

PROPOSAL AND ACTION PLAN TO ADDRESS THE SUSTAINABLE COMMUNITIES ACT 2007

PORTFOLIO RESPONSIBILITY: CORPORATE STRATEGY & FINANCE

CABINET

18 DECEMBER 2008

Wards Affected

County-wide

Purpose

To update the Cabinet on the Sustainable Communities Act 2007 and to make recommendations on its implementation in Herefordshire in the light of the recent invitation from the Secretary of State to submit proposals under the Act.

Key Decision

This is not a Key Decision.

Recommendations

THAT :

- (a) the invitation from the Secretary of State for Communities and Local Government to submit proposals under section 2(1) of the Sustainable Communities Act 2007 be accepted; and
- (b) the commencement of a local process for identifying the proposals for submission to the "Selector" by 31 July 2009 be approved.

Reasons

1. The Sustainable Communities Act sets up a new process whereby local communities and their councils (parish and unitary) are given the opportunity to influence central government policy and action. The Council, by participating in this process, will be supporting communities and promoting local sustainability.

Considerations

2. The Sustainable Communities Act (SCA), which is intended to bring about significant decentralisation, became law on 23 October 2007. The Act sets up a new process whereby local communities and their councils (parish and unitary) are given the opportunity to influence central government policy and action.
3. The Act also requires central government to publish local spending reports (by April 2009), which will be a breakdown of all public money spent by local area. Councils will then have the right to argue for a transfer of specific monies and functions from central to local control. It has been emphasized by Government that there is no extra

Further information on the subject of this report is available from
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money available to meet the requirements of this Act; the only opportunity is for existing funds to be delegated to local areas.

4. The Act impacts on Central Government. The aim of the process is to make Government do more to help councils promote sustainable communities. Proposals will only be considered if they require a change to take place at the national level for them to be implemented. Proposals are most likely to succeed if they are specific about the action required of central government and are not already within the powers of local authorities (including powers for the promotion of well-being in section 2 of the Local Government Act 2000).
5. On 14 October 2008 Hazel Blears, the Secretary of State for Communities and Local Government wrote to Local Authorities inviting them to submit innovative proposals under the SCA by 31 July 2009.
6. Councils are not obliged to accept this invitation. Many Councils are yet to decide. This is not a one-off process: it is expected that there will be an annual round seeking proposals.
7. 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 of their area.
8. The Act provides for ideas generated by local communities to be fed through their local authority to a "selector", in this case, the Local Government Association (LGA), who will draw up a short-list of ideas. The Government will consult the selector and must reach agreement on which proposals on the short-list should be implemented. The Government will respond to all of the suggestions put forward by the selector and will publish an action plan setting out how it will take forward the suggestions it adopts.
9. If the Council decides to participate in this process, it will be necessary to set up a process for generating the ideas for submission to the LGA. The process will be coordinated by the Council, and will involve local people by setting up, or utilising an existing panel of representatives of local people to agree on which proposals to submit to the selector. It is a requirement of the Act that this panel includes persons from under-represented groups (meaning those groups who, in the opinion of the Council, are under-represented in civic and political activity in the county).

Proposed Course of Action

10. On the assumption that Cabinet would wish the Council to take advantage of the opportunity to submit worthwhile proposals, it is proposed that the Council sets the process in motion by involving all stakeholders and communities in the development of a list of proposals supported by a representative citizens' panel for submission to the Selector.
11. The process proposed (to start in January 2009) is as follows:
 - Stage 1
 - Advertise in Local Media and communicate with all stakeholders (parish Councils/organisations in community):-
 - Explaining the purpose of the Sustainable Communities Act 2007 and inviting suggestions/proposals for submission to the Selector.

Stage 2

- Submit proposals to Citizens' Panel for discussion and prioritising and selection (also seeking other proposals).
- Consider setting up discussion groups for under-represented groups (Youth, travellers, migrants) discussing proposals and seeking further proposals

Stage 3

- Collate proposals and gain approval/feedback from Cabinet

Stage 4.

- Submit proposals to Selector (LGA)

12. It is anticipated that process could take six months but will be completed within the required timescale.
13. It is proposed that a seminar on the Act will be held early in the New Year for Members and Parish Councils.

Legal Implications

14. The Council has no statutory duty to participate in this process. Care must be taken to avoid raising expectations of Communities that their proposals will be selected by the Selector for presentation to the Government and that the Government will deliver on those proposals, once selected.

Financial Implications

15. There will be minimal on-costs for to the Council. Existing officer time will be used to manage this project. As regards the requirement to set up a representative panel, it is proposed that the Council's existing Citizens panel, Herefordshire Voice, will be used, supplemented by Hereford 100 to ensure the views of the under-represented groups are included. In the event that these groups require further supplementation, it is anticipated that any additional costs will not exceed £10,000.

Risk Management

16. The proposed action plan is a proactive response from the Council. Failure to be proactive in co-ordinating proposals for submission to the Selector, may affect the credibility of the Council in terms of its community leadership role.
17. There is a risk that following this detailed process, the Government decides not to devolve any power to local communities.

Alternative Options

18. There is the alternative of doing nothing proactive and delay any response until the next round, expected in late 2009 or early 2010. However, by accepting the Secretary of State's invitation in the first round and by being proactive, the Council can demonstrate that it is fulfilling its community leadership role.

Consultees

19. Herefordshire Partnership

Background Papers

- The Sustainable Communities Act 2007
- Sustainable Communities Act – A Guide (CLG)