

CHESHIRE EAST COUNCIL

CABINET

Date of meeting: 19 May 2009
Report of: Head of Policy & Performance
Title: Sustainable Communities Act

1. Purpose of Report

- 1.1. To respond to the notice of motion from Council on 1 April 2009 and propose a mechanism for Cheshire East Council to respond to the Sustainable Communities Act 2007.

2. Decision Required

- 2.1. To agree to use local area partnerships as the main channel for implementing the Sustainable Communities Act 2007 and explore the use of additional parts of the LSP as appropriate.

3. Background and Options

- 3.1. The Sustainable Communities Act 2007 started as a private member's bill, raised by MP Nick Hurd. It has a broad scope, but is generally aimed at promoting the sustainability of local communities. It aims to reflect the general power of well-being established in the Local Government Act of 2000.
- 3.2. Section 2 of the Act allows for councils (or individuals or other groups via their local council) to make proposals to the Secretary of State for the devolution of powers to a local authority. These may also include the transfer of functions from one person to another.
- 3.3. Any proposals must be discussed developed through a panel of representatives of local persons. It is not necessary to specifically create panels to do this, but councils are obliged to take efforts to ensure any panel is representative of the local community. This is defined as a 'balanced selection of the individuals, groups or organisations the authority considers likely to be affected by, or have an interest in the proposal'. Care must also be taken to ensure under-represented groups are involved. These are defined in the guidance as 'those groups of local persons who in the opinion of the local authority are under-represented in civic and political activity in the authority's area'.
- 3.4. The authority should decide which proposals it puts forward to the Local Government Association (acting here as the 'selector', which will initially filter the proposals), and once put forward by the LGA, the Secretary of

State will be responsible for the final decision on the proposal. Town and parish councils may not submit proposals directly, although they may submit them via Cheshire East Council.

- 3.5. In order to stand a chance of realistically being considered, any proposals should concern action that is not already in the power of the local authority or a partner to achieve. However, it is worth noting that the well-being power of the 2000 Local Government Act is quite broad .
- 3.6. There is no actual route or process needed to 'opt-in' to the Act. Authorities simply need to establish a mechanism for generating and reviewing proposals and submit any relevant ones to the selector. We can then promote this decision to participate.
- 3.7. The Act can provide a very useful route for engaging local people in decision making, which is a partnership and council priority, and does allow us to ask for powers to be devolved or transferred from other parties; we may also generate our own proposals.

4. Proposal for Cheshire East

- 4.1. Many of the local authorities formally responding have used existing community engagement panels, whilst others have set up new mechanisms. Because Cheshire East does not have a consistent, extant panel in place, a new mechanism is needed. The authority is currently in the process of establishing seven local area partnerships, which are intended to be a major engagement channel for both the council and partners. These present an ideal opportunity to engage both communities and partners in the development of any proposals.
- 4.2. It is therefore proposed to use the LAP process as the main channel for stimulating and reviewing any ideas. In addition, other partnerships such as the new Sustainability and Environment and Economic Development, Learning and Skills partnerships and the LSP Assembly could play a role in developing borough-wide ideas. This will need further development to establish a new way of working. The local area partnerships are still in their early stages. It is therefore suggested that officers from the partnerships team create a small project team involving council and partner representatives, with leadership from the portfolio holder for performance and capacity, to further develop the operating protocol for proposals.

5. Financial Implications for Transition Costs

- 5.1. None

6. Financial Implications 2009/10 and beyond

- 6.1. There are potential costs associated with managing a consultation panel to generate ideas to put forward as proposals to the Secretary of State. In addition, any successful proposals will almost certainly have to be funded

from within existing budgets, as there is no new funding associated with the Act. Therefore a financial appraisal will be required before submission of any proposal.

7. Legal Implications

- 7.1. Any proposals generated will need an appraisal before submission to ascertain that they require new powers and are not already achievable under current legislation. A view will also be required as to the appropriateness of any panel regarding sufficient involvement of under-represented groups.

8. Risk Assessment

- 8.1. The Act has gained favour with a number of organisations, and expectations of what the Act can deliver are high. Whilst it still remains to be seen how the Secretary of State reacts to the proposals, previous experience requesting freedoms and flexibilities via local public service agreements and local area agreements have shown that a more realistic view is needed, particularly that no new money is associated with the Act. It will therefore be important to manage people's expectations during the process to avoid any possible reputational damage.
- 8.2. There may also be risks associated with individual proposals and these would need to be considered as part of the appraisal process by Cheshire East Council.

9. Overview of Day One, Year One and Term One Issues

- 9.1. These will need to be established as details on any proposal emerge.

10. Reasons for Recommendation

- 10.1. To allow members to consider the authority's response to the Sustainable Communities Act.

For further information:

*Portfolio Holder: Cllr David Brown
Officer: Russ Glennon
Tel No: 01270 686 623
Email: russ.glennon@cheshireeast.gov.uk*

Background Documents:

Sustainable Communities Act 2007: A Guide, (2008), Department for Communities and Local Government

*Documents are available for inspection at:
www.communities.gov.uk*