

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

9th JULY 2009

**REPORT OF CORPORATE
MANAGEMENT TEAM**

CABINET DECISION

SUSTAINABLE COMMUNITIES ACT

1. Summary

This report provides information to Cabinet on the Sustainable Communities Act, summarises consultation activity to date and makes recommendations for submitting proposals of intent to the LGA.

2. Recommendations

Cabinet is recommended to:

- i Receive this report and note its content
- ii Approve the further work necessary to develop any potential proposals to ensure they comply with the requirements of the Act (as outlined in paragraphs 6 – 9)
- iii Delegate final approval of proposals to the Chief Executive in conjunction with the Group Leaders and Portfolio Holder for Access and Communities

3. Reasons for the Recommendations/Decision(s)

To maximise the opportunities presented by the Sustainable Communities Act and support the council in meeting its aims as outlined in the Sustainable Community Strategy and Council Plan.

4. Members' Interests

Members (including co-opted Members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (**paragraph 8**) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest (**paragraphs 10 and 11 of the code of conduct**).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting considering the business is being held -

- in a case where the Member is attending a meeting (including a meeting of a select committee) but only for the purpose of making representations, answering questions or

giving evidence, provided the public are also allowed to attend the meeting for the same purpose whether under statutory right or otherwise, immediately after making representations, answering questions or giving evidence as the case may be;

- in any other case, whenever it becomes apparent that the business is being considered at the meeting;

and must not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (**paragraph 12 of the Code**).

Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc; whether or not they are a Member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting (unless the interest arises solely from the Member's membership of, or position of control or management on any other body to which the Member was appointed or nominated by the Council, or on any other body exercising functions of a public nature, when the interest only needs to be declared if and when the Member speaks on the matter), and if their interest is prejudicial, they must also leave the meeting room, subject to and in accordance with the provisions referred to above.

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SUMMARY

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RECOMMENDATIONS

Cabinet is recommended to:

- i Receive this report and note its content
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BACKGROUND

1. The Sustainable Communities Act, which has cross party support and received Royal Assent on 23rd October 2007 with the aim of promoting the sustainability of local communities. Key to the act is the opportunity for local authorities to ask central government for permission to take action in their area which they are currently unable to do. This could include the delegation of functions from national or local bodies and agencies to the local authority and is designed, in part, to support the Council in delivering its power of well-being duty from the 2000 Local Government Act.
2. The scope of the act covers social, economic and environmental issues and as such there is wide scope as to what could be proposed. Ideas generated by localities will be fed through a selector (confirmed as the LGA) who will prepare a shortlist for submission to the Secretary of State for Communities and Local Government.
3. Local authorities have been invited by the Secretary of State to make proposals they consider would improve the sustainability of local communities. These proposals must be within the confines of the act, but as highlighted above there is some flexibility in what an authority sees as necessary to promote the sustainability of its area. Approval for proposals will be granted through a process of negotiation between the Secretary of State and the Selector Panel who will act as champion and advocate for the proposals.

DEVELOPMENT OF PROPOSALS

4. In order to ensure that any potential proposals are in line with Council policy and have included consultation with the community, a number of activities have been undertaken with a view to develop proposals. These include:
 - Presentation at Members Policy Seminar
 - Consultation with Area and thematic partnerships of the LSP
 - Special meeting of SRCGA community reference group
 - Consideration of recommendations from recent scrutiny reviews
 - Presentation to Parish Council Liaison

A full list of suggestions arising from these activities are shown below:

- Having stronger powers to deal with the problems associated with alcohol misuse
 - Speeding up the processes for and have stronger powers around regenerating derelict land and buildings
 - Public transport, particularly bus services, being strictly regulated and that local authorities should act as the regulator in their areas
 - Having greater freedoms locally around the definition of green and brownfield sites
 - Having stronger powers around preventing demolition of properties and preventing householders selling land to build new homes in back gardens
 - Allowing local authorities and their communities greater say in criminal justice, particularly sentencing and community payback
 - Acquiring additional powers around dispersal orders
 - Ensuring all planning decisions are made locally
 - Ensuring appropriate political representation on Police Authorities
5. Nationally, 117 authorities have indicated to date they are considering putting proposals forward, although none have actually submitted in advance of the 31st July deadline and at this stage details of what these areas are considering remain limited. Reviews through existing networks have identified the following examples of suggestions from consultations undertaken elsewhere:
 - Supporting local post offices to avoid closure
 - Supporting development of small scale renewable energy initiatives
 - Stopping plastic packaging
 - Enforcing minimal lighting of offices and public buildings out of hours
 - Increased powers to deal with pavement parking
 - Retention of revenue from business rates to be spent on local priorities
 - Retention of landfill credits to reinvest in local priorities

MAKING A PROPOSAL

6. If the Council were to make a proposal, it would need to be submitted to the LGA by 31st July. The Selector Panel will consider a number of criteria when assessing proposals which will include:
 - Have the proposers consulted and sought to reach agreement with a panel(s) of representative persons (including traditionally under-represented groups)
 - Does the proposal demonstrate clear impact on sustainability
 - What are the sustainability challenges in the area? How will the proposal support local sustainability priorities and action?
 - Is the proposal outside the scope of existing powers and require action by Government, that can be clearly defined

- If granted, is there evidence that the proposal will make a difference locally? Does the proposal include a clear and compelling evidence base?
- What the level of support for the proposal is and what any opposition is

It is understood that joint proposals will viewed more favourably.

7. Following receipt of all proposals the LGA will produce a shortlist of recommendations for the Secretary of State. At this stage the timescales beyond the July deadline have not been confirmed, with only an obligation for the selector panel to meet in either August or September. The Council remains under no obligation to make a submission and it is understood, although not confirmed, that the opportunity to make proposals will become an annual event. An Early Day Motion has been tabled calling for the allowance of proposals to be made on an ongoing, rolling basis, alongside an additional Early Day Motion relating to improving Local Spending Reports.
8. None of the suggestions put forward through the consultation outlined in paragraph 4 have been subject to the challenge of meeting the requirements of the Act yet. Whilst some of the suggestions reflect areas of concern to local communities they do not meet one of the fundamental requirements of the Act i.e. Councils do not already have the power to act.
9. The proposals will be developed by a working group of officers from relevant service areas and partners who will challenge whether they meet the requirement of the Act. It is proposed that the Chief Executive will then, in conjunction with the Group Leaders and Portfolio Holder for Access and Communities, approve any submission to LGA in advance of the July 31st deadline.

FINANCIAL IMPLICATIONS

10. There are no financial implications arising as a direct result of this report. Any proposals going forward are unlikely to receive additional resource unless approved by the Secretary of State.

LEGAL IMPLICATIONS

11. The Sustainable Communities Act has received Royal Assent. The Council is under no obligation to submit proposals.

RISK ASSESSMENT

12. This report is categorised as low to medium risk. Existing management systems and daily routine activities are sufficient to control and reduce risk.

SUSTAINABLE COMMUNITY STRATEGY IMPLICATIONS

13. At this stage the Sustainable Communities Act could potentially impact across all themes of the Sustainable Community Strategy. The recommended proposals would impact most strongly on the Economic Regeneration and Transport, Stronger Communities, Health and Wellbeing and Safer Communities themes.

EQUALITIES IMPACT ASSESSMENT

14. This report is not subject to Equality Impact Assessment as it makes no proposals for service development or policy change. It is recommended that any proposals brought forward should be subject to Equality Impact Assessment before being submitted to the LGA.

CONSULTATION INCLUDING WARD/COUNCILLORS

15. Consultation arrangements for this report are detailed at paragraph 4. The Leader and relevant portfolio holders have received briefings.

Name of Contact Officer: Simon Lee
Post Title: Policy and Development Manager
Telephone No. 01642 524581
Email Address: simon.lee@stockton.gov.uk

Background Papers

Sustainable Communities Act 2007
Sustainable Communities Act 2007: A Guide

Ward(s) and Ward Councillors:

The Sustainable Communities Act affects all wards in the Borough.

Property

This report has no implications for the Council's Capital Programme and Asset Management Plan.