

Executive – 8 January 2009

## **SUSTAINABLE COMMUNITIES ACT- PROPOSED IMPLEMENTATION**

### **Report of Strategic Director (Community)**

**Statutory Powers:** Sustainable Communities Act 2007, Local Government and Public Involvement in Health Act 2007 - Duty to Involve.

**Financial Implications:** No significant financial implications arising from this report, however the outcomes from the suggested process may result in the need to consider future expenditure to develop project ideas.

### **Purpose of this Report**

This report seeks approval to implement the Sustainable Communities Act through the Community Partnership Forum of the South Hams Strategic Partnership and our Community Sounding Board, prior to formal consideration by Members.

## **RECOMMENDATION**

**That the Executive RESOLVES to agree the proposed implementation plan for the Sustainable Communities Act working in cooperation with the South Hams Strategic Partnership.**

**Links to Corporate Priorities:** Proposals under the Act will contribute to all corporate priorities as well as commitments and cross-cutting themes. The Act aims to encourage a sustainable community.

### **Background**

1. This Act originates from growing concerns about the loss of small local businesses and community facilities, and the links between this and wider sustainability concerns. It was campaigned for by Local Works, with the support of 80 national organisations, 300 local organisations and over 1,000 parish and town councils. It was taken up as a Private Member's Bill and received Royal Assent in October 2007.
2. The aim of the Act is "to promote the sustainability of local communities", by "encouraging the economic, social and environmental well being of the area". The Act provides a channel, via local councils, to enable local people to ask central government to take action to improve the sustainability of local areas. The scope of this Act is very broad, potentially covering suggestions for changes in legislation or national policy in order to facilitate the delivery and local funding of affordable housing and the promotion of local purchasing and local businesses.
3. The Act could be a driving force behind the next stage of the devolutionary process. It provides local authorities – which in this context means county and district councils - with an opportunity to take a more proactive leadership role in formulating policy and making stronger arguments for the devolution of powers, responsibilities and funding to the local level. It is promoted as double devolution:

- The Act gives the government a legal duty to ‘assist local authorities in promoting sustainability of local communities’. Councils have been invited (14 October 2008) to make proposals to central government as to how it can help them promote sustainability of local communities, by 31 July 2009. Proposals may include a request to transfer functions from one ‘person’ (meaning a public body) to another;
  - The Act specifies that local authorities cannot make suggestions to central government without involving ‘local people’. Councils must set up (or recognise if they already exist) ‘panels of representatives of local people’ - which must include people from under-represented groups, for example ethnic minorities, young people and tenants.
4. Formally agreed proposals are submitted to the Local Government Association, which has a statutory role as a “selector” under the Act. In cooperation with the Secretary of State the LGA reviews all proposals received from local authorities and agrees a shortlist of proposals for the Secretary of State to consider. The Secretary of State issues a decision with an action plan to implement successful proposals with a justification for those proposals dismissed. Although the Secretary of State and the LGA must reach agreement, the final decision to implement any proposals rests with the Secretary of State.
  5. Members may be aware that a number of local organisations have been in contact encouraging the Council to implement this Act. It should be noted that local authorities are not required to ‘opt-in’. Regionally this Council appears to be one of only a few that are proposing to implement the Act, and we are ‘ahead of the game’ in formulating a clear implementation plan to submit proposals to Government by 31 July 2009.

### **Aims and Scope of the Implementation Plan**

6. Members will be aware of the Local Government and Public Involvement in Health Act 2007 that places a ‘duty to involve’ local persons in the exercise of any of our functions where we feel it is appropriate to do so.
7. Officers have developed the scope of this proposed implementation taking account of current governance requirements. However implementing a new piece of legislation without full guidance is a challenge, for example guidance on format and submission of proposals is yet to be published and there are no best practice examples; as such there is a reasonable amount of ‘trial and error’ attached to the first round of implementing the Act.
8. With these complexities in mind the aim is to formulate proposals by 31 July 2009. The stated aims of the proposed plan are:
  - To pilot the local implementation of the Sustainable Communities Act in the South Hams district.
  - To enable proposals to be put to Government to implement a change in legislation, transfer of responsibilities and funding from one public body to another or a change/strengthening of national policy, in order to encourage a sustainable South Hams community.
  - To develop these proposals with our local community through a one-off event involving many local representatives including parish and town councils and Members and to ‘test’ the outcome of this event with our local citizens’ panel.

- To put agreed proposals to Members to formally agree and submit proposals to the LGA by 31 July 2009.
9. In relation to the process of implementing the Act, thought has been given to using existing local community panels and communication mechanisms, rather than establishing new arrangements for engagement. A Community Partnership Forum currently exists under the Strategic Partnership, which consists of over 200 local organisations. The Council's citizens' panel- Community Sounding Board is regularly used to ascertain feedback from our wider community; it is a demographically representative panel. Using existing arrangements will be essential if the timescale is to be met.
  10. The formulation of initial ideas will be developed using the existing structure of the South Hams Strategic Partnership supported by its Community Partnership Forum. A one-off event will be arranged for the CPF in February 2009, where proposals for a sustainable community from local organisations and the Council will be discussed and agreed with the outcomes of this event structured into a survey to be put to our Community Sounding Board; acting as further community engagement to test and prioritise the proposals.
  11. The proposed plan for implementing the Act is as follows:
    - a) Secure South Hams Strategic Partnership support and promote the initiative under the Partnership's banner (approved on 8<sup>th</sup> Dec);
    - b) Submit proposed implementation plan to Executive (8 January) for approval;
    - c) Plan for CPF event - prepare 'information pack' on SCA and the event to send to all members including all District Councillors, book venue and prepare resources for effective delivery of event - by end of January 2009;
    - d) Discuss potential proposals which support Council priorities for consideration at CPF event - by end of January 2009;
    - e) CPF Event- to discuss issues and brainstorm proposals from all organisations involved, with aim of developing an initial list of proposals from the community - Feb 2009;
    - f) To develop a survey for Sounding Board based on outcomes of CPF event; March/April 2009;
    - g) Sounding Board - April 2009;
    - h) Analyse results from the Survey and draw up conclusions on proposals prioritised by the community and any new ideas proposed during the survey. Publish to CPF members - May 2009;
    - i) Present proposals to the Executive and Full Council for formal agreement - June 2009;
    - j) Submit formally agreed proposals by 31 July 2009.
    - k) Assess draft implementation techniques with a view to taking most effective mechanisms through to Round 2.

## Resources

12. An assessment has been made of the capacity of officers involved in implementing the Act. Using existing engagement and consultation mechanisms will help the management of the process, but in the absence of guidance or significant progress by other councils, it is difficult to make judgements on future resource needs to support the programme and develop the project suggestions that emerge. There is the potential for significant local interest in this matter, which may create unrealistic

community expectations and subsequent capacity issues. A specific problem is that there is no guidance on the level of information that will be required to support each proposal submitted to the LGA.

13. During implementation a monitoring and evaluation process will be developed. The purpose will be that the findings will be assessed so the success of the initiative can be determined and potential changes to the scheme can be considered for future implementation.

### Strategic Risk Assessment

<b>Opportunity</b>	<b>Issues / Obstacles</b>	<b>Benefits</b>
The Council, in conjunction with other partners, becomes one of the first partnerships locally to implement the Act.	Implementing the Act without publication of all guidance, for example we are not fully aware of the scale of the work required to submit a proposal.	Being early in the process could mean nationally fewer proposals are put forward in the first round, therefore, our proposals could be more likely to be implemented.
Devolution of more power to local government, i.e. to put forward proposals concerning transfer of duties and funding from an existing public body to the Council.	Could face opposition from some of the partner organisations; needs careful communication.	More funding and responsibility to deliver a greater range of local services to the benefit of our community.
That parish and town councils and the wider community have more of an influence on local and national decision-making.	The expectation of our communities should be kept realistic. We will have to manage the process effectively to encourage feasible proposals.	Council engaged with its communities and encouraging local people to come forward to agree proposals together.

### Conclusion

The proposed plan to implement the Act could be the precursor to the devolution of more power from central government and further engagement with local communities.

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Executive  
 8 Jan 2009

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## **Background Documents:**

Sustainable Communities Act 2007

Sustainable Communities Act 2007: A Guide

Creating Strong, Safe and Prosperous Communities: Statutory Guidance- Annex 1

Invitation letter (from Hazel Blears, SoS Communities and Local Government, 14<sup>th</sup> Oct 2008)

Sustainable Communities Act 2007: First Invitation to Local Authorities to submit proposals

letter (from Stuart Hoggan, Director of Communities Group, Department of Communities and Local Government, 14<sup>th</sup> Oct 2008)

Minutes of South Hams Strategic Partnership Meeting, 8<sup>th</sup> Dec 2008