

Local Area Referendum (Disposal of School Playing Fields) Bill

CONTENTS

- 1 General duty
- 2 Obligatory steps prior to sale
- 3 Duty to hold a referendum in certain circumstances
- 4 Outcome of referendum
- 5 Regulations
- 6 Review
- 7 Extent, commencement, and short title

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Make provision for a scheme for the triggering and holding of a local area referendum to approve a proposed sale of or including school playing fields by a local education authority or state-funded school; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 General duty

- (1) A local education authority, academy or other state-funded school which owns playing field land, or another body in which ownership of the land is vested on behalf of one or more schools, may not sell such land except in accordance with the provisions of this Act. 5
- (2) For the purposes of this Act—
- (a) “playing field land” is land that is constituted of, or includes, one or more grassed sports pitches of at least 2,000m² with suitable configuration and topography, or a synthetic or artificial playing surface, or a dedicated hard games court set out for team games; 10
- (b) “another body” in subsection (1) may be, but is not be limited to being, a local education authority, school or academy governing body, academy sponsor or proprietor, or a trustee, foundation or other higher tier body with responsibility for one or more schools;
- (c) the “relevant authority” is the body under subsections (1) and (2)(b) proposing to sell playing field land. 15

2 Obligatory steps prior to sale

- (1) A body under section 1(1) proposing to sell land of a type described in section 1(2) must conduct a public consultation on the proposed sale.
- (2) A public consultation under subsection (1) must include the provision of information on, but not limited to— 20
- (a) the intended use or uses of—

- (i) the land being sold, and
- (ii) the proceeds of the sale;
- (b) provision to replace or otherwise mitigate any loss of amenity arising from the existing use of the land; and
- (c) the procedure for making petitions of objection under section 3. 5

3 Duty to hold a referendum in certain circumstances

- (1) Once a public consultation under section 2 has concluded, any person may arrange, organise and submit a petition objecting to the sale (a “petition of objection”) to the relevant authority under section 1(2)(c).
- (2) Where a relevant authority receives one or more petitions of objection to the sale signed by, in aggregate, more than a threshold value of petitioners designated as eligible under Section 5, that authority must make arrangements to hold a local area referendum on the sale. 10
- (3) An eligible person’s signature shall be counted only once if it is placed more than once on same petition or on more than one petition objecting to the same sale. 15
- (4) *The local authority in which the majority of the school playing field land proposed for sale is located shall have a duty to make arrangements for the –*
 - (a) *validation of signatures upon any petition of objection, and*
 - (b) *conduct of a referendum,* 20*required under subsections (2) and (3).*

4 Outcome of referendum

- (1) A local referendum on the proposed sale of playing field land shall be decided by simple majority.
- (2) Where a local referendum decides against a proposal for the sale of school playing field land, that land, or any part thereof, may not be offered for sale for a period of 10 years, save in extraordinary circumstances as provided for by regulations made under section 5(1)(b). 25

5 Regulations

- (1) The Secretary of State shall make regulations containing provisions to – 30
 - (a) secure the administration of petitions of objection and the conduct of local referendums, in particular arrangements for –
 - (i) establishing a process for the designation of “eligible persons” under section 3(2),
 - (ii) establishing a process for the determination of the threshold value for triggering the requirement to hold a referendum under section 3(2), 35
 - (iii) determining the format and content of the question to be posed in a referendum,
 - (iv) ensuring the independence of administrative functions in relation to the conduct of petitions and referendums, and 40
 - (v) ensuring the separation of administrative functions for the conduct of petitions and referendums from those responsible

- for the proposal to sell falling under section (1), where a single local authority is responsible for both;
- (b) determine the criteria and process by which to decide when extraordinary circumstances have arisen (and of what such circumstances may comprise), as envisaged in section 4(2); and 5
 - (c) any other matters reasonably required for the purposes of this Act.
- (2) Before making regulations under subsection (1)(a), (b) or (c) for the first time, the Secretary of State shall conduct a public consultation on those proposals and lay the report of the public consultation before each House of Parliament.
- (3) Regulations under subsection (1) – 10
- (a) shall be made by statutory instrument; and
 - (b) may not be made unless a draft has been laid before and approved by a resolution of each House of Parliament.
- (4) The Secretary of State shall lay before Parliament draft regulations mentioned under section 5(2) not later than the end of a period of 12 months following the laying of the report mentioned in section 5(2) before each House of Parliament. 15

6 Review

The Secretary of State shall arrange for the carrying out of a review of the implementation and working of the provisions of this Act, to commence not later than five years after it comes into force and shall lay a report of the findings of the review before each House of Parliament. 20

7 Extent, commencement, and short title

- (1) This Act extends to England only.
- (2) This Act comes into force on the day after it receives Royal Assent.
- (3) The Act may be cited as the Local Area Referendum (Disposal of School Playing Fields) Act 2016. 25

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