

APPENDIX P

WAVERLEY BOROUGH COUNCIL

EXECUTIVE – 7 OCTOBER 2008

Title:

SUSTAINABLE COMMUNITIES ACT

[Portfolio Holder for Partnerships and Community Engagement:
Cllr Bryn Morgan]
[Wards Affected: All]

Summary and purpose:

This report sets out details of the new Sustainable Communities Act - one of a raft of activities in terms of engaging and empowering communities. The report proposes that Waverley adopts a light touch in taking forward the Act and assisting its local communities in making use of its provisions. The underlying principle of the Act is that local people know best what needs to be done to promote the sustainability of their area; something that has been powerfully demonstrated recently following threats to key services such as post offices, bank branches and community shops. The report has been discussed at the recent Town and Parishes meeting and Community O&S.

Environmental implications:

There could be environmental implications depending on the type of proposals local people put forward.

Social / community implications:

The opportunity to put forward proposals would be open to anyone who wanted to.

Resource and legal implications:

There could be financial implications (positive or negative) if proposals are put forward to change the existing arrangements of local services and activities. The Act will see the Government publish - for the first time - a full breakdown of public expenditure in the area (although it is more possible this will be at the county rather than district level given the Government's emphasis on LAA). There could be legal implications if proposals are adopted that change existing arrangements of local services and activities but these would be subject to local agreement.

Introduction

1. The new Sustainable Communities Act has the potential to change relationships between communities, government and statutory agencies. The Government will be inviting proposals in October 2008 from local communities for practical initiatives to sustain their local communities. It is unclear, at this stage, whether the invitation will capture the imagination of local communities

or whether the processes proposed will translate into actions that have a real impact over time. Waverley has a good track record of engaging and involving its communities both on a service basis and through formal meetings with for example Town and parish Councils, and it is proposed that evolving existing arrangements would be preferable to creating a complex new process.

Background and Context

2. The Sustainable Communities Act received royal assent on 23 October 2007 and is the first of a series of new policies to develop community engagement and empowerment. The Act should therefore be viewed in the wider context of a new relationship between central and local government and between local government, its partners and communities. Careful thought needs to be given to who is best placed to deliver local functions, and to consider innovative new ways of involving local citizens.
3. *Strong and Prosperous Communities* (Local Government White Paper 2006), and *Communities in Control: Real People, Real Power* (Local Government White Paper 2008) have established a framework for delivering better outcomes locally, supported by a new 'Duty to Involve' which is set out in the Local Government and Public Involvement in Health Act 2007. The duty aims to ensure that local people have greater opportunities to influence decision-making and get involved. The new duty comes into force on 1 April 2009.
4. The starting point for delivering better outcomes is for local partners in the Local Strategic Partnership (LSP) to create a shared vision and shared sense of priorities for a place. The vision is then set out in the Sustainable Community Strategy (SCS), which describes how people who live and work in the area want it to change over time. The latest Local Area Agreements (LAAs) form the heart of the new local performance framework at a county level and help deliver the ambitions for the county as a whole. LAAs set out the 'deal' between central government and local authorities and their partners to improve services and local quality of life in the area.
5. Community involvement is already a key objective of Waverley – at the heart of all of its corporate priorities - and is about providing quality services, encouraging people to have a say and involving them in how services are provided.

How the Sustainable Communities Act could work in practice

6. The Sustainable Communities Act begins from the principle that local people know best what needs to be done to promote the sustainability of their area, with central government acting to *enable* them to do so. It provides a channel for local people to ask central government to take such action. This could include a proposal to transfer the functions of one public body to another. The scope of the Act is very broad, covering economic, social and environmental issues. It does not limit the type of action that could be put forward but is for local people to decide what they think needs to be done to promote the sustainability of their area.

7. The Act will provide a process by which the ideas generated by local communities are fed through their local authority and a body known as the “selector” (the LGA (Local Government Association) has agreed to take on this role) to central government. As it will not be possible for all suggestions to be put direct to central government, local authorities and the selector will have a “short-listing” role. The government will consult the selector and try to reach agreement on which of the proposals on the short-list should be implemented – it is clear that those ideas which can be applied nationally are more likely to be successful. The government must respond to all of the suggestions that are short-listed by the selector and will publish an action plan setting out how it will take forward the suggestions that it adopts.
8. There is no obligation for local authorities to participate but they are encouraged to do so, particularly where there is grass roots pressure. In Waverley’s situation where it has undertaken recent campaigns about the loss of local facilities (e.g. post offices, train ticket office opening hours and BT payphones) the Act could provide an additional mechanism to promote the concerns of local communities.
9. Indications are that it is to be a recurring process though frequency of invitations or applications is not discussed in the guidance.

Local Spending Reports

10. 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. Although there are no new resources attached to the Act, the Government are to publish “Local Spending Reports” to provide quick and easy access to information about where public money is spent in each area. This should enable local authorities, their partners and communities to take better informed decisions about the priorities they choose to pursue to promote the sustainability of their local communities. However the first publication is not expected until Spring 2009.

Official Timetable

11. The Act contains a number of commitments relating to consultations and to timing. This is the outline timetable:
 - Formal consultation on Regulations and Guidance: February to May 2008
 - Lay Regulations before Parliament: May 2008
 - Bring together Sustainable Communities Bill Guidance with Creating Strong and Prosperous Communities Guidance: May 2008
 - Secretary of State issues first invitation for proposals by 22nd October 2008
 - Consultation on Local Spending Reports: Summer 2008
 - Secretary of State makes arrangements for first Local Spending Reports: Autumn 2008 (required by April 2009)

Proposals

12. Examples of the type of proposals that communities might put forward could be extremely wide ranging covering any economic, social or environmental local issue. It is very difficult to predict the possible scenarios that may be presented from communities.
13. The scope for transfer of functions also presents opportunities for change; this provision recognises that local authorities may believe that the functions of some public bodies may be better performed by another and may propose those functions be transferred. This may be a transfer from a national body to a local body or a transfer from one local body to another. They may also request that responsibility for funding is also transferred. If a council makes such a proposal it must first consult both the body which currently performs the function and the body which it proposes to transfer the function to.
14. Over the last year, the Borough has seen a number of pressures on local services such as post offices, community shops, payphones and train ticket offices. The Act allows communities the chance to lodge suggestions for sustaining these services in the future. One local suggestion that has already been raised was the proposal at the last Town and Parish Councils meeting by Bramley for business banking at post offices, which would strengthen the post office's role in the community.
15. Waverley has a strong tradition of local initiatives to sustain existing services such as the community run shops in Hambledon and Womersley and the Three Horseshoes pub at Thursley, run by local residents. The new Act would give residents a vehicle to strengthen local community services such as these, in ways appropriate to local need.

Waverley's wider community engagement activity

16. Waverley has a long-standing tradition of involving communities in its policies and activities. The recent 'Big Debate' survey about shaping Waverley's Local Development Framework for the next 15-20 years, has got more local people involved in what the Council is trying to do. Initiatives such as Parish Plans and the market town Healthchecks provide opportunities for local people to have their say in matters within their area and influence priorities for action.
17. Other council services such as our housing service, car parking strategy and local arts and youth projects have also invited local opinion and involvement, as have larger scale projects such the Hindhead Together events about what should happen in the area when the Hindhead Tunnel is completed. Where there have been threats to local services such as post offices, and payphones, communities have been consulted in various ways – through newspapers, dedicated council webpage and local articles. The Council has for many years consulted through its Citizens' Panel and residents' and tenants' surveys.

18. This report therefore only represents one strand of activity that Waverley is involved in, in terms of community engagement. In addition, Waverley will be carrying out a review of its services in the coming months to see how services could be developed to encourage more involvement by local people, in line with the new 'duty to involve'. The Council will also be considering how best to go about participatory budgeting.

Taking the Sustainable Communities Act Forward

19. Draft Guidance has been issued by the Government on how the Act should be implemented and detailed guidance is awaited. Waverley needs to consider how best to
- make use of an existing a 'Community Panel' to review any proposals that come forward or create something new;
 - ask communities for proposals and aims to ensure all sections of the community are consulted.
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A) Panel - Local authorities are required to demonstrate they have consulted effectively including under represented groups, setting up or recognising an existing panel to consult about local proposals. The scope is very open and there are no fixed rules on numbers. The LGA suggests that existing arrangements such as citizen's panels could be used, feeding in ideas from a range of existing arrangements, area forums, schools councils/youth parliaments, senior citizen's forums and from consultation which has already happened as well as new work. The main is to ensure that views of those not normally heard are included. The LGA will ask councils who submit ideas for a description of what they have done to fulfill the Act's requirement for wider community involvement.

B) Requesting Proposals - Once the invitation to submit a proposal has been issued by the Government, Waverley will need to encourage people to make proposals. The proposal by Bramley Parish Council for Business Banking facilities at Post Offices could be a suitable proposal for consideration under the new legislation.

20. The Council could also request proposals through Town and Parish Councils, its website, publications such as Making Waves, press articles and other forums.

Feedback from Towns and Parishes meeting, 1st September

21. Whilst the meeting welcomed the Act and support it in principle, Members were concerned about setting up new dedicated Panel, and suggested it would be better to make use of the Town and Parishes meeting as a more effective, existing vehicle. There were also concerns about raising unrealistic expectations amongst communities in terms of implementing any proposals put forward. What might be a good proposal in principle could have hidden practical problems. Members were keen that in seeking proposals, officers

should look to reach all sections of the community, not to exclude anyone e.g. make use of Waverley Business Forum and youth groups.

Feedback from Community O&S, 8th September

20. Members discussed the Sustainable Communities Act report, and heard an outline of the points made at the Towns and Parishes meeting. They agreed with the points made, feeling the process needed to be 'light touch' and one which did not raise local people's expectations about what could be achieved. It was stressed that the types of scheme that would be likely to be shortlisted were those that could be applied on a national level. Members also felt it was important to involve people who did not usually get involved in this type of consultation. This could be done possibly via the Citizens' Panel database, which, it was acknowledged, needed updating, and also by making use of varied communication vehicles/media.

Conclusion

21. The new Act offers a number of opportunities to build on existing community engagement/empowerment activities and communicate with as wide a section of the community as possible about generating new ideas to improve local areas. However, Members need to consider the feedback from the town and parishes and O&S meetings about how best to manage the process in terms of a 'light touch' approach. The Council also needs to be careful not to raise people's expectations about what can be delivered in practical terms, given it has no control over what eventually happens to any proposals put forward .

Recommendation

It is recommended that:

1. the Executive concurs with the views from the Town and Parishes and Community O&S that Waverley should adopt a 'light touch' approach in taking forward the Sustainable Communities Act and welcomes the work already done with Town and Parish Councils; and
2. officers review the guidance published in October to determine (i) the most practical way of generating and shortlisting any emerging ideas for consideration by the LGA and (ii) how this best fits into a wider community engagement approach for Waverley.

Background Papers (CEX)

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

CONTACT OFFICER:

Name: Iain Lynch

Telephone: 01483 523203

E-mail: iain.lynch@waverley.gov.uk