

SUSTAINABLE COMMUNITIES ACT

**(Report by Head of People, Performance and Partnerships and Head of
Democratic and Central Services)**

1. INTRODUCTION

This report provides Members with an outline of the Sustainable Communities Act 2007 and a suggested response for the Council.

2. BACKGROUND

2.1 The Sustainable Communities Act was developed through a five year campaign by a coalition of interest groups called Local Works (now 'Unlock Democracy') aimed at reducing the loss of small local businesses and community facilities in parts of the Country, and the linking this to wider sustainability concerns. It was taken up as a Private Members Bill but during its parliamentary passage (in an amended form), it gained the support of the government. Publicity around the Act, has been generated by the 'Local Works/Unlock Democracy', who have been encouraging Councils to 'opt in'. However, there is no requirement to do this and it is intended that proposals will be invited by the Secretary of State annually.

2.3 The Act now forms part of a package of legislation, regulations and guidance aimed at improving the sustainability and engagement with communities and strengthening democracy. It places a duty on the Secretary of State to invite local authorities (County/Unitary and District Councils) to make proposals that they consider would contribute to promoting the sustainability of local communities. This is defined as improving the economic, social or environmental well-being of local areas. In simple terms, this means asking the Secretary of State to change something that is currently preventing the local authority from doing what it wants to do, either through a change in legislation or by devolving powers.

2.4 In exercising this discretion, the Council must similarly invite local communities to suggest changes and then have a way of consulting on those ideas. Local Works have published on their website examples of Councils who have resolved to use the Act (see www.localworks.org).

3. PROCESS FOR THE FORMULATION AND INVITATION OF PROPOSALS

3.1 At Appendix A is a flow diagram showing the process for formulating and submitting ideas for proposals which includes:-

Invitation

The Secretary of State issued the first invitation on 14th October 2008 for proposals to be submitted by 31st July 2009. There is no indication from

the Secretary of State when the next invitation will be made, but it is expected annually.

Local Spending Reports

To help in this process, the Secretary of State must also produce “Local Spending Reports” detailing how public money is spent in a local area to assist local authorities in drawing up proposals for submission. These reports were published on 29 April 2009 based on financial information available to the Secretary of State. The reports cover a range of functions and are not necessarily broken down to district level or by the boundaries of other organisations. The full report can be viewed on the communities and local government website at <http://www.communities.gov.uk/publications/corporate/statistics/localspendingreports200607>

Local Panels

Local authorities must “*establish or recognise*” a panel of “*representatives of local persons*”, consult the panel about the proposals and try and reach agreement with it on the proposal(s) to be submitted. The guidance says that panels must include under represented groups and local authorities must also work with Third Sector organisations (voluntary and Community groups) and other agencies to determine who these under represented groups are. These panels can be used to generate ideas as well as a means of consultation proposals. Proposals may include a request for a transfer of functions from one person (or organisation) to another but both parties must be consulted first.

- 3.2 Initially, all proposals submitted will be considered and short listed by the Local Government Association before it consults the Secretary of State, who will determine which proposals (if any) can be implemented.
- 3.3 Guidance issued by the government says that proposals will be assessed against criteria which:
 - will improve the sustainability of the local area
 - cannot be achieved through any existing powers (e.g. Well-being powers)
 - could benefit other areas
 - won't require any *new* public money
 - does not conflict with government policy

4. GENERATION AND FORMULATION OF IDEAS

- 4.1 The scope of the Act is very broad. There is a lack of clarity about the process and a lack of guidance about the extent of evidence required to support assumptions of sustainability. Following this first round of proposals it is envisaged that there will be some emerging good practice examples that can be used to model future consultations. Appended to this report at Appendix B is an extract from a leaflet produced by local works with examples of how the Act might be used.
- 4.2 The Act is prescriptive on who should be consulted on proposals. Appendix C sets out diagrammatically a model which represents the range of individuals/organisations who could be involved in generating ideas and formulating proposals in Huntingdonshire. The Act is vague about how and whom ideas can be generated from. Ideas could be invited from local residents, community groups, stakeholders, businesses

etc or the Council itself. A means will need to be developed to review ideas and work up detailed proposals before consulting with the 'panel' and relevant organisations. This work would not present immediate direct costs, but would incur significant resource implications for the Council. At present, the Council does not have a specific existing panel of representatives that would meet the requirements of the Act. Setting up a specific panel for this purpose would have resource implications and is not considered a cost effective way forward and for this reason Working Group and subsequently the Council concluded that any proposals under the Act should be subject to consultation with the proposed neighbourhood forums. It is likely that such forums will become operational during late summer/early autumn. The Model at appendix C suggests and additional meeting allowing the panels to "come together" to consider collectively any proposals.

- 4.3 There are clear links with the statutory Sustainable Community Strategy for Huntingdonshire (SCS) and where appropriate proposals might need to be considered by the Huntingdonshire Strategic Partnership to maintain a clear focus on the achievement of the SCS.
- 4.4 Discussions between local authorities across Cambridgeshire on their response to the Act are ongoing to identify potential areas for collective proposals.

5. RECOMMENDATION

That Members note the content of the report and that procedures and processes to generate and formulate ideas and proposals in relation to the Act will be developed in conjunction with the implementation of neighbourhood panels.

BACKGROUND INFORMATION

Sustainable Communities Act 2007

Sustainable Communities Act 2007: A Guide, Department of Communities and Local Government

Local Spending Reports:

<http://www.communities.gov.uk/publications/corporate/statistics/localspendingreports200607>

Local Works Website: www.localworks.org

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