

## CONSTITUTION WORKING PARTY

<b>Report Title</b>	Implementation of the Sustainable Communities Act	
<b>Key Decision</b>	No	Item No. 5
<b>Ward</b>	All	
<b>Contributors</b>	Executive Director for Resources Head of Law	
<b>Class</b>	Part 1	Date: 19 March 2009

### 1. Purpose

- 1.1 This paper provides a summary of the key implications of the Sustainable Communities Act. It examines how a process might be developed to meet the Act's requirements and the resource implications involved.

### 2. Recommendations

- 2.1 Constitution Working Party is recommended to consider the implications of implementing the Sustainable Communities Act.

### 3. Key elements of the Sustainable Communities Act

- 3.1 The Sustainable Communities Act, which became law in October 2008, creates a new mechanism by which specific local concerns can be submitted to central government for consideration in the form of proposals. It is being actively publicised as a means by which local people can make proposals for action to government to promote sustainable communities and environmental, social and economic well-being.
- 3.2 The Act provides that if a Council intends to make a proposal under it, then it must consult and try to reach agreement with local people, via a panel of representatives. The local authority submits its proposal(s) to a 'selector', the LGA, who will seek to agree with the Authority proposals for submission to the Secretary of State. The Secretary of State, in consultation the 'selector', will agree which proposals to implement and will publish the reasons for her decision and an action plan which will outline how the agreed proposals will be taken forward.

- 3.3 Proposals may include a request for a transfer of functions from one person or public body to another. This may be a transfer from a national body to a local body or it could be a transfer from one local body to another. They may also request that the funding linked to any function transferred be likewise redirected.
- 3.4 In addition the Act will bring forward new 'Local Spending Reports' to provide quick and easy information about where public money is spent. This will enable local authorities, their partners and communities to take better informed decisions about the priorities they choose to pursue to promote the sustainability of their local community.

#### **4. Policy context**

- 4.1 The Sustainable Communities Act is closely linked to two specific government agendas: the development of strong, cohesive and sustainable local communities and the empowerment of these communities so that they can influence and help make changes in their local areas.
- 4.2 The Egan Review, published in April 2004, proposed a definition of a 'sustainable community' that would provide a common goal for all relevant agencies and stakeholders and highlighted the environmental, social and economic elements of sustainability. Sustainable communities are those that:  
*'meet the diverse needs of existing and future residents, their children and other users, contribute to a high quality of life and provide opportunity and choice. They achieve this in ways that make effective use of natural resources, enhance the environment, promote social cohesion and inclusion and strengthen economic prosperity.'*<sup>1</sup>
- 4.3 In July 2008 the Government published its empowerment White Paper, *Communities in Control: real people, real power*. This paper outlined the Government's ambition to *"pass power into the hands of local communities...generate vibrant local democracy and...give real control over local decisions and services to a wider pool of active citizens"* based upon a conviction that local communities are capable of taking difficult decisions and solving complex problems themselves.

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<sup>1</sup> Kearns, A & Turok, I. (2004) *Sustainable Communities: Dimensions and Challenges*, ODPM working paper

4.4 The Sustainable Communities Act recognises the premise local people often know what will best promote the sustainability of their local area but that they sometimes need central government to act to enable them to do so. It also provides local authorities with an opportunity to ask central government to take action which they believe would allow them to better promote the social, environmental and economic well-being of the local area.

## 5. Implications for Lewisham

5.1 **The Proposals:-** Looking at the national picture, suggested proposals seem to fall into two broad categories: those originating from local communities with action demanded on a specific local issue and; those from local authorities looking to increase their own responsibilities, often by proposing function transfer from other bodies to themselves or by gaining greater power over local spending from national and regional bodies.

5.2 While it can be assumed that a local authority's own proposals will be generated without much additional process, specific action may need to be taken to ensure that local communities have the opportunity to formulate and put forward their own proposals. Consideration will need to be given to the means by which the Act is publicised and proposals invited, recognising that this could have a significant affect on both the number and nature of the proposals received. It will also be necessary to consider the extent to which the local authority advises or assists groups in the submission of proposals.

5.3 If promoted widely there would need to be clear communication setting out which proposals fit the Act. The LGA has advised that the basic criterion is that proposals must be ones that need some form of action from central government (such as a change in legislation, a transfer of responsibilities from one public sector body to another, a new national policy or a change or strengthening of policy.)

5.4 In considering proposals local authorities will need to distinguish between those which could happen anyway, if agreed at local level, and those which need central government action or intervention. The breadth of the power of well-being as devolved to local authorities by the Local Government Act (2000) means that many proposals could, in theory be taken forward at a local level without central government involvement. Consideration would need to be given as to how

proposals could be sought in a way that clearly explains the potential and the limitations of the act and manages expectations on all sides.

- 5.5 **The Panel:** - The Act requires that if an Authority seeks to make a proposal it must first consult a representative panel of local people about the proposals and to try and reach agreement on the proposal. The Act does not specify any particular format or membership for the panel other than that it should include people from under-represented groups.
- 5.6 It is proposed that Lewisham convene a representative citizen panel to discuss the proposals that arise. Membership of this group could be complemented by representatives from recognised equalities advocacy groups.
- 5.7 **The Process:** - The following is a suggested model as to how the process would work.
- a) Act publicised and proposals invited. Proposals scrutinised against initial criteria. Unsuccessful proposals receive a response outlining whether or not further action will be taken.
  - b) All proposals that fit the initial criteria are considered at a Mayor and Cabinet meeting. Mayor and Cabinet will then select those proposals to go forward to the representative panel.
  - c) The representative panel considers these proposals and produces a recommendation as to which proposals should be submitted to the Local Government Association (The Selector.)
  - d) Mayor and Cabinet discusses the recommendation and submits proposals to the Selector.
  - e) A report is produced on the progress of the proposals and the action that the Council is taking in response.

## 6. **Potential timetable**

Invitations for proposals publicised – April 2009

Ongoing assessment of proposals – April – June 2009

Publication of Spending reports by Central Government – April 2009

Initial short-listing by Mayor and Cabinet – June 2009

Meeting of the representative panel – late June/early July 2009

Recommendations to Mayor and Cabinet – July/June 2009

Proposal deadline – 31 July 2009

## **7. Legal implications**

- 7.1 Many of the legal implications are summarised in the report.
- 7.2 There is no duty to submit a proposal under the Sustainable Communities Act, but if the Council does so it must follow the prescribed process of consulting a representative panel, and submission to the LGA selector. It must also have regard to Guidance from the Secretary of State.
- 7.3 A schedule to the Act sets out matters to which the Council must have regard in submitting a proposal. These are set out at Appendix 1
- 7.4 Decisions relating to the submission of Sustainable Communities Act proposals are to be taken in accordance with the Council's executive arrangements, and will be for the Mayor unless specifically prohibited to him. There are currently no proposals for regulation on this point

## **8. Crime and disorder implications**

- 8.1 There are no specific crime and disorder implications in implementing the Sustainable Communities Act.

## **9. Equalities implications**

- 9.1 The Act clearly states that the panel developed in relation to proposals is representative of the local community. Whatever process is developed for inviting and processing proposals will need to ensure that it is transparent, open and in no way disadvantages any group or individual in the borough.

## **10. Financial implications**

- 10.1 A clear financial implication is the amount of officer time required to facilitate this process, manage the publication of the Act, the receipt of proposals and the evaluation of whether the proposal is something that

requires submission under this Act or could be dealt with through existing powers or local means. It can be assumed that any process will require input from policy and legal officers as well as relevant senior managers.

- 10.2 It can be expected that reports on the proposals submitted and the reasons for their being put forward and/or rejected will be necessary. It is also likely that activity will be required to ensure that all sections of the community have the opportunity and the capacity to put forward a proposal and that officer time and advice may be required. An additional element of cost would be the process for convening, administering and remunerating a representative citizen panel.
- 10.3 There is no identified budget for implementing the Sustainable Communities Act. Therefore, any associated costs would have to be found from within existing budgets.

## **11. Environmental implications**

- 11.1 There are no specific environmental implications in implementing the Sustainable Communities Act. Any process developed for the Act should endeavour to use resources prudently.

## **12. Conclusion**

- 12.1 CWP is asked for views on the approach to the SCA set out in this report so that a decision may be made about whether to invite proposals.

For further information please contact the LSP Team on 020 8314 7298 or e-mail [edward.knowles@lewisham.gov.uk](mailto:edward.knowles@lewisham.gov.uk)