

networkfareham Board
Tuesday 4 March 4.00pm – 6.00pm

Item 3 – Draft statutory guidance – *Creating Strong, Safe and Prosperous Communities*

INTRODUCTION

The draft document, *Creating Strong, Safe and Prosperous Communities* provides guidance to local authorities and their partners on creating strong safe and prosperous communities, specifically relating to new legislation introduced in the Local Government and Public Involvement in Health Act 2007. The guidance covers Local Strategic Partnerships, Sustainable Community Strategies, the new duty to involve, Local Area Agreements, the revised best value regime and commissioning.

The draft document can be downloaded from <http://www.communities.gov.uk/publications/localgovernment/statutoryguidance>.

CREATING STRONG, SAFE AND PROSPEROUS COMMUNITIES

1. 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 stronger sustainability and building stronger societies in which people want to live and work. This means: -
 - Councils will need 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 area, using 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
 - Wider and stronger local accountability through elected local government

2. A new performance framework has been developed to cement this approach: -
 - The starting point for delivering better outcomes is for local partners, in the LSP, to create a shared vision and shared sense of priorities for a place. This vision will be set out in a Sustainable Community Strategy and 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.

- New LAAs form the heart of the new local performance framework. They help deliver the ambitions set out in the SCS.
- 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.

GOVERNANCE AND ENGAGEMENT

3. Shaping places requires strong local leadership.

- LSPs provide the forum for collectively reviewing and steering public resources, through identifying priorities in the SCS and LAA. 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 the LSP must be formalised through the local authority or through one of the LSP partners.
- LSPs are not statutory bodies – they are a collection of organisations coming together voluntarily to work in partnership.

4. The roles of the local authority with its LSP partners are summarised below: -

- Leadership and governance through identifying and articulating the needs and aspirations of local communities and reconciling or arbitrating between competing interests.
- Oversight of and aim to coordinate community consultation and engagement activities of individual partners and where appropriate combine them.
- Produce a SCS based on data and evidence from the local area to establish a shared vision and priorities for action.
- Produce a unitary/county-wide LAA based on the priorities in the SCS.
- Oversight of the planning and alignment of resources in the locality.
- Review and performance manage progress against the priorities agreed in the LAA.

5. Local councils are expected to play a leadership role in the LSP, initiating and maintaining momentum, ensuring 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. The council and elected members should also fulfil the following roles: -

- Leadership – executive members 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.
- Driving agreement of a shared set of priorities – the duty to prepare a SCS and LAA rests with the local authority but they must seek to achieve collective consensus through the LSP on the content of the LAA.
- Neighbourhood or community representation – all councillors have a role in advocating the needs of their communities.
- Scrutiny – overview and scrutiny committees of councils will be given

new powers relating specifically to scrutiny of the list of partner authorities for LAA purposes (with the exception of the police).

6. Each LSP should therefore follow these key principles: -
- It is for the LSP collectively to develop clear and transparent lines of accountability and responsibility between partners.
 - The LSP structure should be driven by local circumstances but should include some form of executive board underpinned by thematic partnerships.
 - The chair of the board, whilst appointed by the LSP, will need to be formally recognised by the local authority's executive.
 - It is essential that representatives from the third sector and private business sector be represented as part of the formal membership of the LSP and relevant thematic partnerships.
 - Representatives should reflect all of the community including the diverse range of minority community interests. It should also be clear how they would be able to influence the decisions and actions of the LSP.
 - The LSP will need to draw on environmental, social and economic expertise through its membership and its thematic partnership in order to agree a robust SCS.
 - Individual partners authorities are responsible for agreeing targets in the LAA and for having regard to those targets when exercising their functions.
 - While county and district LSPs need to respect each other's autonomy they are expected to work together in leading partner activity on developing the SCS, spatial plans and a countywide LAA.
7. Thematic partnerships in an area should underpin and support the board of the LSP by: -
- Providing the LSP with sufficient information to make decisions.
 - Being directly involved in the decision making process.
 - Coordinating the delivery of the relevant priorities agreed by the wider LSP.

There should be clear lines of responsibility between 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.

8. A new duty to involve, due to come into force on 1 April 2009, seeks to ensure people have greater opportunities to have their say. The duty requires authorities to involve local people in the exercise of any of their functions by: -
- Providing information about the exercise of that function;
 - Consulting about the exercise of the function; and/or
 - Involving in another way.

Authorities should aim to involve local people as much as possible and 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.

9. Authorities should be able to demonstrate that they: -
- Understand the interests of the local community.
 - Use this understanding to ensure information, consultation and involvement opportunities are provided on the right issues.
 - Have a corporate approach to providing information
 - Local people will feel that the authority provides relevant and accessible engagement opportunities and will know how to get involved.

ESTABLISHING A VISION FOR THE AREA

10. The SCS should set the overall strategic direction and long-term vision for the economic, social and environmental wellbeing 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. It should include:

- A long-term vision based firmly on local needs – underpinned by a shared evidence base informed by community aspirations.
- Key priorities for the local area, based upon the vision.

Sustainability should be at the heart of decisions taken on the content of the strategy.

11. The SCS should relate to other plans: -
- The LAA should be the delivery agreement for the SCS.
 - The Core Strategy of the LDF should be aligned as far as possible with the SCS, including the sharing of baseline information evidence gathering activities, assessment and reporting.
 - Local authorities should incorporate Housing and Homelessness Strategies within the SCS where possible
 - Local areas should have regard to existing regional plans when revising their SCS.
12. The requirement to produce a SCS applies to both district and county councils – this could be a joint SCS or separate ones. At a minimum there should be a countywide SCS.
13. The SCS should be reviewed and refreshed over time although this can be done in stages. At a minimum there should be an annual review of the evidence and priorities in the SCS to ensure that those priorities still accurately reflect the needs of the locality.
14. There is a new requirement for Pacts and responsible local authorities to produce a Joint Strategic Needs Assessment (JSNA) of the health and social care needs of their local community. In two-tier areas, upper tier local authorities will need to consult with district councils. 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.

AGREEING PRIORITIES FOR AN AREA

15. The LAA sets out the deal between central government and local authorities and their partners to improve services and the quality of life in a place. The LAA is also the shorter-term delivery mechanism for the LSP's SCS.
16. In two-tier areas there needs to be close cooperation between counties and districts in assessing local priorities.
17. LSPs should agree the key milestones, timescales and governance structures, asking what needs to be decided, when, by whom/what level, how and what support is needed. LSPs need to agree the process and timetable well in advance of negotiations so that all partners feel they have sufficient opportunity to influence the negotiations.
18. As the body responsible for the LAA, the upper tier local authority must seek to achieve collective consensus via its LSP to the content of the LAA for the area.
19. The 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.

AGREEING THE PRIORITY OUTCOMES FOR AN AREA – THE ROLE OF LOCAL PARTNERS

20. Working in partnership will bring considerable benefits to partners who have an interest in improving the wellbeing of local communities. Partners should therefore 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.
21. There is a statutory duty to cooperate to agree targets in the LAA for the following organisations:
 - Arts Council
 - The Broads Authority
 - Chief Officer of Police
 - District authorities
 - English Heritage
 - The Environment Agency
 - Fire and rescue authorities
 - Health and Safety Executive
 - The Highways Agency
 - Jobcentre Plus
 - Joint Waste Authorities
 - Joint Waste Disposal Authorities
 - The Learning and Skills
 - National Park Authorities
 - Natural England
 - NHS Foundation Trusts
 - NHS Health Trusts
 - Police authorities
 - Primary Care Trusts
 - Probation Trusts and other providers of probation services
 - Regional Development Agencies
 - Sport England
 - Transport for London
 - Youth Offending Teams
 - Any other organisations added by an order under section 104(7) of the Act

- Council in England
 - Local Probation Boards
 - Metropolitan Passenger Transport Authorities
 - Museums, Libraries and Archives Council
22. These bodies and persons must be involved in helping to determine any target in the LAA which will relate to it and in doing so must cooperate with the responsible local authority.
23. The duty to cooperate applies to all local improvement targets in the LAA.
24. Non-statutory partners are encouraged to sign up to targets which are relevant to them and cooperate with partners to help deliver against those targets.

DELIVERING PRIORITIES

25. It is the role of the LSP and its thematic partnerships to collectively shape and steer the strategic commissioning of local services across their locality, turning the long-term vision of the SCS and LAA into reality. To do this effectively LSPs will need to: -
- Cooperate through the LSP framework as part of a continuous process
 - Establish a shared understanding of the totality of resources that local partners can bring to bear
 - Share information
 - Identify what works and what does not in terms of service provision
 - Exploit opportunities for economies of scale and service-sharing
 - Creatively stimulate delivery capacity from all partners.
26. Responsible local authorities and partner authorities are required to have regard to all those targets they have signed up to in the LAA. Staff of responsible and partner authorities should be made aware of any pertinent LAA priorities and where appropriate, these should be reflected in the setting of senior staff performance management objectives.
27. To fulfil the duty of best value, authorities should seek to achieve a balance between competing pressures. Such pressures include in particular: -
- Responding to the needs of all sections of the community;
 - Seeking to address the whole-life costs of decisions, focusing on early intervention and achieving sustainable outcomes;
 - Exploiting economies of scale; and
 - Achieving locally-responsive services.
28. Local authorities will be able to meet their best value duty by adopting a commissioning role. 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.

29. Local authorities should be sensitive towards the capacity of both small and medium enterprises and their counterparts in the third sector. For grant-funding the starting point should be three years or more.

CONCLUSION

30. The LSP needs to consider what actions, if any, it needs to take in response to the directions within the document.