
SUSTAINABLE COMMUNITIES ACT

Responsible Cabinet Member – Councillor Andy Scott, Cabinet Member for Communities and Engagement

Responsible Director – Richard Alty, Assistant Chief Executive

SUMMARY REPORT

Purpose of the Report

1. For Members to consider and approve proposals for submission to the Local Government Association (LGA) in their role as ‘Selector’ in relation to the Sustainable Communities Act.

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. After a period of engagement and consultation, including officer and partner input, member engagement, an online forum and resident focus groups, initial proposals have been received and subsequently evaluated against evaluation criteria. The proposed list for Members’ consideration (in bold), with a note on what the changes might mean, is as follows:

- (a) **That government take the necessary steps to pass a new law to enable community pubs to trade on a level playing field by prohibiting irresponsible promotion of alcohol as a loss-leader (part one). That government take the necessary steps to pass a new law to prohibit restrictive covenants that prevent any future use of a property as a 'local service' as defined by the Sustainable Communities Act (part two).** There is concern that the practice of many large premises of offering cheap drink promotions and bulk purchase offers is further destroying the “local” pub. Implementation of part one of this idea would require national legislation and links to the debate about minimum unit pricing for alcohol. Any change in legislation is likely to be around minimum unit pricing rather than addressing profit/loss margins on particular alcohol products. For clarity in respect of part two of the idea, a restrictive covenant is a private agreement between land owners which may restrict the way land may be used and developed.

In the Sustainable Communities Act ‘local services’ includes but is not restricted to retail outlets, *public houses*, banks, health facilities, including hospitals and pharmacies, legal services, social housing, post offices, schools, public eating places, leisure facilities and open spaces. Again the aim here is to protect the diversity of local service provision in our community.

- (b) **Enabling licensing committees to take account of representations about local views on “sufficiency” in relation to the provision of premises from which alcohol can be bought.** Under current legislation representations on applications to grant or vary premises licenses can be made by a variety of people, including someone living in the vicinity of the premises, or a body representing such persons (in other words Councillors), or a responsible authority (such as the Police). However representations can only be made in respect of one or more of the four licensing objectives:

- (i) Prevention of crime and disorder
- (ii) Public safety
- (iii) Prevention of public nuisance
- (iv) Protection of children from harm

Where a new license is being sought it can be difficult to conform to this requirement, and an issue commonly expressed by residents and Members – the existence of sufficient licensed premises in the vicinity - cannot be taken into account.

- (c) **Facilitating access to welfare benefits for those in low paid work and/or those who are volunteering.** Currently, there are specific exemptions for voluntary work for those who are entitled to Jobseeker's Allowance and Incapacity Benefit as long as the person concerned only receives reasonable expenses. As far as low paid work is concerned, there are several disincentives in the benefits system to taking up work or increasing hours at work, particularly for people in rented accommodation. A Working Tax Credit award is reduced by 39 pence in the £1 after a basic threshold is met. The Housing Benefit taper is 65% and Council Tax Benefit 20%. This means that some low paid workers experience effective marginal tax rates of up to 90%. To realise this idea we could ask for the power to reduce these tapers. It is relevant to note that currently, less than a third of those eligible for working tax credit take it up.

- (d) **Making Darlington eligible for Working Neighbourhoods Funding by arguing for the introduction of a sliding scale for eligibility rather than a single cut-off point, which Darlington just misses. This may include changes to eligibility criteria.** Local intelligence suggests that the economic downturn is being felt disproportionately heavily in Darlington when compared to some other local authorities, which strengthens the Council’s position. Having a key to unlock Working Neighbourhoods Funding for Darlington would also be likely to open other funding doors on schemes which use similar employment, benefit take-up or multiple deprivation criteria. Realising this idea would enable the Council to strengthen and accelerate its delivery of One Darlington.

4. It should be remembered that there will be an annual call for ideas under the Act so that any further ideas that emerge in the lead up to or following submission can be considered for future years.
5. The proposals must be sent to the LGA using their official template, by 31 July 2009. These will contain more detailed information relating to the proposals, but on the themes presented to Council at today's meeting.
6. Feedback on the LGA's decision will be reported to Council as soon as is practicable.

Recommendation

7. It is recommended that Members:
 - (a) note the contents of this report in summarising aspects of the Act and of the process carried out to date;
 - (b) approve the proposals for submission detailed in paragraph 3 above;
 - (c) agree to delegate authority to the Assistant Chief Executive in consultation with the Cabinet Member for Communities and Engagement to complete and forward to the LGA the necessary proposal forms by the deadline of 31 July 2009.

Reasons

8. 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;
 - (c) to deliver the commitment made by Council on 26th March to opt in to the Sustainable Communities Act.

Richard Alty
Assistant Chief Executive

Background Papers

Sustainable Communities Act 2007

Sustainable Communities Act 2007 – A Guide

Council Report – 26 March, 2009 – Sustainable Communities Act

Andy Robinson: Extension 2014

David Plews: Extension 2023

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 has been 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	Efficiencies depend upon the proposals that are submitted to the LGA and on to Central Government if adopted. The particular proposal around enabling a change to Working Neighbourhood Funding would for example potentially allow for additional external funding into the authority.

MAIN REPORT

Background information

9. 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 (e.g. promoting renewable energy, protecting green spaces);
 - (c) Social inclusion (e.g. protecting local public services, alleviating food and fuel poverty);
 - (d) Democratic involvement (e.g. promoting local people participating in local decision making).
10. 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.
11. Once agreed locally, the proposals are submitted to the Local Government Association (LGA) who, in its role as 'the Selector', will determine which proposals should be prioritised and forwarded to central Government. 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.
12. There is no limit on the number of proposals that can be submitted to the LGA. The deadline for proposals is 31 July 2009.
13. In October 2009, the whole process is expected to recur 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.

Information and Analysis

14. This section consists of the following elements:
 - (a) The process in Darlington;
 - (b) Engagement;
 - (c) Evaluating the initial proposals.

The process in Darlington

15. A paper was presented to Council on 26 March outlining the Act and recommending approval to opt in. The starting point for the Council in developing a submission was the sustainable Community Strategy. There was an unprecedented level of public consultation

and involvement in determining a set of ambitious priorities that resulted in One Darlington: Perfectly Placed. It seems entirely appropriate that our approach builds out from this community document.

16. However, steps have been taken to refresh the SCS consultation with specific opportunities to contribute to the development of ideas for this year’s submission. As noted in the report to Council in March these have included using existing Darlington Partnership fora as well as new media and focus groups. At a recent event in Sunderland the national coordinator for the Sustainable Communities Act, Steve Shaw (from Localworks, a coalition of 90 national organisations) commented that for many authorities a light touch engagement process was expected this year due to the pressing timescales.
17. The challenge faced was to develop a completely open process and to provide enough information for the public to help them develop eligible ideas without getting bogged down in technicalities, and within a compressed and tightly resourced framework. Making the whole process accessible to the public has been challenging to the public because although the ideas being sought can be simple there are real complexities in terms of meeting national criteria. For this reason it is beneficial to view this as rolling process rather than a one-off.

Engagement

18. Engagement on the Sustainable Communities Act consisted of the following:

When?	What?	Why?	Who?
17 June 2009	Ideas raising through Corporate Managers’ Network	Get wider, expert input	Corporate Management Team
17 June 2009 – 8 July 2009	Open online forum	Capture public’s suggestions	Connecting with Communities
17 June 2009 – 8 July 2009	Community partnerships	Raise awareness and invite comments/submissions on forum	Community development workers
22 June	Member training	Secure elected members’ views, all members given opportunity to contribute	Andy Robinson/ David Plews
27 June 2009	Darlington Assembly	Highlight Sustainable Communities Act and signpost to online forum	Cllr. Wallis
4 July 2009	Focus group sessions x 3	Externally facilitated, representative of groups and demographics	NWA consulting
6 July 2009	Drop-in event – Portfolio Holder for Communities and Engagement	Open drop-in session to facilitate discussion re: Sustainable Communities Act	Cllr. Andy Scott, Communities & Engagement Portfolio

19. The focus group sessions consisted of 24 attendees, split into three groups. Each focus group was externally facilitated. The attendees were balanced in terms of demographics, age, gender, disability, ethnic grouping, etc. They considered some example ideas proposed by officers and elected members but were also given an opportunity to contribute new ideas/proposals.

Evaluating the initial proposals

20. A number of evaluation criteria have been applied by an officer group in order to assess all initial proposals received. All proposals received, their originating source and evaluation against the criteria is detailed in **Appendix 1**. Furthermore, an additional comments column has been added giving contextual information. The evaluation criteria centre around the following key points:

- (a) Is the proposal something that only central government could do?
- (b) Does the proposal require any local bodies (council, police, health, others) to have new powers?
- (c) Will the proposals contribute to environmental, economic or social sustainability, including participation in civic and political activity?
- (d) Can you describe the overall benefits of your proposal to the local community?
- (e) Can you provide evidence of local support for the proposal?
- (f) Do the proposals support the Council's Sustainable Communities Strategy 'One Darlington: Perfectly Placed'?
- (g) Do the proposals support other key Darlington strategies and plans?

21. The application of these criteria yielded a list of that officers felt fully met the criteria (a summary analysis is provided at appendix 1 – where each idea is numbered for ease of reference):

- (a) That government take the necessary steps to pass a new law to enable community pubs to trade on a level playing field by prohibiting irresponsible promotion of alcohol as a loss-leader. That government take the necessary steps to pass a new law to prohibit restrictive covenants that prevent any future use of a property as a 'local service' as defined by the Sustainable Communities Act (idea number 1);
- (b) Enabling licensing committees to take account of representation from councillors about local views on “sufficiency” in relation to the provision of premises from which alcohol can be bought (idea number 15);
- (c) Facilitating access to welfare benefits for those in low paid work and/or those who are volunteering (idea number 29);
- (d) Making Darlington eligible for Working Neighbourhoods Funding by arguing for the introduction of a sliding scale for eligibility rather than a single cut-off point, which Darlington just misses. This may include changes to eligibility criteria (idea number 30).

22. Two other ideas were found to have some merit:

- (a) Giving the Council more autonomy over spatial planning matters (idea number 16);
- (b) Grant the Council more flexibility to deal with trees - for example in relation to Tree Protection orders (idea number 24).

23. However, it was felt that:

- (a) In relation to idea number 16 much more time would be needed to work up the detail of the specific freedoms, flexibilities or powers that would be needed to deliver better spatial planning in Darlington;
- (b) In relation to idea number 24 more time was needed to test this idea with members of the public and to identify the specific freedoms, flexibilities or powers that would be needed.

24. With further work each of these other ideas could be eligible for consideration in a future year.

Financial Implications

25. The financial implications on the Council of the proposals, if implemented, would range from additional grant income to additional cost; some proposals may be cost-neutral to the Council. As this report and decision by Council is a very early stage in a long process, detailed financial evaluation would follow if proposals progress through the next stages. There is no direct cost associated with submitting proposals, other than officer time to develop and progress them.

Next Steps

- 26. Should Council agree the recommendations in paragraph 3 each idea is to be written into a 5,000 word submission detailing the case for change. Council is asked to delegate to the Assistant Chief Executive approval, in consultation with the Cabinet Member for Communities and Engagement, to the final submission.
- 27. Arrangements will be made to provide feedback on the submission to those who contributed ideas or participated in focus groups.

Outcome of Consultation

28. Consultation has been carried out with Members, officers, wider partners and a representative group of the wider community, as outlined in the main report.