

**Executive**

**21<sup>st</sup> July 2009**

## **Report of the Director of Neighbourhood Services**

### **Sustainable Communities Act 2007 – Final Update and proposals**

#### **Purpose of report**

1. The purpose of this report is to:
  - Update the Executive on the outcome of the second stage of the public consultation on the Sustainable Communities Act 2007 (SCA).
  - Request members to note the outcomes from the consultation process (**Annex Six and Tables One, Two and Three** in the main report).
  - To advise officers which proposals contained within **Annex Six and Tables One, Two and Three** should be submitted to the Local Government Association (LGA) by the 31<sup>st</sup> July 2009, whilst taking into account feedback from the consultation processes which identified the 7 most supported proposals detailed at paragraph 23.

#### **Background**

2. On 27th November 2008, a Council motion on the SCA was submitted by Cllr Aspden and Cllr Hyman, and subsequently amended by Cllr D'Agorne, asking officers to consult with the public and submit proposals as envisaged under the Act.
3. A report was presented to the Executive on 14<sup>th</sup> April 2009, which described the provisions of the SCA, contained details of the process to consult the public, and to determine which suggestions would go forward to the LGA.
4. To comply with the Council motion, and the process agreed by members at the Executive meeting on 14<sup>th</sup> April 2009, officers of the Neighbourhood Management Unit (NMU), were asked to lead the city-wide consultation with the public, ward committees and other organisations. This was done via ward committees and via an on-line consultation facility. The purpose

of this first stage of the consultation was to provide the public with a vehicle through which to submit their proposals under the Act. The closing date for the consultation via the internet and the ward committee meetings was 8<sup>th</sup> May 2009.

5. As a result of the consultation the council received 327 proposals from individuals, community groups and Parish councils across the city<sup>1</sup>. All of these were individually reviewed by a cross-directorate officer project group, the Corporate Management Team (CMT) and finally, by individual Directors. The purpose of this review process was to ascertain whether any proposal already fell within powers which the authority currently holds, (and would, therefore, be outside the scope of the SCA 2007) or whether new powers would be required, and as such, they fell within the scope of the SCA 2007.
6. Of the 327 proposals, the project group, CMT and Directors have determined that 281 already fall within the powers of the local authority or are such that they could be deleted for other reasons; for example as being not pragmatic.
7. In total 46 proposals did not fall within the council's current powers and were therefore within the scope of the SCA 2007. These 46 proposals were considered by Executive on 9<sup>th</sup> June 2009 (**Annex One**). At this meeting the Executive resolved that all of the proposals (excluding ID no. 256), should go forward to the second stage of the consultation process. In addition, the Executive provided an additional Annex which they resolved should also be taken forward to the next stage of the consultation. (This is shown in **Annex Two**). As a result of this information from the Executive, a total of 48 proposals were considered in the next stages of the consultation. These are listed in **Annex Three**.

## **The consultation process – Stage Two**

8. The second stage of the consultation process consisted of 3 approaches.

### Without Walls Executive Delivery Board

9. On 15<sup>th</sup> June 2009 the proposals were considered by the Without Walls Executive Delivery Board. The purpose of this was to ask the Board which proposals they felt support the themes of the Sustainable Community Strategy (SCS), City Vision and the Local Area Agreement (LAA) priorities.

### Citizens Panel

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<sup>1</sup> It should be noted that the proposals have been generated by the public and facilitated by officers of CYC. The proposals have therefore not been led by officers.

10. On 18<sup>th</sup> June 2009 the same proposals were considered and discussed by a Citizens Panel. This panel was made up of members of the “Talk About“ Panel, supplemented by young people with an interest in sustainability issues, some members of Executive<sup>2</sup> and representatives of organisations and groups who had put forward proposals.
11. The SCA 2007 and the associated Statutory Guidance provide clear requirements on the need to ensure that the consultation via Citizens Panels considers and includes individuals who have an interest in the proposals and those who may be considered ‘under-represented’. Over 500 invitations were sent to Talk About panellists, (which were randomly selected). These included a spread of ages, equal numbers of men and women, individuals with a disability and those from a BME background. 53 positive response were received and 45 individuals were invited to attend the Citizens Panel. Details of the membership of the Citizens Panel are included in **Annex Four**.
12. The Citizens Panel discussions were facilitated by officers from the NMU and supported by council officers from directorates affected by proposals. The Citizens Panel were split in to groups and allocated to a number of discussion tables which considered proposals grouped into themes, namely:
  - o Transport
  - o Housing and Planning; land use and ownership
  - o Environment – Energy
  - o Environment – Recycling
  - o Revenue, taxes and Local economy

The members of the Citizens Panel were provided with an opportunity to discuss 2 themes each. However, if any individual felt that they wanted to discuss a particular theme, they were permitted to do so.

13. Each of the proposals were discussed with the assistance of the facilitator and ‘expert’ officers. This increased understanding of the proposals, enabled an opportunity for comments and in some cases for a consensus to be reached. Towards the end of the meeting, the discussions were summarised and all of the members of the panel (excluding Executive members) were provided with the opportunity to vote for all of the 48 proposals, using electronic voting buttons, for their preferred proposals within the themes (a prioritisation exercise).

### Council Web-site

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<sup>2</sup> Elected members did not participate in the prioritisation and voting exercise.

14. The proposals have also been subject to a final full citywide consultation via 'consultation on-line' on the Councils web site. This survey opened on 22<sup>nd</sup> and closed on 29<sup>th</sup> June 2009. The public were given the opportunity to comments on all 48 proposals by selecting their top 3 proposals within the themed areas. They were also asked to indicate whether they agreed or disagreed with the proposals identified by Executive in the previous meeting of 9<sup>th</sup> June 2009 (**Annex Two**).

## Consultation Feedback and Results

### Without Walls Executive Delivery Board

15. Feedback from the Without Walls Delivery Board was made both at the meeting, and subsequently. The focus on their comments were essentially to identify those which seemed to have a high degree of linkage to the Sustainable Community Strategy or LAA targets. A summary is provided in **Table One** below. Full details of how each of the proposals could potentially impact on the Sustainable Community Strategy and Local Area Agreement are contained in **Annex Five**.

**Table One – Summary of WOW consultation feedback**

| ID Number | Proposal summary   | Potential Impact of proposal |
|-----------|--|------------------------------|
| 122       | Business Rates retained locally for spending on sustainability (including economic) by council.  | High                         |
| 184       | Ensure that all landfill tax and Landfill Allowance Trading Scheme penalties are returned to local authorities for investment in further recycling, reduction and reuse and repair measures. | High                         |
| 153       | Let the City Of York keep 100% of council house rental income.   | High                         |

### Citizens Panel

16. The feedback from those participating in the event was extremely positive. These included:

- 'very informative';
  - 'well organised to make participants feel that their views are of value';
  - the chance to give my views on the future of my city home and to meet other interested people. I thoroughly enjoyed the event.
  - It was extremely informative and interactive
  - Networking with others and hearing different points of view. Terrific choice of venue. Excellent input and organisation from organisers and council representatives.
  - Good way of reaching consensus, chance to vote.
  - On the most part very structured, informative and interesting to be part of the process.
17. The discussions at the tables were animated and inclusive. Individuals fully participated in the process. The willingness of the panel members to get involved led to lively but focused discussions.
18. Key elements of the feedback from the discussions, by theme, are included within **Annex Six**. During the prioritisation exercise the Citizens Panel were asked to identify their priority from grouped suggestions within themes. The exact votes are contained within **Annex Six**. A summary is provided in **Table Two** below.
19. Feedback will be provided on the status of the schemes on the CYC web site. This will include the Executive Report and the associated annexes. Feedback will also be provided to ward committees upon request on suggestions relevant to their wards.

**Table Two – Feedback from the Citizens Panel Prioritisation Exercise**

| Theme   | ID's within Grouping              | Conclusion   |
|---|-----------------------------------|--|
| Transport                                       | 148, 183, 204, 211, 223, 290      | <p><u>Re-regulation of buses</u> received 48% of votes (ID 183)</p> <p><u>Taking bold steps to deal with traffic problems</u> received 37% of the votes (ID 290)</p> <p><u>Safe road use in the national curriculum</u> was not supported at all (ID223)</p>   |
| Housing and Planning,<br>Land use and ownership | 37, 43, 44, 45, 118, 124          | <p><u>Local authorities make final decision regarding housing allocation target numbers</u> received 31% of the votes (ID 45)</p> <p><u>Ambient renewable energy facilities classified as permitted development</u> received 29% of the votes (ID 124)</p> <p><u>Ban of sale of properties in new developments as second homes</u> received no support (ID 43)</p> |
|   | 153, 202, 220, 260, 296, 310, 318 | <p><u>Retaining 100% of council house rental income</u> received 41% of the vote (ID 153)</p> <p><u>Making planning decisions remaining local</u> received 24% (ID 310)</p>  |
| Environment – Energy                            | 22, 35, 61, 111, 123              | <p><u>Generate energy via community renewable sources so that money comes back into the community</u> received 46% of votes (ID 123)</p> <p><u>Support for insulation purchases etc</u> received 26% (ID 35)</p>   |

| Theme                            | ID's within Grouping         | Conclusion  |
|----------------------------------|------------------------------|---|
|                                  | 182, 214, 265, 270, 295, 298 | <u>Community renewable energy projects</u> received 34% of votes (ID 295 and ID 123)<br>ID 182, 256 and 270 received equal support at 17% of the votes each   |
| Environment – Recycling          | 40, 65, 68, 69, 112          | <u>Returning packaging to supermarkets</u> received 60% of the votes (ID 68)  |
|                                  | 130, 213, 226, 278           | <u>Bringing commercial waste into council targets</u> received 43% of votes (ID 130)<br><u>Powers around recycling and packaging</u> received 37% of votes (ID 213)<br>There was no support for eco-cigarettes (ID 278) |
| Revenue, Taxes and local economy | 15, 50, 67, 117              | <u>Charging business rates based on waste production, and the LA giving preference to locally sourced foods, materials etc</u> each received 34% of the votes (ID 67 & 117)   |
|                                  | 119, 122, 184, 250, 325      | <u>Retention of business rates locally for spending on sustainability</u> received 53% of the votes (ID 122)  |

### Citywide Web based consultation

20. The response rate to the consultation was low with only 9 responses, despite having contacted over 200 organisations and individuals to make them aware of the process.
21. A summary of this is provide in **Table Three** below.

| Theme                                       | Conclusion   |
|---|--|
| Transport                                   | <u>Taking steps to address traffic problems (ID 290) and Re-regulation of bus services (ID 183)</u> were the most popular  |
| Housing and Planning Land use and ownership | <u>Banning the sale of properties in new developments as second homes (ID 43)</u> was the most popular.  |
| Environment – Energy                        | <u>Putting environmental sustainability at the centre of LAA's and requiring Sustainable Community Strategies to include detailed plans for cutting greenhouse emissions (ID 182)</u> was the most popular |
| Environment – Recycling                     | <u>Promoting sustainable packaging, etc (ID 213)</u> was the most popular.   |
| Revenue Taxes and Local economy             | <u>Ensuring that landfill tax and Landfill Allowance are returned to local authorities for investment in further recycling (ID 184)</u> was the most popular.  |

22. In terms of feedback on the Executives additional proposals in **Annex Two** the most popular proposals were numbers 1 (Greater powers to bring into use empty buildings and unused land) and 7 (Recycling and waste management in the city). There was no support for proposal (a) concerning housing allocations target numbers.

### Summary of the consultation

23. In conclusion it can be seen from the consultation that the Citizens Panel's and Without Walls Executive Delivery Board preferred 7 proposals are:
- Returning packing to supermarkets (ID 68) (supported by Citizens Panel)
  - Retention of business rates locally (ID 122) (supported by both)
  - Re-regulation of buses (ID 183) (supported by Citizens Panel)
  - Generating energy via community renewable sources (ID295 and ID 123) (Supported by Citizens Panel)



- Bringing commercial waste in to council recycling targets (ID 130) (supported by Citizens Panel)
- Retaining council house income (ID 153) (supported by both)
- Ensuring that all landfill tax and Landfill Allowance Trading Scheme penalties are returned to local authorities for investment in further recycling, reduction and reuse and repair measures ID 184 (supported by WoW Executive Delivery Board)

The ones that received no support at all were:

- Eco-cigarettes (ID 278)
- Safe road user in the national curriculum (ID223)

24. The UK Environmental Law Foundation has been undertaking a telephone survey of how local authorities have dealt with the consultation process. At the time of writing this report, it had not finalised the analysis, nor published the results of the survey. However, the Foundation was able to offer the following comments.

*“Local Authorities are using the following bodies as Panels:*

(a) *Type of panel used:*

|  |            |
|--|------------|
| <i>Citizens panel</i>                    | <i>25%</i> |
| <i>Representative panel</i>              | <i>29%</i> |
| <i>LSP</i>                               | <i>38%</i> |
| <i>Geographic/ward meeting</i>           | <i>4%</i>  |
| <i>Public meeting</i>                    | <i>0%</i>  |
| <i>Independent Representative Forums</i> | <i>8%</i>  |

(b) *York is using both the LSP and a representative citizens panel, supplemented to make it more representative, and is therefore consulting more widely than average, in terms of type of panel. Looking at who is in these groups, the York LSP includes representation from the voluntary sector and under-represented groups, and the Citizens Panel has been supplemented to make it more representative. Therefore, York has taken steps to ensure these groups are representative and I think is doing more than average here too.*

(c) *Transparency of decision-making and provision of good feedback play an important part.. Here too, York has mechanisms in place to give feedback to individuals and meetings, and a summary article is intended to inform people what has happened with their proposals. I see from the website, you are also giving people the opportunity to*

*comment on the short-list of proposals. This goes beyond what other local authorities are doing.”*

## **Taking the proposals forward**

25. The total number of proposals currently stands at 48, from which 7 have been highlighted as the preferred suggestions during the 2<sup>nd</sup> stage consultation exercise (para. 23 above). Any proposal selected to go forward to the LGA needs to be submitted by 31<sup>st</sup> July 2009 via a word document in a prescribed form. There may be resource implications of completing these forms within the lead Directorates, which needs to be taken into account when selecting the final number of proposals for submission. The content of the prescribed form has now been finalised by the LGA and is contained within **Annex Seven**. Once submitted the contents of the forms will be made publicly available.
26. The LGA has not got a specific time in which the proposals from across the country will be short-listed however, they have stated that the panel will seek to do so quickly and that regular updates will be made on progress through the *Selector* Newsletter. The Panel will be made up of a cross party members. They will operate under the following key principles:
  - i) the process should be transparent and open. The panel will feedback on reasons for the decisions made.
  - ii) The process should seek to minimise the burden on local authorities and local people.
  - iii) The act is about local solutions to local priorities.
  - iv) Proposals should meet the basic tests of the act.
  - v) Proposals should be viable and based on evidence.
  - vi) The selector panel will operate as a champion and advocate for short-listing proposals.
  - vii) The selector will negotiate with the Secretary of State (SoS) on the basis of the proposal only. Where proposals are felt to have a wider impact (for example the whole of the local government sector the Selector will highlight to and support the LGA or relevant organisation to take this forward).
27. The SoS is required to try to reach agreement with the Selector regarding which proposals to implement. There is no timeframe for this however, the LGA have undertaken to seek to progress negotiations as quickly as possible and provide regular updates to the authorities concerned.
28. The Department for Communities and Local Government (DCLG) wrote to local authorities in October 2008 and outlined a number of considerations that they would take into account when determining which proposals to accept. These are:

That the department will be looking for proposals that

- i) promote sustainability
- ii) are specific about what barriers need to be removed
- iii) clarifies that the SCA is not a route for agreeing additional resources

The department went on to say that it would consider:

- i) cost benefit of proposals
- ii) impact on specific groups
- iii) governments existing policy position.

- 29. Once the negotiation stage is complete the SoS will confirm which proposals will be implemented and provides reasons for the decision. The SoS is required to report annually on progress with the implementation.
- 30. It should be noted that DCLG have not confirmed when or if indeed a further round of SCA consultation might take place.

## Implications

- 31. **Financial Implications** – The financial implications of any of the proposals can only be determined once selected proposals are agreed by the Executive. There has been a financial implication to the consultation, in particular in terms of the use of a Citizens Panel. This includes venue hire, production of event materials, refreshments and expenses for the participants. There is no dedicated budget available for this process within the council. These costs have been allocated to the NMU cost centre.

**Legal implications** – There may be significant legal implications relating to some of the proposals.

**HR** – There are no HR implications associated with this report.

**Equalities** – Equalities issues and ensuring that under represented groups form part of the Citizens Panel have been considered during the stages of the consultation process.

**ITT** – There are no IT implications associated with this report.

## Corporate Priorities

- 32. The content of this report supports the Councils Corporate Strategy, in particular by enabling the public to shape and influence decisions through listening to communities and providing a greater say in local priorities.

## Risk Management

33. This report is in compliance with the Councils Risk Management Strategy. As discussed in para. 25 above there is very little time between the Executive meeting and the final submission date to the LGA (10 days). There will be a risk of not achieving the deadline if a large number of proposals are put forward or should a number of the proposals be led by a single Directorate or officer. In completing the proposal submission forms the Lead Officers and Directorates will need to evaluate the proposals chosen by Executive to go forwards, in particular highlighting any potential risks associated with it for the authority. Any such risks identified will be discussed by the relevant Director with the relevant Executive Member prior to the submission of the proposal. These will need to be detailed within the submission to provide a balanced statement of the proposals impact.

## Recommendations

34. The Executive are recommended to:
- a. Note the information provided within paragraphs 8 and 24, **Tables One, Two and Three** and **Annexes Five and Six** concerning the outcome of the public consultation exercise undertaken.

Reason: So that Members are informed of the consultation and that it met the requirements of the Council motion by having the topic discussed at all ward committees across the city.

- b. Advise officers which proposals should be submitted, having regard to the 7 most supported proposals detailed at paragraph 23 and bearing in mind the risks management section of this report in paragraph 33 above.

Reason: To ensure compliance with the deadline for submission of 31<sup>st</sup> July 2009.

## Contact Details

| <b>Author:</b>   | <b>Chief Officer Responsible for the report:</b>                                     |
|--|--|
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|  |                         |                                     |                     |
|--|-------------------------|-------------------------------------|---------------------|
| Ext 1817   |                         |                                     |                     |
|  | <b>Report Approved:</b> | <input checked="" type="checkbox"/> | <b>Date:</b> 8/7/09 |
| <b>Specialist Implications Officer(s)</b> A project group consisting of key officers have facilitated their Directorates to consider the implications of the proposals made by the public. |                         |                                     |                     |
| <b>Wards Affected:</b>   | All                     | <input checked="" type="checkbox"/> |                     |
| <b>For further information please contact the author of the report</b>   |                         |                                     |                     |

### Background Papers:

1. Sustainable Communities Act 2007
2. Council motion 27<sup>th</sup> November 2008
3. 14<sup>th</sup> April 2009 Executive Report of the Director of Neighbourhood *Communities Sustainable Communities Act 2007*
4. 9<sup>th</sup> June 2009 Executive Report of the Director of Neighbourhood Services *Update on the Sustainable Communities Act 2007 (public consultation)*.
5. HM Government Creating Strong, Safe and Prosperous Communities Statutory Guidance July 2008 Annex 1 – Sustainable Communities Act 2007 Statutory Guidance
6. Communities and Local Government February 2008 Sustainable Communities Act 2007: A Guide.
7. Spreadsheet showing all suggestions.

### Annexes

|             |   |
|-------------|---|
| Annex One   | Proposals following screening by Project Team (Directorates), CMT and Directors and approved by Executive on 9 <sup>th</sup> June 2009. |
| Annex Two   | SCA additional proposals for further consideration put forwards by Executive on 9 <sup>th</sup> June 2009.                              |
| Annex Three | List of the 48 proposals taken to Stage Two consultation  |
| Annex Four  | Citizens Panel membership details   |
| Annex Five  | Without Walls Executive Delivery Board consultation Feedback  |
| Annex Six   | Citizens Panel discussion consultation feedback   |
| Annex Seven | LGA final proposal form content   |

8/07/09