



Department for
Communities and
Local Government

Sustainable Communities Act 2007 - Government Response to Consultation on Proposal for extending powers to town and parish councils

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If you have any enquiries regarding this document/publication, email contactus@communities.gov.uk or write to us at:

Department for Communities and Local Government
Eland House
Bressenden Place
London
SW1E 5DU
Telephone: 030 3444 0000

For all our latest news and updates follow us on Twitter: <https://twitter.com/CommunitiesUK>

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Introduction

The Government recognises the importance of empowering local people to make decisions about the issues that matter most to them. We understand the potential that exists within neighbourhoods for citizens to shape their local services and to develop sustainability. The Sustainable Communities Act 2007 (2007 Act) encapsulates this vision of harnessing the power of communities to deliver improvements and to shift the power balance from national government to a local level.

We wanted to continue to build upon the decentralising ethos of the 2007 Act and to improve opportunity for local decision-making by streamlining the procedures for submitting proposals under the 2007 Act. With this in mind we amended the 2007 Act with the Sustainable Communities Act 2007 (Amendment) Act 2010. In December 2010 the Government invited local authorities to submit proposals under the 2007 Act which was positively welcomed. In realising the opportunities the Act gave local communities to make decisions about the issues that affect their local areas, there was a call by many for town and parish councils to be given the same powers to submit proposals under the 2007 Act.

We listened to these proposals and responded by announcing a Government consultation in June 2012, which asked whether town and parish councils should be given the power to submit Sustainable Communities Act proposals. This consultation ran from 13 June until 5 September 2012; the following questions were asked in the consultation:

Q.1. Do the current Sustainable Communities Act arrangements prevent barriers being submitted by Town and Parish Councils?

Q.2. Do you think that we should introduce legislation allowing town and parish councils to submit proposals under the Sustainable Communities Act 2007?

Q.3. What are the advantages and disadvantages to enabling town and parish councils to submit proposals under the Sustainable Communities Act 2007 rather than submitting proposals jointly with their local authority?

During the consultation we received 139 responses.

Summary of consultation responses

Of the 139 responses received during the consultation, 55% (76) responses were a single standard 'campaign' response used by many respondents; these were supportive of the proposal to extend powers under the Sustainable Communities Act 2007 to town and parish councils. The remaining 45% (63) responses which were not related to this campaign were, nonetheless, mostly in favour of the proposals. Out of these responses 81% (51) also agreed that the legislation should be extended, with only 3% (2) from this group disagreeing with the proposals. There was a further 16 % (10) who did not answer this question or submitted a neutral response.

In total, 95% (132) were in favour of giving the same powers to town and parish councils as are currently held by principal councils.

The largest group to submit responses to the consultation were town and parish councils, with approximately 61% of the responses identifying themselves as representing a town or parish council. We also received contributions from individual citizens, including people who worked with local councils but wished to respond independently. Responses were submitted by representative bodies for councils at all levels and a number of private and commercial organisations.

Overview of consultation questions

Q1. Town and Parish Councils can already decide whether they want to submit a barrier busting proposal independently of their local authority or whether they want to jointly submit it with their local authority as a Sustainable Communities Act proposal. Does this current arrangement prevent barriers being submitted by Town and Parish Councils? If so, please let us know why?

In total, 139 responses were submitted for consideration to the current Sustainable Community Act arrangements. With regards to question 1, 77% (107) of the respondents agreed that the current Sustainable Community Act arrangements prevented town and parish councils from submitting proposals. In contrast, only 6% (9) did not agree with this statement and 25% (35) of the total did not answer this question or submitted a neutral response.

In discussing these areas of concern with the current legislation, the majority of respondents commented on the limitations of using the Barrier Busting Portal, (which is also Government's existing channel for local authorities to submit Sustainable Communities Act proposals) without rights under the Sustainable Communities Act. The responses from town and parish councils were particularly helpful in identifying a range of issues associated with its limitations - including its lack of statutory force, that its scope is limited to bureaucratic barriers; the lack of a guaranteed time-limit for consideration of proposals and the concern that due to its limited powers it had no sense of permanence.

Overwhelmingly, the majority of town and parish councils responding to this question took the view that town and parish councils should have parity with local authorities and be able to submit Sustainable Communities Act proposals. Of the three objections submitted only one response from a town or parish council opposed this position. Many felt that under current Sustainable Communities Act legislation a town or parish council could have a proposal blocked if it was counter to the position of their respective local authority. Expanding on this, a number of respondents emphasised the need for town and parish councils to have greater autonomy and independence, which would be consistent with the localism and decentralism agenda.

Q2. Do you think that we should introduce legislation allowing town and parish councils to submit proposals under the Sustainable Communities Act 2007?

In response to question 2, 95% (132) of the total responses strongly supported the proposal to introduce legislation to allow town and parish councils to submit Sustainable Communities Act proposals. Only 2% (3) said they were not in favour of extending these powers, with a further 3% (4) choosing not to register a response.

In giving support to the proposals to extend the powers, many of the respondents reiterated the reasons already given to their reply to question 1. Agreeing with the proposals, those respondents contended that extending the legislation would provide local

people with a further channel to engage with the democratic process. The responses tended to agree that town and parish councils were most closely connected to their local communities and possessed a greater awareness of the key issues on sustainability affecting local communities. Consequently, they felt they were more able to support the ethos of the localism agenda. Others indicated that it would provide a new perspective to local democracy and help to empower their communities.

There were only a few respondents who did not agree that the legislation should be extended to town and parish councils. The basis for this objection centred upon the provision already available in the current legislation for town and parish councils to submit proposals through the respective local authority. Those who disagreed suggested that the provisions in the Sustainable Communities Act had been strengthened by the additional safeguards for involving communities in the Sustainable Communities Act Regulations laid in Parliament in July 2012.

Q3. What are the advantages and disadvantages to enabling town and parish councils to submit proposals under the Sustainable Communities Act 2007 rather than submitting proposals jointly with their local authority?

A significant number of the responses commented on the potential for local people to have a greater say in the local democratic process. There was some repetition in these responses to the comments given to questions 1 and 2. This was particularly the case with regards to those respondents who agreed with the proposal to extend the powers.

The vast majority of those who supported the introduction of legislation expressed strongly their belief that there were no disadvantages associated with allowing town and parish councils to submit Sustainable Communities Act proposals.

In the few responses where disadvantages were raised, there was some concern that amending the legislation may become incredibly resource intensive. Reference was made to the risk that the process could become more bureaucratic and burdensome, due to the likely increase in the proposals submitted. An additional issue of concern related to the role of the 'selector', the body appointed to represent the interests of local authorities and to consider previously declined proposals. The 'selector' must take into account the views of Advisory Panel members but there was some concern the body may at times be required to consider proposals rejected by a local authority.

Government response to the consultation responses

The Government welcomes the contributions of those who participated in the consultation. The responses have helped to inform the thinking of Government and provided some helpful and informative insights into key issues in relation to the proposals. We have given full consideration to the views expressed by the different groups who submitted representations.

In light of the overwhelming support given to the proposal from a range of respondents, including town and parish councils, local citizens and across the private and commercial sector, we have concluded that existing legislation should be extended to town and parish councils. We believe this positively embodies the Government's commitment towards localism and the principle of empowering communities to take decisions about the social, economic and environmental improvements they want to see introduced in their local areas.

It is evident from the consultation that town and parish councils are particularly enthusiastic at the prospect of engaging local people in the democratic process. These councils understand the local communities they represent and are well placed in the local political landscape to identify opportunities to support the localism agenda. The new legislation will help local people to work with town and parish councils to consider key issues of concern; to give town and parish councils the incentive to work with their communities to explore opportunities for improving local sustainability and encourage local citizens to become more involved in the democratic decision-making.

We have also considered the concerns raised by those respondents who disagree with this proposal and suggest that any extension to the 2007 Act arrangements could result in a more bureaucratic process. However, we are confident that the arrangements we will put in place will be robust enough to address the specific concerns about the risk of duplication in the process. We will also embark on working with key partners to properly engage local councils at all levels in implementing these changes.

Next steps

We are aiming to make the order giving powers to town and parish councils to submit proposals under the Sustainable Communities Act 2007 shortly.