

Creating Strong, Safe and Prosperous Communities

Statutory Guidance

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Schedule for introduction of legislation

	Who it applies to	Date of introduction	Relevant sections of Guidance
Statutory Local Area Agreements (and associated Duties, namely (i) duty to cooperate in determining LAA targets (ii) duty to have regard to targets	All Responsible authorities ¹ and statutory Partner Authorities ²	Early 2008	Sections 4, 5 and 6
Deregulation of the Best Value Regime	All Best Value authorities ³	1 April 2008	Section 6
Duty to Involve local representatives	All Best Value Authorities excluding police authorities	1 April 2009	Section 2

¹ See section 103 of the Local Government and Public Involvement in Health Act 2007. Paragraph 4.3 also lists which authorities are 'responsible authorities'

² See section 104 of the Local Government and Public involvement in Health Act 2007. Paragraph 5.4 also list which bodies are 'partner authorities'

³ Section 1 of the Local Government Act 1999

Foreword by Rt Hon Hazel Blears MP, Secretary of State for Communities and Local Government

2008 is a watershed year for Britain's local democracy.

It is the year in which the mature relationship between central and local government, debated for so long, and promised in the White Paper Strong and Prosperous Communities, becomes reality.

It means greater discretion for councils to put the governing back into local government: not just administering services, but thinking strategically about what local people want and need.

At the end of October 2007, the Local Government Public Involvement in Health Bill gained Royal Assent. This Act introduces a new settlement between central and local government, and between local government, its partners and its citizens.

This statutory guidance sets out how many of the key measures in the Act will enable local authorities to engage their citizens, lead their communities, and find new and more effective ways to deliver high quality services with their partners.

The changes offer unprecedented opportunities for local leaders to set out their vision for their communities, while empowering local people to help deliver that vision.

The LAA framework explained in the guidance is critical as the negotiation has become just the place where local councils and their partners decide how they are going to improve the quality of local life but is the only place where national and local government agree a shared set of priorities.

Also explained is how local authorities and partners will cooperate to agree targets for improvement on the local priorities that matter most.

Crucially the guidance also covers how authorities can use the new duty to involve to ensure that citizens can play an active role in shaping the future of the place where they live – for example through setting up citizens panels, participatory budgeting, or transferring under-used buildings to community groups.

I am confident that local authorities can rise to the challenge, deliver for the people they serve, and make every community proud.

A handwritten signature in black ink, reading "Hazel Blears". The signature is written in a cursive style with a long horizontal line extending from the bottom of the name.

Introduction

Scope of the Guidance

The Local Government and Public Involvement in Health Act received Royal Assent on October 30th 2007. This guidance explains the provisions of Part 5, Chapter 1 and Part 7 of the Act, which relate to the new statutory framework for Local Area Agreements (LAA), Joint Strategic Needs Assessments and the new, simplified best value regime, which includes a new duty to involve. It also provides updated guidance on the preparation of sustainable community strategies, under section 4 of the Local Government Act 2000. The guidance only applies to England.

Paragraphs 2.12 to 2.27 contain statutory guidance provided under section 3A and of Local Government 1999 (as provided by sections 138 of the Local Government and Public Involvement in Health Act 2007) on to how to involve *representatives of local persons*.

Paragraphs 2.2 to 2.9 contains non-statutory guidance (except as it relates to the preparation of a draft LAA). They replace the previous non-statutory guidance 'Local Strategic Partnerships' DETR 2001.

Paragraphs 3.1 to 3.26 contain statutory guidance under section 4 of the Local Government Act 2000 in relation to the preparation or modification of Sustainable Community Strategies. Paragraphs 3.1 to 3.30 replace that issued previously under section 4 of the Local Government Act 2000 ie 'Preparing Community Strategies: Government Guidance to Local Authorities'.

Paragraphs 3.27 to 3.32 contain statutory guidance provided under section 116 of the Local Government and Public Involvement in Health Act in relation to the new requirement to produce a Joint Strategic Needs Assessment for health and social care.

Paragraphs 4.3 to 4.30, 5.4 to 5.6 and 5.10 to 5.11 and 6.2 (except for the box on data sharing) contain statutory guidance provided under sections 106 and 111 of the Local Government and Public Involvement in Health Act 2007 in relation to the preparation of LAAs.

Paragraphs 6.5 to 6.17 contain statutory guidance provided under section 3 and of Local Government 1999 (as amended by sections 137 of the Local Government and Public Involvement in Health Act 2007) in relation to how commissioning and the duty of best value can be addressed. Paragraphs 6.5 to 6.17 replace that issued in ODPM Circulars 03/2003, 07/2003, 10/2003, 01/2004, 02/2004, 09/2004 and 05/2006 except:

- paragraphs 28 to 31 and Annex C (Handling of Workforce Matters in Contracting) and Annex D (Code of Practice on Workforce Matters in Local Authority Service Contracts) of ODPM Circular 03/2003
- paragraphs 20 to 23 and Annex B (Handling of Workforce Matters in Contracting) and Annex C (Code of Practice on Workforce Matters in Local Authority Service Contracts) of ODPM Circular 07/2003
- Annex B (Handling of Workforce Matters in Contracting), Annex C (Code of Practice on Workforce Matters in Local Authority Service Contracts) and Annex D (Valuing the workforce) of ODPM Circular 10/2003
- paragraphs 24 to 28 and Annex A (Handling of Workforce Matters in Contracting) and Annex B (Code of Practice on Workforce Matters in Local Authority Service Contracts) of ODPM Circular 01/2004
- paragraphs 55 to 58 and Annex D (Handling of Workforce Matters in Contracting) and Annex E (Code of Practice on Workforce Matters in Local Authority Service Contracts) of ODPM Circular 09/2004.

This statutory guidance on the Handling of Workforce Matters in Contracting the Code of Practice on Workforce Matters in Local Authority Service Contracts will be replaced by separate guidance on workforce matters to be published later.

Statutory guidance for the Sustainable Communities Act 2007 is published as an annex to this document. The Act introduces a new procedure for local authorities to make proposals to the Secretary of State that they consider would contribute to promoting the sustainability of their local communities.

Contents

Section 1 of the guidance provides an introduction to the concept of a **new settlement** between central government, local government and their partners and citizens and **community leadership**, providing a context for the later sections of the document.

Section 2 addresses issues of **governance and engagement**, setting out the role of the Local Strategic Partnership and the leadership role of local authorities within them. The section also deals with the Duty to Involve on best value authorities⁴ and how local communities are to be engaged and empowered in shaping the future of their area.

Section 3 provides guidance on **establishing a vision** for the area. The central role of the Sustainable Community Strategy in encapsulating the 'story of place' is explained, together with how this Strategy should relate to other local plans and strategies.

Section 4 covers the overall **establishing of priorities** for an area through the Local Area Agreement (including the formal submission, approval, designation and revision processes).

Section 5 also addresses the establishing of priorities from the **perspective of partners**, crucially it explains what is expected in terms of co-operation to determine targets.

Section 6 covers the **delivery of outcomes** for an area. It explains how partner authorities are required to have regard to targets they have agreed in the Local Area Agreements, along with how commissioning and the duty of best value should be addressed in the future.

⁴ Except Police Authorities – see para 2.12

Glossary of legislative terms used in the guidance

- *Responsible Local Authority*⁵ – is a local authority that has a duty to prepare a LAA
- *Partner Authority* – is a person or body that must be consulted by a responsible authority when it prepares its LAA, must cooperate with the responsible authority to determine LAA targets and must have regard to LAA targets it has agreed
- *Local Improvement Targets* – is the legal term that refers to all targets in the LAA
- *Designated targets* – are Local Improvement Targets that have been selected by the Secretary of State as being of national importance and are subject to different amending and reporting arrangements
- *Revision Proposal* – the process that must be followed in order to amend or remove an existing designated target. A revision proposal may also add new local improvement targets.
- *Memorandum relating to LAA* – the means by which the responsible authorities are required to provide public information about LAA targets.
- *Best value authorities* – are those authorities listed in section 1 of the Local Government Act 1999 that are subject to the duty of best value.
- *Representatives of local persons* – “refers to a mix of “local persons”, ie a balanced selection of the individuals, groups or organisations the authority considers likely to be affected by, or have an interest in, a particular authority function and who the authority is under a duty to involve where they think it appropriate to do so.

Any reference in this document to ‘**the Act**’ is a reference to the Local Government and Public Involvement in Health Act 2007.

⁵ Responsible authorities are county councils, unitary district councils, London boroughs, the Council for the Isles of Scilly and the Common Council of the City of London

Section 1

Creating strong, safe and prosperous communities

- 1.1 The Local Government White Paper⁶ declared the Government's ambition to create strong, safe and prosperous communities throughout England through a new settlement between central government, local government and citizens. The key components of the new settlement are:
- a recognition that **every place is different**, with distinctive strengths and needs
 - a new approach by central government that creates space for distinctive **local priorities** and **local innovation**
 - a commitment to widen and deepen the **involvement of local communities** in shaping their own future
 - councils taking on the role of democratically elected **strategic leaders** and convenors of local partnerships in the **wider governance** of their localities
 - a focus on **coordinated action** tailored to the distinctive needs and opportunities of each place and its people
- 1.2 To achieve positive **outcomes for people and places** there needs to be a broadening of local government's remit – responding to long-term challenges such as public health, climate change and demographic fluctuations, ensuring continued economic prosperity and environmental sustainability, and building strong societies in which people want to live and work. This means:
- a responsibility on councils to provide **strategic and political leadership** and involve the full range of stakeholders in developing and delivering a shared vision for their area
 - all key local partners **working together** to address the risks and challenges facing the areas, using their combined resources to best effect
 - **involving and empowering communities**, acknowledging that services will be improved and communities strengthened only if local people are effectively engaged and empowered, as individuals and through organisations representing them
 - through elected local government, **wider and stronger local accountability** for public services and local outcomes, rebuilding trust between citizen and state

⁶ Communities and Local Government (2006) Strong and Prosperous Communities: Local Government White Paper

- 1.3 Central government recognises that a tailored approach to improvement needs to be developed for each area, focussed on outcomes and appropriate to its needs. Central to this is the need to bring together national standards and priorities set by Government with local priorities informed by the vision developed by the local authorities and its partners. This new approach acknowledges the progress made by councils in managing their own performance, and the role for inspection and intervention based on an assessment of risk.
- 1.4 Central Government and the Local Government Association have established a concordat to govern the relations between central and local government.⁷ The concordat provides an unprecedented agreement on the rights and responsibilities of local government, including its responsibilities to provide effective leadership of the local area and to empower local communities. The move towards more local freedoms is intended to be profound and enduring, and represents a new settlement as part of wider reforms of the Governance of Britain.⁸ It aims to put the 'governing' back into 'local government' and to empower citizens to make a real difference in their localities.

Delivering the Community Leadership vision

- 1.5 Everyone has a role to play in creating strong, safe and prosperous communities. In every area, councils and local public service partners are already working together and in partnership with local businesses, third sector organisations and local people to improve local well-being. To cement this approach, a new local performance framework has been developed, which is built around a transformed set of relationships between local authorities and their partner agencies, Government Offices in the regions and Central Government Departments. This guidance explains how various pieces of legislation,⁹ relating to the performance framework, fit together – with the aim of making a real difference to people and places.
- The starting point for delivering better outcomes is for local partners, in the **Local Strategic Partnership (LSP)**, to create a shared vision and shared sense of priorities for a place. The vision will be set out in a **Sustainable Community Strategy (SCS)**,¹⁰ which will describe how people who live and work there want it to change over time.
 - The **duty to involve** will ensure that local people have greater opportunities to influence decision-making and get involved.

⁷ <http://www.communities.gov.uk/documents/localgovernment/pdf/601000.pdf>

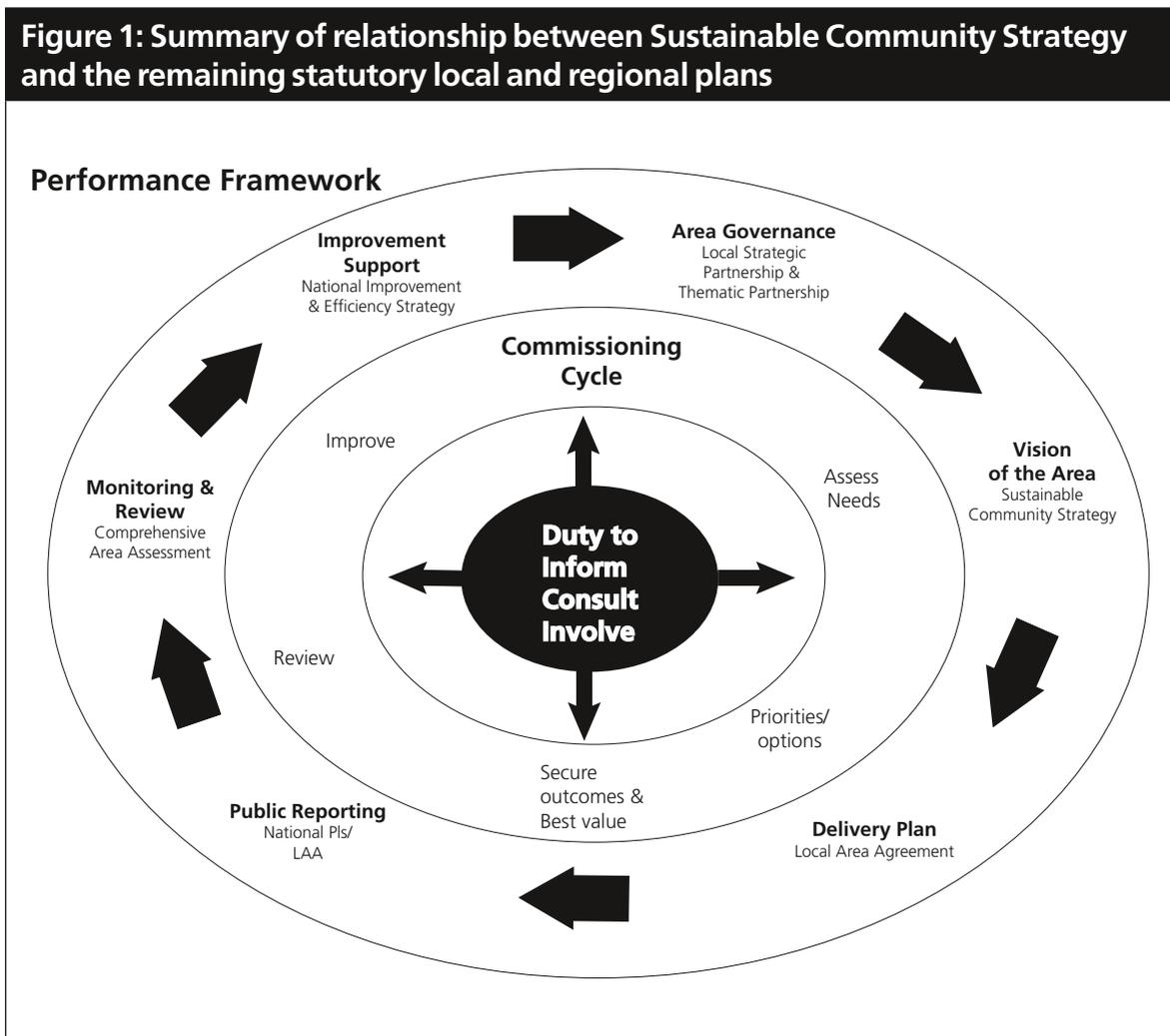
⁸ Ministry of Justice (2007) Governance of Britain

⁹ Part 1 of the Local Government Act 1999; Part 1 of the Local Government Act 2000; Part 5, Chapter 1 and Part 7 of the Local Government and Public Involvement in Health Act 2007

¹⁰ Section 4 of the Local Government Act 2000 was amended by section 7 of the Sustainable Communities Act 2007 so that Community Strategies are now called Sustainable Community Strategies.

- New **Local Area Agreements** (LAAs) form the heart of the new local performance framework. They help deliver the ambitions for the place and its people, set out in the Sustainable Community Strategy; they set out the 'deal' between central government and local authorities and their partners to improve services and the quality of life in a place. LAAs will be the only vehicles for agreeing targets between local government and their delivery partners and central Government (except for the 16 statutory education and early years targets).
- The **duty to cooperate** to agree targets in LAAs provides a key lever to bring about a more robust approach to local partnership working.
- Partners can then work together to deliver positive outcomes, particularly through **commissioning**, to ensure best value is secured for citizens and communities.

1.6 The diagram below illustrates how the performance framework is designed to function as a whole.



Section 2

Governance and engagement

- 2.1 Shaping places requires strong local leadership. This guidance sets out how this can be achieved through a partnership approach which fully engages local communities in planning for the future of their area.

Local Strategic Partnerships

- 2.2 Local Strategic Partnerships (LSPs) provide the forum for collectively reviewing and steering public resources, through identifying priorities in Sustainable Community Strategies and LAAs. But (as non-statutory bodies) they are not the ultimate decision-makers on such plans. All target-setting, and consequent financial, commissioning, or contractual commitments proposed by LSPs, must be formalised through the relevant local authority, or through one of the other LSP partners (for example, if policing, or health resources are involved).
- 2.3 LSPs are not statutory bodies and there are no provisions in the Act that create a legal relationship between either local authorities and 'the LSP' or their partners and 'the LSP'. LSPs are instead a collection of organisations and representatives coming together voluntarily to work in partnership.

The role of the LSP

- 2.4 The roles of the local authority with its LSP partners are summarised below:
- Exercise a **leadership and governing role** through identifying and articulating the needs and aspirations of local communities and reconciling or arbitrating between competing interests
 - Have **oversight of and coordinate community consultation and engagement** activities of individual partners and where appropriate combine them (see para 2.25)
 - Produce a **Sustainable Community Strategy (SCS)** based on data and evidence from the local area and its population, to establish a shared local vision and priorities for action (see section 3 on establishing a shared vision for more details)
 - Produce a unitary/county-wide **Local Area Agreement (LAA)**, based on the priorities identified in the area's Sustainable Community Strategy/ies (see section 4 on preparing an LAA for more details);

- Have **oversight of the planning and alignment of resources** in the locality (where relevant to delivery of the Sustainable Community Strategies and LAA) in order to achieve more effective and efficient commissioning and ultimately better outcomes. Although, each partner will remain accountable for its decisions taken in relation to funding streams allocated to it (see section 6 on the delivery of priorities for more details)
- **Review and performance manage progress** against the priorities and targets agreed in the LAA and ensure delivery arrangements are in place (see section 6 on the delivery of priorities for more details). Part of fulfilling this will require the local authority and its partners to seek to ensure that sufficient support is provided to the LSP to help it coordinate the delivery of the targets that have been agreed through the LAA.

2.5 In two-tier areas there will normally be LSPs at both county and district level, working to fulfil these roles through individual as well as joint activity.

2.6 Local councils are expected to play a leadership role in these key and over-arching partnerships. It is expected that local government will initiate and maintain momentum in the LSP and ensure appropriate representation across the different sectors including the involvement of local residents where appropriate and scrutiny of the actions of the partner authorities in the LSP. Local government also has some specific statutory duties and responsibilities to carry out, as explained below.

Strengthening democratic accountability – the leadership role for local authorities

In relation to the overarching role for LSPs described above there are particular roles that councils and elected members should fulfil:

- i. **Leadership:** executive members in particular have a vital role in leading LSPs through the negotiation and definition of priorities and in overseeing delivery. Councillors also play an important leadership role in thematic partnerships. They also have relevant leadership roles in other agencies such as police authorities, and Regional Development Agencies, who are also partner authorities.
- ii. **Driving agreement of a shared set of priorities:** the duty to produce a Sustainable Community Strategy rests with the local authority. In addition, the duty to prepare a LAA lies with the responsible local authority. In fulfilling this duty they should seek to achieve collective consensus through the LSP on the content of the LAA for the area.

Strengthening democratic accountability – the leadership role for local authorities (*continued*)

- iii. **Neighbourhood or community representation:** all councillors have a role in advocating the needs of their communities whether urban, rural, parished or unparished. It is crucial that they fulfil this role in order to advance community involvement in decision-making, in accurately identifying local needs, and in helping to judge the impact of delivery.
- iv. **Scrutiny:** in addition, overview and scrutiny committees of councils have been given new powers which will be implemented through guidance and regulations to be made under the Act and under provisions in the Police and Justice Act 2006. These new powers of scrutiny to be given under the Local Government and Public Involvement in Health Act 2007 will relate specifically to scrutiny of the list of partner authorities for LAA purposes – with the exception of police authorities and the chief officer of police.

'v. Leadership and the 'power of wellbeing'

Part 1 of the Local Government Act 2000 created a discretionary power for local authorities to do anything they consider likely to promote or improve the economic, social or environmental wellbeing of their area¹¹. The Government's purpose in introducing the wellbeing power was to confer on local authorities a broader responsibility for the wellbeing of their area rather than just having accountability for particular services. As such the power is designed to encourage innovation and closer joint working between local authorities and their partners to improve communities' quality of life. It provides a key lever to deliver the shared priorities agreed through the Sustainable Community Strategy and LAA. Statutory guidance covering the wellbeing power was issued in 2001¹².

LSP governance and accountability between partners and to the local area

Key principles

- 2.7 In order to effectively achieve the role set out above, the Government believes that each LSP should follow these key principles:
- i. It is for the LSP collectively to develop clear and transparent lines of accountability and responsibility between its partners. LSPs are at varying levels of development and there should be flexibility in the governance arrangements. However, the direction of travel must be towards more robust arrangements with an embedded democratic accountability

¹¹ The only restrictions are that although the power does not have any spending limits attached to it, it cannot be used to raise money. Neither can it be used to circumvent other prohibitions, restrictions or limitations contained in legislation.

¹² *Power to promote or improve economic, social or environmental well-being* DETR 2001

- ii. The LSP structure should be driven by and reflect local circumstances. However, it should include some form of executive board, which is able to take strategic decisions underpinned by the main thematic partnerships for the area
- iii. The chair of the board, whilst appointed by the LSP, will need to be formally recognised by the relevant local authority's executive
- iv. It is essential that representatives from the local third sector and private business sector are represented as part of the formal membership of the LSP and relevant sub-groups. In addition, LSPs may want to include a broader range of private and third sector partners in a forum or sounding board as part of the LSP's structure
- v. The representatives need to be able to take account of **all** of the community including the diverse range of minority community interests. It should also be clear how they will be able to influence the decisions and actions of the LSP
- vi. The LSP will also need to draw on environmental, social and economic expertise through its core membership and its thematic partnerships in order to agree a robust Sustainable Community Strategy
- vii. Individual partner authorities are responsible for agreeing particular targets in the LAA and for having regard to those targets when exercising their functions

County and district LSPs

While county and district LSPs need to respect each other's autonomy, they are expected to work together in leading local partner activity on developing Sustainable Community Strategies, spatial and thematic plans and a county-wide LAA. Any priorities requiring the contribution of district councils or LSPs should be explicitly agreed to by the relevant district LSP or council. See also paragraphs 4.7 and 4.10.

The relationship between the LSP and the thematic partnerships

2.8 In order to ensure the effective delivery of the agreed priorities, the thematic partnerships in an area should underpin and support the executive board of the LSP. This support will need to include:

- providing the LSP with sufficient information to make decisions
- being directly involved in the decision making processes
- co-ordinating the delivery of the relevant priorities agreed by the wider LSP.

2.9 There should be clear lines of accountability between the thematic partnerships and the LSP that demonstrate how and when the partnerships can influence the decision making process and hold, and be held, accountable by the LSP board.

Community Empowerment – the duty to involve

2.10 There is growing evidence, from both the UK and abroad, that involving citizens in local decision making and service provision has a number of benefits. These include:

- strengthening the democratic legitimacy of government and the civic life of the community¹³
- more efficient and effective services¹⁴ that better reflect the needs of users and have higher levels of customer satisfaction¹⁵
- safer communities and a more attractive built environment that meets people's needs¹⁶
- strengthening community cohesion¹⁷

2.11 Local government and other partners have always involved communities in decisions and services and there is a lot of good practice across the country. The new duty to involve seeks to ensure people have greater opportunities to have their say. The aspiration for the new duty is to embed a culture of engagement and empowerment. This means that authorities consider, as a matter of course, the possibilities for provision of information to, consultation with and involvement of *representatives of local persons* across all authority functions.¹⁸

2.12 The new duty, which comes into force on 1 April 2009, is set out in section 138 of the Act and takes the form of an addition to the best value provisions of the Local Government Act 1999. The duty applies to all best value authorities in England except Police Authorities.^{19,20} For ease of reference the rest of this section will refer to "authorities", meaning those authorities responsible for meeting the duty.

2.13 There is already a range of existing requirements such as statutory requirements to inform, consult with or promote the participation of users or citizens, in relation to individual functions (such as spatial planning), and there are also existing non statutory agreements in certain areas (eg local compacts with the third sector). The duty to involve does not replace these existing requirements. Instead, the new duty needs to be considered in addition to them, ie authorities need to determine

¹³ *The benefits of community engagement, a review of the evidence*, Ben Rogers and Emily Robinson, Home Office / IPPR, 2004; *How local Government Devolves, and Why*, LGA / Young Foundation/IDeA, 2006.

¹⁴ *Housing: Improving services through resident involvement*, The Audit Commission & Housing Corporation, 2004

¹⁵ *Improving delivery in mainstream services in deprived areas & the role of community*

¹⁶ *Neighbourhood Management: An overview of the 2003 and 2006 Round 1 Pathfinder Household Survey*, Communities and Local Government, 2006

¹⁷ *Our Shared Future*, the report of the Commission on Integration and Cohesion, 2007

¹⁸ That is all of an authority's powers and duties.

¹⁹ Best value authorities required to meet the new duty: Local authorities; National Park Authorities; the Broads Authority; Fire & Rescue Authorities; Waste Disposal Authorities; Joint Waste Authorities; Passenger Transport authorities; Transport for London; Greater London Authority in so far as it exercises its functions through the mayor; and the London Development Agency.

²⁰ Police Authorities are exempt from this duty as they are already covered by similar provisions in Section 96 in the Police Act 1996; Section 157 the Serious Organised Crime and Police Act 2005.

whether the new duty requires any extra actions over and above these more specific requirements. In doing so they should also consider whether any extra activities can be conducted jointly with other authorities (see paragraph 2.25 for more detail).

- 2.14 When considering if and how *representatives of local persons* should be involved authorities should bear in mind that the duty does not give any new powers. For instance it does not enable authorities to pass on duties or responsibilities to another body, group or individual beyond the powers set out in other legislation (eg section 101 of the Local Government Act 1972 – arrangements for discharge of functions by local authorities by a committee, a sub-committee or an officer of the authority; or by any other local authority). Authorities will also want to consider how organisations delivering services on their behalf can best adhere to the principles underpinning this duty.

What does the new duty to involve require?

- 2.15 The duty requires authorities to take those steps they consider appropriate to involve *representatives of local persons* in the exercise of any of their functions, where they consider that it is appropriate to do so. It specifies the three ways of involving that need to be covered in this consideration:

- **providing information** about the exercise of the particular function
- **consulting** about the exercise of the particular function
- **involving in another way**

What do we mean by “representatives of local persons”?

Within the context of this duty the term “local persons” refers to those likely to be affected by, or interested in, a particular authority function. It should be noted that the term “local persons” is not simply a reference to local residents. It also covers those who work or study in the area (including those who work for the authority); visitors; service users; local third sector groups; businesses; bodies such as parish councils; and anyone else likely to be affected by, or interested in, the function. The term covers children and young people, as well as adults.

The phrase “*representatives of local persons*” refers to a mix of “local persons”, ie a balanced selection of the individuals, groups, businesses or organisations the authority considers likely to be affected by, or have an interest in the authority function. As such, authorities should consider the diverse groups within the community who might be affected by, or interested in, a particular authority function (paragraphs 2.22 to 2.23 provide more information on the issues authorities should consider when determining *representatives of local persons*)

What does this mean for elected representatives?

In the context of this duty the term “representative” does not refer to formally elected or nominated members of the community. Councillors, and other elected members of the community, have a key role as advocates representing the concerns and wishes of the community. The duty to involve seeks to build on this by increasing the range of opportunities available for citizens to have their say and get involved directly.

- 2.16 Authorities will need to consider whether one, two, all three or none of the approaches at para 2.15 are appropriate in the exercise of any particular function. They will also need to consider the need to adopt different approaches for different functions. The type of involvement that is appropriate is also likely to differ depending on the body in question.
- 2.17 Authorities should provide *representatives of local persons* with appropriate information about services, policies and decisions which affect them or might be of interest to them. The provision of information should support *representatives of local persons* to have their say and get involved in authority functions where appropriate. This therefore goes beyond the simple provision of information on how to access services (including locations, opening hours, eligibility criteria etc), although this remains an important aspect of effective delivery. Authorities should ensure information is provided in a way that *representatives of local persons* can easily access and understand, tailoring it as appropriate to different audiences to support involvement.
- 2.18 Authorities should offer *representatives of local persons* appropriate opportunities to have their say about the decisions and services that affect them through consultation. Some examples of consultation include formal (including mandatory) consultations, satisfaction surveys, as well as direct dialogue with *representatives of local persons*, for example through deliberative panels and focus groups. Consultation needs to provide genuine opportunities for people to be involved so authorities will want to draw on widespread evidence of what constitutes good practice in consultation.
- 2.19 Authorities should consider where it is appropriate to provide *representatives of local persons* with opportunities to have their say and get involved in activities over and above being informed and consulted. ‘Involvement’ will be the most interactive form of engagement, giving *representatives of local persons* greater influence over decisions or delivery. Authorities should consider providing opportunities for *representatives of local persons* to:
- **influence or directly participate in decision making** (eg in helping to shape local priorities via citizen panels, service advisory panels, neighbourhood management, participatory budgeting; citizen juries)²¹

²¹ See also the sections on consultation as part of preparing the Sustainable Community Strategy and draft Local Area Agreement

- **provide feedback on decisions, services, policies and outcomes** (eg ‘have your say’ section on the authority website; service-user forums; petitions; and feedback forms being made available)
- **co-design/work with the authority in designing policies and services** (eg being involved in the commissioning of services)
- **co-produce/carry out some aspects of services for themselves** (for example having responsibility for the maintenance of a community centre; the transfer of the management of assets; communities taking part in ‘street clean up’ or environmental conservation work)
- **work with the authority in assessing services** (eg citizens acting as mystery shoppers, user evaluators and as co-opted members of Overview and Scrutiny Committees)²²

The role of information provision in consultation and involvement

When consulting and/or involving *representatives of local persons* authorities should clarify the purpose, scope and parameters of the activity.

When consulting authorities should consider how to ensure local representatives are aware of:

- the different options available, the pros and cons of each and any other relevant background information
- the decision making process (ie how decisions are made, who makes the final decision and what evidence is taken into consideration)
- how their views will inform decisions
- how the authority will inform *representatives of local persons* about the authority's actions/decisions and any relevant means of appeal

The importance of feedback

Authorities should consider how they feed back the outcomes of any consultation or involvement to *representatives of local persons*. In doing so we would encourage authorities to make clear how the input of *representatives of local persons* has contributed to the decision/s.

It may not be possible, or appropriate, to take the particular course of action favoured by *representatives of local persons*. It will be the role of the authority to take the final decision, balancing different (sometimes competing) interests. In such cases authorities should still seek to explain how *representatives of local persons* have influenced the course of action taken by the authority, as well as the reasons for the final decision.

²² For practical information on involving people see www.peopleandparticipation.net.

Applying the duty

When is it appropriate to inform, consult and/or involve?

2.20 Authorities will need to consider how they go about meeting the duty in relation to routine functions, as well as significant one-off decisions. In doing so they should also seek to link up, and ideally combine, engagement opportunities with activities being run across the authority as well as by other local partners (see paragraph 2.4 for more details). They should not shy away from involving people in difficult issues but will need to be clear in such circumstances about how much influence over decisions is being offered.

2.21 In meeting this duty, authorities should consider:

- **privacy:** *representatives of local persons* should not be involved in individuals' personal matters eg individual cases of adoption. However it might be appropriate to inform, consult and/or involve *representatives of local persons* in the policy development around these issues
- **previous engagement or involvement** (either by the authority or others): this should be used to inform the next stage of involvement with the public so as to avoid duplication and to help move any engagement forward
- **possible benefits and costs:** authorities should consider the predicted benefits of informing, consulting and/or involving against the costs of that involvement

Who should be informed, consulted and/or involved?

2.22 Authorities should determine whom it would be appropriate to inform, consult or involve (see paragraph 2.15 for explanation of the phrase *representatives of local persons*). This will vary depending on the type of authority (including the spatial level at which they operate) or the policy or service in question.

2.23 We recognise that many authorities are well aware of the need to engage a diverse range of groups within the community and to take action to ensure that all groups within the area are engaged. This is particularly important in the discharge of this new duty. Authorities will need to consider carefully who might be affected by, or interested in, a particular function and ensure any information provision, consultation or involvement opportunity effectively reaches the relevant parts of the community – including those who can often be marginalised or vulnerable people (sometimes referred to as 'hard to reach'). It is important that information provision, consultation and involvement opportunities are not limited to those with the 'loudest voice'. Authorities should be aware that equality requirements will apply to the duty to involve.

The role of the third sector

What do we mean by “the third sector”?

The Government defines the third sector as non-governmental organisations that are value driven and which principally reinvest their surpluses to further social, environmental or cultural objectives. It includes voluntary and community organisations, charities, social enterprises, cooperatives and mutuals. Each area will want to develop and keep under review an understanding of the third sector operating in their locality.²³

2.24 There are three possible ways authorities should think about involving the third sector as part of the new duty. Firstly, local third sector organisations might be affected by, or interested in, a particular authority function. As such an authority might decide that it is appropriate to inform, consult and/or involve the group in some way. Secondly, third sector organisations might have a role as advocates for local people (particularly marginal and/or otherwise vulnerable groups). Therefore an authority might decide to involve a third sector organisation in addition to individual citizens and groups. Finally, third sector organisations might be able to provide relevant expertise and specialist knowledge that might help the authority in reaching out to marginalised and vulnerable groups.

What information, consultation and/or involvement is appropriate?

2.25 Authorities regularly need to make decisions about how best to engage their local community. In terms of fulfilling the duty we would expect authorities to consider:

- **Accessibility:** authorities should ensure that *representatives of local persons* are informed/consulted/involved in a way that considers their needs. The appropriate method of engagement will depend on local circumstances and the audience the authority is trying to reach. Authorities should monitor the effectiveness of the chosen method of engagement.
- **Proportionality:** authorities should consider the resources needed to inform, consult, and/or involve appropriately. The extent of the engagement should be proportionate to the significance of the issue – both to the authority and to local people – and to the benefits to be gained from involvement.

²³ See also paras 6.15 and 6.16 of this document

- **Coordination:** authorities should ensure that activities to inform, consult and involve *representatives of local persons* do not take place in isolation, but as part of an integrated approach across the area.²⁴ As such, authorities should have a coordinated approach to information provision, consultation and involvement. They should ensure relevant knowledge, expertise and experience are shared between officers and elected representatives and future engagement activities are planned using this knowledge
- **Partnership-working:** we would also encourage authorities to work with partners through their Local Strategic Partnership to co-ordinate information provision, consultation and involvement and to share relevant knowledge (see paragraphs 2.4 to 2.6)
- **Timing:** authorities should consider when *representatives of local persons* should be informed, consulted and/or involved. In line with best practice it should be as early as possible to ensure that authority functions are shaped around the needs and aspirations of the community

What will success look like?

- 2.26 The activities that authorities undertake to meet the duty will depend on local circumstances. Appropriate engagement and empowerment should be embedded as standard practice throughout authorities, central to service delivery, policy and decision making.
- 2.27 Authorities should be able to demonstrate, through evidence gathered in the normal course of business, that:
- they understand the interests and requirements of the local community
 - they use their understanding to ensure information, consultation and involvement opportunities are provided on the right issues, targeted at the right people, and accessible to those the authority is trying to reach
 - they have an appropriate corporate approach to providing information, consulting and involving in other ways that flows throughout their organisation – from strategic policies into individual service delivery – and that they coordinate their engagement activities with partners where appropriate
 - local people will feel that the authority provides relevant and accessible engagement opportunities and will know how to get involved, either directly or through their elected representative. Local people will recognise that the authority's priorities and policies reflect this involvement and services are tailored to local needs, even though difficult choices in service provision need to be made

²⁴ The local government white paper, *Strong and Prosperous Communities* (published October 2007) and the planning white paper, *Planning for the Sustainable Future* (published June 2007) highlighted the importance of authorities having a co-ordinated approach to engagement. To facilitate this we are proposing to repeal the requirement of an independent examination of the Statement of Community Involvement by the Planning Inspectorate. This means authorities will have more flexibility around how they use the statement and can therefore extend the scope of the statement, should they wish to.

Section 3

Establishing a vision for the area

Sustainable Community Strategies

- 3.1 The purpose of a Sustainable Community Strategy is to set the overall strategic direction and long-term vision for the economic, social and environmental well-being of a local area – typically 10-20 years – in a way that contributes to sustainable development in the UK. It tells the ‘story of the place’ – the distinctive vision and ambition of the area, backed by clear evidence and analysis. The Local Government White Paper, *Strong and Prosperous Communities*²⁵ set out that the Sustainable Community Strategy will provide ‘a vehicle for considering and deciding how to address difficult and cross cutting issues such as the economic direction of an area, cohesion, social exclusion and climate change’.
- 3.2 Sustainable Community Strategies should contain the following elements:
- the **long-term vision based firmly on local needs** – this will be underpinned by a shared evidence base informed by community aspirations
 - **key priorities for the local area**, based upon this vision which may realistically be achieved in the medium term – these will inform the strategy’s delivery agreement – the Local Area Agreement (LAA)
- 3.3 By virtue of section 1(a) of the Local Government Act 2000, the duty to prepare a Sustainable Community Strategy applies to the following authorities in England:
- County councils
 - District councils (this includes shire district councils, metropolitan district councils and other unitary district councils). Although district councils may choose to prepare their strategy together with the county council ie not to prepare a separate strategy (see paragraph 3.23)
 - London borough councils
 - The Common Council of the City of London in respect of its functions as a local authority
 - The Council of the Isles of Scilly.

²⁵ See <http://www.communities.gov.uk/localgovernment/currentagenda/strongprosperous>

- 3.4 Section 4(3) of the 2000 Act, as amended by section 114 of the Act, distinguishes between responsible authorities (those required to prepare an LAA) and other authorities (districts in two-tier areas). It requires responsible local authorities, when preparing or modifying their Sustainable Community Strategies to consult and seek the participation of each partner authority and such other persons (ie organisations and people) as they consider appropriate whereas districts are simply under a duty to consult and seek the participation of such organisations and people as they consider appropriate.
- 3.5 The responsible authority is required to consult and seek the participation of each partner authority in the preparation or modification of their Sustainable Community Strategy in order to help ensure that their Sustainable Community Strategy represents the shared view across the partner authorities of the longer-term priorities of their locality. This is particularly important as we expect the shorter-term targets agreed through the LAA to reflect these longer-term priorities (see paragraph 4.1 for more detail).
- 3.6 Local authorities will need to consider how they consult with representatives of local people (including residents and workers), parish councils, local businesses and third sector organisations on their Sustainable Community Strategies in the light of the principles enshrined in the new duty to involve (see section 2). Guidance on consulting with representatives of local people in the context of the Sustainable Communities Act can be found at Annex A.
- 3.7 Once prepared, the Sustainable Community Strategy must be agreed at full council in accordance with the Local Authorities (Functions and Responsibilities) Regulations 2000/2853.

What do we mean by a Sustainable Community Strategy?

- 3.8 The statutory duty as to the preparation of a Sustainable Community Strategy provides that it is a strategy that should contribute to the achievement of sustainable development in the United Kingdom. The goal of sustainable development is to enable all people throughout the world to satisfy their basic needs and enjoy a better quality of life, without compromising the quality of life of future generations' (Securing the Future – UK Government Sustainable Development Strategy 2005).

3.9 For a local priority or policy to be sustainable, it should respect five principles:

- living within environmental limits
- a strong, healthy and just society
- achieving a sustainable economy
- promoting good governance
- using sound science responsibly²⁶

3.10 The shift to Sustainable Community Strategies emphasises, to a greater extent than previously, that sustainability should be at the heart of decisions taken on the content of the strategy. Sustainable Community Strategy's economic, social and environmental priorities should therefore demonstrate how they support each other in an integrated way. The strategy should also address the area's longer-term needs and those issues which affect the area that can only be addressed by looking across boundaries. Local authorities should continue to have regard to the Government's Sustainable Development Strategy²⁷ and may wish to use the procedures in the Sustainable Communities Act.

How do Sustainable Community Strategies relate to other plans?

3.11 In any given local authority area, the Sustainable Community Strategy is the **overarching plan** for promoting and improving the well-being of the area. The Local Government White Paper emphasised the need for Sustainable Community Strategies and other local and (sub) regional plans to take account of each other, as they are prepared. The following paragraphs set this out in more detail.

Local Area Agreements

3.12 Responsible authorities are required by section 106(2)(c)(i) of the Act to have regard to their Sustainable Community Strategy when preparing their Local Area Agreement (LAA). In two-tier areas, district councils should have regard to their Sustainable Community Strategy when negotiating LAA targets as a matter of good practice. The Local Government White Paper envisaged the LAA as being the delivery agreement for the Sustainable Community Strategy.

²⁶ UK Sustainable Development Strategy 2005

²⁷ <http://www.sustainable-development.gov.uk/>

Local Development Frameworks

- 3.13 Local planning authorities are required by Section 19(2)(f) & (g) of the Planning & Compulsory Purchase Act 2004 to have regard to Sustainable Community Strategies covering the area (ie in two tier areas, both county and district strategies) when preparing their Local Development Frameworks (LDFs). Local authorities should as far as possible align the Core Strategy of the LDF with the unitary, district or county-wide (if merged) Sustainable Community Strategy.
- 3.14 In more closely aligning the core strategy of the LDF with the Sustainable Community Strategy, local authorities and their partners should help to ensure that their strategy is genuinely sustainable. In some cases Strategic Environment Assessment (SEA) may be required for Sustainable Community Strategies.²⁸ Where this is the case it should be integrated into a wider Sustainability Appraisal (SA) process incorporating consideration of social and economic effects in addition to matters outlined in the SEA directive. This is already required for certain LDF documents and where an SA is undertaken for both documents there may be further opportunity for closer alignment between the SCS and LDF, including the sharing of baseline information evidence gathering activities, assessment and reporting. Furthermore, planners have a duty to 'exercise their functions with a view to contributing to the achievement of sustainable development'.
- 3.15 The Government intends to remove the independent examination of the Local Development Framework's Statement of Community Involvement, partly so as to allow for more coordinated consultation, for example with that for the Sustainable Community Strategy.

Housing and homelessness strategies

- 3.16 The Local Government White Paper 2006 recognised the importance of housing as being "at the heart of achieving the social, economic and environmental objectives that shape a community and create a sense of place". The Housing Green Paper *Homes for the Future: More Affordable, More Sustainable* further emphasised the importance of the strategic housing role, in terms of delivering new market and affordable housing, making the best use of existing stock, and responding to the needs of all residents across all housing tenures.
- 3.17 Local authorities have a statutory requirement to revise their homelessness strategies at least every five years. Authorities will also want to periodically refresh their housing strategies. Local authorities will have discretion about how, when, and in what format they document their refreshed housing strategy. Whatever format is chosen, refreshed housing strategies should:

²⁸ Guidance on whether community strategies should be subject to Strategic Environment Assessment can be found on p46 of A Practical guide to SEA – Directive (European Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment – see also <http://www.communities.gov.uk/publications/planningandbuilding/practicalguide>)

- fully reflect the wider vision of the authority and its partners
- reflect a clear and evidenced approach
- provide a strong focus on how partners will deliver their commitments, including on the infrastructure needed to support housing growth

3.18 Recognising the importance of ensuring that the strategic vision for the area takes full and proper account of housing, local authorities are expected to incorporate revised homelessness strategies and housing strategies within their Sustainable Community Strategy where possible.

Regional and sub-regional plans

3.19 The Review of Sub-national Economic Development and Regeneration²⁹ outlined proposals to integrate the Regional Economic Strategy and Regional Spatial Strategy into a single integrated Regional Strategy which would be prepared by Regional Development Agencies working closely with local authorities and other partners. This will require legislation and until such time as that is in place, it is sensible for local areas to have regard to existing regional plans when revising their Sustainable Community Strategy. This arrangement would not apply in London.

3.20 London boroughs, when preparing their Sustainable Community Strategy, should continue to have regard to the statutory strategies prepared by the Mayor of London under the Greater London Authority Act 1999 (as amended by the Greater London Authority Act 2007). However, there are particular statutory requirements in relation to some strategies which may be applicable to Sustainable Community Strategies:

- Local Development Framework (LDF) documents – including any core strategy incorporated into a Sustainable Community Strategy – must be in general conformity with the Mayor’s Spatial Development Strategy (Section 333D(2) of the Greater London Authority Act 1999 and 2007);
- Any local housing strategy prepared by the borough – including any statements of housing policy in a Sustainable Community Strategy – must be in general conformity with the Mayor’s London Housing Strategy (Section 24(1)(b) of the Planning and Compulsory Purchase Act 2004).

Local and neighbourhood plans

3.21 Many town and parish councils, and other groups in rural areas have developed Parish Plans³⁰ with their communities and local partners, which are similar in scope to Sustainable Community Strategies. In other areas Neighbourhood Action Plans³¹ fulfil a similar function. These are likely to be valuable for informing the development of Sustainable Community Strategies or acting as local delivery plans for the LAA.

²⁹ http://www.hm-treasury.gov.uk/spending_review/spend_csr07/reviews/subnational_econ_review.cfm

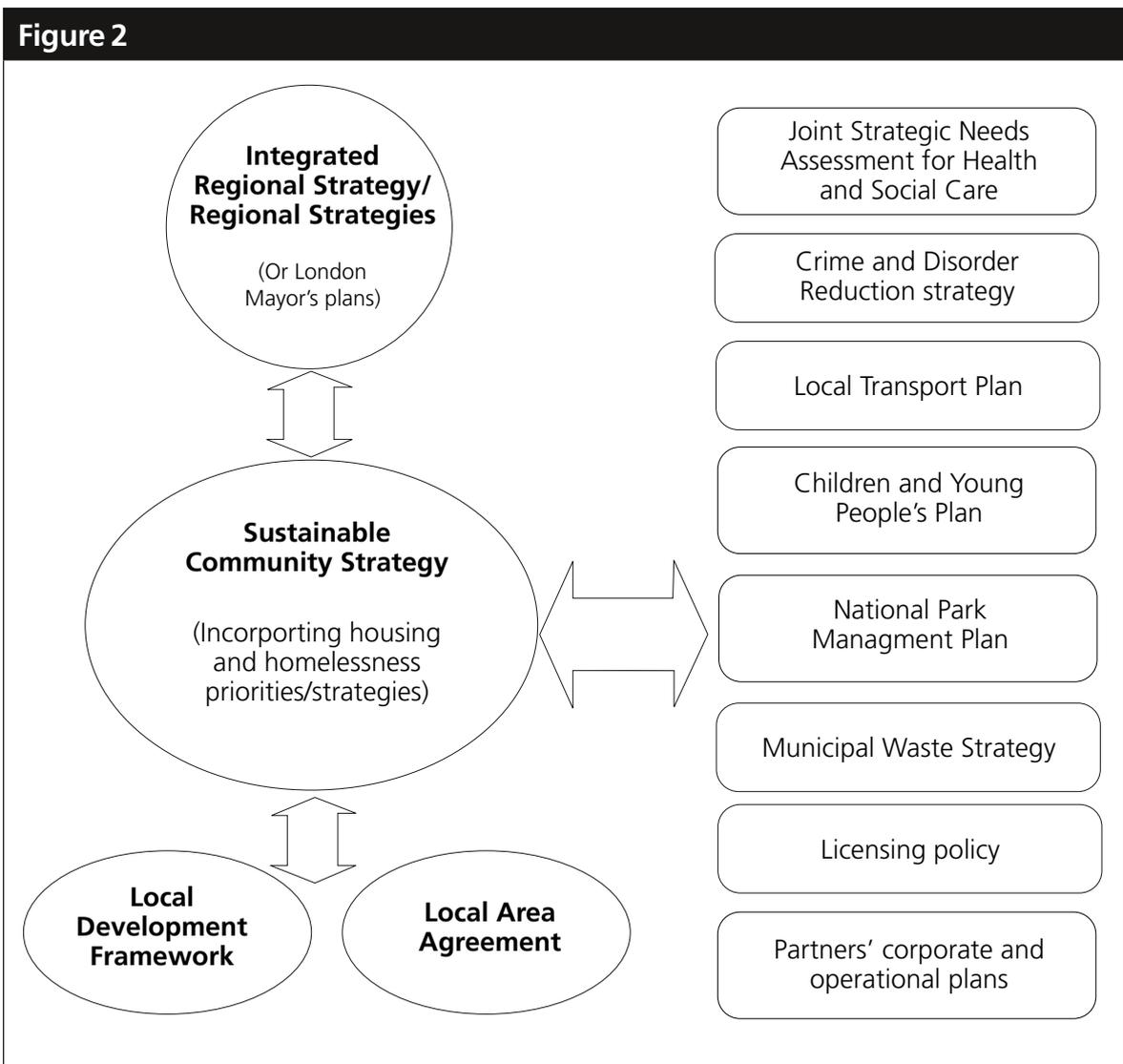
³⁰ <http://www.defra.gov.uk/rural/communities/parish-planning.htm>

³¹ <http://www.renewal.net/toolkits/LSPDeliveryToolkit/> Details of Neighbourhood Action Plans can be found as part of the LSP toolkit

Local and neighbourhood plans also provide an excellent way to translate how the broader priorities set out in the Sustainable Community Strategy and LAA will affect local residents.

Other statutory plans

3.22 Following the rationalisation of local authority plan requirements as a result of commitments in the 2001 Local Government White Paper, there are significantly fewer plans that local authorities are required to prepare. The remaining **statutory** plans and policies that local authorities and LSPs will need to consider are illustrated in figure 2 below:



How do Sustainable Community Strategies work in multi-tier areas?

- 3.23 The requirement to prepare Sustainable Community Strategies applies to both district and county councils. Section 101 of the Local Government Act 1972 permits an authority to discharge any functions jointly with another. Most district partnerships have prepared their own community strategy; others have prepared joint strategies with other district areas; some have contributed to overarching county-wide strategies and not prepared their own. Some county partnerships have not prepared their own strategy but have contributed to district strategies.
- 3.24 With the advent of Local Area Agreements, we would expect at a minimum there to be an agreed county-wide set of priorities. This would sensibly be set out in a county-wide Sustainable Community Strategy.
- 3.25 Each county and district council, having consulted its LSP, must decide for itself which models they wish to adopt. Authorities should consider priorities in existing local Sustainable Community Strategies and other plans when undertaking the next iteration of their strategy. In particular county tier partnerships, in negotiation with their district counterparts, must be able to demonstrate how they have taken account of individual district characteristics and objectives when setting priorities in the county tier's strategy. This will be particularly important as it will be possible to set both district and sub-district-level targets in LAAs (see the *National Indicators Handbook of Definitions*³² for more details on the different spatial levels at which the indicators have been set).

Reviewing or refreshing Sustainable Community Strategies

- 3.26 Sustainable Community Strategies will need to be reviewed and refreshed over time to ensure that they remain accurate and up-to-date. This is particularly important as we expect the LAA to reflect the longer-term priorities expressed in the Sustainable Community Strategy. It is possible for Sustainable Community Strategies to be revised in stages, so if only one or two themes need revisiting, these chapters can be drawn up while the remainder of the strategy stays in place.

The duty to produce a Joint Strategic Needs Assessment

- 3.27 Section 116 of the Act introduces a requirement for Primary Care Trusts (PCTs) and responsible local authorities to produce a Joint Strategic Needs Assessment (JSNA) of the health and social care needs of their local community.

³² National Indicators for local authorities and local authority partnerships 2007/08: Handbook of definitions. www.communities.gov.uk/publications/localgovernment/indicatorsdefinitions

- 3.28 This assessment should set out the future health and social care needs of local populations. The assessment should cover those issues where the responsibilities of PCTs and local authorities overlap or where one organisation in carrying out its functions impacts to a significant extent on the other organisation's functions.
- 3.29 The JSNA will need to consider the needs of the population living within the boundaries of the upper tier local authority or unitary council. In two-tier local authority areas, upper tier local authorities will need to consult with those district councils within their geographical area. In order to provide a firm link between the results of the JSNA and the Sustainable Community Strategy of each local authority, PCTs within a local authority's geographical boundary should feed into a single assessment.
- 3.30 It is expected that the JSNA will be carried out jointly by the Director of Public Health, the Director of Adult Social Services and the Director of Children's Services.
- 3.31 The JSNA should be taken into account by the upper-tier local authority in its preparation of the Sustainable Community Strategy. As the overarching strategy for the area, the issues identified in the Sustainable Community Strategy will then inform the priorities and targets in the LAA.
- 3.32 More detailed information to help local authorities and PCTs carry out effective JSNAs will be provided periodically in guidance.

Section 4

Agreeing priorities for an area

Local Area Agreements

- 4.1 The Local Area Agreement (LAA) sets out the 'deal' between central government and local authorities and their partners to improve services and the quality of life for local people. As such, the LAA is also a shorter-term delivery mechanism for the Sustainable Community Strategy. The Sustainable Community Strategy provides the story of the local area and should therefore articulate the longer term ambition, evidence and rationale beyond the focus of a three-year LAA. Responsible local authorities are required by the Act to have regard to their Sustainable Community Strategy when preparing their LAA.
- 4.2 This section sets out the long-lasting expectations being placed on responsible local authorities by the LAA process as a result of Sections 103 – 113 of the Act. Separate guidance may from time to time be issued explaining the non statutory parameters of LAA negotiations (including details of the indicator set, timetable, financial arrangements etc).

Preparing a Local Area Agreement

- 4.3 This section relates to the following local authorities, which are defined in Section 103 of the Act as *responsible local authorities*. They are:
- County Councils
 - Unitary District Councils
 - London Boroughs
 - The Council of the Isles of Scilly
 - The Common Council of the City of London
- 4.4 Responsible local authorities must prepare an LAA when directed to do so by the Secretary of State. In doing so, they must take the following steps:

Consult and cooperate with each partner authority (listed at paragraph 5.4)

4.5 The aim of the duty to consult and cooperate in determining LAA targets is to involve all partner authorities in identifying the appropriate mix and value of targets for a draft LAA based on the agreed evidence-base and longer-term priorities in the Sustainable Community Strategy. The responsible local authority must consult all partner authorities (see paragraph 5.4) which act or are established in their area or in the case of NHS Trusts and NHS Foundation Trusts, provide services from a facility in the area. In doing so, the responsible local authority should work with partner authorities through the LSP and its thematic partnerships to collectively agree a shared set of priorities for the LAA, before working with them to determine how each target is drafted.

4.6 The role of the LSP as the forum through which consultation and co-operation takes place is elaborated in paragraph 5.6, but it should not be seen as an isolated task. Fulfilling these duties should instead be viewed as part of the core and ongoing role of the partnership; from setting the vision for the area in the Sustainable Community Strategy, through to agreeing activities to deliver against priorities (see paragraph 6.2 on implications of having regard to LAA targets).

4.7 In two tier areas, there needs to be close co-operation between counties and districts in agreeing local priorities. Like other partner authorities, districts have important functions of their own, but they also act as wider community leaders; they have broad powers to promote well-being and they have important relationships with partners through district level LSPs. Counties and districts will need to agree locally how to best make use of their respective partnerships to achieve the necessary consensus.

Consulting other partners

4.8 Responsible local authorities are required by the Act to consult 'such other persons as appear to it to be appropriate'. In doing so, it is for responsible local authorities to use their discretion in deciding which partners outside the list of partner authorities to consult, but they should aim within reason to be inclusive of all bodies and persons that could meaningfully contribute to the preparation and attainment of LAA targets and to provide a timely opportunity for them to contribute their views. Therefore the Government believes that in fulfilling this duty, they should consider consulting:

- persons and organisations from the **local business and third sectors**
- **local people and their representatives**, in line with existing duties regarding the transparency of decision-making (see Part 5A of the Local Government Act 1972) and new duties under the Best Value duty to involve (see Chapter 2)
- **parish and town councils**, which have their own democratic legitimacy and are able to provide a particularly local perspective

- **elected members of local authorities** (including district councillors in two tier areas), who have a responsibility to represent the interests of their wards and who may also have a formal role in signing off draft LAAs and in scrutinising performance against LAA targets through Overview and Scrutiny Committees
- those **authorities which are not established in the area**, but which do take decisions that affect people in the area. For example; a NHS Trust providing services to local residents from facilities operating beyond the local authority boundary
- **other bodies** which provide key services to or on behalf of the public, but which are not partner authorities eg utilities, universities, colleges, schools, registered providers of social housing and representatives of service personnel
- neighbouring local authorities, in order to address cross-boundary issues

Further information on consultation can be found at paragraphs 5.7 – 5.9 and 5.12.

The negotiation

The processes that need to be agreed locally

4.9 It is through the negotiation process that the new duties to consult and cooperate will be discharged. Before negotiations begin, a clear process is needed which is understood by all partners. LSPs should agree the key milestones, time-scales and governance structures, asking what needs to be decided, when, by whom, at what level, how and what support is needed? LSPs need to agree the process and timetable well in advance of negotiations and should aim to make a schedule available publicly, so that all partners have sufficient opportunity to influence the negotiations. It will also be incumbent on central government collectively, through the Government Offices, to commit to a clear and agreed timetable for negotiations with their local partnerships. Where there is disagreement between the responsible local authority and a partner authority or other partner as to the appropriate degree of involvement, the LSP or the relevant thematic partnership is the forum in which the matter should be resolved.

4.10 The convening role of district councils during negotiations is broadly the same as for county and single tier councils ie that locally elected representatives should take a wider view of the needs and challenges facing their areas and bring a steering and influencing role to all the various local partnership tables at which they sit.

The role for the responsible local authority during the negotiations

4.11 As the body responsible for preparing the LAA, each county and single tier local authority must seek to achieve collective consensus, via its LSP, to the content of the LAA for the area. At the end of the process, when giving its formal approval to the final LAA, the responsible local authority should satisfy itself that the targets within

the agreement reflect the right balance and level of ambition. It must also ensure that in coordinating the negotiation and decision-making process, it is meeting all the normal requirements of local government legislation.

Public routes of redress

4.12 If citizens are unhappy with the way priorities are set within a LAA, complaints or efforts to seek redress (such as involvement of the Local Government Ombudsman) may start with the county or single tier local authority, as the responsible local authority. However, the outcome of any such complaint will need to take account of the context of partnership working, and the roles of different partners.

Submitting the draft LAA to the Secretary of State

Deciding which targets relate to it

4.13 Section 105(2) of the Act states that a target will relate to a responsible local authority if any of the functions or anything done by the responsible local authority could contribute to the attainment of the target.

Obtaining council approval for the draft LAA

4.14 Having followed these steps and consulted and cooperated with partners through negotiation to agree a draft LAA, the responsible local authority will need to formally approve its LAA prior to submitting it. The process and timetable for submission will be set out as necessary in the formal direction made by the Secretary of State and in any accompanying non-statutory LAA guidance.

4.15 The Local Authorities (Functions and Responsibilities) Regulations 2000 SI 2000/2853 have been amended to allow local flexibility as to who will have responsibility for preparing and approving the LAA. This means that the full council of the responsible local authority will need to decide whether to discharge functions by itself or delegate them to the executive. This decision will need to be made and the draft LAA properly signed off before it is submitted to the Secretary of State. In areas with both district and county councils, it will be at the discretion of the individual district councils as to whether they choose to formally adopt those targets they are signing up to; otherwise the function will rest with the executive by default.

4.16 In accordance with section 106(1) of the Act, the draft LAA must set out at a minimum:

- the proposed local improvement targets
- which persons will be helping to deliver each target
- the period for which the LAA is to have effect.

- 4.17 For the second of these requirements, it is important that the draft LAA clearly states which of the partner authorities has agreed to help deliver each target, so that it is clear on the face of the draft LAA who will be subject to the duty to have regard (see paragraph 6.2 for more details).
- 4.18 In order to strengthen local accountability responsible local authorities and their partners may also wish to make clear by particular targets who will be the 'lead partner' ie who will take overall responsibility for ensuring progress against the target. When stating which partner authorities have agreed to help deliver each target, partner authorities should be referred to in accordance with their full legal title as set out at paragraph 5.4 eg 'X Primary Care Trust' or 'Local Probation Board Y' rather than 'health' or 'criminal justice services'. In order to ensure that the duty to have regard comes into effect partner authorities should also be referred to individually rather than collectively as members of, for example, the 'health board' or 'environment partnership'. However, distinguishing a 'lead partner' from amongst those partners who have agreed to help deliver each target is not a requirement.

The approval and designation process and the role of the Secretary of State

- 4.19 It is at the discretion of the local partners to agree how many local improvement targets are contained within the draft agreement and it is these targets which will be subject to formal designation by the Secretary of State. When submitting their draft LAA for approval, the responsible authority in consultation with its local partners and the Government Office will have already highlighted those local improvement targets which it anticipates the Secretary of State will want to 'designate'. Once the draft LAA has been submitted to the Secretary of State, they will formally consider the draft to ensure that they are content. Following consideration and clearance through Cabinet Committee, the Secretary of State will then formally approve the draft LAA and designate the appropriate local improvement targets. The maximum number of local improvement targets to be designated in each round will be set out as necessary in non-statutory operational guidance.
- 4.20 In the event that the Secretary of State is not content with an individual draft LAA, they may request a modification of the draft LAA by the responsible local authority and its partners. This scenario is expected to arise very infrequently as the draft LAA will have been subject to the detailed negotiation described above and will be based on the sound evidence base within the Sustainable Community Strategy.

The distinction between designated and non-designated targets

- 4.21 In legal terms, the distinction between designated and non-designated targets are the circumstances under which they may be amended. Targets that have been designated by the Secretary of State, either following the submission and approval of the draft LAA or as part of a revision proposal, may not be altered without the agreement of all partners signed up to the target and the Secretary of State (see paragraph 4.26). By contrast non-designated targets may be amended or dropped without the approval of the Secretary of State – with only the agreement of the relevant partner authorities and after the responsible local authority has consulted those who have agreed to help deliver the target on a voluntary basis. However, in practice, in either case we would also expect any major revisions to the balance of targets within an LAA to be discussed by the LSP board.
- 4.22 As a matter of practice the responsible authority and its partners will be required to report to central government the progress they have made towards achieving targets that have been designated. These designated targets will be tied to indicators contained within the national indicator set.³³ Non-designated targets will not be reported on to central government, but as they will be of key importance locally, progress towards meeting them will be taken into account as part of the Comprehensive Area Assessment.

Equality of status between designated and non-designated targets

- 4.23 Despite the different procedures for amending designated and non-designated targets they are of equal importance to local authorities and their partners and as such carry the same legal weight ie partner authorities and the responsible authority will be required to have regard, in the exercise of their functions, to both designated and non-designated targets which they have signed up to help deliver.

Revising an LAA

- 4.24 Throughout the lifetime of each LAA, local improvement targets may be revised by partners under different procedures depending whether or not the target has been designated. There are also additional procedures for adding further local improvement targets to the agreement.

³³ National Indicators for Local Authorities and Local Authority Partnerships: Handbook of definitions.

- 4.25 Non-designated local improvement targets within the approved LAA may be amended or removed from the LAA by the responsible authority, although not within the first month after approval of the draft LAA. The responsible authority must have the consent of each partner authority to whom the target relates before they may amend or remove a non-designated local improvement target and must also consult any other persons to whom the target relates (see section 110(2) and (4) of the Act). There is no role for the Secretary of State within this procedure. A responsible local authority may add further local improvement targets to the LAA under section 110(6) at any stage of the life of the agreement, with the consent of partner authorities who intend to sign up to the new targets and wish to participate in helping to deliver them and following consultation with each other person to whom it is to relate.
- 4.26 Designated targets within an approved LAA may also be revised either at the initiation of the responsible authority or at the initiation of the Secretary of State. A 'revision' of a designated target may be to change or remove an existing designated target. This is done through a revision proposal (see section 111 of the Act). The revision proposal must outline the changes that are being proposed and whom the revised target is to relate to (ie the persons who have consented to helping to deliver the target). As with the procedure followed during the drafting of the LAA, the responsible local authority must consult each partner authority and any other persons who appear appropriate. The same duty of cooperation, in agreeing changes to or the removal of targets, also applies, as does the requirement on the responsible local authority to have regard to its Sustainable Community Strategy and the requirement on the responsible local authority and partners to have regard to any guidance issued by the Secretary of State. Once the revision proposal has been submitted to the Secretary of State, they may then either:
- approve the revision proposal
 - reject the revision proposal
 - request it to be revised further (although only if he had originally directed the revision)
- 4.27 Any modifications to the LAA, whether they are amended or new local improvement targets, or revised designated targets, trigger the duty to publish information on the LAA, as set out below.

The duty to publish information about a LAA

4.28 Section 113 of the Act places a duty on the responsible local authority to publish a *memorandum relating to the LAA* which must contain the following information:

- the period of time for which the LAA has effect
- a description of each LAA target
- whether each target is designated or not
- which partners have a statutory duty to have regard to those targets (this can only apply to partner authorities and the responsible local authority)
- which partners have agreed to help deliver a target on a voluntary basis (this can not apply to partner authorities or the responsible local authority)

4.29 This *memorandum relating to the LAA* must be published whenever a target is designated, changed, added or removed.

4.30 Local authorities and their partners should view the LAA memorandum as an opportunity to present to local citizens a clear statement of how the partners are going to tackle and measure progress against the identified targets. They should therefore, as a matter of good practice, go beyond the statutory requirements set out above to ensure that:

- the LAA is published in a way that clearly links it to community priorities and the area's Sustainable Community Strategy and other key local plans
- the LAA is publicly available and communicated actively and in an accessible way throughout its life
- that progress in delivering the targets is clearly communicated to citizens

Acting in accordance with these principles will provide a clear way in which the local authority can demonstrate it is acting to discharge the duty to consult, inform and involve (see paragraphs 2.10 to 2.27 for more details).

Section 5

Agreeing the priority outcomes for an area – the role of local partners

Partners and their role in shaping their locality

- 5.1 This chapter is intended for all partners interested in cooperating with local authorities and being involved in shaping their locality, including:
- partner authorities subject to the statutory duty to cooperate
 - other public bodies
 - local businesses and third sector organisations
- 5.2 Working in partnership will bring considerable benefits to partners who have an interest in improving the wellbeing of local communities. Coordinated planning and delivery will lead to better outcomes for communities and greater efficiencies for partners. Partners should therefore seek to use the framework set out in this guidance to:
- cooperate with local authorities and other partners through the LSP
 - influence the shape of the SCS and LAA
 - agree where appropriate to help deliver LAA targets
- 5.3 This chapter deals firstly with the expectations on bodies subject to the duty to cooperate to determine targets and secondly with the opportunities available to bodies that wish to take part on a voluntarily basis. However, this chapter should not be read in isolation, as it encompasses only one element of a process of partnership working explained throughout this guidance.

Statutory ‘partner authorities’ and the duty to cooperate to agree targets

5.4 This section relates to the following list of bodies and persons, which are defined in the Act as partner authorities:

Arts Council	Museums, Libraries and Archives Council
The Broads Authority	National Park Authorities
Chief Officer of Police	Natural England
District authorities	NHS Foundation Trusts
English Heritage	NHS Health Trusts
The Environment Agency	Police authorities
Fire and rescue authorities	Primary Care Trusts
Health and Safety Executive	Local Probation Boards; Probation Trusts and other providers of probation services
The Highways Agency	Regional Development Agencies
Jobcentre Plus	Sport England
Joint Waste Authorities	Transport for London
Joint Waste Disposal Authorities	Youth Offending Teams
The Learning and Skills Council in England	Any other organisations added by an order under section 104(7) of the Act or by primary legislation
Metropolitan Passenger Transport Authorities	

5.5 The Act is clear that these bodies and persons must be involved in helping to determine any target in the draft Local Area Agreement which will relate to it and in doing so must cooperate with the responsible local authority and have regard to this guidance.

What constitutes cooperation?

5.6 The type of involvement that is appropriate is likely to differ depending on the body in question and the characteristics of the locality; therefore the details will need to be agreed between partners at the local level before the negotiation begins. Existing partnership structures may be sufficient or may need to be adapted to meet the requirements of the duty eg the LSP or relevant sub-partnerships could agree to meet more regularly in the run up to submitting their draft LAA. However, it may be that partner authorities are not currently part of these lines of engagement and need to review their existing partnership arrangements. In either case, the following standards are expected of partner authorities:

- cooperation should take place through the LSP framework (this can be through the district LSP where that is appropriate) rather than just between individual partner authorities and their responsible local authority. This is because the majority of LAA targets are expected to be cross-cutting, therefore meaningful cooperation can only occur if all relevant partners are represented during negotiations. This should not prevent partners from conducting a portion of their deliberations through partnership arrangements at other spatial tiers where this might add to the wider negotiation of the full LSP
- staff with sufficient authority should be involved in negotiations. Partner authorities will only be able to cooperate effectively if representatives at negotiations are able to take key decisions and make commitments on behalf of their organisation
- cooperation should be a continuous process of planned engagement rather than a one-off event – partner authorities are expected to continue to be involved or even to lead in determining the implementation arrangements for the LAA and the monitoring of progress against targets
- the duty to cooperate applies to all local improvement targets in the draft LAA, not just for those which are likely to become designated by the Secretary of State

Other partners – consultation and cooperation

- 5.7 This section is for partners who are not named in the Act as statutory partner authorities, but who nevertheless wish to participate in the preparation and delivery of LAA targets.
- 5.8 Under the terms of the Act, each responsible local authority must consult such other persons as appear to it to be appropriate in addition to the list of partner authorities. This is a broad definition intended to cover a wide range of partners, examples of whom are listed at paragraph 4.8. These partners are encouraged to feed into negotiations and where possible, to sign-up to targets which are relevant to them. Where applicable, partners should seek to observe the standards set out in paragraph 5.6; be aware of the arrangements for signing up to targets in 5.12 and what signing up to a target might mean in practice at 6.2.
- 5.9 Where partners wish to participate in the negotiation of LAA targets but have not been invited to do so by the responsible local authority, they should inform the responsible local authority and/or any relevant partner authority at the earliest opportunity that they wish to be involved. It is for the responsible local authority to ensure in so far as possible, that all partners have an opportunity to influence decision-making and delivery and to do so where possible through the LSP framework (see the section on the duty to consult in section 2 and the section on the key principles for the governance of an LSP at paragraph 2.7).

Which targets 'relate' to each partner?

- 5.10 This section is for the consideration of all partners, whether or not they are partner authorities. The Act requires that when the draft LAA is submitted to the Secretary of State, it must specify for each local improvement target, which persons the target 'relates' to. This means that it must be clear who has signed up to help deliver each target.
- 5.11 The Act allows partners to decide for themselves which targets in the draft LAA will relate to them, but in doing so, they should consider all targets to whose attainment they could contribute. In practice this may include targets that are not immediately obvious or part of that partner's core business, but where signing up to that target assists other partners in meeting a key local objective.

How will consultation and cooperation be monitored?

- 5.12 It will be for local partners to agree among themselves what level of consultation and cooperation is appropriate for the agreeing of priorities in the LAA, but in recommending to the Secretary of State that a draft LAA is approved, the Government Office will wish to be in a position to say that within reason, all partners and consultees were given an adequate opportunity to influence the setting of priorities. The Government Office will also wish to be in a position to say that the statutory partner authorities have taken their responsibilities seriously both in negotiating and signing up to targets.

Chapter 6

Delivering priorities for the area

The overarching role of the Local Strategic Partnership (LSP)

6.1 Section 2 explained that it is the role of LSPs and their thematic partnerships to collectively shape and steer the strategic commissioning of local services across their locality, turning the long term vision set out in the Sustainable Community Strategy and Local Area Agreements (LAAs) into reality. An effective approach to delivering this shared vision includes:

- cooperation taking place through the LSP framework as part of a continuous process of planned engagement rather than a one-off event
- establishing a shared understanding of the totality of resources that local partners can bring to bear with a view to increasing the efficient and effective use of those resources
- sharing information and identifying what works and what does not in terms of service provision
- exploiting opportunities for the joint strategic commissioning of services, economies of scale and bringing together different services
- creatively stimulating delivery capacity from all partners (including through market shaping)
- performance management of progress against LAA targets

The practical implications of 'having regard' to local improvement targets in the exercise of functions

6.2 Responsible local authorities and partner authorities are required to 'have regard' to all those targets which then 'relate' to them. This requirement operates for all LAA targets, not just those that have been designated. In order to fulfil this requirement, responsible local authorities and partner authorities are expected to be able to demonstrate how they are effectively planning for the implementation of their contribution to the achievement of those targets to which they have signed up. More specifically we will expect:

- responsible and partner authorities to clearly establish the link/s between all local improvement targets that relate to them in their relevant business planning and performance management processes
- that relevant LAA targets will be clearly but proportionately reflected within each individual partner authority's local regional or sub-regional resource allocation.
- that the staff of responsible and partner authorities are made aware of any pertinent LAA priorities and where appropriate that these are reflected in the setting of senior staff performance management objectives
- partners to work through the LSP board and its thematic partnerships to collectively oversee progress towards delivery against all targets in the LAA based on existing data and information provided by individual partners

There will be roles in monitoring performance against LAA targets for the Government Office, the various inspectorates (through the Comprehensive Area Assessment) and local Overview and Scrutiny Committees. Information on these roles will be available separately on a non-statutory basis as necessary.

Data sharing

Data-sharing will also be an important element to partnership working and is critical for achieving success in initially setting the right targets (ie ones which address the real needs of the area and are realistic but challenging), ensuring they continue to be the right targets and checking progress against their delivery. Initially, responsible authorities and partner authorities should ask themselves:

- does the purpose for sharing information directly relate to the setting, monitoring or achievement of one or more local improvement targets?
- is it explicitly prohibited in other legislation?
- are there explicit limitations and restrictions in other legislation?

If the answer to the first question is 'Yes' and to the next questions 'No', then LAA partners can continue with the proposed action subject to the third question. The Data Protection Act 1998 applies limitations to the use and sharing of personal data but it does not prohibit the sharing and use of personal or anonymised information as a general rule. Local authorities should have regard to this guidance and to other guidance produced by the Government on the sharing and use of information.

Partners who have voluntarily agreed to help deliver a local improvement target

6.3 Not all partners who have agreed to help deliver a LAA target will be subject to the duty to have regard, as they will neither be responsible local authorities or partner authorities (see paragraph 5.8). These partners, who may be from the business or third sectors are nevertheless encouraged to play a full part in delivering targets that are relevant to them and to which they have signed up. In many cases, the means of supporting delivery of individual LAA targets by business and third sector organisations will be achieved through their contractual obligations with partner authorities.

Securing positive outcomes and best value through commissioning

6.4 Local authorities and other best value authorities³⁴ are under a general duty of best value³⁵ to “make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.” The duty of best value remains at the heart of the new performance framework, although the requirements to produce annual Best Value Performance Plans and conduct Best Value reviews have been removed.

6.5 To fulfil the duty of best value, authorities should seek to achieve a balance between potentially, but not necessarily, competing objectives in particular:

- responding to the needs of all sections of the community including those groups with complex or specialist needs
- seeking to address the whole-life costs of decisions, focusing on early intervention and achieving sustainable outcomes
- exploiting economies of scale
- achieving locally-responsive services

6.6 Achieving the right balance will require – as set out in section 2 on the duty to involve – appropriate consultation and involvement (ideally led by elected members) with representatives of local people including potentially the local authority’s own workforce, and – where there is an impact upon LAAs – also require consultation with the relevant partner authorities.

³⁴ A local authority; a National Parks authority; the Broads Authority; police and fires authorities, the London Fire and Emergency Planning Authority; a Waste Disposal Authority, Joint Waste Authority, a metropolitan county passenger transport authority; Transport for London; the London Development Agency. See Section 1 of the Local Government Act 1999.

³⁵ Section 3 of the Local Government Act 1999.

The commissioning role of local authorities

6.7 Local authorities will generally be better able to meet their best value duty by adopting a commissioning role. A commissioning role is one in which the authority seeks to secure the best outcomes for their local communities by making use of all available resources – without regard for whether services are provided in-house, externally or through various forms of partnership. Commissioning involves:

- user and community engagement and needs analysis
- strategically planning for services which deliver sustainable outcomes
- implementing plans, shaping markets, securing services and outcomes
- monitoring the delivery of outcomes, evaluating and challenging services

6.8 If done well this will enable local authorities to:

- seek opportunities for joint commissioning across local statutory bodies and thereby secure a more efficient use of resources
- focus on understanding what communities need, and so to challenge existing service provision
- avoid silos, and be creative in seeking opportunities to achieve cross-cutting objectives through mainstream services

Putting people and places at the heart of commissioning

6.9 Earlier sections of this guidance have set out the ways in which local authorities should seek to involve service users and local communities; such an approach is relevant throughout the commissioning cycle.³⁶ Increasingly, such involvement should deepen to the extent that local users of services and communities become co-producers of the services and outcomes they want to see. There are a range of ways authorities could seek to achieve this co-production, these include:

- actively involving service users and the wider community at each stage of the commissioning cycle – assessing needs, establishing priorities, designing services and reviewing performance
- exploring with communities how services can be varied or targeted so that they are responsive to different interests
- locating commissioning decisions closer to communities for example through parish and town councils

³⁶ Gather and analyse intelligence on need, supply and resources; establish priorities and service options; engage capacity to deliver and secure services; monitor, review, improve/decommission.

- devolving aspects of the commissioning role through for example personal and participatory budgets
- active participation in the day-to-day delivery of services

Authorities should also involve front-line staff in the commissioning of services, making use of their commitment and expertise

A mixed economy of service delivery

6.10 Local authorities should recognise and embrace diversity in the way services are provided, with the focus on desired outcomes and not on whether the service is delivered by the public, private or the third sectors. The range of delivery mechanisms include:

- joint working with other statutory bodies
- partnerships or grants with the local business and third sector
- co-production with service users and communities of interest and place
- developing and shaping local markets
- contracting with providers in the public, private and third sectors
- securing services through service level agreements with an in-house provider

6.11 While local authorities have discretion over how individual services are to be provided, best value is more likely to be achieved where there is a positive approach to achieving a mixed economy, rather than where any one supplier dominates the provision of services in an area. Developing choices requires a sound knowledge of the available sources of supply and the capabilities of service providers. Local authorities have a key role to play in shaping the local public service markets through dialogue and procurement to stimulate providers to develop innovative solutions.

Fair and open competition

6.12 Local authorities should represent the interests of citizens, service users, and their communities by:

- ensuring decisions about using public money are based upon an objective assessment and accurate information
- taking steps necessary to avoid conflicts of interest for example, when determining the way in which to award a contract when their own organisation is in competition for the right to run a service through a public procurement

- adopting practices that are fair and open ie neutral between different types of providers and transparent on pricing (including in cases where they are operating in direct competition in a local market)
- ensuring that any procurement decision, including retaining services in-house, is undertaken and justified in an open and transparent way regardless of whether a full European Union (EU) Procurement exercise is involved

6.13 Local authorities need to understand and manage the cost effectiveness of each part of their delivery chain where public resources have been invested, whatever the formal arrangements for the management of that service might be, so as to ensure best value. Local authorities, for their own services (including those externally provided) should:

- regularly and rigorously assess and review the competitiveness of those services against similar services provided by other statutory bodies, local authorities or other service providers
- where these services are found to be under-performing in comparison with others they should reevaluate the need and priorities for that service
- where service improvement is unlikely to be forthcoming within a reasonable period of time or unlikely to match what could be provided by alternative providers, local authorities should seek new supply arrangements through, wherever practicable, fair and open competition

6.14 Championing the needs of their communities requires local authorities to be clear about their role as both commissioner of services in the interest of the community and as a provider of some of those services. Whatever the organisational arrangements put in place there should be in all cases clear mechanisms for commissioners to hold in-house provider functions to account for delivery.

Incentivising providers and sustainable funding

6.15 In taking a long term sustainable perspective on best value, local authorities will need to consider appropriate measures to support and incentivise service providers, including in-house teams and partners. Such measures are likely to include linking payments to performance outcomes – especially the achievement of user satisfaction. Where possible, local authorities should look to provide longer-term stability of funding and contracting to enable more efficient planning by service providers, regardless of their sector.

6.16 Local authorities should be sensitive towards the capacity of both small and medium enterprises and their counterparts in the third sector, and work to establish a range of practical measures which will maximise their capacity to deliver community outcomes. Grants, alongside contracts, have a crucial role and should be used where they are more appropriate, particularly when building the capacity of partners, piloting new approaches to services and outcomes and in investing specific projects led by other partners. While there is a role for short-term grants for example in promoting new community-based organisations the starting point, subject to overall affordability and purpose, should be three years (or more). Though in all cases, the particular conditions attached to payments, incentives or to length of contract or grants should be determined according to the duty to achieve best value.

Delivering the right outcomes over time

6.17 To achieve the right outcomes for people and places, there needs to be timely monitoring, review and measurement of progress against targets. As stated in section 2, LSPs collectively will need to review progress against the priorities agreed – to assess whether the activities undertaken by their members have resulted in the desired outcomes and where this is not the case, steer the appropriate changes to plans and interventions. The views of local communities themselves will of course be central to assessing if desired outcomes have been delivered and/or whether or not there needs to be a change in focus.

Annex 1

Sustainable Communities Act 2007 Statutory Guidance

Guidance for proposals by local authorities

The context

1. The Sustainable Communities Act 2007³⁷ ('the Act') introduces a new procedure for local authorities to make proposals to the Secretary of State that they believe would contribute to promoting the sustainability of their local communities. In the Act, references to promoting the sustainability of their local communities are references to encouraging the economic, social or environmental well-being of the authority's area or part of its area, including participation in civic and political activity. Panels of representatives ('panels') are an important part of this procedure. Local authorities must establish or recognise a panel and consult it before making any proposals.
2. The procedure for making proposals under the Act needs to be seen in the wider context of the fundamentally changed relationship between central government and local authorities and their partners introduced in the Local Government White Paper 2006³⁸, the Local Government and Public Involvement in Health Act 2007³⁹, the Central Local Concordat⁴⁰ agreed in December 2007 and the main body of this guidance.
3. This guidance is published as an annex to *Creating Strong, Safe and Prosperous Communities* Statutory Guidance as both sets of guidance relate to the new relationship between central government and local government and its partners and both have the overarching aim of encouraging more sustainable communities. However, this annex is specific to the Sustainable Communities Act 2007. Further information on the Sustainable Communities Act can be found in *The Sustainable Communities Act: A Guide*⁴¹.

³⁷ http://www.opsi.gov.uk/acts/acts2007/ukpga_20070023_en_1

³⁸ <http://www.communities.gov.uk/publications/localgovernment/strongprosperous>

³⁹ http://www.opsi.gov.uk/acts/acts2007/ukpga_20070028_en_1

⁴⁰ <http://www.communities.gov.uk/publications/localgovernment/centrallocalconcordat>

⁴¹ <http://www.communities.gov.uk/publications/localgovernment/sustainablecommunitiesact>

4. This document contains guidance about certain aspects of the procedure for local authorities to make proposals to the Secretary of State. In particular, in accordance with section 5(5)(a) of the Act guidance is given about the inclusion of persons from under-represented groups in panels.
5. Local authorities will also want to consult parish councils in their area.
6. The first invitation to make proposals must be made by 23 October 2008. Further information on the process to be followed will be published alongside the invitation.
7. The regulations⁴² to accompany this Act include further details of the procedure to be followed by local authorities.

Inclusion of persons from under-represented groups

8. The intention behind section 5(5)(a) of the Act is to ensure that representatives of persons from under-represented groups are included on panels. This guidance describes the reasonable steps that local authorities should take to do so.
9. Following the principle that local authorities are best placed to know which groups are under-represented in their area and how best to engage them, this guidance does not prescribe which groups should be included, how panels should be constituted or how many panels a local authority may choose to establish or recognise.
10. In order to ensure that they have taken reasonable steps to identify and include representatives from under-represented groups local authorities should, if they are establishing a new panel:
 - identify communities of interest in their area and ensure that people who are broadly representative of these groups are invited to join the panel
 - work with council colleagues, third sector representative groups and other agencies providing services to individuals and groups to take a view on which communities of interest may be underrepresented in civic and political activity, in particular those who are hardest to reach, and invite people who are representative of these communities to join the panel

⁴² Subject to Parliamentary approval

- take a view, once the panel is established, as to whether under-represented groups are sufficiently represented. Local authorities may establish their own criteria to determine whether or not this is the case. For example, subject to sufficient willing representatives being available, they may notionally allocate a certain number of places on the panel to people who represent the interests of under-represented groups. Alternatively, provided there are willing representatives they may identify particular under-represented groups that they believe ought to be represented in their own right on the panel
11. Local authorities may choose to recognise an existing panel or panels rather than establish a new panel. If they do so, then they will need to take the same steps as described above to ensure that they have taken reasonable steps to identify and include representatives from under-represented groups.
 12. Local authorities may also choose to establish or to recognise more than one panel. Again, if they do so, then they will need to take the same steps as described above to ensure that they have taken reasonable steps to identify and include representatives from under-represented groups.

Definitions

13. “**Local person**”⁴³ refers to those likely to be affected by, or interested in, a particular proposal. It should be noted that the term “local persons” is not simply a reference to local residents. It also covers those who work or study in the area (including those who work for the authority); visitors; service users; local third sector groups; businesses; bodies such as parish councils; and anyone else likely to be affected by, or interested in, the proposal.
14. “**Panel**”⁴⁴ means a panel constituted in accordance with the regulations required under section 5(1). The Act requires local authorities before making any proposal to establish or recognise a panel of *representatives of local persons* and consult it about the proposal.
15. While the Act requires local authorities to establish or recognise a panel, it does not prescribe the number of panels, the make-up of panels or the way in which local authorities must consult their panels. This is because circumstances vary between each area and local authorities are best placed to determine how to engage local people.

⁴³ Subject to Parliamentary approval

⁴⁴ Subject to Parliamentary approval

16. In many cases local authorities will already have established panels which meet the requirements of the Act. Most local authorities already consult panels of local people to help identify and shape their priorities. In addition, the new “duty to involve”, in section 138 of the Local Government and Public Involvement in Health Act 2007 requires authorities to take those steps they consider appropriate to involve *representatives of local persons* in the exercise of any of their functions, where they consider it appropriate to do so.
17. There are a range of existing requirements on authorities to engage with users or citizens, including the new “duty to involve”. The requirement to consult panels does not replace these existing requirements. Instead, it needs to be considered alongside them, ie authorities need to determine how best to ensure that they engage local people in a consistent, coherent and effective way. This may well mean, for example, that when a local authority consults local people on the development of its Sustainable Community Strategy it may also consult about proposals to be made under the Act.
18. For the purposes of this Act, “**representatives of local persons**”⁴⁵ means, a balanced selection of the individuals, groups or organisations the authority considers likely to be affected by, or have an interest in the proposal. In this context, the term “representative” does not refer to formally elected or nominated members of the community. Councillors, and other elected members of the community, have a key role as advocates representing the concerns and wishes of the community. The consideration of proposals under the SCA seeks to build on this by increasing the range of opportunities available for local persons to have their say and get involved directly.
19. “**Under-represented groups**”⁴⁶ means, in relation to a local authority, those groups of local persons who in the opinion of the local authority are under-represented in civic and political activity in the authority’s area. This definition recognises that people may be under-represented because they are part of a group within society which is under-represented in civic and political activity or because their personal circumstances. Ensuring that local authorities seek the views of such people is one way to remedy their under-representation.
20. We recognise that many authorities are well aware of the need to engage a diverse range of groups within the community. This will vary in each area, and it is for local authorities to determine which people are under-represented in their area. It is particularly important that in establishing or recognising panels, local authorities include representatives from those parts of the community which are hardest to reach.

⁴⁵ Subject to Parliamentary approval

⁴⁶ Subject to Parliamentary approval

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