

Report to Sustainable Communities Task and Finish Panel

Date of meeting: 3 December 2009

Subject: Sustainable Communities

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Committee Secretary: Adrian Hendry



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.**