

Scrutiny Task and Finish Panel Agenda



Sustainable Communities Task and Finish Panel Thursday, 3rd December, 2009

Place: Committee Room 1, Civic Offices, High Street, Epping

Time: 7.00 pm

Democratic Services Officer: Adrian Hendry, Office of the Chief Executive
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Members:

Councillors J Philip (Chairman), A Boyce, Mrs R Brookes, A Clark, Mrs R Gadsby, A Lion, R Morgan, Mrs P Smith and D Wixley

1. APOLOGIES FOR ABSENCE

2. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

(Assistant to the Chief Executive) To report the appointment of any substitute members for the meeting.

3. DECLARATIONS OF INTEREST

(Assistant to the Chief Executive). To declare interests in any items on the agenda.

In considering whether to declare a personal or a prejudicial interest under the Code of Conduct, Overview & Scrutiny members are asked pay particular attention to paragraph 11 of the Code in addition to the more familiar requirements.

This requires the declaration of a personal and prejudicial interest in any matter before an OS Committee which relates to a decision of or action by another Committee or Sub Committee of the Council, a Joint Committee or Joint Sub Committee in which the Council is involved and of which the Councillor is also a member.

Paragraph 11 does not refer to Cabinet decisions or attendance at an OS meeting purely for the purpose of answering questions or providing information on such a matter.

4. TERMS OF REFERENCE (Pages 3 - 14)

Attached to the agenda is a copy of the proposed draft Terms of Reference. The Panel is asked to consider and agree on the Terms of Reference for their Panel.

In order to help the Panel, a set of 'Notes for Guidance' for the operating of a Task and Finish Panel is also attached. This sets out how a Task and Finish panel should ideally go about scoping its programme of work, gathering information and evidence. The note also suggests how final reporting back to the main Overview and Scrutiny Committee and the larger Council is undertaken. A draft layout of a final report is also attached.

5. SUSTAINABLE COMMUNITIES BACKGROUND REPORT (Pages 15 - 30)

To consider the attached report.

6. FUTURE MEETINGS

To consider and agree the date of the next meeting for this Panel.

DRAFT TERMS OF REFERENCE

Origin:

This originated as a motion to Council moved by Councillor Philip in June 2009, noting that:

- the Sustainable Communities Act was designed to allow local authorities and their communities to drive the action and assistance that Central Government gives in promoting thriving sustainable communities;
- the Act gave local authorities the power to make proposals to Government on the action and assistance Government must take or give to promote sustainable communities and that those proposals can be for a transfer of public money and functions from central or regional control to local control;
- the Act defines sustainable communities broadly, that definition having the four aspects of:
 - (i) the improvement of the local economy;
 - (ii) protection of the environment;
 - (iii) promotion of social inclusion; and
 - (iv) participation in civic and political activity;
- reasons for a local authority choosing to use the Act include gaining new powers or assistance from Government determining those powers or that assistance and transferring public monies from central or regional control to local control; and
- resolves to use the Act by submitting proposals for action and assistance from Central Government as best serves the District.

The consideration of this motion was referred to the Cabinet for their consideration. It went to the cabinet on 13 July 2009, where they referred it to Overview and Scrutiny for their consideration and report.

Overview and Scrutiny Committee considered the referral and decided that the best way to deal with this item of work was to create a Task and Finish Panel specifically to consider the issues involved with the Sustainable Communities Act (2007).

Term of Reference:

1. To consider the opportunities presented by the Sustainable Communities Act 2007 with respect to the improvement of the local economy, protection of the environment, promotion of social inclusion and increased participation in civic and political activity.
2. To identify ways of developing proposals which the local authority consider would contribute to promoting the sustainability of local communities and, in particular, the scope for the transfer of functions from one body to another.
3. To investigate and recommend the best method of raising awareness and encouraging proposals from local people to put forward policy proposals with regard to:
 - Provision of local services, and the extent to which the volume and value of goods and services are produced within 30 miles;
 - Rate of increase in the growth and marketing of organic food;
 - Reasonable access of residents to nutritional food;

DRAFT TERMS OF REFERENCE

- Number of local jobs;
 - Measures to conserve energy and increase the quantity of locally supplied energy;
 - Measures taken to reduce the level of road traffic including;
 - Increase in social inclusion, including an increase in involvement in local democracy;
 - Measures designed to decrease emissions of greenhouse gases;
 - Measures designed to increase community health and well being;
 - Planning policies which would assist with the purposes of this Act, including new arrangements for the provision of affordable housing;
 - Measures to increase the use of local waste materials.
4. To explore the feasibility of establishing representative panels of non-elected or nominated members of the local community (to include under-represented groups) with whom to consult on any proposals.
 5. To consider how information on local spending reports could, when available, be utilised to inform proposals to promote local sustainability.
 6. To identify a timetable that would facilitate proposals being submitted for consideration by the Government’s selector in the 2010/2011 round of applications.

Methodology:

To gather evidence and information in relation to the topic through the receipt of data, presentations and by participation in fact finding visits;

To evaluate all relevant facts in relation to the topic under review in an objective way and to produce recommendations for future action accordingly;

To establish whether there are any resource implications arising out of the topic under review and advise Cabinet for inclusion in the Budget Process 2010/11; and

To report back to Overview and Scrutiny Committee at appropriate intervals and to submit any final reports in the proposed Corporate Format for consideration by O & S, the Cabinet and Council.

TIMESCALE	ESTIMATED	ACTUAL
Commencement		
<u>Finish</u> 1. Interim report to include any budgetary items for the next budget round.		

SUSTAINABLE COMMUNITIES ACT 2007 – TASK & FINISH PANEL

DRAFT TERMS OF REFERENCE

2. As a time limited review - to end by April 2010.		
Reports.		

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TASK AND FINISH PANELS GUIDANCE NOTES

Introduction

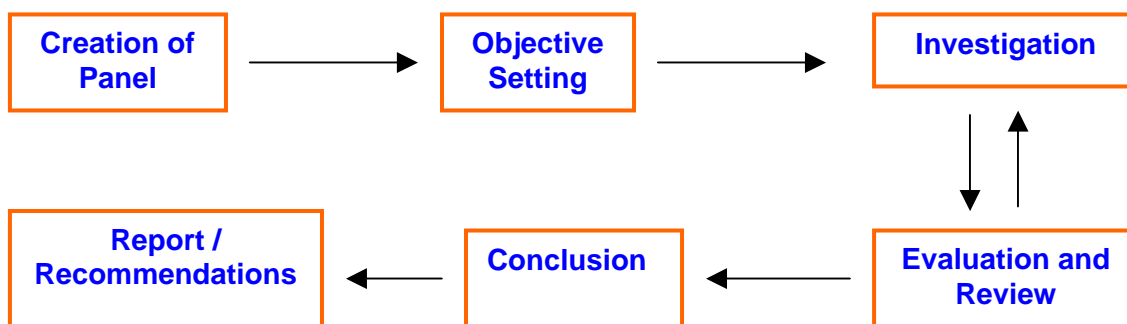
1. Task and Finish Scrutiny Panels are established by the Overview and Scrutiny Committee in order to deal with ad hoc projects or reviews included in the annual work programme for Overview and Scrutiny.
2. Task and Finish Scrutiny Panel status will be restricted to those activities which are issue-based, time limited and non-cyclical in character and have clearly defined objectives.
3. Task and Finish Panels as with all Overview and Scrutiny must be member led. The members should control the agenda and have ownership of the work programme.

Scoping Phase

4. **(Pre Scoping)** Before their first meeting with the Chairman, the Lead Officer should hold an informal meeting with any officers that may be connected to the topic to be reviewed to try and establish any and all issues related to the subject, so that that the Lead Officer on meeting with the Chairman, has some background information to submit.
5. **(Scoping)** At the start of a Task and Finish Panel the Lead Officer will draft the Terms of Reference in conjunction with the Chairman of the Panel. The Panel will then meet to discuss the Terms of References and decide how they are to achieve their goals. An emphasis must be put on clear and realistic objectives, which are timely and time limited.
6. Terms of Reference and objectives should, if at all possible, be defined using the **SMART** objective framework:

Specific Measurable Achievable Realistic Time Limited

7. The life cycle of a Task and Finish Panel will look like this:



Investigation Phase

8. Before any conclusions can be drawn, evidence must first be gathered. All available sources must be tapped, making the most of the expertise within the Council, any outside organisations and public opinion if applicable.
9. The investigation phase can be handled as a full group review or as a 'delegated tasks' approach, with individual members or small sub groups, gathering evidence to bring back to the full Panel.
10. Any reports by officers to a Task and Finish panel should provide relevant evidence and background but should not make any recommendations. They should be done in an informal style, and not mirror the house Cabinet, Portfolio Holder style of reports.
11. If thought necessary outside bodies should be involved in the evidence gathering phase, either by inviting that organisation to give a one off presentation or by co-opting an outside member onto the Panel for the duration of the Panel's life in a non-voting capacity.
12. Creativity and imagination should be used in gathering evidence. Ways can and should be found of getting the views of groups who may be overlooked. Perhaps the review should be publicised and contributions invited, the use of community venues encouraged and feedback provided to participants.

Witnesses and Questioning

13. When questioning witnesses, questions should be kept brief, clear and to the point. Start with broad questions first and then narrow down the focus. Remember to use 'follow ups' to obtain a clearer explanation. The use of pre-meetings could be used to organise the Panels approach to the questioning of 'witnesses' and to get the most out of the session.
14. Remember the panel is not there to trip people up, "grill" them, apportion blame or to make their life difficult. Rather it is to understand the issues affecting the topic under review and how it affects the District Council and its residents.

Gathering Evidence

15. Methods of evidence gathering should be as systematic and objective as possible, not just anecdotal. Use a variety of approaches and not just rely on a single source. Some different ways that evidence could be gathered are:

- Statistical Surveys;
- Focus Groups and Workshops;
- Public Meetings;
- Self-advocacy groups;
- Street surveys;
- Site visits;
- Mystery Shopping.

Panel members should carry out these tasks, design the survey forms or prepare the questionnaires themselves. Officers are to be used in an advisory capacity only.

Report and Follow-up

16. The concluding report will need to be clear, concise, evidence based with illustrative anecdotes. All the evidence gathered should be listed and if thought appropriate summarised. There will need to be clear, realistic and specific recommendations formulated so that progress can be measured and followed up. The report should (wherever practicable) ask for responses to its recommendations within a realistic time period. (A draft format of a Task and Finish report is attached.)

17. The report should, if thought appropriate, be promoted to the public, e.g. through a press release and/or publicised via our website.

18. A mini-review of outcomes be carried out after an appropriate period (not later than six months (if appropriate) after the end of the panel). The results of this review should be reported back to the main Overview and Scrutiny Committee. The entire Panel should not be involved in this follow-up review. The Chairman on his/her own or a small sub-group of two or three members would be enough. They could provide the full panel with a short written report on their findings if necessary; otherwise a verbal report would suffice.

Democratic Services
July 2006

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Epping Forest District Council



SCRUTINY

REPORT OF THE XXX TASK AND FINISH PANEL

JULY 2007

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- Make the contents table lines invisible
- Each section to start on its own page
- The addition of photographs always make a report more reader friendly and a document more professional looking.
- It may be argued that the introduction and context section could be put under one heading. Splitting up these headings helps to keep the report in small chunks, making it easily readable and more accessible.
- The same applies for keeping the recommendations separate from the main body of the report.
- If needed more section headings can be added.

1. Chairman's Foreward

Setting out briefly what the panel was tasked to look at, and how the panel went about it.

The Chairman can use this section to give any personal thanks to the people and organisations consulted.

This should take up about one side of A4.

2. Introduction or Overview

This section sets out the formal terms of reference for the panel, who they consulted and how they went about gathering the evidence (i.e. by interview, site visits, questions to organisations, questionnaires etc.). This will be a more detailed explanation that's in the Chairman's forward.

If pertinent it should set out why the Panel did not look at some aspect of the topic they were charged to look at.

3. Context

Background to the topic under review – how Government Policy fits in, any relevant legal considerations any laws (European or domestic).

How the Council's policies are affected (if at all) or how EFDCs geographical area fits in (local context) and any other local considerations that were taken into account.

4. Summary of Recommendations

The Panels recommendations should be listed out here. If there are enough recommendations it could be divided into sections, each relating to different section of the report.

Recommendations should begin: **"The Panel recommends that...."**

5. Report

This section will detail the evidence gathered and the conclusions reached. This should be related to the recommendations made in the summary of recommendations.

Start with a general introduction (if thought useful) and then repeat each recommendation adding an explanation as to why that recommendation was made, citing any evidence gathered and the conclusions drawn. In order to meet legal requirements, if the recommendations are to go on to Cabinet or Council for action, the report should indicate any options that were considered and rejected and reasons why.

6. Conclusion

Very short version of report for busy people – maybe with an eye for putting this bit out as a press release.

7. Acknowledgements

To give formal acknowledgement to any sources used e.g:

Organisations;

People;

Officers;

Experts;

Websites;

Laws;

Locations visited;

Council policies etc.

8. Appendices

If needed to add background information, tables, graphs etc.

Report to Sustainable Communities Task and Finish Panel

Date of meeting: 3 December 2009

Subject: Sustainable Communities

Officer contact for further information: Derek Macnab

Committee Secretary: Adrian Hendry

SCRUTINY



Report:

The Sustainable Communities Act 2007

Background

1. At Full Council on the 30 June 2009 the following motion was agreed with respect to the Sustainable Communities Act 2007.

“That this Council:

- (a) supports the “bottom up” process in the Sustainable Communities Act designed to allow local authorities and their communities to drive the action and assistance that Central Government gives in promoting thriving sustainable communities;
- (b) notes that the Act gives local authorities the power to make proposals to Government on the action and assistance Government must take or give to promote sustainable communities and that those proposals can be for a transfer of public money and functions from central or regional control to local control;
- (c) notes that the Act defines sustainable communities broadly, that definition having the four aspects of:
 - (i) the improvement of the local economy;
 - (ii) protection of the environment;
 - (iii) promotion of social inclusion; and
 - (iv) participation in civic and political activity;
- (d) notes that reasons for a local authority choosing to use the Act include gaining new powers or assistance from Government determining those powers or that assistance and transferring public monies from central or regional control to local control;
- (e) resolves to use the Act by submitting proposals for action and assistance from Central Government as best serves the District.
- (f) That consideration of this motion be referred to the next appropriate meeting of the Cabinet.

The motion was subsequently considered by the Cabinet in July, who deferred the item to Overview and Scrutiny. At the September meeting of the Overview and Scrutiny Committee, members established the Task and Finish Panel, to consider the matter in more detail.

Main Features of the Act

(A Guide to the Act is attached at Appendix 1)

2. The Department of Communities and Local Government is the lead agency in Central Government for the implementation of the Sustainable Communities Act 2007. The Act provides an opportunity for local authorities (as defined under section 8 of the Act) to make proposals which they consider would encourage the improvement of the economic, social or environmental well-being of local areas. It begins from the principle that local people know best what needs to be done to promote the sustainability of their area, but that sometimes they need central government to act to enable them to do so.

3. The Act sets out a process by which ideas generated by local communities which aim to promote local sustainability, are put forward by the local authority to central government through a body known as the “selector”. The Local Government Association was appointed as the selector in February 2008, and has a role in “short-listing” proposals to be submitted to Government for consideration.

4. After submission, the Secretary of State is required to decide which proposals on the short-list should be implemented, to give reasons for that decision, and to do so after consulting the LGA and trying to reach agreement. The Secretary of State will then publish a statement of how the Government will take forward any proposals that are to be implemented.

Making Proposals

5. Before making any proposal, local authorities must establish or recognise one or more panels of representatives of local persons and consult these panels and try to reach agreement about which proposals (if any) it wants to put forward. It should be noted that authorities are not required, by statute, to submit proposals.

6. The deadline for submitting proposals in the initial round was 31 July 2009. This was intended to allow sufficient time for proper consideration by communities and local authorities.

Reaching Decisions on Proposals

7. Following the deadline for receipt of proposals the LGA are now considering and, in liaison with the Secretary of State, short-listing certain proposals. The Secretary of State will then decide which proposals to implement. Local authorities have asked for an indication of the likely approach of Government to decisions on short-listed proposals.

8. The following additional information reflects the Government’s current thinking and may help to inform any proposals the District Council may consider as part of any future submission:

“- the purpose of proposals is to identify issues on which central government can act to assist councils and communities to promote the sustainability of local communities and the Government will consider favourably proposals which meet this test. it follows from this that proposals are more likely to succeed if they are specific about the action required of central government and also are not already within the powers of local authorities (including powers for the promotion of well-being in section 2 of Local Government Act 2000);”

“- there are established processes for settling the levels and distribution of public sector resources. The Government does not regard the Act as a route for agreeing additional public expenditure, either at national or local level, and so a particularly strong case will need to be made in support of any proposals that

require this;

“ – as will all public policies, the Government will assess proposals taking into account their broad cost-benefit, including in relation to areas or groups that may be wider than those putting forward the proposal, together with the impact on specific groups. This will include the likely costs of making arrangements which are specific to a particular area or group, against the economies of scale which arise from more uniform approaches. Proposals which these test are more likely to succeed”;

“ – the Government will also take into account its existing policy positions for which it is publicly accountable”.

Regulations and Guidance on Consultation

9. The Secretary of State has made regulations and published guidance on the Act, with respect to consultation arrangements. In effect, the regulations require local authorities, before making any proposals, to establish or recognise one or more panels of representatives of local persons and to consult them about each proposal.

10. The intention behind section 5(5) (a) of the Act is to ensure that the panels of representatives of local persons include persons from under-represented groups. The regulations states that “under-represented groups” means those groups of local persons who in the opinion of a local authority are under-represented in civic and political groups are under-represented in their area and how best to engage with them.

11. Whilst the guidance does not prescribe which groups should be included in panels, how panels should be constituted or how many panels a local authority may choose to establish or recognise. it does, however, set out reasonable steps to identify and include representatives from under-represented groups on new or existing panels.

12. The guidance also states that local persons are those people likely to be affected by, or interested in, a particular proposal. They do not have to be a resident, and could be someone who works or studies in the area, visitors, service users, local third sector groups, businesses, parish councils, or anyone else likely to be affected by, or interested in the proposal.

13. In addition, the guidance states that local authorities will want to consult parish councils in their area.

Next steps:

14. Because the process is new and the scope of the Act is wide, it is difficult to be precise about how quickly decisions will be made. This will depend on the number and complexity of proposals submitted as part of the initial round. However, shortlisted bids will be processed by the Local Government Association for submission in December 2009.

Further rounds under the Act:

15. Further rounds under the act are subject to an invitation from the Secretary of State. The LGA have included that they are fully supportive of further rounds under the act and in response to calls from local authorities that the absence of a further round was causing difficulties locally Cllr. Keith Mitchell, Chairman of the LGA Selector Panel, wrote to the Secretary of State. The official line from the department is that any invitation for further rounds will be considered only after the completion of round one and an evaluation of its effectiveness. No timetable or schedule has been set for this. Again, the LGA have indicated that they will continue to press for further rounds to be confirmed at the earliest possible date.

Matters for Consideration by the Task and Finish Panel:

- (i) Given that the Government is yet to determine the successful proposals in the first round of applications, it is not currently known what a good proposal looks like. However, the LGA are shortly to forward their recommendations as a result of their sector role. Members may wish to invite an authority who makes the shortlist to share their experiences. It is understood only two Essex Authorities submitted proposals.**
- (ii) Members of the Task and Finish Panel may be aware of potential proposals that currently exist locally. However, Members will need to consider how they encourage ideas to come forward, being conscious of the need to avoid raising expectations that may not be delivered in the event of a second round of applications not being forthcoming. Given that Parliament is currently considering an amendment to the act to create a more active role for third tier authorities Town and Parish Councils in the District, may well have a future role, particularly given their local knowledge.**
- (iii) At present the Council does not have a Citizen's Panel or other local forums through which to consult, albeit an extensive programme of consultation is undertaken annually on both service specific and general quality of life issues; e.g. the Place Survey and the Sustainable Community Strategy consultation. Members will need to consider how best to establish the representative panels of non-elected or nominated members of the community, as part of any sustainable community act proposals. It would appear that the panels should be comprised of people who would benefit/be impacted upon by any proposals.**
- (iv) Members will need to consider an indicative timetable for their review, a task made difficult by the lack of current certainty around any future round of bidding.**

Sustainable Communities Act 2007: A Guide



Sustainable Communities Act 2007: A Guide

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February 2008

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Sustainable Communities Act – Implementation

The Sustainable Communities Act received Royal Assent on 23 October 2007. The aim of the Act is to promote the sustainability of local communities. This note describes what will happen next. It is in three parts.

1. A quick guide to the main provisions of the Act
2. A step by step guide to the Sustainable Communities Act. This describes what the Act means clause by clause. It makes clear what has to be done, who has to do it and when they have to do it.
3. A timetable for action, stating how the Government plans to implement the Act. This will describe the Government's approach to implementation and give details of key dates.

Background

The Sustainable Communities Bill was introduced to Parliament as a Private Members Bill. It was sponsored in the House of Commons by Nick Hurd MP, Conservative, Ruislip-Northwood and in the House of Lords by Lord Marlesford. The Bill was supported through Parliament by the Government and all of the main English political parties. It is the result of a five year campaign led by a coalition of organisations under the banner Local Works. Local Works name 85 national supporting organisations reflecting a very wide constituency.

A quick guide to the Sustainable Communities Act

The Sustainable Communities Act aims to promote the sustainability of local communities. It begins from the principle that local people know best what needs to be done to promote the sustainability of their area, but that sometimes they need central government to act to enable them to do so. It provides a channel for local people to ask central government to take such action. It is also a new way for local authorities to ask central government to take action which they believe would better enable them to improve the economic, social or environmental well-being of their area. This could include a proposal to transfer the functions of one public body to another.

The scope of the Act is very broad, covering economic, social and environmental issues. It does not limit the type of action that could be put forward, provided the action is within that broad scope. It is for local people to decide what they think needs to be done to promote the sustainability of their area.

The Act is designed to strengthen the role of communities. It provides a simple process by which the ideas generated by local communities are fed through their local authority and a body known as the “selector” (which we envisage will be the LGA) to central government. As it will not be possible for all suggestions to be put direct to central government, local authorities and the selector will have a “short-listing” role. The government will consult the selector and try to reach agreement on which of the proposals on the short-list should be implemented. The government will respond to all of the suggestions that are short-listed by the selector and will publish an action plan setting out how it will take forward the suggestions that it adopts.

As well as enabling local communities and local authorities to make suggestions for government action, the Sustainable Communities Act also ensures that communities are better informed about the public funding that is spent in their area. New “Local Spending Reports” will provide quick and easy access to information about where public money is spent. This will enable local authorities, their partners and communities to take better informed decisions about the priorities they choose to pursue to promote the sustainability of their local community.

A step-by-step guide to the Sustainable Communities Act

Section 1: Sustainability of local communities

The aim of the Act

Section 1 describes the principal aim of the Act as being to promote the sustainability of local communities. In the Act, references to promoting the sustainability of local communities are references to encouraging the economic, social or environmental well-being of the authority's area, or part of its area. This includes participation in civic and political activity.

Section 1 was written in this way to reflect the well-being powers that local authorities were granted by the Local Government Act of 2000. The reason for making this link is to ensure that the Act supports the role of local authorities as community leaders and contributes to the broader agenda for partnership working at local level, including the development of Sustainable Community Strategies and the negotiation of Local Area Agreements.

The power of well-being

The well-being power enables local authorities to do anything they consider likely to promote or improve the economic, social or environmental well-being of their area. The breadth of the power is such that councils can regard it as a 'power of first resort'. Rather than searching for a specific power elsewhere in statute in order to take a particular action, councils can instead look to the well-being power in the first instance. If what they propose to do is likely to promote or improve the well-being in their area and does not involve raising money. And if what they propose is neither explicitly prohibited, nor explicitly subject to limitations and restrictions, on the face of other legislation then a council can proceed.

The references to well-being are designed to be inclusive and are deliberately drawn broadly. This means that there is a very wide range of activity which falls within the scope of the Act. It is for local authorities – and local people – to make the case for which activities they think will contribute to the economic, social and environment well-being of their area when making proposals under section 2 of the Act.

Section 2: Proposals by local authorities

Invitation to make proposals

Section 2 describes one of the key new measures introduced by the Act. It requires the Secretary of State to invite local authorities to make proposals which they consider would contribute to promoting the sustainability of local communities. Other than the reference to sustainability there is no limit placed on the types of proposals that local authorities can make. The details of how these proposals are to be made are covered in subsequent clauses.

Transfer of functions from one body to another

Section 2 also states that proposals may include a request for a transfer of functions from one person to another. Broadly speaking, this provision recognises that local authorities may believe that the functions of some public bodies may be better performed by another. They may, therefore, propose that those functions be transferred. This may be a transfer from a national body to a local body, or it could be a transfer from one local body to another. If a local authority decides to request that the functions of one body are transferred to another they may also request that responsibility for the funding that is linked to that function is also transferred.

If a local authority makes such a proposal it must first consult both the body which currently performs the function and the body which the local authority proposes to transfer the function to. The functions that could be in scope are limited only by the principal aim of the Act, which is to promote the sustainability of local communities.

Matters in the Schedule

Before it makes a proposal a local authority must have regard to the matters specified in the Schedule to the Act. "Having regard to" means that the local authority needs to consider or take into account these matters. The matters described in the Act's Schedule reflect some of the key concerns of Local Works and its partners. They are designed to help local authorities and their residents form a view of the types of activity that could promote the sustainability of their local community.

Timing of first invitation

The Secretary of State must issue the first invitation to local authorities to make proposals on or before 22 October 2008, which is one year after the Act was passed. While the Act does not specify a time at which the Secretary of State must issue further invitations, the intention is to do so periodically. The Government will work with the local government sector to agree the frequency and timing of further invitations.

Section 3: Decision on short-list

Appointment of a “selector”

Section 3 requires that before inviting proposals the Secretary of State must appoint a “selector” to consider the proposals. The selector must represent the interests of local authorities. The Secretary of State envisages appointing the Local Government Association as the selector. The selector must draw up a short-list of proposals and it must do so in co-operation with the Secretary of State. The selector must follow the procedure laid down in regulations (see section 5 below).

Co-operation between the Secretary of State and the selector

On receiving the short-list the Secretary of State must decide which of the proposals should be implemented. Before doing so, the Secretary of State must consult the selector and try to reach agreement about which of the proposals to implement. Although the Secretary of State and the selector must try to reach agreement, the final decision on whether or not to implement any proposal rests with the Secretary of State.

Section 4: Action plans

Publication of decisions

Section 4 requires the Secretary of State to publish her decision under section 3, and the reasons for it. She must also publish a statement of the action she proposes to take to implement any proposal. This statement will be known as an “action plan”.

Reports to Parliament

Each year the Secretary of State must publish and lay before Parliament a report which describes the progress that has been made in relation to each action plan.

Section 5: Proposals: regulations

Regulations

Section 5 requires the Secretary of State to make regulations about the procedure to be followed by local authorities and the selector in relation to proposals. Before making regulations the Secretary of State must consult the selector and others who the Secretary of State believes represent the interests of local authorities. This consultation will inform the content of the regulations.

The regulations **may**:

- specify, or authorise the selector to specify, steps to be taken by a local authority before making proposals;
- specify steps to be taken by the selector in considering the proposals and drawing up the short-list;
- require the selector to prepare and provide a report on the proposals.

The regulations **must**:

- require a local authority, before making any proposal, to establish or recognise a panel of representatives of local persons and consult it about the proposal;
- require a local authority to try to reach agreement about proposals with the panel;
- require a local authority to have regard to any guidance issued by the Secretary of State – see below.

The regulations have yet to be made but they may include requirements intended to ensure the clarity, workability and quality of the overall process. The objective is to design a system that captures the best ideas from communities.

Guidance

The Act requires local authorities to consult and try to reach agreement with local people via a panel of representatives before they make a proposal. Beyond this requirement, the Act does not specify how local authorities should consult or who they should consult.

The Secretary of State is, however, required to issue guidance to local authorities relating to the proposals. This:

- **must** include guidance on the inclusion of persons from under-represented groups; and
- **may** include guidance about establishing and consulting a panel of local representatives.

Before issuing this guidance the Secretary of State must consult local authorities or persons who represent the interests of local authorities.

Definitions

The Act defines what is meant by:

- **local person**: a person who is likely to be affected by or interested in a proposal
- **panel**: a panel constituted in accordance with the regulations made by the Secretary of State

- **representative:** a person who appears to the local authority to be representative of local persons
- **under-represented groups:** to be defined in the regulations.

Links to the new “duty to involve”

Aspects of this section are very similar to the new ‘duty to involve’ which applies to best value authorities, introduced in the Local Government and Public Involvement in Health Act 2007. Best value authorities are defined in the Local Government Act 1999. The duty to involve requires best value authorities to inform, consult or involve representatives of local people in the exercise of their functions. Where authorities are proposing to use panels as part of their implementation of the duty to involve, they may find it sensible to use the same panels in relation to the Sustainable Communities Act where the panels meet the requirements of the Sustainable Communities Act.

Section 6: Local spending reports

Local spending reports

Section 6 requires the Secretary of State to make arrangements for the production of local spending reports. A local spending report provides information about public expenditure in relation to a particular area. This will help promote the sustainability of local communities by providing access to high quality information about the public funding that is spent in the area.

Arrangements

The Act requires the Secretary of State to consult on the arrangements but leaves discretion about the details to the Secretary of State. It does not specify what information must be included in a report, or the way in which the information must be presented. Bodies whose expenditure may be included in the local spending report include local authorities, government departments and any other person exercising public functions. The area covered by a report must be one or more local authority areas, one or more parts of a local authority area or any combination of these. Reports can cover past, current or future expenditure and the Secretary of State can provide different reports for different areas. The first arrangements must be made on or before 22 April 2009, which is 18 months after the Act was passed, but we intend to do so well before this date. We plan to update the information provided in local spending reports as it becomes available.

Purpose

The aim of this section is to support local authorities, their partners and local people in their work to promote local sustainability. This provision will inform local authorities’ consultations with local people, strengthen local democracy and enhance the operation of the new Local Area Agreements by ensuring that there is greater accountability and transparency. We intend to ensure that local spending reports are closely linked with the regular and accessible information on local services that we have committed to provide for local communities.

Local spending reports will enable local authorities, their partners and communities to take better informed decisions about the priorities they choose to pursue to promote the sustainability of their local community. They will also enable local people and local authorities to identify which functions (and funding) they might propose should be transferred from one body to another.

While the aim behind local spending reports is to identify where public money is spent, it will not be possible or cost effective to map all public expenditure. For example, some public funding supports services which are not geographically specific or are used by people from a number of local authority areas.

Section 7: Sustainable community strategy

Section 7 simply amends existing legislation to rename “community strategies” as “sustainable community strategies”. This section has no further effect. The aim of this provision is to highlight the key role these strategies play in promoting sustainability.

Sections 8, 9 and 10

These sections contain further definitions (for example of what “local authority” means in this Act), enable funding to be paid out to carry out the functions of the Act, and define the geographical coverage of the Act.

Schedule

The Schedule describes a series of matters to which local authorities must have regard (see above). These are issues which members of the coalition led by Local Works believe have a significant impact on the sustainability of local communities. The Schedule is not intended to be exhaustive or exclusive. It is intended to give local authorities and local people an indication of the type of matters they may wish to address in their proposals.

Implementation

Approach to implementation

The Government will work closely with the Act's supporters to agree a plan of implementation. While the Act contains a number of requirements that must be met, we believe that the strength of the Act lies in the way that it will encourage central and local government and local people work together to promote the sustainability of local communities. So we propose that both the regulations and the statutory guidance will be "light touch" and we do not expect to set out a series of detailed regulations that must be followed. Much of the detailed operation of the Act is subject to consultation, and we will ensure that we follow Cabinet Office guidance on consultation.

Timeline for implementation

The Act contains a number of commitments relating to consultations and to timing. There are a number of other measures that we will need to take forward in order to implement the Act effectively. This is the outline timetable that we propose to follow:

- Discussion with Bill's supporters to prepare consultation package by January 2008
- Appoint the selector (which we envisage will be the LGA) by February 2008
- Formal consultation on Regulations and Guidance: February to May 2008
- Lay Regulations before Parliament: May 2008
- Bring together Sustainable Communities Bill Guidance with Creating Strong and Prosperous Communities Guidance: May 2008
- Secretary of State issues first invitation for proposals by October 2008
- Consultation on Local Spending Reports: Summer 2008
- Secretary of State makes arrangements for first Local Spending Reports: Autumn 2008 (required by April 2009)