

<b>LONDON BOROUGH OF CAMDEN</b>	<b>WARD: ALL</b>
<b>REPORT TITLE:</b> CAMDEN'S APPROACH TO THE SUSTAINABLE COMMUNITIES ACT	
<b>REPORT OF:</b> ASSISTANT CHIEF EXECUTIVE	
<b>FOR SUBMISSION TO:</b> CULTURE AND ENVIRONMENT SCRUTINY COMMITTEE	<b>DATE:</b> 20 JULY 2009
<b>SUMMARY OF REPORT</b>  <p>The Sustainable Communities Act 2007 enables local authorities to put forward proposals to the Secretary of State for Communities and Local Government to promote the sustainability of local communities. This report outlines the process for submitting a proposal and the criteria against which it will be assessed. It also sets out Camden Council's approach to consideration of local issues that could best be addressed through utilisation of the Act.</p> <p><b>Local Government Act 1972 – Access to Information</b>          No documents that require listing were used in the preparation of this report.</p> <p><b>Contact Officers</b>          Mary Burguieres (Head of Policy)          Customers, Strategy and Performance Department          Camden Town Hall          Judd Street          London WC1H 9JE</p> <p>Tel 020 7974 3526    mary.burguieres@camden.gov.uk</p>	
<b>RECOMMENDATION</b>  <p>The Culture and Environment scrutiny committee is asked to note this report and consider areas that might be suitable for a proposal under the second round of the Sustainable Communities Act.</p>	



Signed:

Date: 9 July 2009

## **CAMDEN'S APPROACH TO THE SUSTAINABLE COMMUNITIES ACT**

### **1. INTRODUCTION**

- 1.1 The Sustainable Communities Act was introduced as a private member's bill by Conservative MP Nick Hurd and backed by a broad coalition of organisations under the campaign umbrella group Local Works. As it gained momentum, the Bill was given support from government and received Royal Assent in October 2007 with cross-party backing.
- 1.2 The principle aim of the Act is to promote the sustainability of local communities, by enabling local authorities to put forward proposals to the Secretary of State for Communities and Local Government to achieve this. The legislation is drafted quite broadly, and allows proposals that encourage the *'improvement of the economic, social or environmental well-being of the authority's area, or part of its area.'*
- 1.3 The Act required the Secretary of State to appoint a 'selector' to consider the proposals and establish a shortlist for the Secretary of State. The Local Government Association has been appointed to this role. The Act requires that the Secretary of State's decisions on implementation are reached in 'co-operation' with the selector. The final decision, however, rests with the Secretary of State who must publish the decisions and the reasons for them along with an action plan for implementation of any proposals.
- 1.4 In this first round, proposals must be submitted to the LGA by 31 July 2009, which will decide whether to send a proposal on to the Secretary of State for consideration. The Act requires a local authority, before making any proposal, to establish or recognise a panel of representatives of local persons, consult with it about the proposal, and to try to reach agreement with the panel.

### **2. PROPOSALS UNDER THE ACT**

- 2.1 Local authorities can make any proposal as long as it conforms with the aim of the Act (*'improves the economic, social or environmental well-being of the area'*) and has regard to matters in the Schedule to the Act. The Act specifically outlines that proposals may include a request to transfer the functions of one public body to another if it is believed that it can be better delivered elsewhere.
- 2.2 To assist local authorities in drawing up viable proposals, the LGA has published its criteria when short-listing submissions. These are outlined below:
  - The proposal should demonstrate clear impact on one or more elements of sustainability as defined in the Act and have regard to the Schedule. It should also seek to mitigate any adverse effects on other elements of sustainability if relevant.
  - The proposal should be outside of existing powers and require action by government. It should articulate what the barriers are at a national level and how these need to be changed (e.g regulations, policy, funding, powers).

- The selector will consider if the outcomes within the proposal can be achieved by any other means such as within existing powers.
  - The selector will consider if the proposal is viable (this may include considerations of institutional and change complexity and cost/benefit) and whether there is evidence that the proposal will make a difference locally, if granted.
  - The selector will assess whether the local authority has conformed with the requirement to consult and seek to reach agreement with the community and interested organisations through a panel of local representatives.
- 2.3 Local authorities cannot put in proposals bidding for additional funding; the proposal must be for a change or new powers to help promote sustainable communities. However, we would expect that if a new duty or power to deliver a service were to be granted or transferred to local authorities then it would be accompanied by the appropriate funding. What it does not create is the opportunity to increase government funding to the council without it being linked to any corresponding responsibilities.

### **3. CAMDEN'S APPROACH**

- 3.1 Camden Council supports the principles behind the Act and has sought to exploit any opportunities the Act provides to promote the sustainability of our neighbourhoods and communities. Officers attended the LGA event in October 2008 in which councils were invited to submit proposals in order to understand the bidding process and gather ideas for areas that might be suitable for a proposal. Many of the ideas put forward by the LGA and Local Works (the campaign group) were more relevant for rural areas, for instance restricting second home ownership and building affordable housing on greenfield sites. In addition, London is in a unique position relative to other English councils in its ability to secure change and new powers through the London Local Authorities Act.
- 3.2 Camden officers have, however, maintained an ongoing dialogue with the Local Government Association, other London boroughs and metropolitan boroughs outside London and with Local Works about ways in which to utilise the Act. Within the council, senior officers across all service areas have actively considered whether there are local issues that could best be addressed by petitioning the Secretary of State for new powers, as is set out in the Act. The Highgate Area Forum also discussed the potential of the Act although residents were unable to identify an issue that they thought suitable for a proposal.
- 3.3 Camden has been more successful than many areas of the country in retaining lively, independent high streets; we know it is important to be proactive in ensuring that our communities do not go into decline, particularly during times of recession. As part of the budget, we are pursuing a new set of measures to respond effectively to the impacts of the recession in Camden. A £6million pound Recovery Fund is enabling us to help people gain skills and jobs and also to develop new support programmes for our high streets and local businesses. We have also considered whether there are

any avenues with which the Sustainable Communities Act could complement our ongoing recession work.

- 3.4 We have given consideration to what would be a useful proposal for the borough, including in light of the pressures that arise out of the recession, and one that would be successfully received by the Secretary of State. We have also been mindful that in London, councils are able to secure change through the regular London Local Authorities Act. In addition, the power of well-being in the Local Government 2000 Act provides an existing legislative route to address local issues.
- 3.5 As a result, at present Camden has not put forward a bid or established a clear issue which can best be addressed by putting a proposal in under the Sustainable Communities Act.
- 3.6 Although many local authorities have signalled their interest in utilising the Act, it is unclear how many will do so in this first round. The Act allows the Government to invite proposals under the Act on a periodic basis following the closure of the current round. A number of London local authorities have chosen not to put in a bid in this first round, but will evaluate the success of proposals, and review for the second phase. This is not the approach we took in Camden; we would have taken steps to submit a proposal in this first round had a suitable application of the Act been found.
- 3.7 This does still leave open the option to submit a proposal in any future rounds. If Camden were to do so, we would expect the same criteria to apply: the proposal was something for which government action or legislation was really necessary and could not be achieved by other means. The proposal would also need to identify a clear and viable way in which action under the Act could successfully address it.
- 3.8 Any future proposal which Camden may put forward is likely require resources to draw together a successful and rigorous case, including finance and legal input. In addition, implementing any successful proposal if agreed by government is likely to have significant time and resource implications. It is important that these considerations are balanced against the potential benefits of any proposal.

#### **4. CITIZENS PANEL**

- 4.1 The Sustainable Communities Act requires a local authority, before making any proposal, to establish or recognise a panel of representatives of local persons, consult it about the proposal, and to try to reach agreement with the panel.
- 4.2 The Department for Communities and Local Government has published statutory guidance on the Sustainable Communities Act 2007. This makes clear that local authorities may recognise and consult with an existing panel of local people rather than establish a new one simply for the purposes of this Act.
- 4.3 We also sought advice from the Local Government Association, as the 'selector' under the terms of the Act, who confirmed that there was no requirement for local authorities to create new panels if councils already had existing consultation machinery.

- 4.4 In Camden, we have Camden Talks, a well-established citizens panel. It is a consultative panel of approximately 2,500 residents that gives local people a chance to have their say about the things that matter to them as well as contribute to the decisions that are made by the council and its partners. The panel is representative of the different residents of Camden in terms of age, gender, ethnicity and housing tenure. In June 2008, Camden Talks was 'refreshed' to ensure that it is representative of the Camden population and also to provide other residents a chance to get involved.
- 4.5 Were Camden Council to submit a proposal under the terms of the Act in a future round, we would first consult with Camden Talks to seek the panel's views and its agreement. Given that we already have this well-established mechanism for hearing people's views, officers believe there is no need to introduce new consultation panels simply for the purposes of the Act.

## **5. CONCLUSIONS**

- 5.1 Camden Council supports the aims of the Sustainable Communities Act, ensuring local authorities have the necessary powers to address issues of local concern. However, at this stage there is no clear issue in Camden that can only be addressed by petitioning for new powers under the Act.
- 5.2 In light of the selection criteria outlined above, Culture and Environment Scrutiny Committee members are asked to consider proposals that might be suitable for a future bidding round.

## **6. COMMENTS OF THE DIRECTOR OF FINANCE**

- 6.1 The Director of Finance has commented that there are no resource implications arising directly from this report. However, should Camden Council submit a proposal under the Act in future bidding rounds, the resource implications of this would need to be fully considered and met.

## **7. COMMENTS OF THE HEAD OF LEGAL SERVICES**

- 7.1 The Head of Legal Services has been consulted and has nothing to add.

END OF REPORT