
THE SUSTAINABLE COMMUNITIES ACT 2007 - IMPLICATIONS

(Report of the Head of Strategy and Partnerships)

1. Summary of Proposals

The report advises Members of the implications of the Sustainable Communities Act 2007.

The Committee is asked to consider whether the Council should opt in to the process of submitting proposals which influence and shape national policy, and contribute to the promotion of sustainable communities within Redditch. Such proposals would be subject to consultation through a panel of representatives.

Whilst the Council has the opportunity to decide whether or not to engage locally in discussions about proposals for potential submission, there is no requirement to do so.

2. Recommendations

The Committee is asked to RESOLVE that

- 1) **the powers for Councils and communities contained within the Act be noted;**

and
- 2) **to RECOMMEND that EITHER**
 - a) **the Council opt into the process, working with representative local people to submit proposals to central government, to promote potential opportunities for assistance; OR**
 - b) **the Council decline the invitation to make proposals; OR**
 - c) **the Council adopt a light touch approach to the legislation and associated process, with a report to Committee following the publication of further guidance to review the findings of the initial round of proposals and decisions.**

3. **Financial, Legal, Policy, Risk and Sustainability Implications**

Financial

- 3.1 Additional funding for the implementation of proposals made under the legislation, has not been proposed by central government.
- 3.2 There will be financial implications associated with establishing a consultation panel.
- 3.3 The Council's financial status could be subject to further scrutiny through the production of local spending reports which have been introduced by the Act.

Legal

- 3.4 The implications of the Sustainable Communities Act 2007 are addressed within the report. The Act provides central government with a legal duty to assist Councils in promoting the sustainability of local communities.

Policy

- 3.5 The Redditch Sustainable Community Strategy which contributes to meeting the social, economic and environmental needs of the area was endorsed by Council on 27 October 2008.

Risk

- 3.6 Failure to opt in may lead to the Council being challenged by the electorate and a loss of potential opportunities. However there is no statutory requirement to embrace the process covered by the Act and there are no guarantees that submitted proposals will be taken forward.
- 3.7 There is a risk to the reputation of the Council if suggested proposals are not agreed by the locally constituted panel or taken up and subsequently implemented by central government. Resident expectations would need to be suitably managed in order to minimise this risk, if the process is adopted.
- 3.8 There could also be a risk to the reputation of the Council in not taking up the opportunity to further contribute to the promotion of sustainable communities.
- 3.9 Considerable officer time will be required to implement the requirements if the decision is made to opt in and there is the risk of

this outweighing the benefits realised if none of the proposals are accepted or indeed come to fruition.

- 3.10 The Council's consultation and engagement arrangements may be challenged if these are not sufficiently robust in line with the requirements of the Act.

Sustainability / Environmental

- 3.11 The principal aim of the Sustainable Communities Act 2007 is to promote the sustainability of local communities by encouraging the improvement of the economic, social or environmental well-being of the authority's area or part of its area.

Report

4. Background

- 4.1 The Sustainable Communities Act received Royal Assent on 23 October 2007. The aim of the Act is to promote the sustainability of local communities and it is part of the drive to empower citizens and communities.
- 4.2 The Bill was introduced as a result of a five year campaign led by a diverse coalition of 85 national organisations under the banner 'Local Works'.
- 4.3 The scope of the Act is very broad, and covers a range of economic social and environmental issues. It enables local people to make decisions within this scope about what they feel should be done to promote sustainability in their area.
- 4.4 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. It provides a channel for local people to ask central government to take such action.
- 4.5 It is also a new way for local authorities to ask central government to take action which they believe would better enable them to improve the economic, social or environmental well-being of their area. This could include a proposal to transfer the functions of one public body to another.

5. Key Issues

Sustainability of Local Communities

- 5.1 Promoting the sustainability of local communities with regards to the economic, social or environmental well-being of the area or part of the area includes the participation in civic and political activity.
- 5.2 The Act links with the well-being powers contained within the Local Government Act 2000 (as amended by the Local Government and Public Involvement in Health Act 2007). It contributes to the broader agenda for partnership working including the development of Sustainable Community Strategies and the negotiation of Local Area Agreements.
- 5.3 The well-being power enables local authorities to do anything they consider likely to promote or improve the economic, social or environmental well-being of their area. The local authority and its residents are able to make the case for such proposals.

Proposals by Local Authorities

- 5.4 The Act requires the Secretary of State for Communities and Local Government to invite local authorities to make proposals which they consider would contribute to promoting the sustainability of local communities.
- 5.5 On 14 October 2008 the first invitation was made to local authorities to submit proposals; the deadline for submissions is 31 July 2009. The invitation letter from the Secretary of State is appended to this report at **Appendix 1** together with a supporting letter from the Director of Empowerment.
- 5.6 The intention is that further invitations will be made periodically; the frequency of which is to be determined, but suggested may be annually.
- 5.7 Proposals may include a request for a transfer of functions between public bodies where it is believed that an alternative body may be better placed to carry out that particular function, subject to consultation.
- 5.8 Before making a proposal there are a number of matters in Schedule 2 of the Act which the local authority needs to take into account. These proposals reflect some of the concerns of Local Works.

- 5.9 The matters that need to be taken into account include
- a) The provision of local services
 - b) Marketing of organic food production
 - c) The number of local jobs
 - d) Measures to conserve energy
 - e) Measures to reduce road traffic
 - f) Increase in social inclusion
 - g) Measures to increase community health and well being
 - h) Planning policies
 - i) Increase in the use of local waste materials

Decision on Short-list

- 5.10 The Secretary of State has appointed the Local Government Association (LGA) as 'the selector'. The selector will assess and shortlist ideas submitted to them by local authorities for consideration inline with regulations which will be made following consultation. The Secretary of State will consult with the selector to try and reach agreement about which proposals to implement.
- 5.11 It has been made clear that there is no requirement on Councils to submit any proposals or 'opt in' to the Act; however the power has been made available. Local works campaigners state that 'it is about local authorities making suggestions on what they want government to do to help reverse community decline and promote sustainable communities'.
- 5.12 Local Works have identified the following rationale for local authorities to 'opt in':
- a) Assistance from government
 - b) Power to determine that assistance
 - c) Strength in numbers
 - d) Transferring functions and monies from central to local control
 - e) Access to central spending accounts information
 - f) Democratic citizen involvement
- 5.13 The LGA has advised that, as Selector, it will only be useful for them to consider proposals which need national action of some kind, for example a change in national policy, a change to public spending, a transfer of functions from one body to another, a change to legislation or a change in how a nationally driven public service is run.

Action Plans

- 5.14 The Act requires the Secretary of State to publish the decision on the short-list together with a statement of the action to be taken to implement any proposal. A report must be published and laid before Parliament on the progress that has been made in relation to each action plan.

Proposals: regulations

- 5.15 The Secretary of State consulted earlier in the year on the draft regulations and statutory guidance for the Act. The regulations were laid before Parliament on 13 October 2008 and came into force on 3 November 2008.
- 5.16 Statutory guidance relating to the Act was published on 9 July 2008, as an annex to statutory guidance on the Local Government and Public Involvement in Health Act 2007 (Creating Strong, Safe and Prosperous Communities: Statutory Guidance).
- 5.17 The guidance is set out at Appendix 2 and covers matters that relate to establishing a panel of representatives, including persons from under-represented groups and consulting them on proposals.

Links to the 'Duty to Involve'

- 5.18 There are similarities with the 'Duty to Involve' which was introduced in the Local Government and Public Involvement in Health Act 2007. This duty requires local authorities to inform, consult or involve representatives of local people in the exercise of their functions.
- 5.19 It is suggested that where authorities are proposing to use panels as part of the duty to involve, it may be sensible for the same panels to be used in relation to the Sustainable Communities Act, provided the relevant requirements are met.
- 5.20 Nationally there has been a mixed response to the use of the legislation and more locally the process has not, to date, been adopted and implemented.

6. Other Implications

- Asset Management - There are no specific implications
- Community Safety - Any proposals which seek to address economic, social or environmental well-being may impact positively on community safety issues.

- Human Resources - There will be Human Resource implications in relation to officer time establishing a panel of representatives, conducting consultation exercises, submitting and contributing to the implementation of proposals.
- Social Exclusion - The Act seeks to provide the opportunity for all people resident in Redditch to play an equal role in the economic, social and civic life of the area.

7. **Lessons Learnt**

None.

8. **Background Papers**

Sustainable Communities Act 2007: A Guide (Communities and Local Government, February 2008)
Local Government, February 2008)
Sustainable Communities Act 2007
Local Government Association Website (www.lga.gov.uk)
Local Works Website (www.localworks.org)

9. **Consultation**

This report has been prepared in consultation with relevant Borough Council Officers and Worcestershire Heads of Policy Group.

10. **Author of Report**

The author of this report is Liz Bellaby (Acting Policy Manager), who can be contacted on extension 3318 (e-mail: liz.bellaby@redditchbc.gov.uk) for more information.

11. **Appendices**

Appendix 1 - Invitation letter and supporting information letter

Appendix 2 - Guidance