

Report to the Cabinet

Report reference: C-017-2009/10

Date of meeting: 13 July 2009



**Epping Forest
District Council**

Portfolio: Leader of the Council

Subject: Sustainable Communities Act 2007

Responsible Officer: Ian Willett (01992 564243)

Democratic Services Officer: Gary Woodhall (01992 564470)

Recommendations:

1. To consider:

(a) How the Cabinet should respond to the motion passed at the Council meeting on 30 June 2009 concerning the development proposals for submission to Government under the Sustainable Communities Act 2007;

(b) The following options as to how this motion can be taken forward:

(i) refer to the Overview and Scrutiny Committee for consideration and report;

(ii) establish a Cabinet Committee with the specific brief to invite proposals from within the District, assess those proposals against the Acts requirements and report back to the Cabinet; and

(iii) The Cabinet itself to deal with the motion.

Executive Summary:

At the Council meeting on 30 June 2009, a motion was adopted whereby the Council has supported the aims and objectives of the Sustainable Communities Act and has asked the Cabinet to use the Act to submit proposals for action and assistance from Central Government as best serves the Epping Forest District.

This report asks the Cabinet to consider how the Council motion should be taken forward and, in particular, the review arrangements which should be set up so that the Council may pursue the matter.

Reasons for Proposed Decision:

The motion on the Sustainable Communities Act having been adopted by the Council and referred to the Cabinet, it is now for the Cabinet to decide how to respond.

Other Options for Action:

To advise the Council that it is not proposed to pursue the aims and objectives of the motion.

Report:

1. The Council on 30 June 2009 passed the following motion:

"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 the 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:

- The improvement of the local economy;*
- Protection of the environment;*
- Promotion of social inclusion; and*
- 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) resolve, to use the Act by submitting proposals for action and assistance from Central Government as best serves the District; and

(f) that consideration of this motion be referred to the next appropriate meeting of the Cabinet."

Sustainable Communities Act 2007 - Background

2. The Act provides an opportunity for local authorities to make proposals which they consider would encourage the improvement of the economic social or environmental well-being of local areas. It is based on the principle that local communities know best what needs to be done to promote the sustainability of their area and that Central Government will act in order to enable them to do so.

3. The Act sets out a process by which ideas generated from 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 "LGA" has been appointed by the Secretary of State as the Selector and its role is to shortlist proposals to be submitted to Government for consideration under the Act.

4. The duties of the Secretary of State include making a decision on which proposals on the shortlist submitted to them by the LGA should be implemented, giving reasons for that decision and to do so after consulting the LGA and reaching an agreement with the latter. The Secretary of State must then publish a statement of how the Government will take forward any proposals that are to be implemented (known as an Action Plan).

5. 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) are to be put forward. Authorities are not required to submit a proposal. These are then sent to the LGA and in the current round the deadline for submissions was 31 July 2009.

Detailed Operation

6. The Secretary of State made regulations and published guidance on this Act and the main features of these are as follows:

(a) 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. These panels are to be a balanced selection of the individual groups or organisations the authority considers likely to be affected by the proposal. These do not refer to formally elected or nominated members of the community.

(b) panels must include persons from "under represented groups";

(c) it is a matter for the Council to determine how these groups should be established but must take reasonable steps to identify and include representatives from the under represented groups on new or existing panels;

(d) the definition of those likely to be affected by a proposal is such that they do not have to be residents and could be those who work or study 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; and

(e) the local authority must consult parish councils in their area.

7. The Council has passed a motion which asks the Cabinet to actively pursue the opportunities raised by the 2007 Act. It will be appreciated that the timescale for submission for proposals in 2009 is now almost unachievable but there is an issue of policy for future years if the Act continues to operate in future years in the same way. The Cabinet may wish to consider how schemes are to be found and what arrangements are to be made for setting up relevant panels of affected people. This is a task which can be undertaken by:

(a) the Cabinet itself;

(b) a Cabinet Committee;

(c) Overview and Scrutiny.

8. If the Cabinet wishes to pursue this issue they should select a method by which the matter can be progressed but if they are not minded to do so they should report back to the Council explaining the reasons for that view.

Resource Implications:

To develop proposals and to submitting these to the LGA and Government. It is not clear whether there is any kind of financial commitment involved in developing these proposals.

As part of any proposal to undertake work in connection with the Sustainable Communities Act 2007, there would need to be an allocation of staff.

Legal and Governance Implications:

None at this stage.

Safer, Cleaner and Greener Implications:

The context of submitting proposals under this Act imply a range of well-being issues for the District which might fall under the umbrella of the "Safer, Cleaner, Greener" initiative.

Consultation Undertaken:

None

Background Papers:

None

Impact Assessments:

Such an assessment has not yet been carried out. The Sustainable Communities Act is clear that the Council informing panels of those likely to be affected by sustainability proposals need to take full account of equalities issues.