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**To:** Cabinet, 13 July 2009

**Subject:** Sustainable Communities Act

**Classification:** Unrestricted

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**Summary:** The paper seeks Cabinet's approval for the submission of two proposals under the Sustainable Communities Act 2007 - one relating to solving Operation Stack and the other in regard to Education and Skills - ahead of the deadline for submissions to the Local Government Association (in its role as 'Selector') on 31<sup>st</sup> July 2009.

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## **1. Introduction**

1.1 The Sustainable Communities Act (SCA) 2007 allows local authorities, residents and community groups to submit proposals to central Government that would further promote the local sustainability of their local area by suggesting changes in legislation, budgets and functions of public bodies that currently only central government can influence which would provide the local community with social, economic or environmental benefit. The Act allows for proposals to call for the transfer of functions from central government and national/regional quangos to local government as well as the transfer of functions between the tiers of local government.

## **2. Operation of the Act**

2.1 The SCA and subsequent statutory guidance has established a unique process that must be followed in order for proposals under the Act to be viable. Any local proposals are first submitted to the 'selector' which will be a panel established by the Local Government Association (LGA). The LGA panel then draw up a short-list from the submitted proposals which will be considered by the Secretary of State for Communities and Local Government who in turn is required to bring forward an action plan on those proposals which gain Ministerial approval. The SCA takes place in a series of rounds, with the Secretary of State calling for proposals under the first round on the 14 October 2008 with a deadline for proposals to be received by the LGA of 31 July 2009. No timetable in regard to the Act beyond this date has been set, although it is believed that an SCA initiation will be made every year.

2.2 Under the Act arrangements must be made for consultation via 'community panels'. The statutory guidance regarding community panels requires local authorities to ensure that their panels are "broadly representative" and inclusive of under-represented groups. Beyond this, it is within the discretion of councils themselves to determine their own consultation arrangements, including, if preferred, the accreditation of existing consultative groups as de facto community panels. For the purposes of the SCA, the Kent and Medway Citizens Panel has been designated the KCC Community Panel. The consultation with the Citizen's Panel is through the regular panel survey due to be undertaken in early July.

2.3 As KCC designated a community panel for the purposes of the SCA, the opportunity for wider community groups/individuals to submit proposals to KCC under the SCA was offered through a call for proposals on the 'have your say' section of the KCC

website, in the same way that most local authorities choosing to use the Act have done so. No external proposals were received.

### **3. KCC Proposals**

- 3.1 Following consideration, two proposals are considered viable to put forward under the Sustainable Communities Act.

#### Proposal 1 - Operation Stack:

- 3.2 Operation Stack is a longstanding problem given the disruption it causes to Kent residents and businesses when invoked by Kent Police as a result of the closure of the Dover ports. KCC's solution is the development of a 'lorry park' with approximately 500 'regular' parking places providing services for drivers on a day to day basis, but with an overflow capacity of some 2,500 places that would be used during 'Operation Stack', thereby relieving the coast bound carriageway of the M20. Invariably, the high infrastructure costs required to develop a lorry park with 3000 parking places makes the provision of such a scheme difficult without the some contribution from the public sector.

- 3.3 Current Government policy in regards to the provision of Motorway Service Areas (MSA) is set out in Department for Transport Circular 01/2008 "Policy on Service Areas and Other Roadside Facilities on Motorways and All Purpose Trunk Roads in England". This states that:

*"Since 1992, government policy has been that the private sector should take the initiative in identifying and acquiring MSA sites and seeking planning consent from local planning authorities. When completed, these MSAs are owned by the private sector rather than the Government" (paragraph 10) "The full cost of any works within the motorway or truck road boundary (including traffic management) will be met by the developer..." (paragraph 47)*

- 3.4 The net effect of this policy is that MSA sites should be identified, developed and operated solely by the private sector. This policy prevents the Highways Agency and the Department for Transport from engaging with KCC in the identification and development of a suitable site for a lorry park solution, leaving the responsibility and financial burden solely on the Kent taxpayer despite Operation Stack having a clear national as well as local impact. The intended SCA proposal is to ask the Government to change its policy either in entirety or when private sector provision fails to provide for clear local need and demand (such as in the case of Operation Stack). Changing this policy would remove a significant obstacle preventing the Highways Agency from engaging with KCC on the Operation Stack solution. Delivering a solution to Operation Stack would provide significant economic and environmental benefits to Kent (i.e. reduced loss of earnings to individuals and businesses, shorter journey times) and is clearly within the scope of the Act.

#### Education & Skills

- 3.5 Recent results from Kent's Place Survey highlight increased public concern over the provision of jobs and activities for young people especially since the beginning of the economic recession. The Government have proposed to abolish the Learning and Skills Council (LSC) with responsibility for commissioning of 16-19 provision being devolved to local authorities. However, the complex and convoluted arrangements will see three national agencies created that will retain residual LSC functions rather than being devolved as part of the 16-19 commissioning arrangements. The National Apprenticeship Service (NAS) will be responsible for the promotion of apprenticeships at a local level. The Skills Funding Agency (SFA), as well being responsible for the adult advancement and careers service, will fund and is responsible for the end to end delivery of the apprenticeship programme, whilst the Young Peoples Learning

Agency (YPLA) has residual functions in regards to oversight of the 16-19 commissioning function, agreeing sub-regional commissioning priorities, commissioning specialist provision and setting budget allocations.

- 3.6 The functions of all three agencies are interrelated and amount to a significant holding of residual power by central government that limit the opportunities to maximise the impact of the devolution 16-19 commissioning function. KCC believes it is in a better position to deliver these functions locally allowing it to deliver a more integrated 16-19 provision with more flexibility to suit local variability and needs. Moreover, the implementation of the Sub National Review of Economic Development will devolve greater responsibility for economic development to local government, and pivotal to this is ensuring the skills needs of the Kent economy are met by the post 16 education and training providers both now and into the future. This can best be achieved through full devolution of the 16-19 functions held by the NAS, SFA and YPLA.
- 3.7 The proposal to be made through the SCA is that the functions of the NAS, SFA and YPLA in regard to Kent be devolved to KCC. Inherently, any proposal which involves the transfer of function of three Government agencies is likely to be complex and may meet with some resistance from central government. However, such a proposal sets out KCC's ambition on this agenda given the importance placed on it by Kent residents, businesses and KCC, and is therefore considered to be within scope of the SCA.

**4. Next Steps:**

- 4.1 Subsequent to the two proposals set out above being accepted, officers will continue to prepare the evidence base, including taking into account feedback from the Kent and Medway Citizen's Panel consultation, before submitting proposals to the LGA to meet the 31<sup>st</sup> July deadline.

**5. Recommendations:**

- 5.1 Cabinet is asked to:
- a) Agree the two proposals set out in Section 3 should be submitted to the Local Government Association under the Sustainable Communities Act 2007.

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Background documents - Nil