

Open Public Services White Paper
Cabinet Office call for comment
30 September 2011

The Landscape Institute

The Landscape Institute (LI) is the royal chartered body for landscape architects. As a professional organisation and educational charity, we work to protect, conserve and enhance the natural and built environment for the public benefit. We accredit university courses and promote professional development to ensure that landscape architects deliver the highest standards of practice. We work with government to improve the planning, design and management of urban and rural landscape. Through our advocacy programmes and support to our members we champion landscape, and the landscape profession, in order to inspire great places where people want to live, work and visit.

The LI's membership currently stands at approximately 6,000 landscape planners, designers, managers and scientists, all of whom often work at the landscape-scale and have a significant interest in both the intrinsic value of nature in addition to the economic and social benefits to be gained through the protection and enhancement of ecosystem services.

The LI recognises that much of the Open Public Services White Paper relates to services in which LI members do not play a role in delivery. However there are a few key areas where the landscape profession is involved and it is in these areas where we make our comments to this White Paper consultation and ask for further involvement in the future. This is particularly the case in areas relating to future consultation on opening up commissioning services in planning departments and decentralising commissioning power with regards to natural environment support. We also have a contribution to make in proposals that might affect the transfer of services that relate to open space management and maintenance.

Our comments below are numbered according to the White Paper questions and paragraphs.

4.12 The Government would welcome views on the following:

What is the scope for neighbourhood councils to take greater control over local services?

By Neighbourhood councils we understand this to be parish and town councils in areas that are parished and other established neighbourhood groups in the non-parished areas. This definition being consistent with that in the Localism Bill.

The LI is aware that open space management and maintenance is one area that some local authorities are looking to transfer to parish and town councils. Some neighbourhood councils will be eager and competent to undertake the management required for this type of delivery; others will not. In assessing the scope for devolution of these services, the local authority will need to have mind to the bigger picture of what is left for it to undertake, including provision of support and monitoring functions for devolved providers. There are usually economies of scale in terms of contract delivery of maintenance, but there are social advantages to involving the community, providing the quality is maintained and there are adequate succession planning arrangements in place.

Central to the success of open space management and maintenance are the necessary skills by all operatives. It will be critical that, as organisations responsible for open space management become smaller, they retain these skills or look to cooperate with neighbouring bodies and associated professional organisations to ensure open space quality is maintained.

What help will neighbourhood councils need to enable them to run any services devolved to them?

In terms of open space management, it will be important that there are management plans for those open spaces. In order to ensure that long-term original design intentions are met, for example meeting biodiversity enhancement objectives, it is important that issues such as time and frequency of grass-cutting, woodland thinning etc are all set out in a way that is easy for the neighbourhood council to interpret and implement. The bigger the site and the more functions it is performing, the more important is this requirement for a management plan and the greater level of sophistication required in the management plan.

If neighbourhood councils are going to let contracts for the delivery of landscape management it will be desirable for sample specifications and contract documents to be provided to them, together with lists of contractors that would be fit for purpose to undertake the works. They may also need assistance with procurement in terms of examples of tender documents and advice on ways to assess best value (which is not always lowest cost).

One important aspect of open space management and maintenance of local spaces is the role of the local communities. Engaging with local communities and involving them in management activities can help reduce or prevent vandalism and creates greater sense of ownership of the open space. The neighbourhood councils will need to ensure community engagement is undertaken either by them, their delivery partners and/or other organisations that may be able to assist such as BTCV, local wildlife trusts and green space groups. The engagement should be creative as well as focussed on the management activities and allow for participation by all age groups.

It may be helpful for adjacent neighbourhood councils to work together in procuring services e.g. for grass-cutting of verges as there are likely to be economies of scale in awarding larger contracts.

How do we ensure appropriate accountability for services run by communities to ensure that those not involved directly are not disadvantaged?

Disadvantage in relation to landscape services would most likely be the deterioration or vandalism of local open spaces. It will be important that annual monitoring of open spaces is undertaken to ensure the quality remains. This could be achieved through a number of routes, including self-assessments by the local community, questionnaires to local community members or through participation in award schemes such as Green Flag or Green Pennant.

It is a challenge to ensure accountability and continuity of services. We would suggest that leadership (including succession planning) in the communities delivering services is crucial and leadership in voluntary organisations always has the potential to vanish or wane. Empowering and motivating the leadership will be important.

5.8 The Government will consult with local authorities and the wider public sector about how to go further in opening up locally commissioned services in:

- **customer contact;**
- **planning;**
- **property and facilities management;**
- **back-office transactional services;**
- **family support;**
- **support for looked-after children;**
- **trading standards and environmental services; and**
- **housing management.**

Many LI members are engaged in the planning process. From the list above our main area of interest is in the potential opening up of locally commissioned services in planning. We would wish to be involved in this further consultation on behalf of our members in both the public sector and the private sector. Please can you ensure that future consultation is sent to our policy officer, Stephen Russell, srussell@landscapeinstitute.org

Our main concern in this area, would be that if there are detailed proposals to open up commissioning of local authority planning services to others that there is a retention of an 'intelligent' client within the local authority and that the client body included skills in landscape planning, landscape design, visual and landscape assessment, landscape management and science sufficient to know when and how to commission the involvement of landscape services.

5.17 The Government will consult with local bodies, providers and other key stakeholders about the potential to decentralise commissioning power in a range of services where there is a clear case for improving value for money, including:

- **natural environment support;**
- **public transport support;**
- **skills; and**
- **services for families with multiple problems.**

Many LI members are engaged in services that fall into the broad description of natural environment support. We would wish to be involved in this further consultation, particularly as it is not clear from this point what the intention is and which currently centrally commissioned natural environment support might be subject to decentralisation. Please can you ensure that future consultation is sent to our policy officer, Stephen Russell, srussell@landscapeinstitute.org

We would emphasise that value for money may not always be the cheapest.

5.31 The Government would welcome views on the following:

What is the scope to extend and/or deepen the commissioning approach across public services?

In terms of planning and landscape, a local knowledge of the geographical context of the area is important, so we would advocate retention within the local planning authority of at least some core project managers with the relevant core professional skills to be in a position to play the role of "intelligent client".

The LI proposes that Government should consider extending the scope of the Open Public Services White Paper to include rural land management which is currently lacking in local accountability and some duplication of services provided by local government and government agencies. In order to develop land management services to be more sustainable the Government considers making use of the National Character Map of England as the framework to secure policy delivery by the public,

voluntary and private sectors. Please see appendix A for more detail in relation to this aspect of our response.

What further potential is there to decentralise central government commissioning to locally elected individuals and authorities?

We note that planning services is an area where government will be taking further consultation on the potential to open up locally commissioned services. We hope to have the opportunity to comment further on these proposals.

One of the key points we would make is in the need for planning (both forward or strategic planning and development management, including enforcement) to take account of wider issues of green infrastructure on a landscape scale because of the importance of landscapes in delivering multiple functions. This is support in the Government's own recently-published Natural Environment White Paper. While the LI would be calling for the inclusion of integrated landscape services in any opening up of commissioning of planning services, there will also be the need to retain landscape expertise within the client commission body. Such an 'intelligent client' would cover, for example, issue identification, identification of research needs, policy advice to elected representatives, commissioning, quality control and continuing action following commissioning of the private sector.

The LI believes that local planning authorities and other decision-making bodies who operate planning and regulatory systems need to act as 'competent authorities' in the discharge of their duties, powers, obligations and responsibilities. Where or if there are proposals to commission external services to discharge these roles, it is essential that such bodies should have the resources and expertise to act as 'intelligent and informed clients' when considering and preparing briefs and tenders and administering contracts relating to specialised or expert services. Issues of best value, conflicts of interest and performance monitoring will need to be addressed with great care and with knowledge of the service area that is under consideration.

Natural environment support is highlighted as an area where further consultation will be undertaken regarding decentralisation. Not only do we have members in local authorities and the private sector engaged in this work, but also in central government agencies such as Natural England and the Environment Agency, which obviously do commission natural environment support. The LI wishes to understand in more detail what is proposed and to engage in this debate further.

We note in 5.11, The White Paper refers to the new community infrastructure levy as being available to "raise funds for development in their area..". Our understanding of CIL is that it is to provide the infrastructure (not development) that is needed for new development. The Landscape Institute wishes to ensure that green infrastructure (open space, countryside, wildlife corridors and networks etc) is included in the definition of infrastructure as the importance of good quality open space is a fundamental aspect of sustainable development for many reasons (health, local distinctiveness, food production, flood mitigation, climate change etc).

We note in 5.11, The White Paper refers to health and wellbeing boards and the new public health system in which local authorities are provided with funding to deliver local public health services. In making these new arrangements, the Landscape Institute wishes to emphasise the important role good quality, well-designed and managed open space plays in the health agenda (for physical and mental health).

How can we ensure that commissioners and providers are best held to account?

In areas such as planning (development management), the quality of the decision and outcome of the development delivered on the ground must be assessed and not just speed of decision and numbers of decisions.

In management of open spaces, there should be an element of customer satisfaction as well as professional assessment and monitoring of ongoing arrangements and outcomes.

What new skills and training will commissioners need?

Brief-writing, procurement arrangements, selection processes and project or contractor management including long term monitoring.

Understanding the benefits of procuring from SMEs and small companies sometimes, not always utilising framework agreements where these are in place.

Enabling support from organisations like Design Council CABE may be able to assist with this, especially when procurement is related to masterplanning, urban design, planning, architecture and landscape architecture

6.33 The Government would welcome views on the following:

How can we stimulate more openness and innovation in public services through new types of provision?

In this regard we welcome the proposals made under 6.22 for reducing the complexity and onerous nature of some PQQs, for eliminating PQQS for contracts under £100k and for creating opportunities for smaller providers.

How can we create new, more diverse types of provider out of public sector bodies?

Ensure commissioners have flexible procurement rules that allow commissioning from small companies as well as from large companies on framework contracts. The LI welcomes the statements in the White Paper about increasing the opportunities for SMEs to win work.

Ensure commissioners are procuring using selection criteria that assess best value.

How should government regularly review the barriers to entry and exit for providers?

There is a current inquiry being led by All Party Parliamentary Group for Excellence in the Built Environment into achieving best value in the procurement of construction work. This may help to identify issues associated with barriers to entry for those service providers in the construction services.

Government will need to ensure that commissioners have the wherewithal to remove providers if they renege on delivery or perform poorly.

Appendix A

Current situation

Through numerous Local Government Acts local authorities have been required to take responsibility for a range of rural land based services that include functions such as animal health, animal welfare, food standards, biodiversity, historic environment, rights of way, spatial planning and many others. In parallel there are a number of Government Agencies delivering their Strategic Direction policies under the direction of their respective Government Departments. Examples include the Rural Payments Agency administering the Single Farm Payment, Natural England administering the Environmental Stewardship Programme, the Environment Agency delivering the water programme, English Heritage delivering the Historic Environment and the Forestry Commission's programmes on woods and forests.

Rural services deliver benefits to urban and rural based populations through a plethora of public agents and through several intervention systems such regulation, financial incentives, giving of guidance and information provision. As a result a number of issues can be identified, including:

- duplication in services;
- lack of local accountability where the wider public fails to understand what is being delivered; and
- lack of any clear and single set of objectives for the countryside.

The LI is aware that a substantial amount of public investment associated with land based public programmes are either funded in total or part funded by Europe but by no means are all these funded in this way. The £3billion investment into farming will be subject to the review of the Common Agricultural Policy but neither the review nor the issues surrounding Disallowance penalties should shelter these services from benefitting from the objectives of the Open Public Services White Paper. Given the long term problems associated with securing safe affordable food and other goods

delivered by land management such as clean drinking water, it is suggested that ongoing public intervention is both desirable and inevitable.

Furthermore there are a number of other benefits for rural land management to becoming more open including the support agricultural businesses will need to become more sustainable in light of climate change and energy shortfalls. (Government's paper on the Future of Food and Farming)

A New Framework for Delivery of Land Based Rural Services

The lack of a clear direction is as a direct consequence of too many public bodies, each with their own policy interests, some local and some national, all broken up into silo delivery. For the land owner too many organisations and individuals are involved with different agendas and with little help to improve the public perception of what the industry is delivering. For the public no clarity in what is being delivered and no ownership of the issues being faced by rural communities and the farming industry.

The delivery of services by the farming industry requires a localised framework to set the context for the delivery contract the industry has with the nation. In other words the Public Agenda for the countryside being delivered through individual Farm Plans. However the UK countryside varies in its baseline geomorphology and climate to such an extent that setting the scale of the framework at national level would be too crude and inefficient. At the same time setting at a neighbourhood scale would be inappropriate because the programme of public expenditure is land based not community based.

The LI recommends that the National Character Map of England should form the framework for a more open and effective land management system of public intervention. In a system that marshals the very wide range of public bodies to deliver to a geographic framework to which local neighbourhoods can relate – their local landscape and where the direction changes, to being focused on the place rather than a large number of separate public agendas. Each of the Character areas would have a Sustainable Vision which would be delivered through collaboration by the private, public and voluntary sectors. Public resources would be more effectively targeted to meet the specific base line variations in landscape type – soils, climate, water conditions amongst others. For the farming community there would be clarity in public intervention, each Farm Plan would interface with the Vision and form the basis of a contract for public support. For the public such a system would for the first time provide a way for it to understand what the public funding programmes are achieving.

Why the National Character Map?

The National Character Map has mapped the variations in the landscape formed by the way humanity has chosen to manage the land through food based economic activity. The variation is driven by the different baseline conditions of land, of geology, geomorphology, soil types, local climate, water characteristics and landform amongst others. With the mechanisation and chemical based agricultural systems adopted over the last 100 years, these variations in natural characteristics have become less important in a system that values versatility. However we now recognise that such an approach is not sustainable and that agriculture needs to harness the power of natural systems to optimise production to reduce the reliance on fossil fuels as set out in the Government's Assessment of Ecosystems Services and its study on the Future of Food and Farming. The 159 Character Areas provide a clear grouping of natural characteristics enabling specific targeting of public resources to need, in support of food production. Such an approach would begin the task of achieving a more land sensitive agricultural process and move towards a more sustainable approach to food production. At the same time it would break down the silos of public investment, it would provide the public with clarity in the way it relates to the landscape and it would help the farming community to improve its public image. It would also meet the objectives set out in the Open Public Services White Paper.