving Local Accountability:** a Communities in Control Consultation - This is the first in a series of consultations relating to the policy commitments set out in the Communities in Control White Paper as well as work from the earlier White Paper and the Local Government and Public Involvement in Health Act 2007. This document considers three key areas: developing and strengthening overview and scrutiny; increasing the visibility and accountability of local public officers; and facilitating the work of councillors. The consultation period ends 30 October 2008.