

## REPORT TO CABINET

Title: **THE SUSTAINABLE COMMUNITIES ACT**

Date: 26 February 2009

Member Reporting: Councillor Mrs Bateson

Contact Officer(s): Harjit Hunjan, Community and Business Partnerships Manager  
(01628 796947)

Wards affected: All

### 1. SUMMARY

- 1.1.1 The Sustainable Communities Act 2007 received Royal Assent on 23 October 2007 and came into force on 22 October 2008, when The Secretary of State for Communities and Local Government (CLG), invited local authorities to make proposals that come forward from organisations and individuals within their local communities that contribute to the sustainability and well being of their local area. Subsequent invitations to follow.
- 1.1.2 Under this invitation, local authorities have until 31 July 2009 to develop and submit 'first round' proposals that require a national change in order to be implemented, it is anticipated that annual invitations will be made by the Secretary of State. The Local Government Association (LGA) as Selector, is currently developing an online system for submission of proposals, which will be available early in 2009 (details to be released). This system will also offer local Authorities the option to also put forward initial 'expressions of interest' outlining their ideas in summary form.
- 1.1.3 This timeframe takes into account Public Spending Statements to be published by CLG in April 2009 (details to released). These reports aim to provide information about public funding spent in the local area to enable local authorities, their partners and communities to take better-informed decisions about the priorities they choose to put forward as proposal for action.
- 1.1.4 The Act requires local authorities to involve a Community Panel or Panels of Representatives in deliberating proposals and to seek to reach agreement with them, whilst ensuring that 'under-represented groups' are involved in these discussions. The CLG acknowledges that locally, community engagement arrangements may already be in place and local authorities may wish to build upon.
- 1.1.5 This report seeks to update Cabinet on the national developments as released by CLG and LGA, supplement details presented within the briefing report to Cabinet (23 October 2008) and put forward options relating to appropriate processes for the Royal Borough to adopt in implementing the requirements of the Act.

## 2. RECOMMENDATION: That:

- i) The key principles of the Sustainable Communities Act 2007 be noted.
- ii) The recommendations for the processes required to implement the requirements of the Act by convening 'Panels of Representatives', the establishment of a Sustainable Communities Act Project Steering Group (to develop and support the remit of the Panels) and establishment of a cross-party Panel of five elected Members to consider and endorse or reject the short-listed proposals selected for submission to the LGA be considered.
- iii) It be acknowledged that further details relating to Act have yet to be released by Central Government and the Local Government Association.

What will be different for residents as a result of this decision?

The Act seeks to empower local communities so that they have opportunities to influence decisions being made on their behalf, by both elected and non- elected bodies.

From April 2009 local communities may have access to Local Spending Reports thereby having a greater opportunity to question how public funding is being spent in their local area and make suggestions to central government via their local authority to take action to promote the success of their area. These may be made available as on-line documents released by CLG and posted on the Royal Boroughs Website.

## 3. SUPPORTING INFORMATION

### 3.1 Background

- 3.1.1 As Selector, the LGA has outlined a number of guiding principles underpinning the Act to be applied when assessing proposals it receives as submitted by Local Authorities. The LGA will only consider proposals which need national action of some kind, such as a change in national policy, change to public spending, transfer of functions from one body to another, change to legislation, or a change in how a nationally driven public service is run.
- 3.1.2 The scope of the Act is very broad, covering economic, social and environmental issues. It does not limit the type of action that could be put forward, (provided the action is within that broad scope). It is for local people to decide what they think needs to be done to promote the sustainability, whilst ensuring communities are better informed about public funding spent in their area.
- 3.1.3 It is likely that many of the ideas put forward by local communities could be put into practice right away and will not require national action. CLG has recently restated the powers and flexibilities granted to local authorities ('Well – Being Powers') by the Local Government Act 2000. These flexibilities provide local authorities with the scope to undertake any activities that are considered to have a positive impact on the lived experience of people in their area.

- 3.1.4 The Act requires that for proposals requesting a transfer of a service or function from one provider to a different provider, that the body affected be consulted about this. The original service provider does not have to support the proposal, however must have been consulted
- 3.1.5 The Act requires that by April 2009, Local Spending Reports that detail information relating to the public funding spent in local areas, which can cover past, current or future expenditure are made available to local communities. These reports are seen as a key component in helping communities, local authorities and partners to put forward proposals (by gaining a better understanding of the local public expenditure of bodies such as local authorities, government departments and any other person exercising public functions in their local area).
- 3.1.6 The LGA has indicated that there will be considerable flexibility in the way in which it expects to receive proposals from local authorities and will not be seeking substantial business plans to accompany submissions. However, in making assessments the LGA will in the first instance will assess whether the proposal submitted address the following questions:
- Can they be achieved already under existing legislation?
  - How do they contribute to sustainability?
  - What community engagement has been conducted to ensure local suitability of proposal?

## **4. OPTIONS AVAILABLE AND RISK ASSESSMENT**

### **4.1 Panels of Representatives**

The Act requires local authorities to consult and try to reach agreement with local people via a panel of representatives before submitting proposals for consideration by the LGA. This requirement of the Act would be met by the Royal Borough establishing a specific 'Panel of Representatives' drawn from a range of key stakeholders, elected members, senior council officers and community and resident representatives. The membership however, may vary depending of the specific nature of proposal received and if specifically relevant to particular wards. (see Annex A process flow chart)

The Panel would have a specific remit for assessing the suitability of all proposals submitted against a set of 'predefined priorities' (established by the Panel and as stipulated by the Act) and would meet as required to shortlist proposals. A cross party Panel of five Elected Members would also be established to consider and endorse or reject short-listed proposals for submission to the LGA.

Membership of the Panel of Representative would include:

- Cross section of key stakeholders (PCT, Police, Community groups, etc)
- Parish Councils,
- Resident Representative Groups e.g. Residents Associations

- Leader of the Council
- Elected Lead Members (as required)
- Senior Council Officers (as required)
- Opposition Lead members as required

#### 4.1.2 Project Steering Group

It is proposed that a small and focused 'Project Steering Group' be set up for purposes of receiving proposals submitted to the Royal Borough, provide support to the role of the 'Local Panel of Representatives', oversee the internal processes required to successfully submit approved proposals to Selector (by 31 July 2009) and develop the appropriate activity to promote an awareness and understanding of the Act.

The Steering Group would also have a responsibility for allocating approved proposals to the most appropriate Royal Borough Officer to further develop individual proposals as required ensuring that appropriate level of local consultation takes place where specific proposal effect very local communities. Membership of the Steering Group would consist of:

- Lead member for Community Partnerships and Consultation
- Business and Community Partnerships Manager
- Appropriate Cross Directorate Officer Representatives.
- Corporate Communications and Marketing Manager

	Option	Comments	Financial Implications
1.	To agree to the recommendation	This will enable the Royal Borough to progress with establishing the appropriate processes required to ensure that such proposals the Royal Borough may wish to put forward meet the requirements of the Act and are submitted as required by the Selector.	Revenue - none  Capital – Officer and Member's time in administrating the scheme. There are some costs associated, i.e. publicity however, they are anticipated to be less then £5,000
2.	Do nothing	This may result in a significant delay and/or failure to submit Proposals by the current invitation deadline of 31 July 2009.	Revenue  Capital

## 4.2 Risk assessment

- 4.2.1 There are some risks associated with the introduction of this Act; however it will be vital to consider that the details of further guidance relating to the Act released in February 2009 are subject to a period of consultation (1.1.2) and the Local Spending Report (1.1.3) are due to be released in April 2009.

## 5. CONSULTATIONS CARRIED OUT

- 5.1.1 An Initial report outlining the principles of Sustainable Communities Act 2007 was presented to Cabinet (23 October 2008).
- 5.1.2 The Community Partnership Board received a presentation on the Act in October 2008 and subsequently at a Community Partnership Ambition Group workshop held in December 2008
- 5.1.3 A report relating specifically to options available for developing the most appropriate processes required to oversee the submission of bids was presented to Directors Group in December 2008.

## 6. COMMENTS FROM THE OVERVIEW AND SCRUTINY PANEL

The Panel made a number of comments on the report as follows:-

- The Panel supported the amendment to the recommendation that a cross party Panel of five Members would be established to consider and endorse and proposals.
- The report should be amended to reflect the current position with regard the likely availability of the Local Spending Reports by the stated deadline of April 2009.
- Although it was recognised that the Local Spending Reports would be made available, the need for their availability to be actively promoted was stressed.
- The report should specify how the predefined priorities were to be derived and also by whom.
- The Panel of Representatives should also include Opposition Lead members as appropriate.
- Cabinet Members should carefully consider and should be fully aware of the personal time Lead Members in particular may have to commit to the activities associated with the process. To ensure that the activities and process did not consume an unreasonable amount of Member/Officer time and resources the Panel were of the opinion that clear parameters would have to be established and the process would have to be carefully managed.
- Although it was recognised that costs would be met from existing budgets, the report should provide some indication as to the likely cost that would be associated with the activity supporting the process, particularly in terms of Member and Officer time.

## 7. IMPLICATIONS

- 7.1.6 The following implications have been addressed where indicated below.

Financial	Legal	Human Rights Act	Planning	Sustainable Development	Diversity & Equality
✓	✓	✓	N/A	N/A	✓

### Background Papers:

Council briefing note, 'The Sustainable Communities Act', 23 October 2008 prepared by Harjit Hunjan, Business and Community Partnerships Manager and Terry Gould, Head of Public Protection & Sustainability.