

Scrutiny Task and Finish Panel Agenda



Sustainable Communities Task and Finish Panel Thursday, 4th February, 2010

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

Time: 7.30 pm

Democratic Services Officer: Adrian Hendry
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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. 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.

3. NOTES FROM LAST MEETING (Pages 3 - 6)

To agree the notes from the last meeting of this Panel, held on 3 December 2009.

4. TERMS OF REFERENCE (Pages 7 - 8)

(Chairman/Lead Officer) To note the attached Terms of Reference. The Panel are

asked to review the document at each meeting.

5. THE LONDON BOROUGH OF REDBRIDGE EXPERIENCE

At their initial meeting, Members of the Panel expressed a desire to meet with representatives of other local authorities who had submitted proposals under the Sustainable Communities Act.

Judith Paterson from the London Borough of Redbridge will be attending to discuss their experience of the following two bids:

- (i) To suspend the requirement for Redbridge Council to publish statutory notices in the London Gazette and instead to publish notices on its award winning website Redbridge-i and Redbridge Life, the Council paper as well as local papers.

This bid has progressed to the shortlist.

- (ii) Introduce a new subsection possibly A1(a), to the Use Class Order to identify a number of coffee shops and take-away food shops currently operating as Use Class A1 establishments.

This bid has not progressed to the shortlist.

A full summary of the shortlist of proposals made under round one of the Sustainable Communities Act is available on the Local Government Association Website : www.lga.gov.uk/lga/core/page.do?pagelid=561663

Unfortunately, the other representative from Maldon District Council, who was also invited to attend cannot make the date, but has offered to send a briefing note on their experience. At Agenda dispatch, this had yet to be received but will be circulated when available.

6. FUTURE MEETINGS

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

**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF SUSTAINABLE COMMUNITIES TASK AND FINISH PANEL
HELD ON THURSDAY, 3 DECEMBER 2009
IN COMMITTEE ROOM 1, CIVIC OFFICES, HIGH STREET, EPPING
AT 7.00 - 8.16 PM**

Members Present: J Philip (Chairman), , A Boyce, A Clark, A Lion, R Morgan, Mrs P Smith (Chairman of Council) and D Wixley

Other members present: J M Whitehouse

Apologies for Absence: Mrs R Brookes and Mrs R Gadsby

Officers Present D Macnab (Deputy Chief Executive) and A Hendry (Democratic Services Officer)

1. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

The Panel noted there were no substitute members.

2. DECLARATIONS OF INTEREST

No declarations of interest were made.

3. TERMS OF REFERENCE

The Panel reviewed the draft terms of reference. They noted that the Panel had been constituted late in the year and there was a chance that it may have to continue into the next municipal year.

The Panel decided to take out the bullet points on item three and replace them with the four points listed in bullet point (c) of the original motion to council.

The Panel noted that there was no need to consider budget proposals at present as they needed to work out the cost of the process involved. It was likely that the cost could be kept within existing processes.

4. SUSTAINABLE COMMUNITIES BACKGROUND REPORT

The Deputy Chief Executive, Derek Macnab, introduced the report on Sustainable Communities. This Panel originated as a motion to Council, moved by Councillor Philip, that:

The 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.

The Panel noted that the act had three main strands to it:

- i) to identify proposals and in doing so to consider the transfer of powers from the different tiers of government to the level considered appropriate;
- ii) Local spending reports - this was designed to demonstrate public spending within a geographical area. It may include local authorities spending, county spending or government bodies. It would allow transparency in local spending. As yet no local spending report has been issued; and
- iii) Sustainable Communities Strategy – the LSP had been asked to create a community strategy, and this just renames it a ‘sustainable’ community strategy.

The Local Government Authority (LGA) had been appointed to select appropriate proposals, short list and submit them to the Government for consideration.

Spread sheets breaking down proposed spending projects by other authorities were tabled. This included detailed breakdowns of Essex CC and nearby District and London Borough Council’s proposals for comparison. It was suggested that officers from one or more of these authorities could be asked to come and talk to the Panel and share their experience.

Councillor Mrs Smith asked if external funding would be available for any projects. Mr Macnab said that the government did not regard the Act as a route for agreeing additional public spending, but if the Council was granted extra powers it would get the money that went with that power, either from county or regional government level.

But it would not be new money. This could also mean that District level hands over money to Town or Parish level for appropriate transfer of powers and responsibilities.

One example would be to ask that Planning Inspectors came down one level, but the government may not look too favourably on this.

Councillor Jon Whitehouse said he saw the attraction in this scheme for planning, and the ability to action long standing problems; there was also a value in identifying partners to work with on a voluntary basis.

Councillor Philip commented that the Act allowed these proposals to be made on a regular basis but the government had not said when the next round would be. The government still had to act on the first round. Councillor Whitehouse said if a proposal went on a shortlist, would all authorities benefit from it? Mr Macnab said that was the case, an authority would in effect be trail blazing and it would then become available to all authorities.

Councillor Mrs Smith said that a county officer was interested in developing a 'Roof' or 'Development Tax' for anything in excess of 100sq.metres, to replace the current Section 106 agreements. Where would this sort of thing fit in to the scheme? Mr Macnab was not sure as some local authorities had been doing this for years. He was not sure where they were in terms of legislation. It was not part of the six proposals that had been put forward by the County Council.

Councillor Wixley asked if this would survive a change of government. Councillor Philip replied if the incoming Government did not repeal the Act then they would have to take it forward. It was originally designed to be an annual event but he did not see that happening. As a District Council we should have an idea of how to start the procedure within the timescale given to us by the Government. We also need to find a way to talk to the 'hard to reach' or 'under-represented' people. Essex County Council had a purely web-based consultation on their proposals and not a public panel. We should have something for the second round prepared, which may not be for 12 to 18 months.

Councillor Lion agreed that we should be preparing something for a future round, although there was a possibility that the terms could be changed by then. Councillor Philip replied that to do so they would have to change the legislation; but they may be stricter with authorities who did not follow the guidelines. The Council should now be looking for suggestions for the next round; not necessarily from elected bodies but also through community involvement. There was a need to get awareness about this to the public.

Councillor Mrs Smith said that there was a ratio of the yield against the hidden cost of preparing a presentation. How would the Council put a bid together, would it need a full time or part time officer. As far as she knew there was no spare capacity in the council. Councillor Philip said there was a need to get someone from another authority to tell us of the effort they had to put into developing a bid and how they consulted the public, and not just the people who live in the district but those that work here or travel through. Mr Macnab agreed that that we could ask about the mechanics of the bid, which would be helpful. The recent place survey indicated that people were interested in protecting the character of the district; crime and anti-social behaviour; and more things for young people to do. This could be used as a starting point.

Councillor Philip added that they would like to have someone from the LGA come and talk to us from the point of view of the 'selector'.

Councillor Wixley said that there used to be an Epping 'Forest Forum'. This had not happened in recent years, this type of panel would be needed, although there would be a cost just to get them up and running.

Councillor Mrs Smith asked if the proposal would need to be evidenced based. Mr Macnab replied that there would need to be a sound evidence base to get from the long list to the short list. A proposal would be hard to scope in terms of resources depending if it was a simple or complicated proposal and if it needed manpower.

The Panel then considered who they would like to invite to the next meeting to explain how they developed their proposals and how they consulted with the public. It was decided that Mr Macnab approach Molden District Council, London Borough of Redbridge and Southend-on-sea Borough Council to try and get a suitable officer to talk to the Panel.

It was also suggested that the Local Council Liaison Committee be consulted at some time to see if they had any ideas for future proposals.

RESOLVED:

- (1) That a suitable officer be sought from the councils identified to talk to the Panel on how they carried out their background work for their proposals; and
- (2) That the Local Council Liaison Committee be consulted about ideas for any proposals they may have.

5. FUTURE MEETINGS

The Panel agreed to have a 7.30pm start for their meetings and would like their next meeting to be either the 21st January or 4th February 2010.

SUSTAINABLE COMMUNITIES ACT 2007 – TASK & FINISH PANEL

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;
- 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:
 - (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;
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.

TERMS OF REFERENCE

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