

New “Duties” for Local Government since 2010

The following table provides an overview of the significant new “duties” placed on local authorities since 2010 in chronological order. This information has been compiled using intelligence from Directorates. Whilst in each case it identifies whether the imposition of the duty/ new burden was originally funded, it does not identify either the sufficiency of that funding nor the current funding position.

These new “duties” have been separated into two categories:

- 1) Legislative changes; and
- 2) Central government initiatives and programmes.

Duty	Effective from	Description	Funded?
1. Legislative changes			
Academies Act 2010 and Education Act 2011	September 2010	Requirements under the Academies Act 2010/ Education Act 2011 including supporting the transfer of schools to academy status. Under-performing schools (inadequate and require improvement) may be converted to academy status by the Department for Education (DfE).	Not funded – Member/ Officer time not quantified
Public Sector Equality Duty (Equality Act 2010)	April 2011	Requirement to publish equality objectives including how progress will be measured and to publish information to demonstrate compliance with the general equality duty annually.	Not funded – Member/ Officer time not quantified
Military Covenant (Armed Forces Act 2011)	November 2011	Establishment of Military Civilian Partnership Board and signing of the Surrey Community Covenant responding to Ministry of Defence (MoD) Community Covenant policy. The County Council is the responsible authority for the administration of Community Covenant Grants within the county.	Grant funded
Armed forces (Armed Forces Act 2011)	November 2011	Responding to the infrastructure (roads and schools) requirements of the Armed Forces re-basing proposals set out within Army 2020, the Army’s response to the Strategic Defence and Security Review.	Grant funded

Council tax referendums (Localism Act 2011)	April 2012	Councils required to seek approval of the electorate if council tax is increased by a rate equal to or more than that determined as 'excessive' by the Secretary of State (this is 2% for 2014/15). If the County Council raises its precept by more than this amount, borough and district councils are required to organise the referendums but the County Council must appoint a chief counting officer to draw together the results.	Not funded – Member/ Officer time not quantified
Community Infrastructure Levy (CIL) (Localism Act 2011)	April 2012	Gives local authorities a new mechanism for charging developers when bringing forward new development. The Localism Act introduced three changes to the levy: <ul style="list-style-type: none"> • that some of the funds collected should be passed to neighbourhoods where the development has taken place; • funds can now be spent on ongoing infrastructure costs; and • greater control is given to local authorities over charging levels. 	Funded
Duty to Cooperate (Localism Act 2011)	April 2012	Duty on planning authorities to cooperate. All planning authorities have to actively engage (rather than consult) with bordering authorities on minerals and waste planning. This is a new requirement and resource intensive.	Not funded – Member/ Officer time not quantified
Right to Challenge (Localism Act 2011)	April 2012	Allows community organisations to challenge the running of public services by expressing an interest to run that service which, if successful, triggers a procurement exercise.	Funded
Community Right to Bid (Localism Act 2011)	April 2012	Communities given powers to save local assets threatened with closure, by being given the right to bid for ownership and management of community assets through the community Right to Bid. Local planning authorities required to maintain a list of public or private assets of community value.	Funded
Abolition of the Standards Board (Localism Act 2011)	July 2012	Local authorities are instead required to: <ul style="list-style-type: none"> • adopt their own code of conduct, including determining what interests should be declared; • publish arrangements for investigating complaints about councillor conduct; and • put in place arrangements to involve an independent person in the investigation of complaints. 	Not funded – Member/ Officer time not quantified
Police and Crime Commissioner Scrutiny (Police Reform and Social Responsibility Act 2011)	October 2012	This relates to the creation of Police and Crime Panels and associated scrutiny arrangements.	Funded
Public health from	April 2013	New duties for the County Council following the transition of Public Health. The	Funded

Surrey PCT (Health and Social Care Act 2012)		council was also required to appoint a Director of Public Health – a new statutory chief officer post to enable local authorities to exercise new public health responsibilities.	
Establishment of Health and Wellbeing Boards (Health and Social Care Act 2012)	April 2013	Health and Wellbeing Boards were introduced with the aim of bringing together elected representatives, patient representatives and commissioners to set the local framework for the commissioning of health care, social care and public health services. The Surrey Health and Wellbeing Board became a statutory committee of Surrey County Council on 1 April 2013.	Funded
Scrutiny of local health services (Health and Social Care Act 2012)	April 2013	Extension of the powers in health overview and scrutiny committees and additional flexibility to carry out this function.	Funded
Local Healthwatch organisations (Health and Social Care Act 2012)	April 2013	Local authorities must commission effective and efficient Local Healthwatch organisations to give residents greater influence and to support individuals to access information about the increased choices available to them.	Funded
Reforms to the Social Fund (Welfare Reform Act 2012)	April 2013	Community Care Grants and crisis loans previously administered by the Department for Work and Pensions (DWP) have been abolished and replaced by a non-ring fenced grant to local authorities to provide locally administered assistance.	Funded
Localisation of council tax support schemes (Local Government Finance Act 2012)	April 2013	Council tax benefit abolished and replaced by council tax localisation, with each borough and district council responsible for running its own Local Council Tax Support Scheme. New arrangements result in a reduction in the council's tax base, so reducing the ability to raise local funding). To help district and borough councils with the anticipated reduction in their income and to contribute to hardship funds, the county council voluntarily provided additional one-off funding in 2013/14.	Funded
Additional requirements relating to procurement (Social Value Act 2012)	April 2013	Duty on public bodies to consider social value ahead of procuring services.	Not funded – Member/ Officer time not quantified
Coroners Justice Act 2009	July 2013	This requires all openings, pre inquest reviews and inquests to be held in public court, so could interpret that as a new duty to hold in public. Also judicial decisions now have to be taken by the coroner instead of Coroner's Officers, which is the same duty but change of who performs. This has increased workload and given rise to a budget	Not funded – Member/ Officer time not quantified

		pressure.	
Legal Aid, Sentencing and Punishment of Offenders Act 2012	November 2013	Allows for local authorities to be given greater financial responsibility for secure remand. Financial responsibility for secure youth remands devolved from April 2013.	Funded
Extension of fostering placements to age 21 (Children and Families Bill 2013)	April 2014	New legal duty on local authorities to provide financial support for every young person who wants to stay with their foster parents until their 21st birthday.	Funded
SEND reforms (Children and Families Bill 2013)	September 2014	Implementing reforms to the Special Educational Needs and Disabilities (SEND) system from September 2014. Children with special education needs (SEN) will need to have a joint education, health and social care plan, and families will have the choice of a personal budget for the plan. SCC has been part of the SEND Pathfinder pilot as part of SE7. Implementation has required significant changes.	Funded
Adoption reforms (Children and Families Bill 2013)	2014	Implementing proposals from the Government paper 'An Action Plan for Adoption: Tackling Delay' which has the objective of seeing more children being adopted with less delay.	Funded
Assessment of Emergency Fire Appliance drivers (Road Safety Act 2006)	Delayed – expected late 2014	SFRS has been working towards this duty since 2010 and the cost to the service manifests in terms of the organisation having to assess all of its emergency fire appliance drivers every five years. This comes with associated training and administration costs. In Surrey, the fire and rescue service is undertaking this assessment every three years, because of the importance placed on health & safety associated with driving.	Not funded – Member/ Officer time not quantified
Becoming Lead Local Flood Authority (Flood and Water Management Act 2010)	Various up to 2015	As Lead Local Flood Authority, the council must produce a Local Flood Risk Management Strategy and is required to maintain a register of structures or features which may have a significant impact of flood risk in the area. There is also a duty to cooperate and share information for flood risk management.	Funded
Public health commissioning for 0-5 year olds (Health and Social Care Act 2012)	April 2015	Public health services for 0-5 year olds including health visitors, family nurse partnership, and the child health information systems. This will complete the transfer of public health to local authorities.	Funded
Care Bill	Expected 2016	A number of new duties for Adult Social Care are expected to be implemented as part of the Care Bill, including on: wellbeing, prevention, information and advice; charging; needs assessment and eligibility; new duties and powers to meet needs; and a duty to	Funded

		promote integration with the NHS and other health-related services.	
2. Central government initiatives and programmes			
Creation of Local Economic Partnerships (LEPs) (Surrey has two)	November 2010	Established through the Local Growth White Paper. Considerable ongoing support is provided to the LEPs at officer level. There is also significant political input including two sets of Board meetings, sub-committees, Forums, and meeting with Leaders of other local authorities in each LEP area.	Not funded – Member/ Officer time not quantified
Troubled Families	December 2011	In response to the Government's Troubled Families Programme, the Council has developed the Family Support Programme which aims to shift the balance of resources targeted at families with multiple and complex needs away from high cost acute services in favour of earlier action and fixing problems once.	Funded
National Planning Policy Framework	March 2012	New policy requirement to produce a Local Aggregates Assessment. This involves looking at future demand for aggregates and assessing whether current plans will meet that demand, or whether there is sufficient infrastructure to import the materials.	Not funded – Member/ Officer time not quantified
Transparency requirements	April 2012	Requirement to publish senior salaries, invoices over £500, procurement information and Member allowances, largely introduced through the Localism Act 2011.	Not funded – Member/ Officer time not quantified
Youth Contract	April 2012	Government project to tackle youth unemployment, for example those not in employment education or training (NEETs).	Funded
Ofsted schools inspection framework	September 2012	Changes to the Ofsted school inspection framework – implications for more schools requiring support, challenge or intervention following the removal of the satisfactory grading, increasing pressure on school improvement services.	Not funded – Member/ Officer time not quantified
Health and Social Care Integration	August 2013	Ongoing initiatives to increase integration between health and social care services. Includes the requirements of the Better Care Fund.	Funded
Safeguarding children	April 2013	Revised Working Together guidance to safeguard children.	Not funded – Member/ officer time not quantified
Restorative justice	2013/14	Purpose is to increase the opportunities for victims to participate in restorative justice activities and to develop Youth Offending Teams' practice in line with the Restorative Justice Council's standards. This will require additional training and extra capacity.	Funded
Free childcare for the most disadvantaged two year olds	September 2013, with extension of	Ensure the availability of high quality part-time early education for all three and four year olds, and for 20% of the most disadvantaged two year olds from September 2013, growing to 40% of two year olds by 2014.	Funded

	eligibility criteria in September 2014	The aim is to encourage existing childcare providers to expand and encourage new entrants into the market and create greater choice and flexibility for parents to make it easier for them to access the childcare and early education services they need. Across the area covered by Surrey County Council 2,775 children are estimated to be eligible.	
Ofsted children's social care inspection framework	November 2013	A new single Ofsted inspection for child protection; services for looked after children and care leavers; and local authority fostering and adoption services. Changes to the criteria by which services will be judged, along with a single inspection covering all areas of children's social care.	Not funded – Member/officer time not quantified
Partnership with SMEs on Fire Safety	April 2014	The Government's Focus on Enforcement review moved the Chief Fire Officers' Association (CFOA) to look at enforcement of the Regulatory Reform (Fire Safety) Order 2005 in small to medium-sized businesses. A review identified a number of disparities within the country and has now set out its improvement plan for fire and rescue services to follow. As part of the implementation the statutory instrument will be updated during 2014 with a start date of statutory partnership schemes being 1 April 2014.	
Family justice changes	April 2014	Implementing the recommendations from the Family Justice Review from April 2014, to speed up the processes for custody disputes.	Not yet known
Young carers' assessments	April 2014	Extending the right to an assessment of support needs to all young carers under the age of 18 - regardless of who they care for or how often they provide it.	Not yet known
Transfer of Bus Service Operator Grant (BSOG) from DfT	April 2014	BSOG is a long-standing rebate claimed by operators of local bus services direct from the Department for Transport (DfT) in respect of tax paid on the fuel used to provide both commercial and supported (council funded) bus services.	Funded
Universal free school meals in reception, Y1 and Y2	September 2014	Every child in reception, year 1 and year 2 in state-funded schools will receive a free school lunch. The government will provide revenue funding of £450 million in 2014 to 2015 and £635 million in 2015 to 2016 to the Department for Education (DfE) to fund this commitment. This is new money into the DfE budget. It will also make £150 million of capital available to ensure that schools can build new kitchens or increase dining capacity where necessary. £70 million of this will be new money from the Treasury (HMT) and around £80 million will be from unspent DfE maintenance budgets.	Funded