

BRIEFING NOTE

The Sustainable Communities Act 2007

Purpose

To brief Northern Area Committee on the Sustainable Communities Act 2007 (and the subsequent Sustainable Communities Regulations, October 2008) and communication from the Department for Communities and Local Government inviting local proposals, via Local Authorities, for consideration.

Briefing

The Sustainable Communities Act 2007 was enacted on 23 October 2007, and is outlined as “an Act to make provision about promoting the sustainability of local communities; and for connected purposes”. Further to this Act, the associated Regulations were released on 8th November 2008.

The Sustainable Communities Act aims to promote the sustainability of local communities. It begins from the principle that local people know best what needs to be done to promote the sustainability of their area, but that sometimes they need central government to act to enable them to do so. It provides a channel for local people to ask central government to take such action. It is also a new way for local authorities to ask central government to take action which they believe would better enable them to improve the economic, social or environmental well-being of their area. This could, for example, include a proposal to transfer the functions of one public body to another.

The Act is designed to strengthen the role of communities. It provides a simple process by which the ideas generated by local communities are fed through their local authority and a body known as the national selector (the Local Government Association has been commissioned to be the national selector body) to central government. As it will not be possible for all suggestions to be put direct to central government, local authorities will have an initial short-listing role through a locally convened panel.

As well as enabling local communities and local authorities to make suggestions for government action, the Sustainable Communities Act also ensures that communities are better informed about the public funding that is spent in their area. New “Local Spending Reports” will provide quick and easy access to information about where public money is spent. The first such report is to be issued by Government in April 2009.

All local authorities have received an invitation to make/facilitate proposals that they consider would contribute to promoting the sustainability of local communities. Other than the reference to sustainability there is no limit placed on the types of proposals that can be made. There has not been any mention of new money being available, hence this is not a bidding process but there is the potential to seek a redirection of responsibilities for existing resources (see below). Such proposals are to be submitted by **31 July 2009**.

Transfer of functions from one body to another

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The Act outlines that proposals may include a request for a transfer of functions from one person/body to another. Broadly speaking, this provision recognises that local authorities may believe that the functions of some public bodies may be better performed by another. They may, therefore, propose that those functions be transferred. 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. If a local authority decides to request that the functions of one body are transferred to another they may also request that responsibility for the funding that is linked to that 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 the body which the local authority proposes to transfer the function to. The functions that could be in scope are limited only by the principal aim of the Act, which is to promote the sustainability of local communities.

A Local Panel

In order to participate in this programme a local authority must establish (or recognise an existing) a local selection panel and must be satisfied that:

- There is sufficient involvement in the panel so that local persons are adequately represented.
- No member of the panel must be "so involved" with individual proposals (i.e. no conflicts of interest).
- The panel should represent the whole of the Authority's area.

Current Position

- ELDC Executive Members have considered the Sustainable Communities Act and have agreed to support it within the district. It is important that the subsequent local arrangements for progressing this are agreed by Government Office East Midlands. Officers of ELDC are currently in communication with Government Office on this issue and are seeking to secure an agreement during January with regard to the acceptable format of a local panel (the proposal is that the Local Strategic Partnership acts as the local panel to receive and consider proposals from across the district).
- Guidance has yet to be issued by government regarding the form in which ideas/proposals are to be submitted.
- Further information will follow once agreements have been reached with Government Office regarding the next steps.
- This briefing note is being circulated to all Parish and Town Councils in the District.
- Further information regarding the act and its potential is available at <http://www.localworks.org/>