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SCRUTINY

REPORT OF SUSTAINABLE COMMUNITIES TASK AND FINISH PANEL

MARCH 2010

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1. Chairman's Foreword

Forward by Councillor John Philip – Chairman of Panel -

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2. Panel Composition

The Leisure Task and Finish Panel comprised of the following 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.

The Panel met on three occasions through the Review Period.

3. Introduction and Overview

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 2009, who deferred the item to Overview and Scrutiny. At the September 2009 meeting of the Overview and Scrutiny Committee, members established the Task and Finish Panel, to consider the matter in more detail.

4. Terms of Reference

At our initial meeting, the Panel developed and agreed the following Terms of Reference. These were kept under review throughout the period of our work, to ensure their continuing relevance.

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.
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.

5. Methodology – How we went about the Task

From the outset we recognised that the Council had not engaged in the initial round of applications and, as such, at the start of the Task and Finish review, the Local Government Association (LGA) and Central Government were yet to determine what a good proposal looked like. Indeed, we also accepted that there was no guarantee that a further round of applications would be sought, although we understood that there had been no indication from any political party that the Act would be repealed.

At our first meeting we received a presentation on the scope of the Sustainable Communities Act and the potential opportunities presented.

We then went onto review a number of spreadsheets received from the LGA which included a breakdown of proposals submitted by Essex County Council, other District and Borough Councils in Essex and neighbouring London Borough Councils. From this scoping exercise we identified a number of proposals which appeared to have some relevance for us as an authority, and invited representatives from the London Borough of Redbridge and Maldon District Council to meet with us to share their experience.

In the event, Maldon District Council were unable to send a representative but kindly submitted a useful briefing note. At our second meeting we welcomed Judith Paterson, Principal Policy Officer from the London Borough of Redbridge, who explained their approach to the Act and the main issues encountered in their submission process.

Finally, the Panel considered an analysis prepared by the LGA with respect to the proposals they had selected to be put forward to Central Government, noting with interest the type of submissions that had been successful.

6. Recommendations

That the Council notes the conclusions reached by the Task and Finish Panel with respect to the Sustainable Communities Act 2007 and in particular that:

- (i) the District Council engage in any future round of the Sustainable Community Act 2007 in recognition of the benefits that could be achieved in identifying issues that are important to local people;
- (ii) the Council monitors the progress of the first round short-listed proposals under review and receives a future report to Overview and Scrutiny Committee on those proposals chosen for implementation by the Secretary of State and their relevance for this authority;
- (iii) any future report to Overview and Scrutiny Committee highlights any lessons learned from the evaluation of the initial round that will be undertaken by the Local Government Association;
- (iv) at an appropriate time in the future, once timescales become clearer, a presentation is given to the Local Council's Liaison Committee seeking Town and Parish Councils' support in seeking proposals for Sustainable Communities Act submission.
- (v) as above, a similar presentation is given to the Local Strategic Partnership "One Epping Forest";
- (vi) further consideration is given to the establishment of a Citizens' Panel with whom to consult on any future proposals as well as other issues the Council may wish to seek views upon;
- (vii) consideration should be given to the future establishment of a working group of Members to oversee the submission of any future bids under the Act.

7. Report on the Sustainable Communities Act 2007.

Main Features of the Act.

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 principal 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.

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.

After submission, the Secretary of State is required to decide which proposals on the short-list should be implemented, and after consulting the LGA, to give reasons for that decision. The Secretary of State will then publish a statement of how the Government will take forward any proposals that are to be implemented. In addition, the Secretary of State is required to publish an action plan on how proposals will be implemented and report to Parliament each year on progress being made, under the Act.

Making Proposals

The Act is designed to encourage local communities to come forward with ideas and proposals to promote the sustainability of their local areas. “Sustainability” is defined in the Act in very broad terms, and can cover anything which could improve the economic, social, or environmental well-being of the area, or promote participation in civic or political activity.

Ultimately anyone can suggest a proposal, via their council. The expectation is that most proposals will come from community organisations, local branches of national organisations, parish and town councils, residents and tenants’ associations, local strategic partnerships and other partnership bodies. Proposals can be developed by councils themselves.

However, before making any proposal, local authorities must establish or recognise one or more panels of representatives of local persons and consult these panels to 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.

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

Criteria for proposals under the Act

The basic criterion is that proposals must require some form of action from central government (such as a change in legislation, a transfer of responsibilities from one public body to another, a new national policy or a change or strengthening of policy).

In considering proposals, local councils need to distinguish between those which could happen anyway, if agreed at local level, and those which need central government action or intervention of some sort. The latter category covers those appropriate to be submitted onwards, firstly to the LGA as Selector and potentially to the Secretary of State.

Potentially the Act allows for proposals that involve significant shifts in responsibilities across the public sector, including Government and regional agencies and quangos (Non Departmental Public Bodies) as well as local service providers. Such proposals would need to demonstrate why they would improve economic, social or environmental wellbeing in the locality from where the proposal is made. The agency concerned must be consulted about this proposal, but is not required to support it. Where a successful case is made for the transfer of responsibilities from one public body to one or more others, relevant budgets would transfer across at the same time.

Regulations and Guidance on Consultation

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 of more panels of representatives of local persons and to consult them about each proposal.

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 state 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.

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, parish councils, or anyone else likely to be affected by, or interested in the proposal. In addition, the guidance states that local authorities will want to consult parish councils in their area.

Reaching Decision on Proposals

Following the deadline for receipt of proposals, the LGA have now considered and, in liaison with the Secretary of State, short-listed certain proposals. The Secretary of State will now need to decide which proposals to implement. Local authorities have asked for an indication of the likely approach of Government to decisions on short-listed proposals, which has yet to be forthcoming.

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. However, short-listed bids have been processed by the Local Government Association for submission in December 2009.

Further rounds under the Act

Further rounds under the Act are subject to an invitation from the Secretary of State. The LGA have indicated 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, Councillor 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.

8. Summary of Main Conclusions

As a result of our consideration of the Sustainable Communities Act 2007 and having the benefit of learning first hand from the experience of other local authorities who submitted proposals, we have concluded:

1. That as the Secretary of State has yet to determine which of the short-listed proposals will be implemented, it is too early to assess the overall impact of the Act. However, the process of seeking proposals, if well managed can provide opportunities for positive community engagement and identification of issues that are important to local people.
2. That notwithstanding the above, care should be taken not to raise expectations that may not be fulfilled and a balance should be struck between the amount of resources engaged in seeking and submitting proposals, against the likelihood of success.
3. That whilst the Act does present a real opportunity to identify issues on which central government can assist councils and local people to promote the sustainability of their communities, care is required to ensure that proposals are not already within the powers of local authorities (including powers for the promotion of Wellbeing in Section 2 of the Local Government Act 2000). This was identified as a significant reason for a number of proposals not being shortlisted.
4. That there are already established processes for setting the levels and distribution of public sector funding and as the Government does not regard the Act as a route for agreeing additional funding, either at a national or local level, a very strong case will need to be made to support any proposals that require this.
5. That the experience of other authorities suggests that more time should be given and more creative approaches taken to the encouragement of community led proposals. Whilst the use of Council Websites had led to some ideas coming forward, it was felt that the use of community forums, tenant groups, town centre partnerships and, in particular, Ward Members and Town and Parish Councils could be a better approach to community engagement.
6. That existing consultation mechanisms such as the Place Survey and work around the Local Development framework Core Strategy and the Sustainable Community Strategy could highlight the types of issues that people felt were important and proposals could be canvassed in line with themes e.g. Protecting the Special Character of the District, Reducing the Fear of Crime, Activities for Young People, etc.
7. That further consideration should be given to the establishment of a Citizen's Panel or similar in order to facilitate ease of consideration of any future Sustainable Community Act proposals. It was felt that some of the current work with local groups on Equality and Diversity could be utilised to ensure that any consultative panel was representative.
8. That the Local Strategic Partnership "One Epping Forest", could play a key role in terms of identifying and encouraging proposals, particularly where there was a cross cutting bid which covered a number of public or voluntary sector agencies.

9. Appendices

1. A Guide to the Sustainable Communities Act 2007.

10. Acknowledgements

The Panel would like to acknowledge the support of the London Borough of Redbridge and Maldon District Council in the review.

11. Background Papers

1. The Sustainable Communities Act Analysis of Proposals Submitted by Councils – Local Government Services Research Programme.
2. The Sustainable Communities Act Short-list of Proposals made under round one – Local Government Association.
3. Briefing Note from Maldon District Council.