

Executive

14th April 2009

Report of the Director of Neighbourhood Services

Sustainable Communities Act 2007

Purpose of report

1. The purpose of this report is to inform the Executive of the two phased approach which has been adopted in order to fulfil the council motion¹ relating to the Sustainable Communities Act 2007 (SCA). The report:
 - Updates the Executive on the current actions [Phase One] undertaken by the Neighbourhood Management Unit (NMU) in relation to the Council Motion relating to the SCA, and
 - Seeks approval for the proposed course of action [Phase Two] to deal with proposals arising from the consultation process required by the SCA.

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.² The motion was passed and it stated:

“...Council welcomes the Sustainable Communities Act as a means of gaining new assistance from government, determining that assistance, arguing for transfers of public monies from central to local control and involving York residents in democracy.

Council therefore resolves to use the Act by preparing and submitting proposals for local sustainability to central government, by 31st July 2009, and, in doing so, welcomes proposals from York residents and community groups in York.

¹ Council Motion 27th November 2008.

² The motion can be found on the CYC intranet
<http://sql003.york.gov.uk/mgActionDisplay.aspx?ID=27847>

Council will encourage parish councils, ward committees and other community organisations in York to hold meetings within the next seven months at which ‘citizen panels’ can put forward appropriate proposals, as envisaged under the Act.”

3. There are several steps that the Council needs to take to ensure compliance with the SCA and the associated Statutory Guidance³. Namely:
 - o To establish panels of local people and work with them to develop the proposals. These must be made up of ‘representatives of local persons’. These are defined as ‘a balanced selection of individuals, groups or organisations the authority considers likely to be affected by, or have an interest in the proposal’. It includes those who work or study in the area; visitors; service users; local third sector groups; businesses; bodies such as Parish Councils and anyone else likely to be affected by, or interested in, the proposal. In establishing these the Council must ensure that there is adequate representation from under-represented groups in civic and political activity. It is recognised that existing consultative panels or forums can be used as part of the process.
 - o To reach agreement with the Panel(s) about the merits of proposals and the priorities between them.
 - o To consult with those parties affected by the proposals (particularly in cases where there would be a transfer of responsibility).
 - o To have regard to the list of matters set out in the Schedule to the Act. This list is intended to assist with the decisions about whether proposals put forward will contribute to the sustainability and wellbeing of the area. The list is contained within **Annex One**.
 - o A formal decision has to be made via Full Council or the Executive on whether to put the proposals forward.

4. There are also process issues which the Executive will need to be aware of when considering the proposed [Phase Two] actions detailed within this report. Namely:
 - o It should be noted that Parish and Town Councils cannot submit proposals directly, these have to be submitted via the principal authority (The Council).
 - o The basic criterion for valid proposals are that they must be ones that need some form of action from central government (such as a change

³ Creating Strong, Safe and Prosperous Communities – Statutory Guidance July 2008, Annex 1.

in legislation, a transfer of responsibility from one public body to another, a new national policy or a change or strengthening of policy).

- o Proposals once 'agreement has been reached' have to be submitted to the Local Government Association (LGA), who have been chosen as the 'Selector' as they represent the interests of local authorities.
- o The Council needs to provide detailed information within the proposals to the LGA. This is discussed in greater detail within paragraph 9 and **Annex Four**.
- o The deadline for the Council to have feedback from Citizens panels and to reach agreement and put forward proposals to the LGA is 31st July 2009.
- o This is the first round in which proposals can be submitted under the SCA. There will be subsequent rounds however, the timing of later rounds has yet to be determined. The LGA have confirmed verbally that there is likely to be an evaluation process following the first round before subsequent rounds are announced and introduced.
- o The Council, should it submit proposal(s), may be asked to make a verbal presentation to the Selector Panel set up by the LGA.

Current action undertaken by officers from NMU [Phase One]

5. The next round of Ward Committees are scheduled for April / May,⁴ and these present an opportunity within the timescale to meet (in part) the obligations relating to the Council motion, which stated "...***Council will encourage parish councils, ward committees and other community organisations in York to hold meetings within the next seven months at which 'citizen panels' can put forward appropriate proposals, as envisaged under the Act.***"
6. The NMU have commenced a process to encourage members to put the SCA on the next round of Ward Committees. All ward members have received a briefing on the provisions of the Act. Senior Officers from Neighbourhood Services will be available at the ward meeting to support discussions on the SCA either at the surgery of the ward committee or as a main agenda item. The NMU are also encouraging Parish Council involvement in the process, along with attendance at the meetings by community groups. A web site has also been developed to enable individuals and groups who cannot attend the meetings to make suggestions.
7. Detail of this process [Phase One] is described at **Annex Two**. The Executive is asked to note this current action.

⁴ The first ward committee occurs on 9th April and they occur until 7th May 2009.

Proposed course of further action [Phase Two]

8. The initial awareness raising, member support and public consultation through Ward meetings, which will be supported and facilitated by officers within the NMU, is only part of the process required to fulfil the requirements of the SCA. A much wider course of action [Phase Two] is needed which will involve actions by officers from across a range of council directorates, and the detail is set out in **Annex Three**. The main elements within this course of action are:
 - The formation of a project group made up of officers from – Marketing & Communications / Democratic Services / Economic Development / Partnership (LSP) Unit / Central Finance / Legal Services. This group will provide an essential role in technically screening the suggestions and proposals made via ward committees and the web site; in shaping a citizens panel; and in completing the required submission forms for the LGA.
 - The formation of a Citizens Panel taking into account the requirements to inclusion of under-represented groups and the definitions of representatives of local persons. This is likely to be formed from members of the public from the Talkabout Panel in addition to other interested parties.
 - An Executive Report which contains all the suggestions received and comments for the Project Group (June)
 - A screening of the proposals by the Without Walls (WoW) Executive Delivery Board (June)
 - An Executive report which advises the Executive members which proposals are 'valid', and containing comments from the Citizens Panel and WoW Delivery Board. This report will seek advice on which proposals members may wish to put forward to the LGA (July)
 - Submission of final proposals to LGA (31st July)
9. The proposals, once agreed upon by the Executive, will be submitted to the LGA prior to the 31st July deadline via an on-line form. At the time of production of this report the form is not available in final form. However the LGA have provided officers with a draft copy. The Executive should note that to comply with the LGA requirements very detailed information must be submitted for each proposal. This is detailed within **Annex Four**.

Options and Analysis

10. By taking the course of further action detailed both within paragraph 8 and Annex Three the Council will ensure compliance with the Council Motion

of the 27th November 2008, the SCA 2007 and the Statutory Guidance. This will enable proposals to be submitted in the form required by the LGA and within the prescribed timeframes. Should this course of action not be approved then compliance with the statutory guidance and timescales will not be achieved.

Approach by other Local Authorities

11. At the time of production of this report very little information was available about the approaches being used by other local authorities in complying with the SCA. However, the LGA has stated that approaches are varying across the country. These include:
 - o The use of existing residents panels
 - o The use of panels set up specifically for this process
 - o Panels chaired by council Leaders
 - o Combined bids from 2 tier authorities
 - o Utilisation of the LSP process and partnerships
 - o That in some areas the SCA is being led by community groups rather than the council
12. Should further information become available a verbal update can be provided to the Executive.

Consultation

13. The LGA have been consulted on the requirements of submitting proposals and on the approaches of other local authorities, as detailed in Annex Four and paragraphs 11 and 12 above respectively. Consultation with the public through the ward committee and other processes, recommended at paragraph 8, forms a key part of obtaining and reaching agreement on the specific proposals to be submitted.

Executive Briefings

14. **Annex Three** details the intention to bring information before the Executive on two occasions. The first occasion will be on 9th June 2009 following the technical and legal screening of suggested proposals by the Project Group. The second occasion will be on 21st July following the review of suggested proposals by the Citizens Panel and screening by the WoW Executive Delivery Board. The timetable for delivery of the process and submission of proposals to the LGA does not enable members to be briefed on the progress against the SCA on a more frequent basis via the formal Executive meeting. However, members could be informed on a more frequent basis via other mechanisms including e-mails for all members, information provision to political assistants, or e-mails to

Leaders. Members are asked in the recommendations to advise whether more frequent updates are required and if so, what form these should take.

Implications

15. **Financial Implications** - There is no budget allocated for this process. The financial implications of any proposals deemed legally and technically 'valid' and supported by the Executive, can only be determined once supported suggestions are agreed by the Executive.

Legal implications - The legal implications relating to any proposals will not be known until the proposals are put forward and assessed. Representatives from Legal Services will form part of the Project Group.

HR – None

Equalities – Equalities issues will be considered by marketing and communications when setting up the Citizens Panel. It is a requirement of the Statutory Guidance to ensure that this is made up of 'representatives of local persons', including those from 'under-represented groups'.

ITT – None

Corporate Priorities

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

Risk Management

17. This report is in compliance with the Council's Risk Management Strategy. There are no risks associated within the recommendations of this report.

Recommendations

18. The Executive are recommended to:
- a. Note the information provided within paragraphs 3-9 and **Annex One and Four**.

Reason : So that Members are informed in detail of the specific requirements in fulfilling the SCA.

- b. Note and endorse the current action detailed at **Annex Two**.

Reason: To note the actions that have already taken place by officers within the Neighbourhood Management Unit to progress the requirements of the council motion.

- c. Approve the proposed course of action and timetable detailed in **Annex Three** to ensure that the council submits proposals under the SCA which comply with the requirements of the Act and associated Statutory Guidance.

Reason: To ensure the requirements of the Council Motion are fulfilled, along with those of the SCA 2007 and Statutory Guidance.

- d. Advise officers whether more frequent briefings on progress with the SCA are required and if so, what form these should take.

Reason: To ensure that members are adequately informed about the outcomes of the process at the required frequency.

Contact Details

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Zoe Burns (Head of Neighbourhood Management and Business Support) Ext 1817	Report Approved	<input checked="" type="checkbox"/>	Date 31.03.09
	Adam Wilkinson Interim Director of Neighbourhood Services		
	Report Approved	<input checked="" type="checkbox"/>	Date 31.03.09
Specialist Implications Officer(s) None			
Wards Affected:			All <input checked="" type="checkbox"/>
For further information please contact the author of the report			

Background Papers:

Sustainable Communities Act 2007

Council motion 27th November 2008

Annexes

- Annex One** - List of Matters contained within the Schedule of the SCA
- Annex Two** - Phase One: Current action undertaken by officers from the NMU in order to insure compliance with the element of the Council Motion
- Annex Three** - Phase Two: Process and Action needed to ensure compliance with the Act and statutory Guidance and thus enabling compliance with the element of the council Motion
- Annex Four** - Detailed required by the LGA as part of the on-line submission of proposals