

REPORT TO:	FINANCE & MANAGEMENT COMMITTEE	AGENDA ITEM: 16
DATE OF MEETING:	17TH FEBRUARY 2009	CATEGORY: DELEGATED
REPORT FROM:	DIRECTOR OF CORPORATE SERVICES	OPEN
MEMBERS' CONTACT POINT:	MARTIN GUEST (8705)	DOC:
SUBJECT:	SUSTAINABLE COMMUNITIES ACT 2007	REF:
WARD (S) AFFECTED:	ALL	TERMS OF REFERENCE: FM14

1.0 Recommendations

1.1 That Council “opt in” to the Sustainable Communities Act 2007 and that South Derbyshire:

- (i) supports the bottom up process in the Act designed to allow local authorities and their communities to drive the help that Central Government gives in reversing community decline and promoting thriving, sustainable communities;
- (ii) 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
 - argue for a transfer of public money and function from central to local control;
- (iii) notes that the Act defines the sustainable communities broadly, that definition having the four aspects of:
 - the improvement of the local economy;
 - protection of the environment;
 - promotion of social inclusion; and
 - participation in civic and political activity;
- (iv) notes that reasons for a local authority choosing to use the Act include gaining new assistance from Government, determining that assistance, being able to argue for transfers of public monies from central to local control and involving citizens in democracy;
- (v) resolves, having been invited to by Central Government in October 2008, to use the Act by preparing and submitting proposals on how Central Government can help by 31st July, 2009; and

(vi) further resolves to:

- inform the local media of this decision;
- write to the local MP, informing them of this decision; and
- write to Local Works (at Local Works, c/o Unlock Democracy, 65 Cynthia Street, London N1 9JF) informing them of their resolution to use the Act.

2.0 Purpose of Report

2.1 To inform Members of the provisions of the Sustainable Communities Act 2007 and its implications for South Derbyshire.

3.0 Background

3.1 The Sustainable Communities Act (SCA) received Royal Assent on 23rd October, 2007. It was introduced to Parliament as a Private Members' Bill, supported by all the main political parties. The Regulations were laid before Parliament in October 2008.

3.2 The Act is the result of five years of campaigning by an umbrella organisation "Local Works", which names 90 organisations who support the movement.

3.3 A summary of the Act, produced by Local Works, is attached at Appendix A.

3.4 The key points about the Act are that:

- it aims to promote the sustainability of local communities;
- local people know best what needs to be done but sometimes they need Central Government to act to enable them to do so
- the Act is about Councils making suggestions on what they want Central Government to do to help reverse community decline and promote sustainable communities.

4.0 MAIN POINTS OF THE SCA

4.1 Councils will be invited to submit proposals to the Secretary of State. In doing so, Councils must involve local people by "setting up panels of representatives of local people" (or citizens panels) that must be cross-representative. These are local people, who, in the opinion of the Authority, are under-represented in civic and political activity in the Council's area.

4.2 Proposals from all Councils are prioritised by the Local Government Association, who have agreed to act as the "selector". The Secretary of State has to "reach agreement" with the LGA on the short-listed proposals.

- 4.3 The Secretary of State will then publish a statement of how the Government will take forward proposals (the action plan).
- 4.4 Successful proposals are more likely to be those which are specific about the action required by Central Government and which are not already within the powers of the Local Authority.
- 4.5 The Government will carry out a cost-benefit analysis of the proposals. The Act is not a route for agreeing additional public expenditure.
- 4.6 The Secretary of State issued the first round of invitations in October 2008 (letter attached at Appendix B). Proposals have to be submitted by July 2009. Further bidding rounds will be available (probably in October of each year).
- 4.7 By April 2009, Central Government must also publish local spending reports containing detailed accounts of all the public money spent in an area (Central and Local Government).
- 4.8 Examples of actions which could be promoted include:
- requesting the transfer of funds from Government or Government agencies to local authorities;
 - asking for the power to levy non-domestic rates on out of town supermarket car parking spaces, to give local shops a more level playing field;
 - give assistance to local authorities to develop food strategies to encourage the development of local food industries/agriculture.

4.0 Financial Implications

- 4.1 It would be a substantial challenge to the Council to set up a “panel of representatives of local people”. To do this, we would need financial and staffing resources to be able to recruit, train and support a panel and, if needed, build the capacity of the panel.
- 4.2 There is currently no budget provision to do this and therefore resources would need to be identified to support any Panel. If this could not be found from existing resources then this Committee would be asked to give the matter additional consideration.

5.0 Corporate Implications

- 5.1 If the Council decides to opt in, then it will need to consider how it will set up and consult with the “panel of representatives of local people”. This panel must be cross representative.

- 5.2 Regulation 5 under the Act states that “sufficient representatives must be involved in the panel so that, in the opinion of the authority, local persons are adequately represented by the panel”. The regulations also state that local authorities should take reasonable steps to involve a group of local persons in a panel but that if no representative of that group becomes so involved, there is no breach of this requirement.

6.0 Community Implications

- 6.1 The regulations also state that “under represented groups” are “those groups of local persons who in the opinion of the local authority are under-represented in civic and political activity in the authority’s area”.
- 6.2 The SCA clearly links with the “duty to involve” which comes into force from April 2009 and requires authorities to inform, consult or involve representatives of local people in the exercise of their functions. Where Councils are proposing to use panels as part of implementing this duty, they may find it sensible to use the same panels for.
- 6.3 To support measures to make local communities more sustainable.

Appendices

Appendix A

A summary of the Sustainable Communities Act by Local Works.

Appendix B

Letter from the Secretary of State regarding the Sustainable Communities Act 2007: First invitation to Local Authorities to submit proposals.