

TONBRIDGE & MALLING BOROUGH COUNCIL

MANAGEMENT LIAISON PANEL

21 February 2008

Report of the Chief Executive

Part 1- Public

Matters for Recommendation to Cabinet - Council Decision

1 LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT, 2007

Summary

1.1 A report to outline the contents of the Act and to propose a provisional action plan relating to it for Tonbridge & Malling Borough Council.

Background

1.1.1 The Panel may recall that at about this time last year I presented a report on the, then, recently published White Paper, Strong and Prosperous Communities. Much of the content of the White Paper has now been translated into The Local Government and Public Involvement in Health Act 2007, which received Royal Assent on 30 October 2007.

1.1.2 The Act gives effect to the Government's proposals for reform of the local government system in England and for reform of the current arrangements for patient and public involvement in the provision of health and social care services.

1.1.3 The annex attached to this report provides an outline of the contents of the Act and gives an early view of some actions that are appropriate locally. As soon as further guidance is issued it should become possible to flesh out the plan with more tangible actions, thus enabling progress against the Council's key priority to "Identify the opportunities and benefits for Tonbridge & Malling flowing from the Local Government and Public Involvement in Health Act (2007)".

1.2 Overview

1.2.1 As is frequently the case these days much of the act confers new powers to the Secretary of State which may, or may not, be exercised in due course. Until and unless those powers are used, there is nothing that TMBC can or should do other than prepare against the contingency of implementation. In addition, some parts of the Act specifically confer additional powers to the Secretary of State to be able to create or apply additional guidance if she wishes, and with which local authorities must comply. Indeed, additional Regulations and/or Guidance (statutory or otherwise) may be produced for every part of the Act. To date, no overall

implementation schedule has been made available detailing the publication timetable for these documents.

1.2.2 Similarly, the precise interpretation and application of the Act is not made clear throughout the Act itself; this will follow through supporting Statutory or Operational Guidance. To date, one draft piece of Statutory Guidance has been issued for consultation, relating to LAA's and to Best Value (parts 5(1) and 7 of the Act respectively). In addition, one piece of Operational Guidance has been issued, relating to the development of the new LAA framework.

1.2.3 A brief overview of the Act is provided below

Until April 2008

- New proposals for Unitary authorities (until late January 2008)
- Local Authority Agreements (LAAs) have a statutory basis with a formal framework for co-operation with local partners

From April 2008

- New performance framework starts (198 indicators) and former BVPIs are rescinded
- Revised LAAs negotiated
- Audit Commission takes on role as services inspectorate
- New powers take effect:
 - Enhanced powers for Overview and Scrutiny Committees
 - New byelaws can be introduced and enforced with fixed penalty notice
 - New code of conduct regime
 - Councillor call for action
 - Ability to create joint waste authorities

Autumn/Winter 2008

- Second consultation on Comprehensive Area Assessment (CAA) methodology
- Places Survey to run for the first time (pending consultation)
- First LAA annual review

From April 2009

- New duty to involve representatives of local people comes into force

Later...

- Implementation of new leadership models and electoral arrangements (timing depends on local electoral timetables)
- First CAA results published (Autumn 2009)
- Second LAA annual review (Winter 2009)

1.3 Legal Implications

- 1.3.1 The Act provides a framework to confer new powers and duties upon local authorities.

1.4 Financial and Value for Money Considerations

- 1.4.1 Parts of the Act serve to emphasize the expectations held by the government of increased efficiency and value for money in the local government sector.

1.5 Risk Assessment

- 1.5.1 The Authority will be at risk of intervention and loss of reputation if it does not comply with the Act's requirements.

1.6 Recommendation

- 1.6.1 I recommend that the Management Liaison Panel endorses the outline action plan incorporated into the Annex for approval by the Cabinet

Background papers:

Nil

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