

OVERVIEW AND SCRUTINY COMMISSION

Agenda Item 22
Brighton & Hove City Council

Subject:	Development of a Community Engagement Framework by the 2020 Community Partnership		
Date of Meeting:	15 July 2008		
Report of:	Director of Strategy & Governance & Acting Director for Cultural Services		
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Wards Affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 There are several national drivers for the 2020 Community Partnership to develop a community engagement framework for the city including but not exclusively the new duty to involve (details available in appendix 1) which will come into effect in April 2009 as a result of the Local Government and Public Involvement in Health Act 2007, the white paper on Community Empowerment, Housing and Economic Regeneration due to be published in June/July 2008 and national government's Community Empowerment Action Plan published in October 2007.
- 1.2 There is also a strong local push for this piece of work from the membership of the Local Strategic Partnership and the Administration of the Council following, but again not exclusively driven by, a piece of research undertaken by the City Council and the Community and Voluntary Sector Forum for the 2020 Community Partnership into current engagement practices in the city in Autumn 2007.
- 1.3 The Framework will set out the strategic vision and guiding principles for community engagement within Brighton and Hove and the priority actions to improve engagement activity in the City. The Framework will be the key reference for community engagement by the Local Strategic Partnership (LSP) and all its members.

1.4 There are a number of reasons why the Framework is being developed these include, although this is not an exhaustive list, the following:

- ❖ To improve the ways in which citizens and communities can influence and shape services which will help create better quality services that better meet their needs
- ❖ To recognise the value of providing support to enable citizens and communities to increase their skills and knowledge and take control over the issues that affect their lives.
- ❖ To demonstrate that community engagement is not just a buzz word in Brighton & Hove and that there is collective ownership and recognition of its importance.

2. RECOMMENDATIONS:

- (1) Note progress to date on developing the framework
- (2) Provide initial comments on the framework at the meeting
- (3) Provide a response to the consultation document
- (4) Consider how Overview and Scrutiny fits as an engagement activity within the Framework
- (5) Agree to receive feedback on the consultation and the final version of the framework at a future meeting

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1 Since the LSP discussed the research into community engagement at its meeting in December 2007:

1. The LSP has approved the development of a framework (February 2008)
2. A sub-group of the LSP has been formed and met twice. The group has agreed its terms of reference, guided the development process for the community engagement framework and informed the content of the consultation document (information about the group is available on the 2020 Community partnership website – www.2020community.org) and the development programme.

4. CONSULTATION

- 4.1 A consultation document has been produced using evidence from the community engagement review 2007, the work of the LSP sub-group, feedback from one-to-one and group meetings with a range of stakeholders and previous consultation event findings. The consultation document, is being circulated/presented to wide range of groups, forums, partnerships and organisations, and is available on the 2020 Community Partnership website. There is a full development programme for the framework which has been drawn up the LSP sub-group and which will be built upon as the development process progresses. There is an all members session scheduled for July 10th.
- 4.2 Comment on the consultation document is open until 5th September. All responses will be carefully considered and as wide a range of views will be taken on board as possible. The LSP working group will recommend the final version of the framework to the 2020 Community Partnership for approval and adoption. A report on the development process will be produced to accompany the framework in order that people can see how the consultation shaped the framework.
- 4.3 The aim is to have the framework adopted by the 2020 Community Partnership in December 2008 in order to influence budget setting for 2009/10. The framework will be made available from the LSP secretariat as a hard copy and as a download on the 2020 Community Partnership website.

5. FINANCIAL & OTHER IMPLICATIONS:

5.1 Financial Implications:

There are no specific costs at present to Brighton & Hove City Council for this development work other than staff time and associated supplies and services costs within the Chief Executives Policy Team.

At this stage it is anticipated that future costs to the Council of adopting the Framework will remain within existing budgets. However, any future actions to be agreed as part of the implementation of the Framework are likely to have resource implications. These could potentially be managed from within existing Council budgets, although it is anticipated that any actions requiring additional resources would be jointly funded across some of the partners of the 2020 Community Partnership. A more detailed comment on resource implications will be possible on the final version of the Framework.

5.2 Legal Implications:

The key provisions of section 138 of the Local Government and Public Involvement in Health Act 2007 ('Involvement of Local Representatives') are mentioned in the body of the report.

Section 138 involves a two-stage approach. Initially, it is for best value authorities to consider whether it is appropriate to involve representatives of local persons. If they consider that involvement is appropriate, they **must** then proceed to do so. This does not make it unlawful for an authority to decide **not** to involve local representatives in certain cases. The key point is they must at least consider whether involvement is appropriate or not.

The Government publication 'Creating Strong, Safe and Prosperous Communities Statutory Guidance: Draft for Consultation', issued in November 2007, indicates that section 138 will come into force on 1 April 2009. The document advises that "Although the guidance is published in draft form, it will still be useful for authorities in planning their approach to the new provisions. However, authorities should be aware that the guidance may change as a result of the consultation". The consultation period ended February 2008.

Members should therefore note that both the content of the Statutory Guidance and the date when section 138 comes into force may change.

5.3 Equalities Implications:

A rapid impact checklist has been carried on the development of the framework and the arising actions have been incorporated into the development process. An equality impact assessment will be carried out on the final version of the Framework.

5.4 Sustainability Implications:

The development of the framework has a direct link to the achievement of the of the four priorities in the UK's Sustainability Plan – sustainable communities using engagement and partnership to reduce poverty and environmental degradation.

5.5 Crime & Disorder Implications:

The development of the framework is being guided by a sub-group of the 2020 Community Partnership on which the Police, the Crime Disorder Reduction Partnership and the Partnership Community Safety Team are represented. The framework will reflect the engagement priorities of these three areas.

5.6 Risk and Opportunity Management Implications:

The framework provides an excellent opportunity to establish a clear understanding of community engagement across the LSP partners and agree a set of standards for engagement that drives up the practice of all partners. It will help ensure a co-ordinated approach to community

engagement that helps make better use of resources and avoids duplication. The risks are ensuring that both statutory agencies and communities have the capacity and skills to meet the objectives and standards of the framework, and that expectations are managed with regard to the changes the framework will bring about in the first year (2009/10). It is likely that the framework will focus on achieving a few key actions only in the first year.

5.7 Corporate / Citywide Implications:

The framework has implications city-wide as it has been commissioned and will be adopted by the 2020 Community Partnership and therefore apply to all the members of the Partnership. Consequentially it will have implications for all Directorates within the Council.

SUPPORTING DOCUMENTATION

Appendices:

Information on the Duty To Involve

Attachments:

Consultation document for the community engagement framework

Appendix 1

The Duty to Involve

The new duty to involve is due to come into force on 1 April 2009 and is set out in Part 7 section 138 of the Local Government and Public Involvement in Health Act 2007. The duty applies to all best value authorities in England except police authorities. The duty does not replace existing requirements on authorities to engage with users or citizens, for example, in planning. The duty needs to be considered in addition to them. The new duty to involve seeks 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 authorities will need to consider, as a matter of course, the provision of information, consultation and involvement opportunities they provide across all authority functions.

The Creating Strong, Safe and Prosperous Communities Statutory Guidance: Draft for Consultation states that the authority must take those steps it considers appropriate to involve representatives of local persons in the exercise of its functions. The act specifies consideration must be given to providing information about the exercise of a function, consultation about the exercise of a function and involving in another way.

Representatives of local persons in the context of this duty refers to those likely to be affected by, or interested in, a particular authority function. This is not a reference to local residents only, it includes people who work or study in the area (including council staff); 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. The phrase also refers to a mix of "local persons" for example a selection of individuals, groups or organizations. In addition, the "representative" does not refer to formally elected or nominated members of the community, such as councillors.

The draft guidance states that in considering how to fulfil the statutory duty authorities should aim to involve representatives of local people as much as possible. This should relate to routine functions as well as significant one off decisions. It should consider how the provision of information supports representatives of local persons to have their say and get involved. Authorities should offer representatives of local persons appropriate opportunities to have their say about the decisions and services that affect them through consultation and they should consider where it is appropriate to provide representatives of local persons with opportunities to have their say and get involved in activities over and above being informed and consulted. This

includes opportunities to: influence decisions, provide feedback on decisions, services and policies, co-design/work with the authority in designing policies and services, co-produce/carry out some aspects of services for themselves and work with the authority in assessing services.

