

Local government in Scotland act 2003

*Consultations on draft guidance
for community planning, best
value and the power to advance
well-being*

WWF Scotland Consultation Response

Executive Summary

The Local Government in Scotland Act was passed in January 2003. The Act includes:

- Duty to Secure Best Value
- Statutory Basis for Community Planning
- Power to Advance Well-Being

The detail for these three provisions will be determined by Scottish Executive guidance, which is the subject of consultation.

WWF welcomes the general thrust of the Local Government in Scotland Act 2003 and believes it has huge potential to deliver a more equitable and regionally sensitive approach to sustainable development. Our consultation response focuses on how the guidance could be improved to optimise the local authority contribution to sustainable development through these new provisions.

Why WWF?

WWF Scotland is committed to achieving a sustainable future and believes the provisions under the Local Government Scotland Act 2003 offer new opportunities for local authorities to play their part. We are working with local authorities to explore how the ecological footprint concept can help local authorities secure Best Value and measure its contribution to sustainable development.

Key points

- The Act contains exciting new provisions, which have the potential to transform the role of local authorities beyond service delivery to genuine community leaders concerned with the current and future well-being of their local areas.
- We welcome the Scottish Executive and UK Sustainable Development initiative to develop specific guidance on Best Value and sustainable development. To be effective, it must be supported by consistent messages in the statutory guidance and audit framework. We also believe the exercise should extend to Community Planning and the Power to Advance Well-Being.
- The guidance should include definitions for ‘well-being’ and ‘contribution to sustainable development’ otherwise it simply perpetuates confusion over the term sustainable development.
- Examples of how sustainable development is applied as a cross-cutting theme should appear throughout the guidance (eg integrated provision, resource efficiency, promoting sustainable housing, renewable energy schemes and genuinely improving quality of life – not just increasing provision).
- The audit framework for Best Value and Community Planning must explicitly incorporate measures for progress on sustainable development.
- Ecological Footprint should be included in the guidance as 1) an excellent measure of a local authority’s contribution to sustainable development and 2) a means to assess relative

priorities to determine the local authority's best contribution to sustainable development in the Community Plan.

- The emphasis on community participation is welcome and requires support for capacity building and training for both communities and agencies to maximise the benefits.
- It is critical for SEERAD to be directly involved in the Community Planning process.

A definition for sustainable development:

The Scottish Executive uses the Brundtland definition in *Meeting the Needs*:

‘development that meets the needs of the present without compromising the ability of future generations to meet their own needs.’

In more everyday language, we could say it's about not stealing from our children.

A definition for contribution to sustainable development:

A contribution helps achieve a national sustainable development strategy. In the absence of one, a contribution is a policy or practice which helps achieve targets set in *Meeting the Needs...Priorities, Actions and Targets for Sustainable Development in Scotland*.

What is Ecological Footprint?

Ecological Footprint is a robust, easy to communicate concept, which can help local authorities to deliver on Community Planning. It answers the simple question: how much nature do we have, compared with what we use? This helps us to judge how sustainable our lives are and what changes we might make to improve our quality of life, now and in the future? It pulls together data on waste, food, energy, water use and transport into one indicator to show how sustainable (or not) our lives are.

For further information:

Elizabeth Leighton
WWF Scotland

WWF resources for Local Authorities on sustainable development
www.wwf.org.uk/communities

Scottish Executive Consultations for the Local Government in Scotland Act
www.scotland.gov.uk/consultations/localgov

Introduction

WWF is committed to achieving a sustainable future and believes the provisions under the Local Government in Scotland Act 2003 offer unprecedented opportunities for local authorities to make a difference. The following summary of the provisions for sustainable development contained in the Act, demonstrate the need for local authorities to integrate sustainable development into local authority business.

THE LOCAL GOVERNMENT SCOTLAND ACT 2003 AND SUSTAINABLE DEVELOPMENT

Best Value Duty

“The local authority shall discharge its duties under this section in a way which contributes to the achievement of sustainable development.”

Community Planning

“The Community Planning process at all stages – planning, delivery or reporting – should be informed and supported by the Best Value framework.”

Power to Advance Well-Being

“There are obvious links between sustainable development and well-being.”

The consultation response looks in detail at all three pieces of guidance.

The Duty of Best Value

The duty of Best Value is described as:

“To make arrangements to secure continuous improvement in performance (while maintaining an appropriate balance between quality and cost); and in making those arrangements and securing that balance, to have regard to economy, efficiency, effectiveness, the equal opportunities requirements and to contribute to the achievement of sustainable development.”

The Guidance goes on to say that sustainable development is a cross-cutting theme which should “**inform and influence every aspect of Best Value work** – from planning to delivery and review. A local authority which fully embraces these concepts will manifest them in its political management structure, its corporate planning and derived service plans, its consultation with some stakeholders, its communications with staff and others, its codes of governance, its allocation of resources, audits review practices.”

Finally, the guidance states, “A local authority which secures Best Value will be able to demonstrate contribution to the achievement of sustainable development – consideration of the social, economic and environmental impacts of activities and decisions.”

Do consultees find this draft guidance to be a useful document in providing clarity on what is expected of them under the Duty of Best Value?

The draft guidance is a useful document, which clearly states how a local authority can demonstrate it is securing Best Value. However, the guidance mainly does this in the traditional areas for audit – eg economy, efficiency and effectiveness and is less good on the newer, more qualitative requirements such as sustainable development.

We commend the Scottish Executive's initiative to explore the potential for **additional guidance on Best Value and sustainable development**. The guidance should note additional advice is forthcoming. However, the additional guidance will only be relevant if it is linked to consistent messages about the importance of sustainable development in the more general guidance.

Characteristics of Best Value Arrangements: Chapter Six

The guidance should give a **clear definition of sustainable development**. This should be drawn from the Scottish Executive's own statements. In *Meeting the Needs.... Priorities, Actions and Targets for Sustainable Development in Scotland*, it says, "Fundamentally, sustainable development for the Scottish Executive is described by the Brundtland definition: 'development that meets the needs of the present without compromising the ability of future generations to meet their own needs'."

To give meaning to what a **contribution to sustainable development** might be, the guidance should refer to the Scottish Executive principle for sustainable development contained in *Meeting the Needs*:

- Have regard for others who do not have access to the same level of resources and the wealth generated
- Minimise the impact of our actions on future generations by radically reducing our use of resources and by minimising environmental impacts
- Live within the capacity of the planet to sustain our activities and to replenish resources, which we use.

Put simply, a contribution helps achieve a national sustainable development strategy. In the absence of one, a contribution is a policy or practice which helps achieve the targets set in *Meeting the Needs...Priorities, Actions and Targets for Sustainable Development in Scotland* and can be measured against the sustainable development indicators.

These definitions, clearly linked to government policy, are essential if we expect local authorities and auditors to take sustainable development seriously. An interesting report, *Promoting Sustainable Development Through Best Value* (1991) offers some useful lessons from England. It concludes that sustainable development is not properly integrated in best value because, among other reasons, **the apparent message in national guidance is that government's view of sustainable development comes a poor second to economy, efficiency and effectiveness**. Furthermore, while guidance set out that Best Value should have regard to sustainable development, it was treated as a 'quality' aspect of performance and no minimum standards as to what this means ever emerged. Few authorities developed and applied good

sustainable development appraisal tools as part of the review methodology (UK Sustainable Development Commission paper to Workshop on Well-Being Power, April 2003).

Thus, the dominance of a traditional view of Best Value (economy, efficiency and effectiveness) has often resulted in the sidelining or curtailing of sustainable development training and awareness instead of recognising that sustainable development is integral to Community Planning.

Scotland is in a good position to avoid these mistakes by getting the guidance and audit procedures right from the start:

- Clear definition of sustainable development
- Clear understanding of what is meant by contribution and why it is important
- Definite measure of performance on sustainable development.

Just as Best Value has comprehensive application across all of the activities of an authority, does the draft guidance clearly explain the application of the cross-cutting themes of joint working (which embraces Community Planning), equalities and sustainable development.

The draft guidance does not adequately address how sustainable development would be applied as a cross-cutting theme; for example, under ‘Sound Governance and Management of Resources’ Section C. While it is correct to emphasise financial stewardship, it is also vital to stress the stewardship of natural resources. Asset management and procurement strategies are obvious places where a local authority could make a significant contribution to sustainable development. Here are some suggestions for how sustainable development can be represented in this section:

- Support as many different needs as possible with the same resources (integrated provision)
- Meet needs with the minimum of resource use or environmental damage (resource efficiency)
- Genuinely improve quality of life rather than just increase provision

STATUTORY BASIS FOR COMMUNITY PLANNING

The two main aims of Community Planning are:

- Making sure people and communities are genuinely engaged in the decisions made on public services which affect them; allied to
- A commitment from organisations to work together, not apart, in providing better public services.

This guidance should act as a national framework to all those participating in the Community Planning process. In the consultation, comments are requested in particular on:

The requirements of the duties as set out in Section 1

- The balance between setting a framework that is clear in terms of what is being required and being overly prescriptive to the detriment of local circumstances
- Areas where further clarity of explanation is required

Section 1: Guidance on the Statutory Basis for Community Planning

4. Duty on Scottish Ministers

“The duty under 16(8) requires that Scottish Ministers shall, when discharging any function of theirs, promote and encourage Community Planning”

It is critical for SEERAD to be actively involved in the Community Planning process. Given that Community Planning is being increasingly relied upon to be the over-arching local co-ordinating mechanism for a range of initiatives and programmes such as regeneration, rural development, it is only appropriate that the planning and implementation of the Rural Development Plans is further regionalised to the Community planning level.

“Agriculture remains a cornerstone of the rural economy, its social fabric and its environment. The Executive provides almost £500 million of support to the industry each year.”(*Rural Scotland: a new approach* May 2000).

SEERAD’s role in supporting agriculture is a public service, supported by public money, because it is core to the well-being of rural areas. The Act does not identify SEERAD as a core partner but, equally, it does not lessen the burden on them to get involved in rural areas. We strongly urge SEERAD to participate in all rural Community Partnerships and devolve the planning and implementation of Rural Development Plans to a local level.

5.1 Engaging Community Bodies – What the Duty Entails

‘The effective and genuine engagement of communities is at the heart of Community Planning’

WWF applauds the duty to engage community bodies. People need to be involved in decision-making not only because they have the right to but also because it results in better decisions. The Draft Guidance provides some good basic pointers and case studies on participation. To add to this material, WWF has three suggestions:

- Learn from the experience of Forest Enterprise, which has made a significant shift towards community involvement since the 1980s. An excellent report funded by WWF on the FE experience draws many conclusions relevant to the new Community Partnerships (conclusions attached)
- Ensure a balance of interests is involved and consulted
- Training and capacity building in participation should be provided alongside this guidance

6. Engaging Other Public bodies – What the Duty Entails

We welcome the identification of bodies with an environmental or rural remit as appropriate to be included in the Community Planning process. Indeed, we are encouraged that several rural Community Partnerships have chosen to include some of these bodies.

Given the importance of the environment to the well-being of rural areas, we would argue that SNH and Forestry Commission should be given the same status as ‘core partners’ in rural areas.

11. Reporting on Community Planning

“Audit Scotland will work with Community Planning partners to develop a menu of key indicators from which partnership can select, to support effective performance management and benchmarking. It is not the intention to create a new set of statutory indicators of performance for Community Planning.”

However, there are plans to establish Best Value audit from November 2003 and a Community Planning audit in due course. It is not clear from the guidance on what basis Community Planning will be audited and how local authorities are expected to report on performance. Will there be consultation on any new audit plans?

Menu of key indicators and Ecological Footprint:

WWF believes work on ecological footprint should be included in the ‘menu of key indicators’ as it can demonstrate that the local authority is making a contribution to sustainable development, in terms of environmental impact. Ecological Footprint answers the most basic question: how much nature have we got compared with how much we use? It pulls together data on waste, food, energy, water use and transport into one indicator to show how sustainable (or not) our lives are. It emphasises the undeniable truth that there is only one planet and so much available resource to be shared equitably by developed and developing nations.

The Welsh Assembly has adopted it as one of its headline sustainable development indicators. York Council is committed to year on year reductions in footprint. The Audit Commission is considering adding it to the *Quality of Life Counts* set of indicators for sustainable development for the UK.

IN SUMMARY, FOOTPRINT IS:

- an accessible metaphor for sustainable development in awareness raising terms
- a way of aggregating a number of factors into an easily grasped measure
- a framework for measuring, comparing, assessing relative priorities, setting targets
- a basis for discussion of ‘what if’ scenarios
- a powerful policy-setting tool, placing environment in proper position in debate
- a way of linking global to national to local to individual actions
- a device for engaging all relevant interests in meeting the sustainable development challenge

Ecological Footprint will provide the necessary benchmark and performance management tool to assess a local authority’s contribution to sustainable development in terms of the environment. It will need to be seen alongside other indicators of social and economic development.

Statutory Indicators:

Given the changes in local government roles and responsibilities, we believe it is appropriate for the Accounts Commission to review the statutory indicators of performance. This could be

done as part of the development of the performance management framework for Community Planning and in consultation with stakeholders.

Sustainable Development and Performance Management:

The audit process offers an exciting opportunity for sustainable development performance to be systematically assessed and improved. We recognise that the Best Value Duty will require a different approach to auditing of local authorities. Sustainable development is a new requirement, which will require new skills and knowledge on the part of auditors and local authorities. Additional guidance and training on Best Value and Sustainable Development is being considered and will prove invaluable for both councils and auditors alike.

Although the approach to audit will be different from the Comprehensive Performance Assessment (CPA) in England and Wales, lessons can be learned about how audits can help to mainstream sustainable development, from the Community Plan to front-line services. A recent report for WWF on CPA concluded that the majority of Assessments failed to consider sustainable development. By ignoring sustainable development, it reinforced the notion that it is something that the council doesn't need to bother about. What a difference a positive focus on sustainable development could make in Scotland.

Section 2: Advice Note 1: National Framework / National Priorities:

This Advice Note would be improved by giving guidance on the relative significance and linkages amongst the national priorities when set in community planning context.

It is clear how a community plan could fit into the national frameworks provided by the Executive's economic and social 'strategies', the *Framework for Economic Development in Scotland and Social Justice: a Scotland Where Everyone Matters*. However, the lack of a national environmental strategy and, more still, the lack of an overarching sustainable development strategy for Scotland means that there is neither an environmental context nor a holistic sustainable development framework within which community planning can function.

For example, the cross-cutting theme of sustainable development is 'not an optional extra.' However, there is not guidance as to how sustainable development should be incorporated in the Community Plan. As it represents well-being in terms of all three economic, social and environmental strands, one would think it would deserve a degree of prominence within the Plan and the partnership.

With regard to sustainable development, it would be useful to list the Community Planning partners that have a statutory remit relating to sustainable development.

Some of these questions could be answered through the additional guidance and capacity building on Best Value and Sustainable Development, which is under consideration. It is our view that the guidance should also include Community Planning and the Power to Advance Well-Being.

Advice Note 9: Performance Monitoring and Management Targets and Indicators – Next Steps

The Task Force has mapped the key sets of cross-cutting indicators. It is curious the list does not include the ‘Meeting the Needs’ sustainable development indicators or the Quality of Life indicators. While there is merit in identifying appropriate indicators for local priorities, we also believe it is valuable to have a small core set of headline indicators which will allow for comparison and learning among councils and which can develop a national picture of progress on specific issues.

POWER TO ADVANCE WELL-BEING GUIDANCE

The Local Government in Scotland Act 2003 “creates a new discretionary power which enables local authorities to do anything they consider is likely to promote or improve the well-being of their area and/or persons in it.”

Well-being is not defined but “key factors, which contribute to the promotion or improvement of well-being may include: economic factors, social factors and environmental factors. The guidance also notes that “since sustainable development is most often interpreted as the point where a balance between social, economic and environmental objectives is struck, there are obvious links between sustainable development and well-being.

Definition for Well-Being:

The term sustainable development appears to have been displaced by a more user-friendly term – ‘well-being’. While we do not object to using terms that help explain sustainable development, this guidance is exactly the place to state a definition for well-being and clearly tie it to government statements on sustainable development. Avoiding definitions in the guidance simply allows these terms to be applied without any consistency of meaning.

As it stands, the guidance states environmental factors are: “availability of clean air, clean water, clean streets and access to parks and open spaces, the quality of the built environment, the removal of objects considered hazardous to health, protecting communities against the threat of climate change, freedom from a high risk of flooding, and removal of disfiguring or offensive graffiti from buildings, etc.”

Though the factors are given only as examples, they take a very limited and short-term view of the environment. For example, well-being should include the prevention of a problem or enhancement of quality, rather than just adapting to a bad situation. Advancing well-being surely means reducing greenhouse gas emissions to minimise the threats posed by climate change. It means future generations and a global perspective, as forces against well-being know no boundaries.

Examples of how the Power can contribute to Well-Being:

While we recognise it is a new and untested power, examples could be provided which would show how innovative use of the power could genuinely contribute to sustainable development (UKSDC paper for workshop on Well-Being Power April 2003):

- Direct involvement in energy saving companies
- Power to bring empty properties back into use
- Power to promote sustainable housing
- Stimulate the development and delivery of renewable energy schemes and other practical energy generating and CO₂ reduction schemes relating to transport and waste
- Entrepreneurial potential of the well-being power could be used to develop renewable energy, recycling and other schemes, which benefit local communities directly by using community enterprise
- Promote energy efficiency
- Create health and renewal partnerships about warmth and lower carbon production and provide the basis for carbon audit of planning and spatial strategies.

Conclusion

The Local Government in Scotland Act 2003 offers huge potential for local authorities to make a great leap forward in progress towards sustainable development. The Act provides the process (Community Planning), the duty (Best Value) and the power (of Well-Being) to make it happen. In a sense, where a local authority has fully incorporated sustainable development objectives into the community plan, then the process of promoting sustainable development and promoting the community plan through Best Value will be the same.

While much of this is relatively uncharted territory for Scotland, there is much we can learn from the English and Welsh experience. We commend WWF's Mainstreaming Sustainability materials, which are promoted in association with IDEA, as a useful resource for developing this guidance and further guidance material on sustainable development and the new local authority governance agenda.

A final comment – guidance is only as good as its application. Thus, while this guidance is being completed, we stress the need to look for training, capacity building and practical development work to promote greater understanding of local authorities' new leadership role in sustainable development.

This approach to the guidance will place Scotland at the forefront of sustainable development thinking for local authorities, setting an example throughout the UK.