

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

3 September 2008

Report of the Chief Executive

Part 1- Public

Exexutive Non Key Decisions

1 SUSTAINABLE COMMUNITIES ACT 2007

To draw Members' attention to the Sustainable Communities Act 2007. This introduces a new procedure for local authorities to make proposals to the Secretary of State that they believe would contribute to promoting the sustainability of their local communities.

1.1 Introduction

- 1.1.1 The Act promotes the sustainability of the local community encouraging the economic, social and environmental well being of the area, including participation in civic and political activity. The Act offers an opportunity for local authorities to make "proposals" to Government on any legislative changes that they feel should be made that would assist local authorities in becoming a more sustainable community. Examples of issues to be considered are included as a schedule to the Act (Annex 1).
- 1.1.2 An important part of the procedure is consultation with local people via the formation of panels of representatives. The Act requires local authorities to consult and try to reach agreement with local people via the panel of representatives before they make a proposal to the Secretary of State. Beyond this requirement the Act does not specify how local authorities should consult or who they should consult.
- 1.1.3 Guidance to the Act has been published as an annex to "Creating Strong, Safe and Prosperous Communities Statutory Guidance." Further information is also available in "The Sustainable Communities Act: A Guide" (attached as Annex 2 of this report). The document contains guidance about certain aspects of the procedure for local authorities to make proposals to the Secretary of State.
- 1.1.4 The first invitation by the Secretary of State to make proposals must be made by 23 October 2008. Further information on the process to be followed will be published alongside the invitation.

1.2 Consultation via Panels

- 1.2.1 The Borough Council already uses various methods of consultation, including the Residents Panel Surveys in addition to consultation exercises used to meet requirements of key documents, such as the Sustainable Community Strategy. We also have opportunities for consultation via the use of the Parish Partnership Panel and Tonbridge Forum. There is, however, a requirement that “panels” include persons from under-represented groups, seeking the views from those parts of the community which are hardest to reach. There will undoubtedly be extra resource implications to achieve this and this seems to suggest that the use of an existing panel or forum to formulate proposals may not be sufficient to meet the terms of the Act

1.3 Legal Implications

- 1.3.1 The Secretary of State will issue the first invitation to local authorities in October. There is no legal requirement to make a proposal, it is entirely optional for local authorities to put forward a proposal or not.

1.4 Financial and Value for Money Considerations

- 1.4.1 The likely resource implications will need to be considered if a decision is made to make a proposal to the Secretary of State.

1.5 Risk Assessment

- 1.5.1 Representation on panels with a limited number of members may not truly represent views of all residents. There is a risk that some may want to use the Sustainable Communities Act process to put forward vexatious or radical arguments or issues that would not be generally supported.

1.6 Recommendations

- 1.6.1 That the report **BE NOTED** and that the Chief Executive **BE REQUESTED** to submit further reports following receipt of the first invitation to make proposals.

Background papers:

contact: Gill Fox

Nil

David Hughes
Chief Executive