

Maidstone Borough Council

External Overview and Scrutiny Committee

Tuesday 12 January 2010

Sustainable Communities Act Update

Report of: Senior Overview and Scrutiny Officer

1. Introduction

- 1.1 At the meeting of the External Overview and Scrutiny Committee on 14 July 2009, Members interviewed the Director of Prosperity and Regeneration, Alison Broom, with regard to the Sustainable Communities Act; the relevant extract from the minutes of the meeting is as follows:

The Director of Prosperity and Regeneration, Alison Broom, informed the Committee that the Sustainable Communities Act (SCA) had been introduced in 2007, but had received considerable attention within the Council in April 2009. On 21 May 2009, the Cabinet had made decisions as to how it would respond to the legislation. The purpose of the Act was to allow for amendment of who holds power over various issues, or in order to enable the amendment or enactment of legislation so as to enable a request to be carried out.

Three routes were devised by Council via which the SCA could be used. The first was where an outcome or objective of the Sustainable Community Strategy would not be achievable using current legislation. The second was where an individual or group of residents put forward a proposal, and the final arose if an issue was already being pursued by another Council. An application would then be subject to two conditions. The first was that the Council must consult on the issue. The second was that it must be demonstrated that the application was an efficient use of resources, because promoting change through the SCA was an onerous process and would be resource-intensive, therefore the outcome needed to be very strong.

Members were informed that a consultation panel was to be established in conjunction with the Local Strategic Partnership (LSP). The Act was to be publicised in the August edition of the Borough Update and the Regeneration and Sustainable Communities Overview and Scrutiny Committee was to be invited to consider proposals as part of their future work programme. A Member raised concern that consultation with the LSP would not necessarily be appropriate, as the extent to which they represented the general public was questionable. Mrs Broom responded by stating that it was not the LSP board that would be consulted, but rather the wider LSP membership. In response to a question the Committee was informed that a member of the Communications Team would produce the Borough Update and it would be written in Plain English. It was requested that the Committee be provided with a copy of the article prior to its publication.

Mrs Broom informed the Committee that the SCA was only one method of ensuring that community involvement was satisfied. The Council's culture and attitude towards involvement, in response to the white paper 'Communities in Control', had been reviewed to ensure the Council consulted adequately and that sufficient information was provided to the general public. The SCA provided only one possible solution for increasing involvement. The Local Government Act 2000, for example, outlined that well-being powers could be used to carry out objectives outlined within the SCS. A Member identified that Neighbourhood forums, for example, could also be used to encourage community involvement.

Mrs Broom informed the Committee that no applications under the Act would be made by the July 2009 deadline. It was unknown whether a new deadline would become available in October, but it was suspected that an annual deadline was to be established. Members were told that all Parish Councils had been made aware of the legislation but had not made any proposals for its use. It was requested that a letter be sent on behalf of the Committee to Councillors J A Wilson and English, in their roles as Chairman and Secretary of the Kent Association of Local Councils, to encourage parish councils to come forward with proposals under the Sustainable Communities Act.

A Member questioned whether the legislation could be used in order to allow the Council to have powers to build the Leeds and Langley bypass, and whether the Council could obtain the power to set the minimum requirements that the DfT currently set with regard to rail services within Maidstone. Mrs Broom identified that the powers already existed within highways and planning legislation to build new infrastructure, however the support of Kent County Council was critical, particularly with regard to funding the project. She was, however, unsure as to the extent of power outlined within legislation with regard to rail services and would gather further information about this issue and report back to the Committee. It was also questioned whether the Act could be utilised to address concerns which had been raised with regard to the new Pembury hospital and access to it, via Colts Hill. Mrs Broom clarified that the legislation was not a tool for amending decisions which the public thought were inappropriate.

The Committee recommended that an update on the Council's use of the SCA be provided in six months."

1.2 The Committee consequently resolved:

"That:

- a) The Director of Prosperity and Regeneration be invited to provide a further update in 6 months;
- b) The Director of Prosperity and Regeneration report back to the Committee on whether the Sustainable Communities Act could be used to establish minimum standards for rail services in place of those set by the Department for Transport;

- c) The Borough Update entry with regard to the Sustainable Communities Act be sent to the Committee prior to publication; and
- d) A letter be sent on behalf of the Committee to Councillor J A Wilson and English, in their roles as Chairman and Secretary of the Kent Association of Local Councils, to encourage parish councils to come forward with proposals under the Sustainable Communities Act.”

- 1.3 In response to recommendation (a), an update is now attached for Members’ information.
- 1.4 Members were sent a response to recommendation (b) on 29 July 2009, and were consulted on the Borough Update entry as per recommendation (c). A letter was sent to the Chairman and Secretary of the Kent Association of Local Councils on 6 August 2009.

2. Recommendation

- 2.1 Members are recommended to note the update.