

High Streets (Designation, Review and Improvement Plan) Bill

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Department for Levelling Up, Housing and Communities with the consent of Jack Brereton, the Member in Charge of the Bill, are published separately as Bill 25—EN.

High Streets (Designation, Review and Improvement Plan) Bill

[AS INTRODUCED]

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[AS INTRODUCED]

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TO

Require local authorities to designate high streets in their area; to require local authorities to undertake and publish periodic reviews of the condition of those high streets; to require local authorities to develop action plans for the improvement of the condition of those high streets; and for connected purposes.

BE IT ENACTED by the King’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 Designation of high streets

- (1) A local authority may—
 - (a) designate a street in its area as a high street for the purposes of this Act;
 - (b) vary or withdraw such a designation. 5
- (2) A local authority must exercise its powers under subsection (1) in such a way that on designation day, and at all times after it, there is at least one and no more than three streets in its area that are designated as high streets.
- (3) A street may be designated as a high street only if the local authority considers that the street is important to the local economy because of a concentration of high-street uses of premises on the street. 10
- (4) A street may not be designated as a high street if the local authority considers that its importance derives principally from goods or services purchased in the course of business.
- (5) Before designating a street in its area as a high street under this section, a local authority must consult—
 - (a) persons specified or described in regulations made by the Secretary of State, and
 - (b) such other persons (if any) as the local authority considers appropriate. 15
- (6) A local authority must, within each 5-year review period, review a designation under this section that is in force in its area. 20
- (7) A “5-year review period”, in relation to a designation, is—
 - (a) the period of 5 years beginning with the day on which the local authority made the designation, and

- (b) each successive period of 5 years.
- (8) A local authority must maintain and make available to the public a list describing, and a map showing, the designation or designations under this section that are in force in its area.
- (9) In this section “designation day” means the day after the end of the period of six months beginning with the day on which this section comes into force. 5

2 High street improvement plans

- (1) For the purposes of this section an “improvement plan”, in relation to a street, is a plan that includes—
 - (a) information about the condition of the street and its importance to the local economy, and 10
 - (b) proposals for the preservation and enhancement of the street.
- (2) *A local authority must, within the period of six months beginning with the day on which it designates a street in its area as a high street under section 1, prepare and publish a draft improvement plan for the street.* 15
- (3) The local authority must carry out a consultation on the draft improvement plan.
- (4) *The local authority must, within the period of 12 months beginning with the day on which it designated the street as a high street, prepare and publish a final version of the improvement plan.* 20
- (5) *The local authority must, within each 5-year review period—*
 - (a) *review the improvement plan, and*
 - (b) *if it considers that changes are necessary or desirable, prepare and publish a revised version of the improvement plan.*
- (6) A “5-year review period”, in relation to an improvement plan, is— 25
 - (a) the period of 5 years beginning with the day on which the local authority published a final version of the plan under subsection (4), and
 - (b) each successive period of 5 years.
- (7) A local authority must carry out a consultation as part of its review of an improvement plan under subsection (5)(a). 30
- (8) Before publishing a revised version of an improvement plan under subsection (5)(b), a local authority must carry out a consultation on a draft of it.
- (9) Where a local authority is required by this section to carry out a consultation, it must consult— 35
 - (a) persons specified or described in regulations made by the Secretary of State, and
 - (b) such other persons (if any) as the local authority considers appropriate.
- (10) The duty in subsection (5) ceases to apply on a withdrawal of the designation under section 1 of the street to which the improvement plan relates. 40

- (11) In exercising its functions under this section, a local authority must have regard to guidance issued by the Secretary of State.

3 Planning functions: duty to have regard to high street improvement plans

- (1) A local authority, when exercising a planning function that is capable of affecting a street in its area that (at the time of exercise of the function) is designated as a high street under section 1, must have regard to the improvement plan for the street. 5
- (2) A function of a local authority is a planning function if it is conferred on the authority by or under—
- (a) Part 3, 7 or 8 of the Town and Country Planning Act 1990, or 10
 - (b) Part 2 of the Planning and Compulsory Purchase Act 2004.
- (3) The Secretary of State may by regulations amend this Act so to add to the functions of a local authority that are planning functions for the purposes of this section.
- (4) The reference in subsection (1) to the improvement plan for a street is to— 15
- (a) the improvement plan for the street published under section 2(4), or
 - (b) where a revised version of the improvement plan has been published under section 2(5)(b), the most recent revised version.

4 Regulations under sections 1 to 3

- (1) The power to make regulations under sections 1 to 3 includes power to make— 20
- (a) different provision for different purposes or areas;
 - (b) transitional or saving provision.
- (2) Regulations under sections 1 to 3 are to be made by statutory instrument.
- (3) A statutory instrument containing regulations under section 1 or 2 is subject to annulment in pursuance of a resolution of either House of Parliament. 25
- (4) A statutory instrument containing regulations under section 3 may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

5 Interpretation

- (1) The following provisions apply for the purposes of this Act. 30
- (2) Each of the following is a local authority—
- (a) a district council in England,
 - (b) a county council in England for any area for which there is no district council, 35
 - (c) a London borough council,
 - (d) the Common Council of the City of London, and
 - (e) the Council of the Isles of Scilly.

- (3) Any use of premises that falls within any of the following paragraphs is a “high-street use” –
- (a) use as a shop or office;
 - (b) use for the provision of services to persons who include visiting members of the public; 5
 - (c) use as a restaurant, bar, public house, café or other establishment selling food or drink for immediate consumption;
 - (d) use for public entertainment or recreation;
 - (e) use as a communal hall or meeting-place;
 - (f) use for manufacturing or other industrial processes of a sort that can (in each case) reasonably be carried on in proximity to, and compatibly with, the preceding uses. 10
- (4) “Premises” means –
- (a) the whole of a building that is designed or adapted to be used as a whole, or 15
 - (b) any part of a building that –
 - (i) is designed or adapted to be used separately from the other parts, or
 - (ii) could with reasonable adaptation be so used.
- (5) Premises are situated on a street if the building comprising or containing the premises – 20
- (a) directly adjoins the street, or
 - (b) is separated from the street only by the curtilage of the building.
- (6) “Street” means a street, within the meaning given by section 48(1) of the New Roads and Street Works Act 1991, to which the public have access on foot (whether by right or permission); and includes any part of a street. 25

6 Extent, commencement and short title

- (1) This Act extends to England and Wales only.
- (2) Sections 4 and 5 and this section come into force on the day on which this Act is passed. 30
- (3) Sections 1 to 3 come into force on such day as the Secretary of State may by regulations appoint.
- (4) Different days may be appointed for different purposes or areas.
- (5) Regulations under this section are to be made by statutory instrument.
- (6) This Act may be cited as the High Streets (Designation, Review and Improvement Plan) Act 2024. 35

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