

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

3 September 2008

Report of the Chief Executive

Part 1- Public

Executive Non Key Decisions

1 CREATING STRONG, SAFE AND PROSPEROUS COMMUNITIES – STATUTORY GUIDANCE

To provide Members with a summary of Government's recently published statutory guidance which deals with citizen engagement, community leadership and the delivery of high quality services.

1.1 Introduction

1.1.1 Government has recently published Statutory Guidance on Creating Strong, Safe and Prosperous Communities. The Guidance addresses issues of governance and engagement, including the role of the Local Strategic Partnership and the leadership role of local authorities. It contains new guidance on the preparation and role of Sustainable Community Strategies and covers issues relating to Local Area Agreements. Much of this guidance is already being incorporated into the work of the Borough Council.

1.1.2 The Guidance also deals with the new Duty to Involve, which comes into force on 1 April 2009 and how communities are to be engaged and empowered in shaping the future of their area.

1.2 Local Strategic Partnerships

1.2.1 Local Strategic Partnerships (LSPs) are non-statutory bodies and while they have an important role in matching local resources to local priorities, they are not the ultimate decision makers on such plans. The Borough Council is expected to undertake a leadership and governing role, to provide coordination between partners on consultation and has the duty to produce a Sustainable Community Strategy.

1.2.2 There is a clear role for Members in leading the LSP through the negotiation and definition of priorities and in overseeing delivery. Councillors may also have an important leadership role in thematic partnerships. All Councillors have a role in advocating the needs of their communities.

- 1.2.3 The Statutory Guidance also sets out key principles for an LSP. These include developing clear and transparent lines of accountability with embedded democratic accountability. The LSP should have a structure which reflects local circumstances and have some form of executive board. The Chair of the board needs to be formally recognised by the Borough's executive. Local third sector and private businesses are an essential part of the membership of the LSP and representatives need to be able to take account of all of the community, including minority interests.
- 1.2.4 A Local Strategic Partnership for Tonbridge and Malling is in the process of being set up and is anticipated to commence meeting in the autumn of this year. The above guidance will be used to inform its governance arrangements and work programme. Attached as Annex 1 to this report is a draft list of LSP participants. It is anticipated that further invitations will be made to ensure all relevant sectors are represented in accordance with the statutory guidance.

1.3 Duty to Involve

- 1.3.1 The new Duty to Involve comes into force on 1 April 2009 and will seek 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 the Borough Council will be expected to consider, as a matter of course, the possibilities for the provision of information to, consultation with and involvement of 'representatives of local persons' across all authority functions.
- 1.3.2 The new duty will need to be considered in addition to current statutory requirements to inform, consult with or promote the participation of users or citizens (for example, the preparation of the LDF).
- 1.3.3 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. This could be through providing information, consulting or involving in another way.
- 1.3.4 The term 'local persons' is not a reference to local residents. It also covers those who work or study in the area; 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. 'Representatives of local persons' refers to 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. The term representative does not refer to formally elected or nominated members of the community.
- 1.3.5 The Borough Council currently has an effective Residents' Panel and a good practice guide on consulting with hard to reach groups. Services also have networks of organisations which are routinely included in consultations on specific functions or services. In addition, the Borough Council has developed a Customer Contact Strategy and Corporate Communications Strategy which promote better

access to council services. In order to meet the requirements of the new duty, it may be necessary to develop a framework of involvement where appropriate for specific functions or significant one-off decisions. The guidance contains additional detail to help determine what information, consultation and/or involvement might be appropriate.

1.4 Sustainable Community Strategies

- 1.4.1 The Sustainable Community Strategy (SCS) sets the overall strategic direction and long-term vision for the economic, social and environmental wellbeing of a local area. It contains a long-term vision based on local needs and key priorities for the local area.
- 1.4.2 The Borough Council has a statutory duty to prepare a SCS through the Local Government Act 2000. Our current strategy expires in 2009 and preparations for the next SCS are underway. A report on the development of the new strategy was presented to the Community Development Advisory Board in July 2008. Consultation for the document includes the Residents' Panel, local organisations from the voluntary, community and statutory sectors along with more tailored work with harder to reach groups.
- 1.4.3 The Tonbridge & Malling Local Strategic Partnership will have a role in overseeing the preparation of the strategy and agreeing its key priorities, although these will be determined, as previously, through consultation with local people and organisations. The approach being taken with regard to preparing the SCS is very much in line with the Statutory Guidance.
- 1.4.4 The Guidance also sets out how the SCS should relate to other plans. There should be clear links to the LDF Core Strategy and the county level Local Area Agreements. In recognition of the importance of housing to a local area, local authorities are also expected to incorporate revised housing strategies with their SCS where possible. Arrangements are already in place for the housing strategy for the borough to be incorporated into the next SCS as reported to the Community Development Advisory Board in July 2008. Parish Plans may also be used to inform the development of the SCS, along with other statutory plans and policies, including the Community Safety Plan and Children and Young People's Plans.

1.5 Legal Implications

- 1.5.1 The new Duty to Involve comes into force on 1 April 2009. It will be important that services are aware of this new Duty and take due consideration in their functions.

1.6 Financial and Value for Money Considerations

- 1.6.1 Consultation and involvement can be time consuming and costly. The Statutory Guidance makes it clear that the benefit of the involvement of local persons should not outweigh the cost of that involvement. There are also provisions for

the linkage of consultation processes with other services within the Borough Council, and with partner agencies providing better value for money.

1.7 Risk Assessment

1.7.1 None.

1.8 Recommendation

1.8.1 That the Statutory Guidance **BE TAKEN INTO ACCOUNT** in establishing the Tonbridge & Malling Local Strategic Partnership and in the preparation of the revised Sustainable Community Strategy for the Borough.

Background papers:

contact: Emma Leatherbarrow

Nil

David Hughes
Chief Executive