

Sustainable Communities Bill

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Schedule – Indicators

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B I L L

TO

Make provision for local authorities to submit plans to the Secretary of State in connection with promoting the sustainability of local communities; to provide for parish councils and other persons to participate in the formulation of such plans; to provide for the Secretary of State to assist local authorities in promoting sustainable communities; to specify the indicators by which the sustainability of local communities may be measured; 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 Sustainability of local communities

(1) The principal aim of this Act is to promote the sustainability of local communities.

(2) In this Act,

“sustainability of local communities” may be promoted by—

- (a) protecting or reviving local economic activity, including shops and other commercial concerns, services, employment and locally-based industry; 5
- (b) protecting the local environment;
- (c) decreasing the number of households affected by social exclusion and poverty; and 10
- (d) increasing participation in civic and political activity.

2 Duty of Secretary of State to assist principal councils in promoting the sustainability of local communities

It shall be a duty of the Secretary of State to assist principal councils in promoting the sustainability of local communities in the ways specified in this Act and in accordance with the indicators specified—

- (a) by this Act, and 15
- (b) by a principal council pursuant to section 3 below.

3 Reports from principal councils on sustainability of local communities

- (1) The Secretary of State shall, within six months of the passing of this Act, invite each principal council to submit to him a report indicating the ways in which they believe he can help promote the sustainability of local communities, taking account of – 5
- (a) the indicators in the Schedule, and
 - (b) any other indicators that in the opinion of the principal council are relevant for the purposes of the Act
- and any such report may include objectives and targets relating to any or all of the indicators, as the principal council sees fit. 10
- (2) A report submitted under this section may also suggest further powers which, in the opinion of the principal council, should be given to principal councils to enable them to promote the sustainability of local communities.
- (3) Two or more principal councils may submit a joint report.
- (4) Reports submitted in accordance with this section shall be published. 15
- (5) If, following an invitation from the Secretary of State, a principal council does not submit a report under this section it shall publish its reasons for not doing so.

4 Participation and guidance relating to reports by principal councils

- (1) Before submitting a report under section 3 (“the report”) a principal council shall – 20
- (a) take into account any guidance issued pursuant to subsection (7) below;
 - (b) take reasonable steps to obtain the views of any parish councils in its area on the promotion of the sustainability of local communities; 25
 - (c) take into account the contents of any plan published by a parish council (a “parish plan”); and
 - (d) take reasonable steps to obtain the views of other persons, including, in particular, persons aged 25 years and under, in its area on the promotion of the sustainability of local communities. 30
- (2) Where a parish council, or parish plan, or any other person –
- (a) suggests objectives or targets in respect of any of the indicators referred to in section 3(1), or
 - (b) suggests other indicators that, in its view are relevant for the purposes of the Act, 35
- the principal council shall, subject to subsection (4) below, include such matters in the report if it considers that both of the conditions in subsection (3) are met.
- (3) The conditions referred to in subsection (2) are –
- (a) that the suggested indicators would assist with promoting the sustainability of local communities; and 40
 - (b) that it would be reasonably practicable to use the suggested indicators in connection with promoting the sustainability of local communities.
- (4) A principal council may omit from the report a suggestion made under subsection (2) above if –

- (a) it conflicts with another suggestion which, in the opinion of the principal council, would better promote the sustainability of local communities; or
- (b) in the opinion of the principal council the cost of including the suggestion would be disproportionate to the benefit the principal council considers would be likely to arise from inclusion in the report in terms of promoting the sustainability of local communities. 5
- (5) A principal council shall publish its reasons for not including a suggestion in the report under subsection (4) above.
- (6) A principal council may in the report – 10
- (a) include a suggested programme for action, indicating the elements of that programme which it considers to be most important in terms of promoting the sustainability of local communities; and
- (b) indicate its opinion of the level of support in its area, or any relevant parts of its area, for any elements of the report and the suggested programme for action. 15
- (7) The Secretary of State shall publish guidance to assist principal councils in carrying out their functions under this section.
- 5 Plan published by Secretary of State**
- (1) Within two years of the passing of this Act, the Secretary of State shall publish a plan (“the plan”) which shall specify the ways in which he proposes to discharge his duty pursuant to section 2 above in that year and shall include a programme of action for subsequent years. 20
- (2) The plan shall include any objectives or targets specified by each principal council, unless, in the opinion of the Secretary of State, any such objective or target would – 25
- (a) significantly conflict with government policy in respect of conditions specified under subsection (3),
- (b) significantly conflict with an objective or target included in the plan which was proposed by another principal council, or 30
- (c) be likely to entail disproportionate cost in comparison to the benefit the Secretary of State considers would be likely to arise from including the objective or target in the plan in terms of promoting the sustainability of local communities.
- (3) The conditions referred to in subsection (2)(a) are that government policy must relate to matters where a decision by the Secretary of State is necessary in order to achieve a national objective specified in subsection (4). 35
- (4) The Secretary of State shall –
- (a) indicate national objectives in accordance with subsection (3), and
- (b) publish his reasons for not including in his plan any objective or target specified by a principal council. 40
- (5) The plan may –
- (a) make different provision for different parts of the country, different principal councils, or different types of principal council,
- (b) make proposals about new powers which may be given to principal councils, or 45

- (c) include enabling action by the Secretary of State to support or enable action by local authorities or any other person.
- (6) The plan shall specify the action to be taken by the Secretary of State to promote the sustainability of local communities.
- (7) The Secretary of State shall lay the plan before each House of Parliament. 5
- (8) It shall be the duty of the Secretary of State to make a motion for a resolution approving the plan in the House of Commons.
- (9) It shall be the duty of a Minister of the Crown to make a motion for a resolution approving the plan in the House of Lords.
- (10) Subject to section 6 it shall be a duty of the Secretary of State to implement the plan. 10

6 Right of principal councils to challenge plan

- (1) Subject to subsection (3) below, if a majority of principal councils in a region have submitted to the Secretary of State their reasons for opposing the implementation of the plan, or a specific element or elements of the plan, in that region, then the Secretary of State shall not implement the plan, or the specified element or elements of it, in that region. 15
- (2) The principal councils submitting reasons to the Secretary of State under subsection (1) above shall publish those reasons.
- (3) If, in the opinion of the Secretary of State, the majority of those on the electoral register in a region do not support any action by a majority of principal councils in that region under subsection (1), then that subsection shall not apply. 20
- (4) The Secretary of State shall publish his reasons for any decision taken under subsection (3). 25

7 Implementation of plan by principal councils

A principal council may take such steps as it deems necessary to assist the Secretary of State to implement the plan under section 5, including by –

- (a) implementing measures specified in the plan where it has the power to do so; and 30
- (b) so far as is reasonably practicable, assisting with the attainment of any objectives or the achievement of any targets specified in the plan.

8 Annual report on the implementation of the plan and revisions to the plan

- (1) The Secretary of State shall, one year after the publication of the plan, and annually thereafter, lay before each House of Parliament a report on progress in implementing the plan, the outcomes arising from implementation, and any revisions to the plan he proposes to make. 35
- (2) Revisions proposed under subsection (1) must be based on a report submitted to the Secretary of State under section 3.
- (3) It shall be the duty of the Secretary of State to make a motion for a resolution approving in the House of Commons every report before Parliament under subsection (1). 40

- (4) It shall be the duty of a Minister of the Crown to make a motion for a resolution approving in the House of Lords every report before Parliament under subsection (1).

9 Wales

- In its application to Wales, this Act shall have effect with these modifications— 5
- (a) for each reference to the Secretary of State there shall be substituted a reference to the National Assembly for Wales; and
- (b) sections 5(7), (8) and (9) and 8(3) and (4) shall be omitted.
- (c) In section 8(1) for the words “lay before each House of Parliament” are substituted the word “publish”. 10

10 Northern Ireland

- (1) The Secretary of State shall extend the provisions of this Act to Northern Ireland, with such modifications as he considers appropriate, by Order in Council, in accordance with the Schedule to the Northern Ireland Act 2000 (c. 1). 15
- (2) This section shall not apply after the restoration of devolved government under the Northern Ireland Act 2006 (c. 17).

11 Interpretation

- (1) In this Act—
- “poverty” means “living on a lower income” as defined by section 1 of the Warm Homes and Energy Conservation Act 2000 (c. 31); 20
- “principal council” has the meaning as given in section 270 of the Local Government Act 1972 (c. 70);
- “region” means a region specified in Schedule 1 of the Regional Development Agencies Act 1998 (c. 45); and 25
- “social exclusion” has the meaning prescribed by the Secretary of State by order made by statutory instrument.
- (2) An order made under this section shall be laid before Parliament after being made and is subject to annulment in pursuance of a resolution of either House of Parliament. 30

12 Expenses

- There shall be paid out of money provided by Parliament—*
- (a) *any sums to be paid by the Secretary of State for or in connection with the carrying out of his functions under this Act; and*
- (b) *any increase attributable to this Act in the sums which are payable out of money so provided under any other Act.* 35

13 Short title, commencement and extent

- (1) This Act may be cited as the Sustainable Communities Act 2006.
- (2) Subject to subsections (3) and (4) below, this Act extends to England and Wales only. 40

- (3) This Act extends to Scotland only in respect of matters which are reserved in accordance with Schedule 5 of the Scotland Act 1998 (c. 46).
- (4) Section 10 of this Act extends to Northern Ireland and the remainder of the Act extends to Northern Ireland only in respect of matters which are reserved in accordance with Schedule 3 of the Northern Ireland Act 1998 (c. 47). 5
- (5) Save for sections 3 and 4, this Act shall come into force on the day on which it is passed.
- (6) Sections 3 and 4 shall come into force on such day or days, no later than one year after the day on which this Act is passed, as the Secretary of State shall by order appoint, and different days may be appointed for different areas. 10
- (7) An order under subsection (6) may make different provision for different regions and different principal councils.

SCHEDULE

Section 2

INDICATORS

- 1 The indicators referred to in section 2 are –
- (a) the provision of local services,
 - (b) the extent to which the volume and value of goods and services that are –
 - (i) offered for sale; or
 - (ii) procured by public bodiesare grown or produced within 30 miles (or any lesser distance as may be specified by a principal council in respect of its area) of their place of sale or of the boundary of the public body,
 - (c) the rate of increase in the growth and marketing of organic forms of food production and the local food economy,
 - (d) measures to promote reasonable access by all local people to a supply of food that is adequate in terms of both amount and nutritional value,
 - (e) the number of local jobs,
 - (f) measures to conserve energy and increase the quantity of energy supplies which are produced from sustainable sources within a 30 mile radius of the region in which they are consumed,
 - (g) measures taken to reduce the level of road traffic including, but not restricted to, local public transport provision, measures to promote walking and cycling and measures to decrease the amount of product miles,
 - (h) the increase in social inclusion, including an increase in involvement in local democracy,
 - (i) measures to increase mutual aid and other community projects,
 - (j) measures designed to decrease emissions of greenhouse gases,
 - (k) measures designed to increase community health and well being, and
 - (l) planning policies which would assist with the purposes of this Act.
- 2 In this Schedule the following terms shall have the following meanings –
- “local services” includes but is not restricted to retail outlets, public houses, banks, health facilities, including hospitals and pharmacies, social housing, post offices, schools, public eating places, leisure facilities and open spaces;
 - “local food economy” means a system of producing, processing and trading primarily organic forms of food production, where the activity is largely contained in the area or region where the food was produced;
 - “local jobs” mean –
 - (a) jobs in companies or organisations that in the opinion of the Appropriate Authority will spend a significant proportion of their turnover in the locality of the place of operation; and

-
- (b) jobs which are held by people living within 30 miles of that job;
- “mutual aid” means actions or initiatives by people in the community to improve services or provisions for themselves and other persons in the community; 5
- “product miles” means the total distance produce is transported from the place of growth or production to the place of consumption;
- “social inclusion” means the opportunity for all people resident in any area to play an equal role in the economic, social and civic life of the area; 10
- “local democracy” means the ability to participate in, by means of voting at elections or otherwise, decision-making that is as local as practicable to people’s place of residence; and
- “community health and well-being” means the degree to which persons resident in an area identify with that area and receive an increased quality of life as a result of the nature and the environment of the area. 15

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