

Sustainable Communities Bill

[AS AMENDED IN PUBLIC BILL COMMITTEE]

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Schedule – Indicators

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B I L L

[AS AMENDED IN PUBLIC BILL COMMITTEE]

TO

Make provision for the Secretary of State to publish action plans in connection with promoting the sustainability of local communities and to enable local authorities and local communities to participate in the formulation and implementation of those plans; to require the Secretary of State to provide information on government spending in local authority areas to local authorities; to make provision for local authorities to make recommendations regarding local spending reports; to require the Secretary of State to publish reasons for decisions relating to local spending reports; 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 encouraging the improvement of the economic, social or environmental well-being of an area. 5
- (3) In this section “social well-being” includes participation in civic and political activity.
- (4) It shall be the duty of the Secretary of State to assist principal councils in promoting the sustainability of local communities in the ways specified in this Act. 10

2 Action plans

- (1) The Secretary of State shall, as soon as is practicable, consult all principal councils in accordance with this section –
 - (a) on the matters set out in the Schedule to this Act, which specifies matters which affect the sustainability of local communities, and 5
 - (b) on any other matters which in the opinion of the Secretary of State affect the sustainability of local communities.
- (2) Before consulting principal councils, the Secretary of State must –
 - (a) subject to paragraph (b) appoint a person to be his adviser (“the adviser”) for the purposes of this Act. 10
 - (b) request the Local Government Association to be the adviser but, if that body declines, appoint such other person or persons who must be persons who represent the interests of principal councils.
- (3) The adviser must consider the responses to the consultation pursuant to subsection (1) and draw up a list of proposals contained in those responses which in the adviser’s opinion – 15
 - (a) should be given the greatest priority, and
 - (b) have cross-party support.
- (4) The Secretary of State must, subject to subsection (5), cooperate with the adviser in drawing up an action plan to promote the sustainability of local communities which shall – 20
 - (a) be based primarily on those proposals that have been identified by the adviser as requiring the greatest priority and having cross-party support; and
 - (b) include such other recommendations made by principal councils as the Secretary of State thinks fit. 25
- (5) The Secretary of State may determine which proposals are not appropriate to be implemented immediately or at all, on the grounds that –
 - (a) the direct or indirect costs likely to be involved in their implementation, or 30
 - (b) their implementation in whole or in part is likely to conflict, to a significant extent, with a specific government objective.
- (6) The Secretary of State shall, no later than 18 months after the commencement of the consultation pursuant to subsection (1), lay the action plan before each House of Parliament for approval by each House. 35
- (7) The Secretary of State must –
 - (a) implement the action plan and for that purpose shall keep under review the progress made from time to time in the implementation of the action plan; and
 - (b) consider any opinions of the adviser on progress made. 40
- (8) The Secretary of State shall ensure that every regional office of government cooperates with principal councils and panels established under section 3(2) for the relevant region in the promotion of the sustainability of local communities.
- (9) The Secretary of State shall in each Session of Parliament beginning after the enactment of this Act lay an annual report before each House of Parliament containing the action plan, if completed, and detailing the progress made to the 45

date of the report in producing the action plan if not completed, and in implementing the recommendations contained in the action plan in pursuance of subsection (7).

3 Representations by principal councils in connection with the action plan

- (1) Before submitting recommendations under section 2(4) a principal council shall give notice of its intention to make recommendations and invite suggestions from residents in its area on measures necessary to promote the sustainability of the local community by – 5
- (a) publishing a notice on at least one occasion in a local newspaper or newspapers circulating throughout the principal council’s area, 10
 - (b) publishing a notice on its website,
 - (c) giving notice to every parish or community council within its area and any other bodies which it believes may have a relevant interest in the matters listed in the Schedule, and
 - (d) taking reasonable steps to obtain the views through panels set up in accordance with subsection (2) of residents, employers and employees in the council’s area and in particular of – 15
 - (i) young people in the area;
 - (ii) persons from ethnic minorities;
 - (iii) tenants in social housing; 20
 - (iv) persons living on lower incomes;
 - (v) persons with disabilities;
 - (vi) persons living in deprived areas; and
 - (vii) persons over 60 years of age.
- An area is deprived for the purposes of sub-paragraph (vi) if the official male adult unemployment rate exceeds 10 per cent., or if more than 20 per cent. of households have net incomes below £15,000 per year. 25
- (2) For the purposes of this Act, a principal council shall, so far as is practicable, arrange for one or more panels to be established in its area representing persons who live in its area or who work or employ workers in its area and any such panel shall, so far as is practicable include – 30
- (a) representatives of the categories of persons specified in subsection (1)(d)(i) to (vii);
 - (b) representatives of such persons or bodies as the council considers appropriate being persons or bodies of any nature who exercise functions or are engaged in activities in relation to the sustainability of local communities in the council’s area; and 35
 - (c) an equal number of male and female members.
- For the purposes of this subsection a member of a panel may represent more than one of the categories specified in subsection (1)(d). 40
- (3) A principal council shall have regard, when preparing recommendations under subsection (1) above, to any parish plan published by a parish or community council.
- (4) A principal council shall co-operate with any panel set up in its area under subsection (2) in making recommendations under section 2(4). 45

4 Local spending reports

- (1) For the purpose of assisting in promoting the sustainability of local communities, the Secretary of State must make arrangements for the production, by the Secretary of State or another person, of local spending reports. 5
- (2) A local spending report is a report on expenditure by such authorities, in such area, and over such period, as are determined in accordance with the arrangements.
- (3) The authorities may be – 10
 - (a) a principal council;
 - (b) a government department;
 - (c) any other person exercising public functions.
- (4) The area must be – 15
 - (a) one or more local authority areas;
 - (b) one or more parts of a local authority area; or
 - (c) any combination of those.
- (5) The period may be or include a future period.
- (6) The expenditure to be included in relation to any authority, area or period is to be determined in accordance with the arrangements.
- (7) A report may relate to different areas or periods for different authorities. 20
- (8) The Secretary of State may make different arrangements for different reports.
- (9) Before making arrangements under this section, the Secretary of State must consult such persons likely to be affected by the arrangements as the Secretary of State thinks appropriate.
- (10) For the purposes of subsection (9) any consultation undertaken before the commencement of that subsection is as effective as it would have been if undertaken after that commencement. 25

5 Local spending reports: rights of principal councils and representatives of local persons

- (1) After considering the information contained in a local spending report issued pursuant to section 4, a principal council may, subject to subsection (2), make recommendations to the Secretary of State as to – 30
 - (a) whether that council could decide how any part of the money specified in that report may be spent; and
 - (b) any consequential delegation of functions to the council. 35
- (2) A principal council may not make recommendations regarding any money that has been specified in the local spending report as being spent on services of a wider or national significance.
- (3) In subsection (2) “services of a wider or national significance” means services provided wholly or largely for the benefit of persons resident in areas wider than the area of the council. 40
- (4) Where a principal council proposes to make recommendations pursuant to subsection (1), it must –

- (a) refer the matter to any panels under section 3 for consideration; or
 - (b) establish such panels if they do not exist and refer the matter to them for consideration.
- (5) A principal council and any panels acting pursuant to this section shall—
- (a) exercise their functions to promote the sustainability of local communities; 5
 - (b) have regard to the council’s community strategy prepared pursuant to section 4 of the Local Government Act 2000 (c. 22);
 - (c) specify that in their opinion any recommendations are consistent with that community strategy; and 10
 - (d) give their reasons for that opinion.
- (6) Within three months of receiving recommendations made by a principal council under subsection (1), the Secretary of State shall either adopt or reject each of the recommendations, and in either case shall give reasons for his decision. 15
- (7) At least once in each calendar year the Secretary of State shall publish a report providing details of all decisions taken pursuant to subsection (6) above.

6 Interpretation

- (1) In this Act—
- “local authority” means a district council, metropolitan district council, county borough council or a London borough council; 20
 - “planning period” means the period covered by the latest comprehensive spending review;
 - “poverty” means “living on a lower income” as defined by section 1 of the Warm Homes and Energy Conservation Act 2000 (c. 31); 25
 - “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
 - “social exclusion” has the meaning prescribed by the Secretary of State by order made by statutory instrument. 30
- (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.

7 Expenses 35

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. 40

8 Short title, commencement and extent

- (1) This Act may be cited as the Sustainable Communities Act 2007.
- (2) This Act extends to England and Wales only.

- (3) This Act shall come into force on the day on which it is passed.

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 bodiesand are 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,
 - (l) planning policies which would assist with the purposes of this Act, including new arrangements for the provision of affordable housing, and
 - (m) measures to increase the use of local waste materials for the benefit of the community.
- 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, legal services, 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; 5
- “mutual aid” means actions or initiatives by people in the community to improve services or provisions for themselves and other persons in the community;
- “product miles” means the total distance produce is transported from the place of growth or production to the place of consumption; 10
- “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;
- “local democracy” means the ability to participate, by means of voting at elections or otherwise, in decision-making that is as local as practicable to people’s place of residence; and 15
- “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. 20

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