

Empowerment White Paper “Communities in Control” – LGA On-the-Day Briefing

9 July 2008

SUMMARY

LGA Key Messages

- **The LGA supports the intentions of the Empowerment White Paper, which are to give people more say over their lives and in doing so give more power to local people and communities. We are glad that the White Paper recognises the vital role councils have at the heart of local democracy.**
- Increasing active participation in civic society is one of the core roles of councils, and many councils have already initiated bold and imaginative initiatives to encourage people to get involved in shaping their local communities. The White Paper clearly demonstrates that many councils are on the right track, and recognises the vital role that councils and councillors play as community leaders. **It is encouraging that so many of the White Paper's ideas come directly from the best practice already being demonstrated by councils.**
- **It is important to recognise that representative democracy, through elected councillors, brings legitimacy and accountability to key decisions, and as such should remain the lynchpin at the centre of local democracy.** Many councils have shown that participatory democracy can effectively complement representative democracy, allowing for greater diversity of opinion and bringing richness to debate.
- It will be important to look at the detail of all provisions as we move towards the creation of a Bill. The LGA will seek to ensure that legislation is only introduced where necessary, that any such legislation is not unduly prescriptive, and that any additional responsibilities placed upon councils are fully funded.

White Paper Key Proposals

- **The “duty to promote democracy”.** The document recognises councils’ positions as the “hub” of local democracy. The duty will draw on the best examples from councils and will encourage a range of actions which could include better information for residents, engaging young people, and giving practical support to councillors.

LGA View

That the duty to promote democracy recognises and reinforces councils’ community leadership role is welcome. We will be looking to ensure that the duty will not be overly prescriptive and will be based on council best practice.

- **Petition Power will be strengthened.** There will be a new duty for councils to respond to petitions and any petition signed by 5% of residents will be required to be debated in a full council meeting. Councils will also act as “community advocates” in responding to petitions that deal with issues outside of their direct control eg: GP surgery opening hours.

briefing

LGA View

Most councils already answer all petitions and we will be ensuring that CLG are aware of current best practice. It is important that the CLG exhibits a lightness of touch on the duty to respond and we do not wish to see any increased and unwieldy administration, bureaucracy or costs. We support the White Paper's recognition of councils being at the heart of local democracy and taking on increased responsibilities as the advocate for residents on local issues across the board. We will be looking to ensure that councils are given the appropriate powers to act on behalf of their residents when taking action on such petitions, as well as ensuring that any extra burdens are funded.

- **Powers of overview and scrutiny are to be updated and made more visible to the public.** Local senior public officers (ie: not just council officers) may be required to face public scrutiny as the result of residents' petitions – this is to be consulted upon. Chief Executives and Chairs will face a regular public hearing with the intention that such public officers will become more visible locally.

LGA View

Proposals to develop and update scrutiny procedures are on the whole welcome but we do not wish to see councils mired down in unnecessary and prescriptive bureaucratic procedures. There must be safeguards put in place to ensure that officers are not called to account vexatiously and are appropriately protected. Also, we must ensure that the notion of officials being held to account applies across all public services, both local and national.

briefing

CHAPTER SUMMARIES

Chapter 1: The Case for Empowerment and the Duty to Promote Democracy

- The new duty to promote democracy will involve a list of possible methods of promotion drawn from council best practice and at this stage it does not appear that it will be prescriptive.
- This will include the duty to promote understanding of and participation in lay governance roles such as school governance.
- The Duty to Involve will also be extended to bodies including the Arts Council, JobCentre Plus and the Regional Development Agencies.
- Councils will be encouraged to promote and increase voting turnout through campaigning and recognition schemes (eg: "I've Voted" badges).
- An "Empowering the Frontline Taskforce" will run until 2010 and will work on ensuring that frontline council staff are able to respond to a more empowered public.

LGA view

We do not believe that the duty to promote democracy should be prescriptive and councils should be able to formulate their own policies on how best to make good on their duty with the help of CLG guidance. We will be waiting on the publication of this guidance to ensure that this will be the case. The extension of the duty to involve to bodies such as the Arts Council will encourage joint working to engage local people and is a positive step. The local government workforce has already demonstrated its ability to adapt quickly and effectively, continuing to be the best performing arm of the public sector, and this continuing best practice must be recognised and disseminated to frontline workforces as necessary.

Chapter 2: Volunteering

- A Communitybuilders fund (previously Community Anchors) of £70million will be created. The Government will be looking for a national partner to distribute these funds.
- A match-funded Grassroots Grant announced for volunteering projects which have volunteer time as their main resource. These will be funded from a £80 million allocation from 2008-2011.
- Support for programmes developing leadership skills for local community leaders including through a new Empowerment Fund (of at least £7.5million) (subject to separate consultation).

LGA view

We will be arguing strongly for local government involvement in the decision-making processes that determine how and where these resources are spent. We do not want to see funding decisions bypassing local authorities in these cases.

Chapter 3: Access to Information

- Information needs to be available to the public at local and neighbourhood level.
- CLG will be working with the LGA to identify best practice in information dissemination.
- Neighbourhood Policing Teams will be held to account for achieving neighbourhood objectives through a new "Policing Pledge". The details of this will be set out in the forthcoming Policing Green Paper.

LGA view

We will be working with the CLG to demonstrate councils' best practice in creating innovative new ways to access information, such as the *Redbridge* project. The holding to account of Neighbourhood Policing Teams needs to be linked into Local Strategic Partnerships to ensure joined-up approach to localism.

Chapter 4: Having an Influence

- There will be a new duty for councils to respond to petitions.
- 5% of residents signing a petition will require a debate in full council.
- Councils will be required to respond to petitions on subjects outside of their direct sphere of influence eg: GP surgery opening hours.
- Residents will be able to appeal to the Secretary of State if their application to create a Parish Council is denied by a council.
- Improvements to the Community Payback scheme are being considered, and CLG will be working with the Ministry Of Justice, LGA and ACPO to determine the best way of ensuring there is greater local influence on justice issues.

LGA view

Most councils already answer all petitions and we will be ensuring CLG are aware of current best practice. It is important that the CLG exhibits a lightness of touch on the duty to respond and we do not wish to see any increased and unwieldy administration, bureaucracy or costs. We support the White Paper's recognition of councils being at the heart of local democracy and taking on increased responsibilities as the advocate for residents on issues that are not under their control. However, we would councils to be given the appropriate powers to act on behalf of their residents in these cases. The right of appeal to the Secretary of State for the creation of a Parish Council is a step back from previous legislation and could give the opportunity for small groups with no local support to side-step local democracy. The proposal to embark on projects that improve the responsiveness of the Community Payback scheme to the needs of the community is a positive step.

Chapter 5: Challenge

- Public sector officers to become more publicly visible.
- Chairs and Chief Executives to face a regular public hearing.
- The power of scrutiny overview and committees will be enhanced to allow them to require information from partners on a broader range of issues.
- The requirement for detailed scrutiny resource in county and unitary councils.
- A new right to require by petition that senior officers in local public services should attend a public hearing– this will go to consultation.
- A consultation will be opened into on-line petitioning for establishing an elected mayor, and also to look at lowering the percentage of residents required to trigger a referendum on having an elected mayor from 5% to 2, 3 or 4%. The amount of time allowed between referenda in the event of an unsuccessful bid for an elected mayor will fall from 10 years to 4 years.
- Elected mayors will be expected to chair LSPs and be the community crime and policing representative.
- More details on crime and local accountability are expected in the Policing Green Paper which is due to be released next week.

LGA view

The examples of “new approaches” to challenge in the White Paper are all already used by some councils and are excellent examples of best practice. We will be waiting on the guidance relating to the new powers of overview and scrutiny committees. We will also be looking to determine why CLG have drawn attention to scrutiny resources only in county and unitary councils. The arrangements to hold public office holders to account are vague at this stage we will be looking to determine to whom these will apply. There must be safeguards put in place to ensure that officers are not called to attend public meetings vexatiously and are appropriately protected. The changes to the means by which a local area can introduce a directly elected mayor are not substantial but will make it easier for residents to lobby for an elected mayor should they so wish. We are opposed to the creation of any parallel democratic structures to hold the police to account as this will undermine councils’ vital partnerships with the police.

Chapter 6: Redress

- The CLG are conducting a concise review on issues of redress which will be published at the beginning of 2009 and will consider if and when financial compensation for residents might be relevant.

LGA view

We are waiting for the details on the review but want to ensure that councils will not be burdened with vexatious claims from residents and that any new initiatives are appropriately funded.

Chapter 7: Standing for Office

- The Government has published its response to the Councillors Commission Report which reinforces the central role of councillors in local democracy and importance of encouraging people to stand for office.
- The Government will relax the “Widdicombe rules”, which prevent officers from standing for political office, for all except the most senior officers.
- Discretionary ward budgeting will be further encouraged.
- Councils will be given the power to modernise their business practices to include remote attendance and voting, balanced with measures to preserve accountability and transparency.

LGA view

We are pleased by the government’s recognition of the central role of councillors to our democracy and would like to see more people from more diverse backgrounds standing as councillors. Many authorities already operate ward budgets already and we are pleased that the White Paper does not advocate enforcing a statutory duty on councils to distribute these. We will be looking to ensure that changes to council business practices are not prescribed by central government but are initiated by councils as necessary.

Chapter 8 – Asset Management

- A new Asset Transfers Unit will be set up to disseminate best practice and offer advice on the transfer of assets to community groups and the third sector.
- The CLG will be working with the LGA and the Audit Commission to determine how this should be managed and to identify methods of best practice currently operated by councils.
- A new Social Enterprise Unit will be set up to deliver CLG objectives in this field.

LGA view

We are supportive of the idea of an Asset Transfer Unit and the work that it will do. In our response to the Quirk review “Making Assets Work” we advised that publicly-owned assets beyond those owned by the local authority also need to be considered for asset transfer. We will be raising this with CLG during the consultation process.

For further information on anything contained in this briefing, and on the LGA’s work on Empowerment White Paper, please contact Greg Taylor greg.taylor@lga.gov.uk / 0207 664 3034.