

SUSTAINABILITY CABINET COMMITTEE

Agenda Item 47

Brighton & Hove City Council

Subject: Sustainable Communities Act
Date of Meeting: 9 February 2011
Report of: Strategic Director, Resources
Contact Officer: Name: Matthew Wragg Tel: 29-3944
E-mail: matthew.wragg@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 allows communities and individuals, with local councils, to submit proposals to Government to assist them in promoting and protecting the sustainability of local communities.
- 1.2 The Council submitted nine proposals for consideration under Round One of the Act in July 2009. This paper updates Sustainability Cabinet Committee on the outcome of Round One which was announced in December 2010 and also the process for submitting future proposals.

2. RECOMMENDATIONS:

- 2.1 That the Cabinet Committee notes the outcome of Round One of the Sustainable Communities Act and the process for submitting future proposals.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The Sustainable Communities Act 2007 places a legal duty on Government to 'assist local authorities in promoting the sustainability of local communities'. Government is required to meet this duty by issuing them with periodic invitations to submit proposals they consider will have this effect. Before making any such proposal, a local authority is required to establish or recognise a panel of representatives of local people and consult it about the proposal.
- 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 the Stronger Communities Partnership.
- 3.3 The council received twenty three proposals in total. Following feedback and negotiation with a Local Panel (as per the requirements of the Act), in July 2009

the Cabinet 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 packaging 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. In total 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 proposal from Brighton & Hove which 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 was not passed on to the Department for Communities and Local Government (DCLG) for consideration under the Act.

3.6 A paper was brought to Sustainability Cabinet Committee in July 2010 to update on the progress of Round One of the Act and the likelihood of a resolution. No formal announcement had been made at the time but since coming into power the Coalition Government had committed to respond to all the shortlisted proposals.

3.7 In December 2010 the DCLG published its report on Round One, *Sustainable Communities Act 2007: Decisions on proposals submitted following the 2008 invitation*. In summary the results for Brighton & Hove are that:

- Two of the proposals will be implemented by Government (renewable energy: feed-in tariffs; business rate relief).

- Two of the proposals Government will help us to implement ourselves, or explore further (allotments; capital receipts).
 - Five of the proposals Government will not implement (speed limits; supermarkets; HRA; localised food systems; renewable energy: low carbon grant).
- 3.8 As anticipated in the July report to Sustainability Cabinet Committee, in a number of cases the decisions that have been reached by Government correspond to changes in national policy that the Coalition Government had identified since coming into power.
- 3.9 For each of the successful proposals under the Act, Government has stated its action in response. For the successful proposal relating to 'feed-in tariffs' these have now been launched and information can be found through the Community Energy Online website <http://www.energysavingtrust.org.uk/>.
- 3.10 For the proposal relating to discretionary Business Rate relief the Government has, through the Localism Bill, proposed that councils will have the power to set local discounts on business rates, provided that they are funded locally.
- 3.11 Appendix 1 to this paper presents the relevant extracts from the full report which accompany the decisions reached on all of the proposals submitted by Brighton & Hove.
- 3.12 Letters will be sent to individuals or community groups whose proposals were submitted by the council under the Act to inform them of the outcome of Round One. The outcome will also be reported to the relevant service areas that were involved in the development of the original submissions.
- 3.13 In December 2010 DCLG also announced that future submissions under the Sustainable Communities Act can now be made at any time, rather than within a fixed timeframe or 'round'.
- 3.14 The core concept of the Act is that, for each proposal submitted, the Council must 'reach an agreement' with the community or individual regarding the proposed action. This remains the case and it is left to the local authority to consider how and when it wishes to do this in future.
- 3.15 The creation of a 'barrier busting portal' or website by DCLG will also allow any individual, community group or council independently to ask Government to remove a perceived barrier to action at the local level, whether the proposal is submitted under the Act or otherwise.

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, as was required by the Act itself. No further consultation was required for this report.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The financial implications of the agreed proposals will be highlighted when the implementation of the proposals are being considered. There are potential pressures on the business rates relief proposal subject to agreement of the Localism Bill and opportunities through the feed in tariffs proposal.

Finance Officer Consulted: Anne Silley

Date: 27/01/11

Legal Implications:

- 5.2 This report is for noting only. The relevant legal considerations are addressed in the body of the report.

Lawyer Consulted: Oliver Dixon

Date: 28/01/11

Equalities Implications:

- 5.3 There are no specific equalities implications in terms of the successful proposals/

Sustainability Implications:

- 5.4 The proposals have been agreed under the Act, which requires proposals to promote the sustainability of local communities in terms of either, the economy, the environment, social inclusion or participation in civic and political activity.

Crime & Disorder Implications:

- 5.5 There are no specific Crime & Disorder implications in terms of the successful proposals.

Risk and Opportunity Management Implications:

- 5.6 Management of any Risk and Opportunity will be highlighted when the implementation of the proposals is being considered.

Corporate / Citywide Implications:

- 5.7 Corporate / citywide implications will be highlighted when the implementation of the proposals is being considered.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 Not applicable.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 To monitor and keep an eye on the progress of the Council's proposals submitted under Round One of the Sustainable Communities Act.

SUPPORTING DOCUMENTATION

Appendices:

1. Extracts from the DCLG report, *Sustainable Communities Act 2007: Decision on proposals submitted following the 2008 invitation* related to proposals submitted by Brighton & Hove City Council.

Documents In Members' Rooms

None

Background Documents

1. Cabinet report, 09 July 2009, 'Sustainable Communities Act – decision on Submission to Local Government Association'
2. Sustainability Cabinet Committee report, 23 July 2010, 'Sustainable Communities Act'

