
SUSTAINABLE COMMUNITIES ACT

Responsible Cabinet Member – Councillor John Williams, Leader

Responsible Director – Ada Burns, Chief Executive

SUMMARY REPORT

Purpose of the Report

1. To introduce Members to the key aspects of the Sustainable Communities Act and seek views on accepting the first invitation issued by the Secretary of State to ‘opt in’.

Summary

2. The Sustainable Communities Act is a new way for local government with their communities to ask central government to take action which they believe would better enable them to improve the social, economic or environmental well-being of their local areas.
3. Officially launched on 14 October, 2008 by Hazel Blears, the Act was originally a Private Members’ Bill and is a culmination of a five year campaign led by a coalition of 85 national organisations under the banner ‘Local Works’.
4. The Act essentially puts in place a framework within which local government can submit a wide range of proposals to the Secretary of State, which it believes will enable all councils to more effectively fulfil their role in facilitating the sustainability of their local communities. The Act defines local sustainability as ‘encouraging the economic, social and environmental well being of the authority’s area’ and that ‘social well-being includes participation in civic and political activity’
5. This report invites members to ‘opt in’ this means that the Council will appear on a website indicating that we intend to submit proposals under the Act.

Recommendation

6. It is recommended that Members:
 - (a) note the contents of this report in summarising aspects of the Act;
 - (b) authorise officers to “opt in” to this first invitation, and;
 - (c) agree to the high-level process outlined in paragraph 21, with a view to submitting proposals to the Local Government Association by 31st July 2009.

Reasons

7. The recommendations are supported by the following reasons:
- (a) to enable the Council to help fulfil its role in facilitating the sustainability of the local community, and;
 - (b) to assist the Council in fulfilling its contribution to deliver One Darlington : Perfectly Placed.

Ada Burns
Chief Executive

Background Papers

Sustainable Communities Act 2007

Andy Robinson: Extension 2014

S17 Crime and Disorder	Efforts to improve sustainability will potentially have an impact on reducing crime levels and anti-social behaviour.
Health and Well Being	Promoting sustainable communities has the potential to impact positively on the health and well being of individuals
Sustainability	The Act aims to improve sustainability across four areas: local economies, environment, social inclusion and democratic involvement
Diversity	By carrying out the requirements of the Act, engagement will be representative and balanced.
Wards Affected	The Act will potentially affect all wards
Groups Affected	The Act will potentially affect all groups
Budget and Policy Framework	This does not affect the Council's budget and policy framework
Key Decision	This is not an Executive decision.
Urgent Decision	This report does not require any urgent decisions.
One Darlington: Perfectly Placed	The Act will assist the Council in its contribution to delivering One Darlington : Perfectly Placed
Efficiency	This report will impact on officer time and has resource implications in terms of potential adjustments to the citizens' panel, for example, in ensuring engagement mechanisms are representative.

MAIN REPORT

Information and Analysis

8. The Act sets up a new process whereby local communities and their local authorities can drive Central Government policy and action on reversing community decline and promoting local sustainability. It aims to make Government do more to help promote sustainable communities, in four categories:
 - (a) Local economies (e.g. promoting local shops, businesses, jobs);
 - (b) Environment (promoting renewable energy, protecting green spaces;
 - (c) Social inclusion (protecting local public services, alleviating food and fuel poverty);
 - (d) Democratic involvement (e.g. promoting local people participating in local decision making)
9. Each year Councils will be invited to make proposals to Central Government on how it can help them promote sustainability. There are two key criteria for proposals:
 - (a) the proposal is something that only central government could do, and not something local government could do already under existing powers;
 - (b) that it can be argued and shown that the granting of the proposal by central government would promote sustainable communities as defined in the Act.
10. In keeping with the “bottom-up” nature of the legislation Councils are required to engage with their communities and seek their agreement to the proposals to be submitted. The form of engagement must be demonstrably representative of the local community, including people from under-represented groups, e.g. ethnic minorities, young people, older people, etc. It is suggested that Citizens’ Panels and similar arrangements can facilitate this engagement.
11. Once agreed locally, the proposals are submitted to the Local Government Association (LGA) ‘the Selector’ that will determine which proposals should be prioritised and forwarded to central Government. It has been suggested that proposals that enjoy the support of a number of neighbouring councils or from a region may be more likely to win LGA support, given the numbers of local authorities potentially opting into the scheme.
12. The government and the LGA then negotiate on which of the short list of proposals action will be taken on. Government must ‘reach agreement’ with the LGA on this.
13. The Government then has a duty under the Act to reach agreement with the LGA on the implementation of suggestions.
14. There is no limit on the number of proposals that can be submitted to the LGA.
15. In addition the Act requires the Government to publish a local breakdown of all public spending. A local authority can then request and argue for centrally controlled public spending and functions to be transferred to local control.

16. For the initial call for proposals the deadline is 31st July 2009 for submission to the LGA.
17. In October 2009, the whole process is expected to re-occur on an annual basis. If a proposal a Council makes is not acted on first time round it can be made again in following rounds.

Implications for Darlington

18. Given the Council's strong track record of public engagement in the development of One Darlington : Perfectly Placed the new Act may well offer fresh opportunities to identify options to deliver against its vision. As it is likely that there would be resource implications of signing up to the new Act it would be sensible to direct the focus onto the priorities and themes within the Sustainable Communities Strategy.
19. In order to facilitate the community engagement required to develop and agree proposals there are opportunities to use our existing mechanisms. For example; the Darlington Partnership and its constituent consultation arrangements (the Assembly), Talking Together, the Community Partnerships and the Citizens' Panel. However given the requirement to be sure that arrangements are representative of all sections of the population, including excluded groups, there would be the need to make some adjustments, potentially to the Panel or in setting up some specific Focus Groups.
20. As indicated above, there are two criteria for a valid proposal under the Act:
 - (a) the proposal is something that only central government could do, and not something local government could do already under existing powers;
 - (b) that it can be argued and shown that the granting of the proposal by central government would promote sustainable communities as defined in the Act.
21. It is clear that any proposals emanating from the Sustainable Communities Act must align with the priorities and themes of One Darlington : Perfectly Placed. Extensive consultation and engagement was carried out a little over one year ago to develop these priorities. As a result, Darlington already has a wealth of up to date information. Further detailed work planning will be scheduled during April should members agree to opt in. An outline proposed process is as follows:

Month	Activity
March	Report to Council; <ul style="list-style-type: none"> ▪ Agreement or otherwise on decision to opt in – should the Council decide to opt in, then actions as below.
April	<ul style="list-style-type: none"> ▪ Identification of potential events; ▪ Further development of potential proposals; ▪ Linkages to LSP developed; ▪ Link to other authorities opting into Act and those in the Tees Valley;
May	Engagement activity carried out; <ul style="list-style-type: none"> ▪ Initial ideas for proposals developed.
June	Engagement continues; <ul style="list-style-type: none"> ▪ Prioritisation of proposals; ▪ Agreement of draft proposals.

July	Proposals <ul style="list-style-type: none"> ▪ Evaluation, review and feedback of draft proposals; ▪ Agreement of draft proposals with Community and stakeholders; ▪ Proposals submitted to Local Government Association.
------	---

22. It is anticipated that the Interim Assistant Chief Executive will lead on the project.

Outcome of Consultation

23. No consultation has been carried out prior to the preparation of this report