

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

3 September 2008

Report of the Chief Executive

Part 1- Public

Executive Non Key Decisions

1 EMPOWERMENT WHITE PAPER – COMMUNITIES IN CONTROL

To draw Members' attention to a recently published Government White Paper dealing with enhanced community engagement and citizen participation in local democracy.

1.1 Introduction

- 1.1.1 Government has recently published a White Paper entitled 'Communities in Control: Real People, Real Power'. This sets out the Government's intention to introduce future legislation to help encourage more active participation in local democracy which, it claims, 'will shift power, influence and responsibility away from existing centres of power into the hands of communities and individual citizens.' Government sees the concept of so-called 'participatory democracy' as a strengthening of the more traditional 'representative democracy' ie elected councils and councillors. It therefore suggests that power should continue to be devolved from the centre to local government, reinforcing the Government's commitment to localism, but at the same time, placing emphasis and new duties on local councils to do more to achieve devolution of decision making to local people and so increase the number of 'active citizens' within their respective areas.
- 1.1.2 Previous research on active citizenship by agencies such as the Community Development Foundation suggests that, within any given community, less than 20% of residents play an active part in any form of local decision making – influencing decisions of their local council, acting as a school governor, undertaking active volunteering etc. Government believes that this proportion needs to be increased. In particular, disengagement in political processes evidenced by low election turnouts, particularly in more deprived communities, suggests that, for many, the resulting sense of powerlessness and alienation is a social malaise which needs to be addressed. Government research suggests that there is an untapped pool of potentially active citizens nationally that could be empowered given the right engagement opportunities are made available to them. For example, a recent national survey suggested that 73% of people felt that they

should be able to influence how council tax is spent and half of these said they wanted to be personally involved in this.

- 1.1.3 Whether this perspective is matched by reality at the local level is somewhat debateable. Whilst citizens may well feel that more people need to be involved generally, the stresses and strains of family life, work-time and leisure tends to discourage active participation where this requires citizens to donate some of their increasingly scarce time to such involvement opportunities. Only time will tell if the sorts of proposals contained in the White Paper will provide the right sort of access to decision making and civic engagement that is sufficient to encourage the additional participation that the Government is striving to achieve.
- 1.1.4 An LGA Briefing Paper on the White Paper is attached as Annex A to this report. For those Members wishing to read more details about the White Paper, copies of the summary and full documents can be accessed at <http://www.communities.gov.uk/publications/communities/communitiesincontrol>.
- 1.1.5 I can also supply copies of the printed documents to Members on request.

1.2 Detailed Proposals

- 1.2.1 The White Paper contains a range of proposals, of which the most significant are as follows:

(a) A New Duty to Promote Democracy

- 1.2.2 This will 'encourage' councils to follow best practice in promoting opportunities for engagement and democratic involvement. Council will be empowered to present themselves as 'democratic centres' which might include greater support for local councillors, promoting active participation amongst young people, working to build the local voluntary sector and providing more information to local people about involvement opportunities. As the LGA suggests in their briefing paper, whilst the recognition of local councils' influence in promoting greater involvement via their community leadership roles is to be welcomed, the fact that this is to be made a 'duty' rather than a 'power' may indicate unwelcome prescription about what an individual council should do to exercise that duty. In addition, any new local initiative is unlikely to be achieved without added cost implications. The LGA therefore indicates that any additional responsibilities that are placed on councils to fulfil this duty should be fully funded from central sources.

(b) Promoting More Volunteering and Community Development

- 1.2.3 The White Paper suggests that an expansion of the Third Sector along with targeted work to address community regeneration needs and investment in community organisations will be a significant element in promoting active citizenship. This objective is undeniable; the Borough Council is already actively engaged in this work and its targeted partnership work in Snodland, East Malling and Trench, for example, is already encouraging more residents to get involved in

matters affecting their immediate local neighbourhoods. The PACT processes and the Council's street monitor scheme are also expanding the number of residents becoming active in the community. The key issue is funding. The White Paper suggests a number of new funding streams that might be made available to assist with such work. However, on a national scale, the proposed funds will be sparse and will not spread to each and every community in need. In addition, for example, in relation to funding to promote volunteering, too often do such funds get rooted via voluntary sector 'infrastructure' bodies at the expense of those local community groups actively involved in delivering direct services to those in need.

(c) Access to Information

1.2.4 The implication of the White Paper is that citizens currently lack the necessary information about services and facilities in their area and, as a result, do not get as actively involved as they should. Providing clearer, more comprehensive information via different media including online information and the promotion of community media is seen as having a positive effect on citizens' wider involvement with their community. The Borough Council has already taken active steps to promote better access via the Customer Contact Strategy and the Corporate Communications Strategy and is constantly seeking to develop new channels of information to reach a wider audience. For example, the Community Safety Partnership now operates a Perception of Crime sub group specifically to promote positive messages about low crime levels in the Borough. As further, more detailed proposals emerge from the White Paper and ensuing legislation, the Borough Council will need to keep its approaches to customer and community contact under review and build any emerging best practice into our current operations.

(d) Petition Power

1.2.5 Despite widespread views submitted to Government on an earlier consultation on Petitions (reported to Cabinet on 5/2/08) which indicated that councils currently deal with petitions adequately and that there was no need for any national standardisation, the White Paper indicates Government will be introducing a new duty on councils to respond to all petitions, including those related to local authority functions and to other public services where that council shares responsibility. Any petition signed by 5% of residents needs to be referred to a Full Council meeting. Councils will also be expected to deal with petitions dealing with other public services such as health issues although the precise system to achieve this has yet to be worked out in detail. There needs to be clear powers in place, however, for a local council to be able to hold another public service body to public account in this way. Without these, it is unlikely that the process would be in any way meaningful and local residents may well end up feeling less engaged and more dissatisfied with their councils if they have raised an issue with them about another public body only for this process to result in an inadequate and potentially non-influential response.

(e) Overview and Scrutiny

- 1.2.6 The White Paper suggests that the scrutiny function of councils should be made more 'visible'. Councils will be 'encouraged' to involve the public more in the scrutiny process by, for example, moving meetings into community settings and to require public officers to be open to public scrutiny and questioning from local communities.
- 1.2.7 A new right for people to petition to hold officers to account is being considered. This would require senior officers of a public body to attend a public hearing chaired by the council leader where they would be required to explain activities and decisions and hear people's concerns and questions. Safeguards will be put in place to ensure the process is not abused.
- 1.2.8 Government is to make changes to the scrutiny function to provide enhanced powers for councils to obtain information from partner organisations, promoting 'area' committees and requiring dedicated scrutiny resources in county and unitary authorities.
- 1.2.9 The LGA suggests that these proposals could result in councils becoming involved in additional bureaucratic procedures and that safeguards will be needed to deter vexatious complaints. It also suggests that the notion of holding public officials to account should apply equally to all public services, both national and local.

1.3 Next Steps

- 1.3.1 As a White Paper, this is intended to set out early government thinking on citizen participation. It is not a consultation and it does not contain any firm proposals at this stage. Legislation and/or further statutory and non-statutory guidance will be required to take forward many of the ideas it contains. The proposed Community Empowerment, Housing and Economic Regeneration (CEHER) Bill, as announced in the Government's draft legislative programme in May of this year, is likely to contain many of the new duties mentioned above. We will therefore need to monitor carefully the progress of this Bill and respond to any further consultations which might arise from the White Paper over the coming six to twelve months. These will be reported to the Cabinet as appropriate.

1.4 Legal Implications

- 1.4.1 None at the current time, any arising will be dealt with via new legislation and guidance on individual proposals emerging from the White Paper.

1.5 Financial and Value for Money Considerations

- 1.5.1 The cost implications of any new initiative or duty will need to be assessed on a case by case basis. It is to be hoped that there will be sufficient flexibility built into

any future legislation to enable individual councils to tailor their responses and approaches to take full account of local value for money considerations.

1.6 Risk Assessment

1.6.1 Not relevant at the White Paper stage.

1.7 Recommendations

1.7.1 That the report **BE NOTED** and that the Chief Executive **BE REQUESTED** to submit further reports to the Cabinet as more specific proposals come forward.

Background papers:

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Nil

David Hughes
Chief Executive