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STATUTORY INSTRUMENTS

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**2008 No. 2694**

**LOCAL GOVERNMENT, ENGLAND**

**The Sustainable Communities Regulations 2008**

*Made - - - - 9th October 2008*

*Laid before Parliament 13th October 2008*

*Coming into force - - 3rd November 2008*

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 5 of the Sustainable Communities Act 2007<sup>(1)</sup> and after having consulted—

- (a) the selector<sup>(2)</sup>, and
- (b) such other persons who represent the interests of local authorities as the Secretary of State thinks fit,

in accordance with section 5(2) of that Act:

**PART 1**

**General**

**Citation, commencement and application**

1. These Regulations—
  - (a) may be cited as the Sustainable Communities Regulations 2008,
  - (b) come into force on 3rd November 2008, and
  - (c) apply in relation to England only.

**Interpretation**

2. In these Regulations—

“the Act” means the Sustainable Communities Act 2007; and

“proposal” means a proposal made by a local authority in response to an invitation by the Secretary of State under section 2(1) of the Act.

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(1) 2007 c.23.

(2) See section 3(1) of the Sustainable Communities Act 2007.

### **Meaning of “under-represented groups”**

3. In section 5 of the Act “under-represented groups” means those groups of local persons who in the opinion of a local authority are under-represented in civic and political activity in the authority’s area.

## **PART 2**

### **Proposals by local authorities: procedure**

#### **Local authorities: steps before making proposals**

4.—(1) Before making any proposal under section 2 of the Act a local authority must comply with this regulation.

(2) The authority must have regard to the guidance that the Secretary of State has issued under section 5(5) of the Act.

(3) The authority must also—

- (a) establish or recognise a panel of representatives of local persons constituted in accordance with regulation 5,
- (b) consult the panel about any proposal, and
- (c) try to reach agreement with the panel about proposals.

#### **Constitution of panels**

5.—(1) A panel established or recognised by a local authority under regulation 4(3)(a) must be constituted in accordance with this regulation.

(2) Sufficient representatives must be involved in the panel so that, in the opinion of the authority, local persons are adequately represented by the panel.

(3) Paragraph (4) applies where—

- (a) a local authority takes reasonable steps to involve a group of local persons in a panel, but
- (b) no representatives of that group become so involved.

(4) There is no breach of this regulation merely because of the lack of involvement of the group.

#### **Report by the selector**

6.—(1) The selector must prepare a written report on the proposals, which must include—

- (a) a list of any proposals that it has rejected; and
- (b) a statement of its reasons—
  - (i) for selecting the proposals on the short-list, and
  - (ii) for rejecting any other proposals made by local authorities.

(2) The selector must send the report to the Secretary of State at the time it sends the short-list.

Signed by authority of the Secretary of State

9th October 2008

*Sadiq Khan*  
Parliamentary Under Secretary of State  
Department for Communities and Local  
Government

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which are made under section 5 of the Sustainable Communities Act 2007 (“the Act”), concern matters relating to the making by local authorities of proposals under section 2 of the Act. They apply in relation to England and come into force on 3rd November 2008 (regulation 1).

As required by section 5(4) of the Act, regulation 4 requires certain steps to be taken by a local authority before it makes proposals under section 2 of the Act. Before making any proposals—

- (a) regulation 4(2) requires a local authority to have regard to the guidance issued by the Secretary of State under section 5(5) of the Act; and
- (b) regulation 4(3) requires an authority to establish or recognise a panel of representatives, to consult the panel about any proposal and to try to reach agreement with the panel about proposals.

Regulation 5 makes provision about the constitution of these panels. Sufficient representatives must be involved in a panel so that local persons are adequately represented by the panel, but there is no breach of this requirement if a local authority takes reasonable steps to involve a group of local persons and no representatives of the group become so involved.

Under section 5(5)(a) of the Act the Secretary of State must issue guidance to local authorities about making proposals, which must include guidance about the inclusion of persons from under-represented groups on a panel of representatives. As required by section 5(8) of the Act, regulation 3 defines under-represented groups for these purposes.

Under section 3 of the Act the Secretary of State must appoint a selector to consider any proposals made by local authorities and to prepare a short-list of those proposals for consideration by the Secretary of State. Regulation 6 requires the selector also to prepare a written report on the proposals and to send this report to the Secretary of State at the same time as it sends the short-list.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.