

WIRRAL COUNCIL

CABINET – 9th APRIL 2009

REPORT OF THE DEPUTY CHIEF EXECUTIVE

SUSTAINABLE COMMUNITIES ACT

1. EXECUTIVE SUMMARY

- 1.1 This report outlines the scope and provisions of the Sustainable Communities Act 2007 and sets out the steps already taken by the Council and its' partners to promote sustainability in Wirral.
- 1.2 Through a Notice of Motion agreed 3rd November 2008, the Council requested "that Cabinet 'opts in' to the Sustainable Communities Act". This report therefore sets out how the Council will progress the aims of the Act, particularly the provision for making proposals to central government to promote local sustainability.

2. BACKGROUND

- 2.1 The Sustainable Communities Act received Royal Assent on 23 October 2007. The aim of the Act is to promote the sustainability of local communities. Sustainability of local communities refers to encouraging the economic, social or environmental well-being of the area, including participation in civic and political activity. This reflects the well-being powers granted to local authorities by the Local Government Act 2000 and contributes to the broader agenda for partnership working at local level, including the development of the Sustainable Community Strategy and the negotiation of the Local Area Agreement.
- 2.2 Broadly, the Sustainable Communities Act has been put in place:
 - As detailed in section 4 of this report, to allow local authorities to put proposals to the Secretary of State which they consider would promote the sustainability of local communities for example, where appropriate, in making provision for the transfer of functions from one body to another;
 - As detailed in section 5, to make arrangements for the production of local spending reports.
- 2.3 The Department for Communities and Local Government (CLG) has stated clearly that there is no specific budget to distribute under the Act. Although proposals could be made to government which would require new funding, proposals under the Act will generally need to be resourced from existing public funds (and should therefore identify ways in which current financial resources and services could be re-configured). The provision of local area spending reports from April 2009 onwards may assist this process.

3. WIRRAL'S APPROACH TO PROMOTING SUSTAINABILITY

- 3.1 Ensuring that sustainable solutions are put in place to address the key challenges faced by the Council and its' partners is at the heart of the Local Strategic Partnership's emerging Sustainable Community Strategy and Local Area Agreement. A Environment and Sustainability Advisory Group (ESAG) has been set up to further review the themes and priorities in the Community Strategy and Local Area Agreement to ensure that we are tackling the potential social, economic and environmental impacts of our actions. The Environment and Sustainability Advisory Group will maintain strong links with other forums addressing the sustainability agenda, including the Climate Change Strategy Group and the Council's Sustainability Unit (see 3.2 below). The group has already developed an integrated approach to undertaking sustainability and equality impact assessments of the improvement targets identified in Wirral's Local Area Agreement.
- 3.2 The Council has now established a Sustainability Unit by the appointment of a Climate Change Officer and a Sustainability (CRED) Liaison Officer who together with the existing Energy Manager and Energy Conservation Team will lead, coordinate, manage and evaluate all work going on across the Council to deliver the sustainability agenda and support the joint work that has been developed with local partners.
- 3.3 The Council has also recently increased participation in decision making at the local level through its participatory budgeting pilots, i.e. the innovative Community Initiative Funding process and You Decide.

4. MAKING PROPOSALS UNDER THE SUSTAINABLE COMMUNITIES ACT

- 4.1 As set out in 2.2 above, the Sustainable Communities Act allows local authorities to put proposals to the Secretary of State which they consider would promote the economic, social or environmental well-being of the area. Moreover, it encourages local communities to come forward with ideas for such proposals. The Secretary of State has written to all local authorities inviting the first round of proposals under the Act to be submitted by 31st July 2009. It is expected that the invitation will be renewed annually. There is no formal process for 'opt in' in relation to the Act. Councils therefore 'opt in' by considering and submitting proposals to the Secretary of State via the Selector (the Local Government Association). There is no limit to the number of proposals which may be made.
- 4.2 Proposals to the Secretary of State can only be made by local councils. However, the Act makes clear that anyone can suggest a proposal via their local council with the expectation that most suggestions for potential proposals will come from community organisations, area forums, residents and tenants associations, local strategic partnership and other partnership bodies.
- 4.3 A basic criterion for proposals is that they 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 body to another, a new national policy or a change or strengthening of policy). In considering proposals, local councils will need to distinguish between those which could happen anyway, if agreed at local level, and those which need central

government action or intervention of some sort. The latter category covers those appropriate to be submitted onwards, firstly to the LGA as Selector and potentially to the Secretary of State. The LGA is developing some further criteria, to give some guidance on what sort of proposals have greatest chance of success. These criteria are likely to remain broad-brush.

- 4.4 As indicated in 4.3 above, proposals may include a request for a transfer of functions from one body to another, e.g. from a national to a local body or from one local body to another. The local authority may also request that the responsibility for the funding of that particular function is also transferred. If a local authority makes such a proposal it must first consult both the body which currently performs the function and that which it proposes to transfer the function to.
- 4.5 All proposals made at the local level need to be considered by a local panel of interested parties. The legislation and guidance are not prescriptive about panels and the term 'representative' in this context does not refer to formally elected or nominated members of the community although such individuals are, of course, not excluded from taking part. The panel must though include adequate representation of groups which are under-represented in civic and political activity. The panel may be an existing body if a suitable one exists, or a new one may be established. Councils can decide whether to have one panel, or to establish several panels on a geographic or thematic basis. They may use existing consultative panels or forums such as established Area Forums, Youth Parliaments, etc. In considering proposals, the panel should have due regard to a list of matters set out in a schedule to the Act, which include issues such as preserving local jobs, services and facilities, energy conservation, sustainable transport and food production. This illustrates the type of issues with which proposals might be concerned but should not constrain their scope.
- 4.6 Following consideration by the local panel or panels, the local authority must then make a formal decision on whether to forward a proposal or proposals to the national Selector whose role is, in co-operation with the Secretary of State, to draw up a shortlist. As indicated earlier in this report, the Local Government Association (LGA) is adopting the Selector role. A final shortlist of proposals will go to the Secretary of State who will consult with the Selector and try to reach agreement on which of the proposals on the shortlist should be implemented.

5. AN APPROACH FOR WIRRAL

5.1 It is proposed that:

- A call for proposals, alongside detailed guidance and links to key documents pertaining to the Sustainable Communities Act, is made through the Council's website and the Local Strategic Partnership's website with a deadline of 31st May 2009 and publicised accordingly. A template has been prepared (please see Appendix 1) for suggestions to be submitted;
- Arrangements are put in place in consultation with Wirral's Strategic Partnership Executive for Wirral's Strategic Partnership to act as the local panel outlined in 4.5, with consideration given to consulting the views of bodies such as the Youth

Parliament, the Older People's Parliament, and groups supporting minority and under-represented interests;

- Alongside the issues outlined in the Sustainable Communities Act, proposals are considered by Wirral's Local Strategic Partnership during June with reference to Wirral's Sustainable Community Strategy, so that any proposals selected for further development are compatible with our partnership vision and strategic aims. It is noted that the June round of Area Forums coincides with this timescale, and that this may also be an appropriate mechanism for considering proposals;
- If the panel considers that a proposal or proposals should be progressed, it is proposed a report is presented to Cabinet in July for a final decision on whether the proposal or proposals can be developed locally or submitted to the Selector.

6. PRODUCTION OF LOCAL SPENDING REPORTS

- 6.1 The Sustainable Communities Act also requires the Secretary of State to make arrangements for the production of Local Spending Reports which will provide information about public expenditure in an area. The aim of this is to enable local authorities, their partners and communities to take better informed decisions about the local priorities they choose to pursue to promote the sustainability of their local community. The reports, the first of which are due in April 2009, will also enable local people and local authorities to identify which functions and funding they might propose should be transferred from one body to another. The reports will be updated annually and will be available online.
- 6.2 A consultation on Local Spending Reports was launched by the Department for Communities and Local Government on Friday 20th February. The consultation is in two phases, a shorter 6 week phase (deadline 3rd April 2009) seeing views on the first Local Spending Reports (see below) and a longer 12 week period (deadline 15th May 2009) on the longer term development of the reports. The main proposals are that:
- The data sets proposed for inclusion in the initial Local Spending Reports in April 2009 will be drawn from Local Authority and Primary Care Trust data sources (i.e. Department of Communities and Local Government Revenue Outturn and Department of Health Audited Accounts of Primary Care Trusts);
 - The reports will use outturn expenditure;
 - The reports will be updated annually and will be available online.
- 6.3 It should be noted that the first Local Spending Reports to be produced (April 2009) will be on the basis of the local authority area. They will be based on the latest outturn year for which quality assured data is available (2006-07) and will cover areas of expenditure such as Education, Social Care and Cultural, Environmental and Planning Services. The consultation document indicates that, in future years, Local Spending Reports will be further developed (e.g. to include information relating to other public bodies) and seeks comments accordingly.

7. FINANCIAL IMPLICATIONS

7.1 One of the aims of the Act is to 'open the books' of the Government to show how much public money is spent in local areas. However, the Act is more about seeking proposals from the community that will be influential in changing legislation so the focus is on policy and community engagement rather than the provision of additional funding. As indicated in guidance from DCLG, there is no additional public money available for services provided by the local authority through this route. Where a successful case is made for the transfer of responsibilities from one public body to another then, subject to the agreement of both bodies, the relevant budgets would also transfer.

8. STAFFING IMPLICATIONS

8.1 It is possible that public interest may result in a large number of proposals, which will require staff resources to assess and support to submission stage, if appropriate.

9. EQUAL OPPORTUNITIES IMPLICATIONS

9.1 The regulations require that any local panels which are established or recognized should include persons from groups which are under represented in civic and political activity in the borough.

10. COMMUNITY SAFETY IMPLICATIONS

10.1 There are none arising directly from this report.

11. LOCAL AGENDA 21 IMPLICATIONS

11.1 The purpose of the Sustainable Communities Act is to enhance the economic, social and environmental well-being of the area.

12. PLANNING IMPLICATIONS

12.1 There are none arising directly from this report.

13. ANTI-POVERTY IMPLICATIONS

13.1 The reduction of poverty and narrowing the gap in deprivation in our communities is central to Wirral's approach to sustainable development.

14. LOCAL MEMBER SUPPORT IMPLICATIONS

14.1 Proposals may be submitted from all areas of Wirral.

15. BACKGROUND PAPERS

- Sustainable Communities Act 2007
- Sustainable Communities Act 2007: A Guide, *DCLG 2008*

- Letter from Secretary of State – invitation to submit proposals, 14th October 2008
- Council Notice of Motion 3rd November 2008 Minute 65

16. RECOMMENDATIONS

Cabinet is recommended to agree that:

- 16.1 The Council calls for and considers proposals within the scope of the Sustainable Communities Act as set out in 5.1 above;
- 16.2 The Council responds as appropriate to the current consultation in relation to Local Spending Reports, the response to be agreed under delegated authority by the portfolio holder for Corporate Services.

J WILKIE

DEPUTY CHIEF EXECUTIVE / DIRECTOR OF CORPORATE SERVICES

APPENDIX 1

Sustainable Communities Act – Proposal Form

Name of individual / group submitting proposal:
Contact address:
Telephone:
E-mail:
Summary of proposal:
How do you think your proposal contributes to the environmental, economic and/or social sustainability of the area?

What evidence of support is there for this proposal?

Does your proposal require a transfer of functions? If so, which organisations does it affect?

Please return your completed form by **31st May 2009**. We will confirm receipt of your proposal.

You can return your form either by post or electronically:

By email to: []

Please write 'SCA – proposal form' in the subject box.

By post to: []

Should you have any queries when completing your form please feel free to call us on [] -
thank you for submitting your proposal