

**LONDON BOROUGH OF RICHMOND UPON THAMES****CABINET**

**DATE:** 17 November 2008

**REPORT OF:** CABINET MEMBER FOR  
COMMUNITIES

**LEAD OFFICER:** CHIEF EXECUTIVE

**SUBJECT:** SUSTAINABLE COMMUNITIES ACT 2007

**WARDS:** ALL

**KEY DECISION?: YES/NO**

**IF YES, IN FORWARD PLAN?: YES/NO**

For general release

**1. PURPOSE OF THE REPORT**

- 1.1 To advise on the Sustainable Communities Act 2007 and the opportunity to submit proposals to Government to seek their help in promoting local sustainability.

**EXECUTIVE SUMMARY**

- The Sustainable Communities Act 2007 provides the opportunity for the Council, in partnership with the local community, to submit proposals, which require government action to promote local sustainability, to the Secretary of State for consideration.
- Any proposals submitted have to be considered and agreed by a local panel(s) which must include representatives from under represented groups.

**2. RECOMMENDATIONS**

- 2.1 That the Cabinet supports the principles contained within the SCA 2007 to improve the sustainability of local communities by encouraging the improvement of the economic, social and environmental well-being of the community**
- 2.2 That the Cabinet develops a procedure to consider proposals put**

**forward from the community.**

- 2.3 That the feasibility of using the Greener Richmond and/or the Public Sector Infrastructure sub groups of the Local Strategic Partnership as the Community Panel(s) or establishing a new Community Panel be explored by officers**
- 2.4 That the Members working party on Devolution and Engagement consider whether it would be appropriate for local panels to be established to agree any local proposals**

### **3. DETAIL**

#### **Background**

- 3.1 The Sustainable Communities Act 2007 ('SCA') was introduced to the House of Commons as a private members Bill by Nick Hurd MP in November 2006 and it received Royal Assent in October 2007. The Act provides a statutory framework for councils and community organisations to put forward proposals to central government which they consider would encourage the improvement of the economic, social or environmental well-being of local areas. The principle being that local people know best what needs to be done to promote the sustainability of their area but that sometimes they need central government to act to enable them to do so. This action could include changes to the law, to public service provision, reconfiguration of public services, and changes to the pattern of public spending.
- 3.2 The SCA follows a raft of legislation which represents a step-change in the powers and flexibilities local authorities now have to deliver locally tailored programmes and initiatives and to display community leadership: e.g. the promotion of economic, environmental or social well-being under the Local Government Act 2000; new LAAs and CAAs; and, more recently, the Local Government and Public Involvement in Health Act 2007, and the Community Empowerment White Paper. From 1 April 2009 the Council will also have a new Duty to Involve.
- 3.3 In the context of the SCA, probably the most interesting of these developments was the broadly defined "well being power" of the Local Government Act 2000. This provided local authorities with the power to undertake any activities that the authority considers will have a positive impact on the economic, environmental or social well-being of people in their area, taking account of the Community Plan and national guidance. It is possible that a number of the proposals which may come forward would be capable of being implemented by using these existing powers. The SCA guidance is quite clear that only proposals which cannot be implemented under current powers can be put forward to the Local Government Association, acting as "selector" for proposals to be submitted to Government.

- 3.4 The SCA also needs to be seen in the context of the Council's current work to improve engagement and consultation with the community;
- Scrutiny task group on consultation due to report in the new year;
  - Member's task group looking into devolution and engagement which has recently been established.
  - Internal officers' working party co-ordinating consultation and engagement activity across the council; ensuring that good practice is followed; and that we can demonstrate that the outcomes of engagement and consultation have influenced service improvement and that this has been conveyed to the local community.
  - Local Strategic Partnership working group considering how engagement and consultation can be co-ordinated across major partners in the borough.
  - Users and carers are involved in health and social care service design through our Joint Commissioning Groups. These Groups consider key service development issues and provide input into the design and commissioning of services. Those users and carers involved in JCGs are supported through a user and carer forum that provides training and support to individuals to give them the skills and knowledge to contribute effectively.

### **Content of the Act**

- 3.5 The Act achieves the following:
- It replaces the previous term "Community Strategy" with the term "Sustainable Community Strategy," putting into legislation the duty to consider the long term sustainability of the local community
  - It creates a duty for Government to produce a local spending report that details for each local authority the amount of public money spent by all relevant agencies over a given period – these are due in April 2009
  - It invites local authorities, in partnership with their local communities, to make proposals which they consider would contribute to promoting the sustainability of local communities – and which require Government action to implement.

### **The Process for Submitting Local Proposals**

- 3.6 The Secretary of State has now formally invited local authorities to submit their proposals under this Act. The deadline for submissions for this first round is 31 July 2009.

- 3.7 The Act sets out a process by which ideas generated by local communities which aim to promote local sustainability (and which require government action) are put forward by the local authority to central government through a body known as the “selector”. The LGA has been appointed the selector and will shortlist proposals to be submitted to Government for consideration. The Secretary of State will then decide which of the short-listed proposals should be implemented. There is no indication of how quickly decisions will be made. The Act requires the Secretary of State to issue further invitations to local authorities and the timetable for these invitations will be informed by the first round as it develops.
- 3.8 Before making any proposal, the local authority must establish or recognise one or more panels of representatives of local people and to consult them and reach agreement on which proposals it wants to put forward (if any) by 31 July 2009. Local authorities are not required to submit any proposal.
- 3.9 The guidance states that for the purposes of their SCA, “representatives of local persons” means a balanced selection of individuals, groups or organisations the authority considers likely to be affected by, or have an interest in, the proposal. Local persons can be a resident, someone who works or studies in the area, visitors, service users, third sector groups, businesses, or anyone else likely to be affected by, or interested in, the proposal. The intention behind the SCA is to ensure that the panels include persons from under-represented groups. The regulations state that “under-represented groups” means those groups of local persons who in the opinion of the local authority are under-represented in civic and political activity in the area.
- 3.10 Any proposal submitted will be assessed against the purpose of the Act which is to promote the sustainability of local communities, where “promoting sustainability” is defined as encouraging the improvement of the economic, social or environmental well-being of the authority’s area; social well-being includes participation in civic and political activity. In addition, the Government has provided clarification in order to assist successful proposals:-
- The purpose of the proposals is to identify issues on which central government can act to assist local authorities and communities to promote sustainability. Proposals therefore need to be specific about the action required of central government and the local authority needs to be certain that it does not already have the powers to implement the proposal (including under the powers for the promotion of well-being in section 2 of the Local Government Act 2000).
  - The Act is not a route for agreeing any additional public expenditure, so a particularly strong case will need to be made for any proposals requiring this.
  - The cost benefit of making arrangements which are specific to a particular area or group against the economies of scale which arise from more uniform approaches will be taken into account.

- The Government's existing policy position will be taken into account.

3.11 There is considerable scope for proposals under the SCA. Some examples current being suggested nationally include:

- Keeping essential community services like post offices and pubs open
- Promoting small businesses by increasing the rate relief they receive
- Promoting local renewable energy

Some suggestions by local authorities include:

- Increased powers over crime and criminal justice – refocusing interventions on local preventative measures
- Powers to absorb BusinessLink funding in order to achieve wider economic development objectives
- Ability of a local authority to take a more central role in the delivery and funding of a localised welfare system
- Local authorities and PCTs being allowed to appoint joint posts
- Responsibility for post-19 skills, training and apprenticeships being devolved to local authorities

## **Current Position**

3.12 At the current time the Council is not developing any proposals for submission. However, there is a degree of local awareness of the potential of the Act and it is likely that the Council will be approached to develop submissions. Any requests will need to be assessed against the criteria above and the Council will need to be certain that it does not already have the power to implement the proposals if they are supported. In cases where it is deemed that the Council already has the powers to implement agreed improvements these will have to be dealt with through the usual internal reporting processes. A process for receiving and assessing proposals will need to be developed. Responsibility and resources would need to be identified for such a process.

3.13 Currently there are no panels of local people which would meet the regulations of the Act and it would be necessary to establish such a panel(s) or amend an existing panel and to ensure these panels include representatives from under-represented groups in the community (as defined above).

- 3.14 Currently there are 2 sub groups of the LSP which might be able to become the required community panel(s) - Greener Richmond Group and the Public Sector Infrastructure Group. It is recommended that officers investigate the feasibility of these 2 groups fulfilling this requirement in the light of proposals which might come from the local community. If it is not appropriate for either of these 2 sub groups to become the necessary community panel, then consideration would need to be given to establishing a new community panel. In addition, a working party on Devolution and Engagement has also recently been established to consider improved engagement at local level and it is recommended that the task group explore the possibility of local panels being established where a proposal of a local nature is put forward.

#### **4. CONSULTATION**

- 4.1 There has been no local consultation on the Act. The regulations require local authorities to establish or recognise one or more panels of local persons and to consult them about each proposal.

#### **5 FINANCIAL IMPLICATIONS**

- 5.1 Any successful proposals are highly unlikely to result in any additional financial resources being made available. It is more likely that local proposals will identify ways in which current financial resources and services could be reconfigured. These are anticipated to be met from existing budget provision. The provision of local area spending reports from April 2009 onwards may assist this process.
- 5.2 The management of this process, and any initiatives which might be pursued as a result of it, will create additional pressures. In the short term the main financial implication will be staff resources to assess any proposals which may be put forward and to develop and support local panels as necessary. This will depend on the level of proposals received and therefore is not predictable at this time. There is an additional risk that the Council will already have the powers to implement some of the proposals put forward and, if these are agreed, could create additional financial pressures. It is not possible to quantify these pressures until specific proposals are put forward. Further reports will be made if additional resources are required.

#### **6. POLICY IMPLICATIONS/CONSIDERATIONS**

- 6.1 The principles of the Act are in accordance with the Council's policy of promoting community engagement and consultation and supporting local sustainability. A task group has been established to consider how further devolution and engagement at local level should take place and they will explore how the potential of the Act to involve local people in the sustainability of their area can be achieved.

#### **7. RISK ASSESSMENT**

There is a risk that awareness of the Act will generate a volume of submissions from the local community which will require staff resources to assess and support to submission stage, if appropriate. Given that it

is expected that not all proposals will be suitable for submission, and that any submissions made could be unsuccessful, there is a very strong risk that staff resources will be diverted to managing a process which probably has a low chance of ultimate success. There is accordingly a risk that resources would have to be diverted from the delivery of the objectives set in the Strategic Community Plan.

**8. EQUALITY IMPACT/CONSIDERATIONS**

The regulations require that any local panels which are established or recognised should include persons from groups which are under represented in civic and political activity in the borough.

**9. LEGAL IMPLICATIONS**

The content of the Act is summarised in the body of the report. The Act offers the opportunity to submit applications to the Secretary of State, there is no requirement to do so. Such applications will need to be carefully assessed first, including to exclude ideas which would not require new powers to achieve.

**10. ENVIRONMENTAL IMPACT ASSESSMENT**

The aim of proposals under the Act is to promote the sustainability of the local area. Any proposals considered for submission will require an individual environmental impact assessment.

**11. BACKGROUND DOCUMENTS**

Sustainable Communities Act 2007  
Invitation from Secretary of State to submit proposals and guidance from the Department of Communities and Local Government on submitting proposals 14 October 2008.

**12. CONTACTS**

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