

Subject: Sustainable Communities Act
Date of Meeting: 23 July 2010
Report of: Director of Strategy & Governance
Contact Officer: Name: Lisa Shaw Tel: 29-6805
E-mail: Lisa.shaw@brighton-hove.gov.uk
Key Decision: No
Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 Brighton & Hove City Council made the decision to 'opt in' to the Sustainable Communities Act in October 2008. 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.
- 1.2 Cabinet submitted 9 proposals to the Local Government Association for consideration in July 2009. The expectation was that a decision would have been made by now by Government on which proposals to implement and so this paper provides an update on the progress made to date, including lobbying at national and local level. The new Government is showing renewed enthusiasm for both the Act and the devolution of power to local communities.

2. RECOMMENDATIONS:

- 2.1 That the Cabinet Committee notes the progress made to date on the council's proposals made under the Act in 2009 and instructs officers to keep the Committee informed of Government announcements on:
- (i) the implementation of any outstanding proposals; and
 - (ii) plans to invite councils to submit a second set of proposals.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The Sustainable Communities Act 2007 gives councils and communities the opportunity to ask national government to devolve more power to local councils so they can improve the well being and sustainability of local areas. The Act places a legal duty on the 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.
- 3.2 Brighton & Hove 'opted in' to the Act in October 2008. Local organisations and residents in Brighton & Hove were given the opportunity to come up with

proposals to improve the areas where they live, supported by the city council and Stronger Communities Partnership.

- 3.3 The council received 23 proposals in total. Following feedback and negotiation with a Local Panel (as per the requirements of the Act), in July 2009 the Administration recommended that nine proposals be submitted to the Local Government Association (LGA). In summary the nine proposals were:
1. That the council is given the power to offer discretionary business rate relief to encourage and sustain small and medium local businesses.
 2. That legislation is changed to allow allotment holders to sell their surplus produce to local businesses.
 3. That food growing, either on or off school sites, be introduced as part of the national curriculum.
 4. That national planning policy, specifically planning policy statement 1 is changed to explicitly support localised food systems.
 5. That the legal restriction that prevents councils which own housing to borrow against the Housing Revenue Account (rent) is removed.
 6. That legislation is amended to release existing and accumulated capital receipts from the sale of council housing to councils to build new affordable housing or invest in existing affordable housing.
 7. That the installation and use of renewable energy by households is made more accessible and affordable.
 8. That the council is given the power to set vehicle speed limits on public roads at any maximum below existing regulations, according to local needs.
 9. That legislation is introduced that requires supermarkets:
 - To reduce their use of food packing that is non-recyclable;
 - To provide recycling facilities for plastic not recycled by the council;
 - To ensure that the plastic is recycled or, where this is not practicable, to bear the cost of treating it as landfill waste.
- 3.4 Eight of the nine Brighton & Hove proposals submitted were short-listed by the LGA for negotiation with the Secretary of State for Communities and Local Government. 301 proposals were submitted nationally from all the councils who opted into the Act and these were short listed down to 199 by the LGA.
- 3.5 The only proposal from Brighton & Hove that was not shortlisted was 'that food growing, either on or off school sites, be introduced as part of the national curriculum'. The LGA Selector Panel felt that the national curriculum does not prohibit this currently and therefore the proposal does not require legislative assistance from the Secretary of State under the Act.
- 3.6 The proposal requesting a freedom that would allow surplus produce from allotments to be sold to local markets and shops is the only short listed proposal from Brighton & Hove (to date) where a decision has been made. On 3rd March 2010, the previous Government clarified that there are no legal restrictions on allotment holders selling genuinely surplus produce, within a package of measures that set out the previous Government's support for gardeners and growing food in with the community.
- 3.7 On 6 April 2010, John Denham, former Secretary of State for Communities and Local Government, published a written ministerial statement responding to and supporting 17 out of the 199 proposals shortlisted by the LGA. The allotments

proposal from Brighton & Hove was one of the 17 proposals.

- 3.8 In response to this announcement the Chairman of the LGA Selector panel wrote to John Denham on 8 April 2010 to express disappointment at the extent of the interim announcement and concern around clarity and timetable for moving forward to comprehensive and formal decisions.
- 3.9 At a local level, on 31 March 2010 Cllr Dee Simson signed a letter (initiated by Local Works, an organisation campaigning for the Sustainable Communities Act) from 55 council's who opted in to the Act also asking the former minister, John Denham, for action to complete round one before the general election in May, however no further announcement was made.
- 3.10 The new Coalition Government is in the process of setting out their policy agenda for the term in parliament. They have signalled a commitment to implementing the Act in their first formal paper, 'Our Programme for Government', as part of their proposals to promote decentralisation and democratic engagement. Furthermore, a number of stated national policy changes fit with subjects that are addressed in the proposals submitted by Brighton & Hove under the Sustainable Communities Act. Appendix 1 gives an account of these areas of fit, though it should be noted this does not necessarily determine which of the SCA proposals will specifically be approved.
- 3.11 On 8th June 2010 a further piece of legislation, the Sustainable Communities Act Amendment Bill became law and the Act became a continual rolling process. This requires that The Secretary of State must give notice to local authorities by 1st January 2011 of the latest date that he intends to invite proposals under round 2 of the Act.
- 3.12 In June 2010, 184 MPs signed an Early Day Motion (EDM) expressing disappointment that although proposals were initially submitted by local authorities on 31 July 2009 and were submitted by the LGA to the then Secretary of State for Communities and Local Government in December 2009, not one had yet been agreed, which is likely to cause disillusionment in many of the communities who put ideas forward. The EDM notes that the Department for Communities and Local Government supports a new timetable for implementing the Act, although no detail has yet been announced on when this will be.

4. CONSULTATION

- 4.1 The Stronger Communities Partnership was consulted about the local process to promote the Act and develop a local panel for considering proposals. This is the lead partnership in the city for improvement of community engagement.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The proposals set out in paragraph 3.3 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. The decision set out in paragraph 3.6 to

allow surplus produce from allotments to be sold to local markets and shops does not have direct financial implications on the Council.

Finance Officer Consulted: Anne Silley

Date: 12/07/10

Legal Implications:

- 5.2 Relevant provisions of the Sustainable Communities Act 2007 and the Sustainable Communities Act 2007 (Amendment Act) 2010 are referred to in the report.

Early day motions (EDMs) are formal motions submitted for debate in the House of Commons. However, very few EDMs are actually debated. Instead, they are used for reasons such as publicising the views of individual MPs, drawing attention to specific events or campaigns, and demonstrating the extent of parliamentary support for a particular cause or point of view.

Lawyer Consulted:

Oliver Dixon

Date: 13/07/10

Equalities Implications:

- 5.3 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 considered any potential unintended negative impacts the proposals could have in terms of sustainability, for example promoting economic sustainability at the expense of social inclusion or civic participation.

Sustainability Implications:

- 5.4 The primary aim of the legislation is to enhance and promote the sustainability of local communities, as per the definition of sustainability in the Act as stated above.

Crime & Disorder Implications:

- 5.5 Within this definition of sustainability, proposals had the potential to include action to reduce crime and disorder. There are no specific implications in the 9 proposals submitted by Brighton & Hove under round one of the Act.

Risk and Opportunity Management Implications:

- 5.6 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' expectations. Moreover, since it is now one year since the proposals were initially submitted, it may appear as if proposals have been unsuccessful. However, given the new Government's plan for decentralisation of power there may be opportunities arising from the proposals.

Corporate / Citywide Implications:

- 5.7 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 are relevant to all key public agencies in the city.

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.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 To ensure that the Sustainability Cabinet Committee is kept up date on progress of proposals under the Act and also any opportunities that may arise through the Act to enhance and promote sustainability in the area.

SUPPORTING DOCUMENTATION

Appendices:

1. Brighton & Hove Sustainable Community Act proposals – comparison with the Coalition Government’s policy paper, ‘*Our Programme for Government*’.

Documents In Members’ Rooms

None

Background Documents

None

