

ANGUS COUNCIL

POLICY & RESOURCES COMMITTEE

TUESDAY, 10 DECEMBER 2002

LOCAL GOVERNMENT BILL - DRAFT GUIDANCE WITH REGARD TO:-

- i) BEST VALUE**
- ii) COMMUNITY PLANNING**
- iii) THE POWER OF WELLBEING**

Report by the Chief Executive

ABSTRACT

This report seeks the Policy & Resources Committee's approval for an Angus Council response to draft guidance prepared by the Scottish Executive with regard to the three elements of the Local Government Bill, namely, Best Value, Community Planning and The Power of Wellbeing.

1. RECOMMENDATIONS

It is recommended that the Policy & Resources Committee agree to endorse the comments prepared by officers with regard to the draft guidance notes emerging from the Local Government Bill with regard to:-

- i) Best Value**
- ii) Community Planning**
- iii) The Power of Well Being**

2. BACKGROUND

Elected Members are aware that the Local Government Bill is currently passing through the Scottish Parliament. The Scottish Executive, in anticipation of the Bill becoming law early in 2003 have prepared a series of draft guidance notes with regard to the three sections of the Local Government Bill, and sought comments from local authorities by the 8 December 2002.

Elected Members are advised that the draft Angus Council response prepared by officers, and as set out in Appendix 1 to this report, has already been forwarded to the Scottish Executive with a covering note indicating that it is draft, and may be subject to amendment following this meeting of the Policy & Resources Committee.

One issue which officers would draw Elected Members attention to specifically, is that, as the Local Government Bill is progressing through its parliamentary stages, significant amendments are emerging which may mean changes to the Bill. It is therefore often very difficult to provide coherent and rational comments on draft guidance, particularly where elements of the guidance may no longer be applicable.

Angus Council's suggested response to the draft guidance is attached as Appendix 1, but the following points are specifically brought to Elected Members attention:

a) Best Value

The guidance note simply restates the contents of the Local Government Bill. Local government has worked hard over a number of years on the issues of Best Value and its application, and it is disappointing that the duty will not now apply across the public sector. The Best Value Task Force has previously provided advice to local government in terms of their requirements to deliver Best Value, but recognised best practice needs to be clearly identified in this statutory guidance to help local authorities to respond effectively to the new audit of Best Value arrangements.

b) Community Planning

It is noted that the duty on community planning is to be extended to Ministers, and Angus Council welcomes this. It is our view this will enable joined-up thinking at a national level, which, we hope will result in more clarity around the national priorities for strategy and planning activities. This should also assist with streamlining the plethora of initiatives coming through different streams of the Scottish Executive.

c) General Comments

- i) In general, the draft guidance is discursive rather than providing clear direction for the public sector with regard to the contents of the Local Government Bill.
- ii) The Scottish Executive should provide two documents, one, which provides the information, with the other providing clear guidance on implementation of the Act.
- iii) It is noted that there will be further consultation before the guidance is finalised. Angus Council would urge the Scottish Executive and the Scottish Parliament to involve local authority practitioners in the further development of this guidance.

3. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

4. HUMAN RIGHTS IMPLICATIONS

There are no Human Rights implications arising from this report.

5. CONSULTATION

The Director of Law & Administration and the Director of Finance have been consulted during the preparation of this report.

A B Watson

Chief Executive

Note: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information), were relied on to any material extent in preparing this paper.