

OVERVIEW AND SCRUTINY COMMISSION

Agenda Item 4

Brighton & Hove City Council

Subject: Sustainable Communities Act – Round One
Date of Meeting: 2nd June 2009
Report of: Acting Director for Strategy & Governance
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Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 Brighton & Hove City Council has made the decision to 'opt in' to the Sustainable Communities Act. The Act gives the Government a legal duty to 'assist local authorities in promoting the sustainability of local communities.' Individuals, community groups and councils can put forward proposals on how they feel that the Government could carry out this duty.
- 1.2 This paper provides an information update on the arrangements for generating and approving proposals in Brighton and Hove under round one of the Act.

2. RECOMMENDATIONS:

- 2.1 (1) That the Overview and Scrutiny Commission notes the work being carried out by the Council and its partners under the Sustainable Communities Act.
(2) That the Overview and Scrutiny Commission considers the potential to generate a bank of ideas, as result of its work, which could be submitted under future rounds of the Act.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The Sustainable Communities Act is unique in that perhaps for the first time it gives councils the opportunity to bid to bypass 'top-down' decision-making from Government and put real power in the hands of local communities. The Act was introduced to Parliament as a Private Members' Bill by Nick Hurd MP following a lengthy and widespread grassroots campaign by Local Works, who are supported by over 120 organisations, ranging from the Women's Institute to the Campaign for Real Ale.
- 3.2 The driving force behind the grassroots campaign was a frustration amongst many local communities over feeling powerless to affect change for the better in their neighbourhoods.

Submission of proposals

- 3.3 The Act gives the Government a legal duty to 'assist local authorities in promoting the sustainability of local communities.' Individuals, community groups and councils can put forward proposals on how they feel that the Government could carry out this duty.
- 3.4 The meaning of sustainability under the Act has 4 strands: (i) improvement of the local economy, (ii) protection of the environment; (iii) promotion of social inclusion, and (iv) participation in civic and political activity. Proposals must fall into one or more of these categories. The Act also sets out a 'schedule' of matters to which people must have regard when putting forward proposals.
- 3.5 Those wishing to put forward proposals are assisted by the production of Local Spending Reports by national Government. The reports provide a breakdown of all public spending within a local authority area (not just council spending). The Department for Communities and Local Government produced the reports on-line on 29th April 2009.
- 3.6 The Council launched its publicity for the Act on 6th March. A page was created on the Council website and organisations, groups and partnerships were contacted alerting them to the opportunity to generate proposals.

Assessment of proposals

- 3.7 A basic criterion is that proposals must require some form of national Government action (e.g. change in primary legislation, transfer of function between public bodies etc.) and which cannot currently be carried out under existing freedoms and flexibilities. As such, it represents an extension of local authorities' current 'well-being' powers¹.
- 3.8 Submitted proposals will first be checked by the council's Legal Team to ensure that they satisfy the conditions of the Act before being passed to a panel of local representatives for consideration, as stipulated by the Act.
- 3.9 The local panel has been convened under the framework of the Stronger Communities Partnership (SCP). On behalf of the SCP, the Brighton & Hove Community & Voluntary Sector Forum (CVSF) ran a call for expressions of interest to seek wider involvement from the community and voluntary sector in the local panel to ensure it meets the requirements of the Act.
- 3.10 Support for groups to discuss and develop their ideas has been available from the city council. It was keen to establish a dialogue at an early stage to make sure that groups' ideas met the criteria.

¹ The Local Government Act 2000 gave local authorities a discretionary power to promote or improve the social, economic and environmental well-being of their area.

- 3.11 The Local Panel was convened following a period of induction and training delivered jointly by the CVSF and the Council to consider the eligible proposals. The Council and the Panel seek to ‘reach agreement’ about which proposals should be in the final submission to the Government’s selector – the Local Government Association (LGA).
- 3.12 The Council will submit the final list of proposals to the LGA following a formal decision at Cabinet or Council (depending on whether the proposals relate to an executive or council function). Feedback on the final submission will be given locally through a range of means including directly to those who submitted ideas that were considered by the panel.
- 3.13 Additionally, the Council has made a commitment that public proposals which don’t meet the criteria of the Act will be referred to either the appropriate City Council Cabinet Member or to the organisation that would be most affected by the proposal (e.g. Primary Care Trust, Police etc.) for consideration and feedback.

Timetable and next steps

- 3.14 Table 1 shows the key dates in the process for submitting and assessing proposals under the Act.

Table 1 – Timetable for implementing the Sustainable Communities Act

	Date
Information launch	5/3/09
Panel agreed	1/5/09
Deadline for proposal submission to Council	4/5/09
Panel briefing	12/5/09
Panel meets to assess proposals	20/5/09
Council and/or Cabinet formally agree proposals	9 or 16/7/09
LGA submission deadline	31/7/09

- 3.15 It is important to stress that this is just the first round of the Sustainable Communities Act. It is expected that the Secretary of State will issue further calls for proposals on a regular (probably annual) basis. Therefore, should groups and individuals require more time to develop workable proposals, there will be further opportunities.

4. CONSULTATION

- 4.1 The Stronger Communities Partnership was consulted about the local process to promote the Act and develop the local panel. As the lead partnership in the city for improvement of community engagement it has the

relevant expertise, knowledge and experience to advise on the most appropriate process for the opportunity.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The assessment of proposals under the Sustainable Communities Act will need to consider whether they can be delivered within existing budget resources. The financial implications of the agreed proposals will be identified at the next stage when reported to Council and /or Cabinet.

Finance Officer Consulted: Anne Silley *Date: 09/04/09*

Legal Implications:

- 5.2 To ensure compliance with the Act, Legal Services have advised the Chief Executive's Policy Team on the arrangements for establishing a panel of representatives of local people and for assessing proposals.

The arrangements now in place and described in this report conform to the Act, Regulations made under it, statutory guidance, and further guidance issued by the Local Government Association in their role as Selector.

There are no Human Rights implications arising directly from the report.

Lawyer Consulted: Oliver Dixon *Date: 20/04/09*

Equalities Implications:

- 5.3 The meaning of sustainability under the Act has 4 strands: (i) improvement of the local economy, (ii) protection of the environment; (iii) promotion of social inclusion, and (iv) participation in civic and political activity. Proposals must fall into one or more of these categories. Therefore within this definition proposals may include action to address inequality and discrimination.

Sustainability Implications:

- 5.4 The primary aim of the legislation is to enhance and promote the sustainability of local communities.

Crime & Disorder Implications:

- 5.6 The meaning of sustainability under the Act has 4 strands: (i) improvement of the local economy, (ii) protection of the environment; (iii) promotion of social inclusion, and (iv) participation in civic and political activity. Proposals must fall into one or more of these categories. Therefore within this definition proposals may include action to reduce crime and disorder.

Risk & Opportunity Management Implications:

- 5.7 The Act has introduced for the first time a co-operative element to decision making between local communities and national government with all decisions negotiated between relevant parties. However, as there are several tiers of negotiation there is an element of risk in terms of managing communities' expectation. Moreover, proposals are only eligible under the Act if they require action by national government. If the council can already carry out the desired action the proposal is not eligible for consideration under this process. In light of this the council has made a commitment to respond to all proposals submitted but which may not be eligible under the act.

Corporate / Citywide Implications:

- 5.8 As the Act allows for proposals that request the transfer of power from national to local government and from one public agency to another the implications of the Act are relevant to all key public agencies in the city.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 The process by which proposals are to be submitted under the Act was defined in the legislation and associated guidance. Opportunity for an alternative approach was limited.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 To ensure that the Overview and Scrutiny Commission is kept up to date on all opportunities to enhance and promote sustainability in the area.

SUPPORTING DOCUMENTATION

Appendices:

None

Documents in Members' Rooms

None

Background Documents

None