

## The Sustainable Communities Act

### 4 page briefing for councillors and officers

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### 1. Introduction

On 23<sup>rd</sup> October 2007 the Sustainable Communities Act became law with full cross party support. Local Works, a coalition of over 90 national organisations, had campaigned for 5 years to see this happen. This was a great victory and provides significant new opportunities for communities and their councils.

The Act sets up a new process where local communities and their councils (including county councils) can drive central government policy and action on reversing community decline and promoting local sustainability. So it is NOT a meaningless consultation exercise.

The Act also requires central government to publish local spending reports which will be a breakdown of *all* public money spent (local and national) by local area. Councils (including county councils) then have the power to argue for a transfer of specific monies and function from central to local control.

### 2. What the Act says

It is important to note that **the Act impacts on central government. The aim of the process is to make government do more to help councils promote sustainable communities: this is NOT about Whitehall stepping in and taking over – it is about making government responsive to the demands and needs of councils and their communities.**

The Act sets up a process, by which councils can drive government action and communities can help drive councils' actions. This means that:

1. The Act gives the government a legal duty to 'assist councils<sup>1</sup> in promoting the sustainability of local communities'. Councils will be invited to make proposals to the Secretary of State (SoS) – i.e. the government – as to how it can help them to do this. The SoS is then under a duty to reach agreement with councils, via their representative body, the Local Government Association (the LGA -called 'the selector' in the Act) on which proposals will be given priority. So this puts councils, **not** the government, in the driving seat as to what the government must do.
2. The Act then specifies that when making their proposals to the SoS, councils **must** involve 'local people' by setting up 'panels of representatives of local people' (or citizens' panels) – which **must** include people from all sections of the community. **Councils are then required to reach agreement (not just consult) with those panels as to the proposals they put to the SoS for government action.**
3. The Act defines local sustainability as 'encouraging the economic and social well being' of an area and specifically says that promoting local sustainability involves the provision of local services.

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<sup>1</sup> i.e. district/borough/city/unitary and county councils

### 3. How this will work in practice

In October this year the SoS will ask councils for ideas as to how the government can help them promote local sustainability. **The Act impacts on central government. The aim of the process is to make government do more to help promote sustainable communities** But councils do have a choice – they can ‘opt in’ to the Act or they can ignore it. For the reasons explained more fully below we think it will be highly beneficial for councils (as well as their communities) to ‘opt in’ because they are in fact ‘opting in’ to get help from government. If councils ‘opt in’ to the process then

- The citizens’ panel and their council agree on the proposal to put to government for action that they (i.e. government) should take.
- As there may be large numbers of proposals from councils, a ‘short listing’ or prioritising process will be necessary: this will NOT be carried out by central government or ‘Whitehall’ but by the representative body for district/borough/city/unitary and county councils – the LGA (the Act calls them ‘the selector’). The government **must** work in co-operation with the LGA on this.
- The government must then ‘reach agreement’ with the LGA re action on the short listed proposals.
- This is NOT a one-off process, so if a proposal is not acted on first time round, you can get them included in the next round.

### 4. Timescale

October 2008: Central government invites councils (district, borough, city, unitary and county) to ‘opt in’ to make proposals on how central government can help promote local sustainability.

Councils that do opt in must then set up citizens’ panels and must ‘reach agreement’ (again, this is NOT just another consultation exercise) with local people, regarding the proposals on promoting local sustainability that councils will ultimately submit to central government. This is the point where proposals on e.g. defending Post Offices and other local services, promoting local jobs and businesses can be made by communities.

April 2009: Central government must publish the local spending reports containing detailed accounts of all public money spent (by local *and* central government), broken down by local area.

October 2009: The whole process is expected to re-occur on an annual basis. Councils that did not opt in to the first round will now have a chance to do so.

### 5. Things the Act could help councils achieve

Councils can use the Act to gain assistance and action from central government. This assistance and action could be in the form of enabling powers, policy changes, more resources (including financial resources) or even new legislation.

Detailed examples of what the Act can help councils achieve is available on the Local Works broadsheet guide to the Act and subsequent guidance sheets which can be downloaded at [www.localworks.org](http://www.localworks.org) or ordered by calling 020 7278 4443.

The Schedule in the Act (below) also provides a list of suggestions, i.e. *not* dictat, of things that councils and communities could use the Act to gain assistance, action and resources from government for:

- (a) the provision of local services,
- (b) the extent to which the volume and value of goods and services that are—
  - (i) offered for sale; or
  - (ii) procured by public bodies and are produced within 30 miles (or any lesser distance as may be specified by a councils in respect of its area) of their place of sale or of the boundary of the public body,
- (c) the rate of increase in the growth and marketing of organic forms of food production and the local food economy,

- (d) measures to promote reasonable access by all local people to a supply of food that is adequate in terms of both amount and nutritional value,
- (e) the number of local jobs,
- (f) measures to conserve energy and increase the quantity of energy supplies which are produced from sustainable sources within a 30 mile radius of the region in which they are consumed,
- (g) measures taken to reduce the level of road traffic including, but not restricted to, local public transport provision, measures to promote walking and cycling and measures to decrease the amount of product miles,
- (h) the increase in social inclusion, including an increase in involvement in local democracy,
- (i) measures to increase mutual aid and other community projects,
- (j) measures designed to decrease emissions of greenhouse gases,
- (k) measures designed to increase community health and well being,
- (l) planning policies which would assist with the purposes of this Act, including new arrangements for the provision of affordable housing, and
- (m) measures to increase the use of local waste materials for the benefit of the community.

## 6. Why councils should 'opt in' to the new process

There is no requirement on councils to 'opt in' to the process in the Sustainable Communities Act. They simply have the power to do so: it was always at the centre of the campaign for the Act that, in supporting the idea of devolving power, we did not want yet more **centrally imposed** duties on councils. The Act impacts on central government – it is about councils making suggestions on what they want government to do to help reverse community decline and promote sustainable communities.

So, why should councils get involved (as we strongly believe they should), when to do so involves setting up citizens' panels<sup>2</sup>, involving all sections of the community and then trying to reach agreement with them? Is this not just one more hassle for hard-pressed officers?

There are important reasons why councils should 'opt in':

### 1. Assistance from government

Community decline is happening everywhere and councils are not able to prevent it on their own. They need government help. This Act gives government a legal duty 'to assist councils in promoting the sustainability of local communities'. So by 'opting in' councils are, in fact, signing up to receive that 'assistance'.

### 2. Power to determine that assistance

The Act also gives councils (and their representative body, the Local Government Association) real power to determine the nature of the assistance that they receive from government, as explained more fully in our campaign broadsheet on implementing the Act (contact us for free copies).

### 3. Strength in numbers

By opting in, councils can act in unison to put in proposals to government supported by their colleagues elsewhere. Joint suggestions by many councils will make it even harder for the government to refuse to act on suggestions made by councils.

### 4. Transferring functions and monies from central to local control

The Act also enables councils - and thus councils acting together - to request the transfer of functions from government or government agencies to themselves. Because decisions on these requests must be made by the LGA and the Secretary of State trying to reach agreement (i.e. in co-operation), this can be used to regain from central government control of many powers and spending that affect local areas.

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<sup>2</sup> note – the Act ensures that the citizens' panels will be "balanced" as **they must be representative of all residents in the area** of a council's community

## 5. Access to Central Spending Accounts Information

The requirement in the Act for the government to 'open the books' will mean that councils will know just how much extra money they can access if they push for a transfer of functions.

## 6. Democratic citizen involvement

All politicians (and many councils officers) talk a lot about lack of public involvement in democracy. The recent Power report showed that the more people think that their involvement matters, the more they are likely to get involved. The very 'hassle' required by this Act (reaching agreement with – not consulting – citizens' panels) empowers citizens. Councils may well consider that this is a way of increasing citizen involvement.

### What if a council decides not to 'opt in'?

In such cases (and we hope they will be rare) councils and councillors will be challenged by their electorate. Local Works/Unlock Democracy supports citizen involvement, so we will ensure that the huge individual membership base of our coalition do this as is their democratic right. Citizens will likely ask an authority/councillor - why? Questions that are likely to come up from communities, and what should be considered when they do come up, are:

- Is there no community decline in the area? That would be extraordinary if true. Consider the evidence of community decline in the area.
- There is community decline but the councils does not need any assistance from government in dealing with it! Has the councils got the problem completely under control then? Consider the evidence of decline from the past few years. In particular the fact that the sustainability of local communities also includes rectifying democratic dis-involvement and ask yourself 'are you **really** happy with the amount of citizen involvement in political activities?' Because if not, then the Act gives you an opportunity to rectify this.
- It's all too much hassle? Please consider - is rectifying community decline and citizen empowerment simply 'hassle?'
- Do you just not believe that the Act provides the opportunities that we (Local Works/Unlock Democracy) claim? If so consider that for the first time in legislation central government is required by law to 'co-operate' with the LGA; and central government also has to 'try to reach agreement' with the LGA; that you have to 'try to reach agreement' with the panels you will set up if you do opt in. This is **NOT** the language of consultation – it is entirely new language in law. It gives you a new opportunity to use it to involve people on a very different basis.

In short – **the 'it won't work; it's nothing new; it's not worth the effort' is in fact a 'cynics charter' – whereby nothing new is ever tried.** And that by adopting that attitude you are becoming part of the problem, not part of the solution. Either lack of involvement is a problem – and therefore worth the effort to reverse it: or it is not a problem - and the current low level of public engagement in our democracy is fine and nothing to worry about. Do you really believe that? And do you think your electorate who are becoming excited by this Act and want you to use it will really believe that?

In short, Local Works/Unlock Democracy is totally sympathetic to the 'no new centrally-imposed duties we want to be answerable locally not to the government' view from councils. However, we are *not* sympathetic to inaction re involving local people.

But all that said we are confident you will opt in. It is a wonderful new opportunity for you.

## 7. Contact details

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