



FOUNDATION FOR DEMOCRACY  
AND SUSTAINABLE DEVELOPMENT

## Sustainable Communities Act 2007: business as usual or unusual government?, Halina Ward, 9<sup>th</sup> October 2009

It's not very likely that business as usual within the democratic process will deliver sustainable development. So there are great hopes pinned on the English and Welsh [Sustainable Communities Act 2007](#), which entered into force in October 2007.

The Sustainable Communities Act [began life as a Private Members Bill](#) which received cross-party support. The Act is designed to promote the sustainability of local communities. The basic idea is that local authorities who have opted into the Act make proposals which they consider could contribute to promoting the sustainability of local communities. The radical part is that proposals may include a request for a transfer of existing functions from one person (or entity) to another. In this way, the Act provides a vehicle for community groups, via local authorities, to lobby central government for reallocation of powers.

Before making proposals, local authorities are required to establish or recognise a panel of representatives of local persons and consult and try to reach agreement with panel members about proposals to be selected. Selected proposals are then put forward to a 'Selector', whose job is to decide on which shortlisted proposals from local authorities will make it onto the Secretary of State's action list. The Secretary of State is the ultimate decision-maker under the Act, but is obliged to try to reach agreement with the Selector on proposals to take forward.

The [deadline for a first set of proposals](#) to be submitted to the Selector was 31<sup>st</sup> July 2009. The Local Government Association (an association of local authorities), has been designated as the Selector for purposes of the legislation. It has already [indicated](#) where some of its interests lie, publishing "a selection of some of the changes we are currently pressing for and which we believe will benefit local government and sustainability" in advance of the selection process". In some respects, the legislation is deeply radical, as well as enormously broad in scope. But the approach that it takes to 'sustainable development' is conservative. As the Act explains (in Section 1), "references to promoting the sustainability of local communities, in relation to a local authority, are references to encouraging the improvement of the economic, social or environmental well-being of the authority's area, or part of its area".

This is hardly an integrated approach to decision-making across the economic, environmental and social spheres. Hardly sustainable development in fact. And this is skewed vision of sustainability is reflected in some of the proposals that have been put forward to the Selector. For example, one [proposal](#) from Birmingham is to introduce Accelerated Development Zones (ADZs) whereby local authorities borrow money to invest in infrastructure so that the area becomes more attractive to investors and businesses. No doubt perfectly acceptable under the Act. But it is hard to equate this proposal, taken at face value, with anything more than straightforward economic development.

One essential characteristic of sustainable development is its integrated approach to decision-making across environmental, social and economic spheres. For example, Agenda 21, the blueprint for sustainable development which emerged from the 1992 Rio Earth Summit (the UN Conference for Environment and Development) adopts this text as one of its objectives: *“to improve or restructure the decision-making process so that consideration of socio-economic and environmental issues is fully integrated and a broader range of public participation assured”*.

In contrast, the Sustainable Communities Act 2007 consummately fails to promote integrated decision-making.

Not every ‘pro sustainable development’ decision needs to address all three ‘bottom lines’ of environment, economy and social justice. But decisions that claim ‘sustainability’ or ‘sustainable development’ as their goal should at least be based on conscious consideration of the three and their relationship.

So the Sustainable Communities Act misappropriates the language of sustainability for actions that may not have much connection to sustainable development.

For the time being, the Act fails to provide room for ‘big ideas’ that come directly from local citizens without the backing of local authorities. This seems surprising given that there is no need for proposals to be inherently linked to a particular geographical area; but perhaps it is as far as was achievable in setting formal structures of ‘direct democracy’ for sustainable development at the time of the Act’s adoption. Still, it is unlikely to be the last word as **proposed amendments** (highlighted further below) show.

The range of proposals that have been put forward from local authorities of the Selector is extraordinarily broad. And there are certainly some radical **proposals** on local authorities’ lists – including one from Ryedale, to require all shops and supermarkets to clearly label where food has come from to promote more buying of local produce, or another from York that only air compressed cars should be allowed in the City Centre.

The next real test of the Act lies with the Local Government Association’s selection of shortlisted proposals through its Selector Panel. That is due to take place at **Selector Panel meetings** in October and November.

The LGA’s choices as Selector, and ultimately those of the Secretary of State, could support or undermine the development of integrated approaches to sustainable development at local level. Their decisions could inspire greater community engagement in the future, or cut off an experiment in progress.

Proposals to have already been tabled in the form of a **Sustainable Communities Act Amendment Bill**, which is due to receive its second reading on 16th October. The amendments would, if adopted, expand the ‘direct democracy’ potential of the Act, since they incorporate a clause prompting a referendum if the local authority does not want to participate in the act and 5% of electors sign a petition to use the Act. The proposed amendments also envisage a rolling programme of proposals from the Selector to the Secretary of State and provide for Parish Councils to be included within the scope of the Act.

Sadly, the problematic approach to ‘sustainability’ is not addressed.

[NB: this post also appears on <http://blog.localdemocracy.org.uk/>]