



Proposals from town and parish councils under the Sustainable Communities Act 2007

Second Round Invitation





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February 2012
Department for Communities and Local Government

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About this consultation

Scope of the consultation

Topic of this consultation:	Under section 5C of the Sustainable Communities Act 2007 the Secretary of State may make an order specifying additional persons who may make proposals. If the Secretary of State wishes to make an order, he is required to consult local authorities and representative bodies.
Scope of this consultation:	Following the second invitation under the Sustainable Communities Act issued on 15 December 2010, this consultation invites views on whether the existing regulation governing the submission of Sustainable Communities Act proposals is sufficient.
Geographical scope:	The Sustainable Communities Act extends to England and Wales, but the regulations only apply to local authorities in England.
Impact Assessment:	Impact Assessments are needed where proposals impact upon business or the voluntary sector, or have significant costs (above £5m pa) for the public sector. Our assessment is that the proposals in this consultation will not bring about such impacts; although this consultation seeks the views of those likely to be affected by the proposals.

Basic Information

To:	The consultation seeks the views of local government, its partners, communities and individuals.
Body/bodies responsible for the consultation:	The Barrier Busting and Sustainable Communities Act policy team in the Department for Communities and Local Government is responsible for this consultation.

Duration:	This consultation will run from 13 June 2012 to 5 September 2012.
Enquiries:	For further information on this consultation document please email sca@communities.gsi.gov.uk or telephone 030 3444 0000 and ask for the Barrier Busting Team.
How to respond:	Please email responses to sca@communities.gsi.gov.uk
Additional ways to become involved:	This is an online consultation only. However if you would like this document in another format, or would like to feed in your views in another way, please contact the Department.
After the consultation:	A summary of responses to the consultation and the Government's response will be made available after the closing date and will be published on the Department for Communities and Local Government's website.
Compliance with the Code of Practice on Consultation:	This consultation complies with the Code of Practice on consultation at http://www.bis.gov.uk/policies/better-regulation/consultation-guidance .

Background

Getting to this stage:	The Department has had discussions with external partners about the scope of the Sustainable Communities Act 2007 and the principle that while any individual or community group can submit a proposal to the Barrier Busting Portal, only local authorities are able to submit Sustainable Communities Act proposals. The consultation last year on regulations under the Sustainable Communities Act did not specifically consult on whether there was a need to change this principle. However it was an issue that was raised in a number of consultation responses, in particular asking for town and parish councils to be able to submit Sustainable Communities Act proposals.
Previous engagement:	The Sustainable Communities Act 2007 requires that the power to add persons who may make SCA proposals must be by way of an order. As there is a separate statutory requirement relating to the making of such an order, we must consult before changes can be made.

Section 1

Background

- 1.1 On 15 December 2010 the Secretary of State issued a second invitation to local authorities under the Sustainable Communities Act 2007 (“the Act”). He invited councils to consult people, ask them how they would like to see their local area improved and to take appropriate action to make it happen. The Localism Act has given them far more freedom and flexibility to do this.
- 1.2 If councils, having consulted and reached agreement with their local communities, find that a bureaucratic barrier prevents them from taking action, they can submit a formal ‘proposal’ under the Sustainable Communities Act 2007 asking Government to remove the barrier through the online portal at <http://barrierbusting.communities.gov.uk>. This portal is also open to anyone who wishes to ask the Government to remove a barrier which is stopping local action.
- 1.3 Under the second invitation, local authorities have an opportunity to have their proposals reconsidered where they are unhappy with the decision of the Secretary of State. They can ask the Selector (an organisation that represents the interests of local authorities) to re-submit the proposal to the Secretary of State.
- 1.4 Town and parish councils, community groups and individuals can also submit proposals to remove barriers to the Barrier Busting Portal but because they do not have powers under the Sustainable Communities Act 2007 to submit barrier busting proposals they cannot ask for their proposals to be reconsidered after the Secretary of State’s decision.
- 1.5 This consultation is seeking views on whether the existing arrangements for submitting barrier busting proposals are appropriate or whether town and parish councils should be able to submit proposals using the Sustainable Communities Act as well as local authorities.

Section 2

Powers to submit Sustainable Communities Act proposals

Statutory requirements following the first invitation

- 2.1 The Sustainable Communities Act 2007 (Amendment) Act 2010 introduced new arrangements for submitting proposals under the Sustainable Communities Act 2007. These were announced in the second invitation letter issued on 15 December 2010. Regulations governing the new arrangements are due to come into force in July 2012.

Arrangements for submitting Sustainable Communities Act proposals

- 2.2 We want to ensure that the process for submitting proposals to remove barriers through the Barrier Busting Portal continues to capture barriers where legislation, national policy, or the way central government does business, prevents local action from taking place.
- 2.3 The decision to submit a barrier busting proposal is entirely voluntary and any individual, community group or organisation is welcome to use the Portal. However only local authorities are able to submit proposals using the Sustainable Communities Act 2007 and thus only local authorities can ask the selector (a person appointed by the Secretary of State to represent the interests of local authorities) to re-submit and review a proposal that has previously been declined by the Secretary of State.
- 2.4 The Government recognises the increasing role of town and parish councils in improving the conditions for local action. Currently a town or parish council can submit a proposal to the Barrier Busting Portal to remove a barrier. The decision on their proposal is final and if they are unhappy with it, they cannot challenge or ask the Secretary of State to review his decision, (although the barrier busting case worker is available to discuss issues arising from that decision).
- 2.5 However, rather than submitting a proposal directly to the Barrier Busting Portal, a town or parish council can ask their local authority whether it would consider submitting their proposal under the Sustainable Communities Act 2007. This will allow the local authority to ask the Selector to consider resubmitting the proposal if a town or parish council is unhappy with the Secretary of State's initial decision.
- 2.6 We would like to know whether the current position gives town and parish councils sufficient opportunities to ask for barriers to be removed or whether it

prevents town and parish councils from asking for barriers to be removed. We would like to know the reasons for your views.

- 2.7 We also want to know your views on whether town and parish councils should be able to have the same right as local authorities to submit Sustainable Communities Act proposals and thus be able to ask the Selector to submit proposals to the Secretary of State's for re-consideration. If such a power was given to town and parish councils they will be able to submit proposals under the Sustainable Communities Act 2007 after trying to reach agreement with their communities and will not need to ask their local authority to submit the proposal on their behalf.
- 2.8 We would like to know what the advantages and disadvantages would be of enabling town and parish councils to submit proposals under the Sustainable Communities Act 2007 and would welcome your views.
- 2.9 To add additional persons who can submit Sustainable Communities Act proposals, the Government is required to consult and your views are invited on the following questions:

1. 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?

2. Do you think that we should introduce legislation allowing town and parish councils to submit proposals under the Sustainable Communities Act (2007)? Please let us know your reasons for agreeing or disagreeing with this question.

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? Please let us have reasons with your response to this question.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed these criteria at <http://www.bis.gov.uk/policies/better-regulation/consultation-guidance>? If not or you have any other observations about how we can improve the process please contact:

DCLG Consultation Co-ordinator
Zone 6/H10
Eland House
Bressenden Place
London
SW1E 5DU

or by e-mail to: consultationcoordinator@communities.gsi.gov.uk

Consultation process

Please note that responses to this consultation document should be received no later than 5 September 2012.

Responses and any comments about this consultation should be emailed to sca@communities.gsi.gov.uk

The consultation document will only be available on the DCLG website at www.communities.gov.uk/corporate/publications/consultations/

A summary of responses to this consultation paper will be published on the DCLG website within three months of the closing date of this consultation. Unless you specifically state that your response, or any part of it, is confidential, we shall assume that you have no objection to it being made available to the public and identified on the DCLG website. Confidential responses will be included in any numerical summary or analysis of responses.