

Subject:	Sustainable Communities Act – Decision on Submission to Local Government Association		
Date of Meeting:	9 July 2009		
Report of:	Acting Director of Strategy & Governance		
Contact Officer:	Name:	Emma McDermott	Tel: 29-3944
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Key Decision:	Yes	Forward Plan No: CAB9286	
Wards Affected:	All		

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 Brighton & Hove City Council made the decision to opt into the Sustainable Communities Act in October 2008. The Act places a legal duty on national Government to 'assist local authorities in promoting the sustainability of local communities'. Government is required to meet this duty through holding periodic calls for ideas from communities and individuals via their local councils and from local councils.
- 1.2 Following the process as set by the Act and detailed in section 3 of this report the Brighton and Hove submission for the first round has been produced.
- 1.3 The submission is required to have formal approval by Cabinet and must be submitted to the Government's selector – the Local Government Association (LGA) by 31 July 2009. The role of the LGA is to short-list from all the proposals submitted potentially from all 111 councils that opted into the Act and negotiate this short-list with the Secretary of State for Communities and Local Government. The Minister and the LGA must try to reach agreement about which of the short-listed proposals to implement. No timescale has been announced for this national level negotiation and implementation.

2. RECOMMENDATIONS:

- 2.1 That Cabinet approves the city council's submission under the first round of the Sustainable Communities Act as detailed in appendix A.
- 2.2 That Cabinet agree that the ineligible proposals (appendix D) received in this process are tabled at the relevant Cabinet Member meeting for consideration and response.

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 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, which was 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). For the first round the Department for Communities and Local Government produced the first local spending 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.

Local assessment of proposals

- 3.7 A basic criterion is that proposals must require some form of central 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.

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.

- 3.8 Submitted proposals were first checked by the council's Legal Team to ensure that they satisfied the conditions of the Act before being passed to the local panel for consideration, as stipulated by the Act.
- 3.9 The local panel was 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. The local panel consisted of 12 individuals covering communities of interest/identify and communities of place as well the four political groups of the city council.
- 3.10 Support for groups to discuss and develop their ideas was made available from the city council. The council was keen to encourage a dialogue at an early stage to make sure that groups' ideas met the criteria.
- 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 proposals were considered against the criteria of the Act as well as local priorities for the city as determined in the cross-sector Local Area Agreement. The legislation does not restrict the number of proposals a council can submit.
- 3.12 23 proposals were submitted to the council. 16 of the 23 were assessed as eligible under the terms of the Act in that they required national government action and were not actions the council could already take. The eligible 16 proposals were considered by the panel. During their deliberation it became apparent that one proposal actually sought two separate outcomes from national government. Therefore the panel agreed to separate this one proposal into two. Thus the panel consider 17 proposals in total. Of the 17 proposals the panel short-listed 13 and rejected 4 (details of the rejected proposals in appendix C).
- 3.13 The panel's short-list was considered by the Leadership and three amendments were negotiated and agreed with the panel. Two of these amendments are detailed in appendix B and the other was an amendment to proposal 9 in appendix A. In addition, the panel recommended that three similar proposals on business rates be combined to produce proposal no. 1 appendix A.
- 3.14 Therefore the proposed city council's submission as negotiated and agreed with the local panel is as detailed in appendix A and consists of nine proposals.
- 3.15 Following the Cabinet's decision in relation to this report feedback about 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.
- 3.16 Furthermore, at the start of the local process the council made a commitment that public proposals which didn't meet the criteria of the Act in terms of requiring national government action, would 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. Appendix D details the proposals submitted that were ineligible and the Cabinet Member to whom they are being referred.

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. In addition, council officers discussed differences of approach with other councils that has opted into the process.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The proposals set out in Appendix A if implemented by the Government and used by the Council would in some cases result in additional costs falling on the Council for which it currently has no budget provision. Before deciding to use any of the new powers the costs would need to be fully identified and an appropriate and affordable budget provision agreed. In submitting the proposals an indicative financial impact will be completed. The Local Government Association is likely to assess the financial impact on all councils of the short-listed proposals that are recommended to implement.
- 5.2 The financial implications of each of the ineligible proposals set out in Appendix D will need to be considered by the relevant Cabinet Member'

Finance Officer Consulted: Anne Silley

Date: 10/06/09

Legal Implications:

- 5.3 The council complied with all requirements under the Sustainable Communities Act with regard to establishing a panel of local representatives, and consulting them and seeking to reach agreement with them about the proposals.
- 5.4 The final decision as to which proposals from Brighton & Hove go forward to the LGA rests with the council; this is an executive decision which the Cabinet has authority to make.

Lawyer Consulted:

Oliver Dixon

Date: 26/05/09

Equalities Implications:

- 5.5 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. During their deliberations the local panel consider any potential unintended negative impact the proposals could have in terms of sustainability, for example promoting economic sustainability at the expense of social inclusion or civic participation.

Sustainability Implications:

- 5.6 The primary aim of the legislation is to enhance and promote the sustainability of local communities. All the eligible proposals were considered against the criteria of the Act as well local priorities as detailed in the Local Area Agreement. The Head of Sustainability was in attendance at the panel meeting to advise on sustainability implications for each of the considered proposals.

Crime & Disorder Implications:

- 5.7 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 had the potential to include action to reduce crime and disorder.

Risk & Opportunity Management Implications:

- 5.8 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:

- 5.9 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 had the potential to be relevant to all key public agencies in the city. The majority of proposals received were related to the function of the council with implications for schools, businesses, Police and local communities.

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. Lessons learnt locally and by other local authorities that opted into the Act will be incorporated into delivery of the next round.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 Cabinet is required to formally agree its submission to the Local Government Association as required by the Sustainable Communities Act.

SUPPORTING DOCUMENTATION

Appendices:

1. A. Proposed Brighton & Hove City Council submission to the Local Government Association under the first round of the Sustainable Communities Act as agreed with the local panel.
2. B. Eligible proposals short-listed by the local panel, negotiated with the Administration and alternative action agreed.
3. C. Eligible proposals not short-listed by the local panel.
4. D. Ineligible proposals received by the city council.

Documents in Members' Rooms

None

Background Documents

None