

Local Communities Sustainability Bill

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Schedule – Indicators

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Require the drawing up and implementation of a strategy to promote sustainability among local communities; to make provision for the inclusion of targets and indicators in the strategy; to make provision for councils to implement the strategy in their area; to make provision in respect of the powers of electors in relation to the implementation of the strategy; 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 Duty of the Appropriate Authority to promote local sustainability

- (1) It shall be the duty of the Appropriate Authority to promote the sustainability of local communities.
- (2) In this Act the sustainability of local communities shall be measured by the indicators listed in the Schedule. 5

2 Local Community and Sustainability Strategy

- (1) The Appropriate Authority shall, within one year of the passing of this Act, prepare a draft Local Community and Sustainability Strategy (“the draft strategy”) which shall set out those measures that in its opinion are required to increase the sustainability of local communities and that it proposes to take to achieve this objective. 10
- (2) In preparing the draft strategy the Appropriate Authority shall consult –
 - (a) all local authorities in the area in respect of which it is the Appropriate Authority;
 - (b) such other public bodies that in its opinion might help with the preparation of the strategy; 15
 - (c) such representatives of local communities as are practicable; and
 - (d) in London, the Assembly.

- (3) The Appropriate Authority shall within two years of publication of the draft strategy, after consulting those bodies and persons specified in subsection (2) –
- (a) in England, lay before Parliament in draft for approval by both Houses; or 5
 - (b) in Wales, lay before the National Assembly for Wales in draft for approval; or
 - (c) in London, publish,
- a Final Local Community and Sustainability Strategy (“the final strategy”) which sets out the measures the Appropriate Authority proposes to take to increase the sustainability of local communities. 10

3 Principal councils

- (1) Before publishing the draft strategy or final strategy the Appropriate Authority shall request every principal council to submit to it a written report which sets out – 15
- (a) measures;
 - (b) targets in relation to indicators set for its area; and
 - (c) any new indicators for its area, or more generally,
- which in the principal council’s opinion should be included in the strategy.
- (2) A report under this section may set out what further powers, in the opinion of the principal council making the report, should be given to principal councils – 20
- (a) to enable them to increase the sustainability of local communities; and
 - (b) to help them achieve any of the targets in the strategy.
- (3) A report under this section shall be available for inspection and copying by members of the public at all reasonable hours. 25
- (4) Where a principal council declines to submit a report under this section it shall state in writing the reason for so declining, and that statement of reasons shall be available for inspection and copying by members of the public at all reasonable hours. 30
- (5) In responding to a request under subsection (1) two or more principal councils may submit a joint report.

4 Targets and implementation

- (1) In the final strategy – 35
- (a) there shall be indicated such measures and targets as the Appropriate Authority considers are desirable and practicable to increase the sustainability of local communities according to the indicators listed in the Schedule, or included pursuant to section 3 above; and
 - (b) different targets may be set for different areas or regions.
- (2) The final strategy shall contain any local targets or new indicators (whether general or local) proposed by principal councils, unless in the opinion of the Appropriate Authority it is impracticable or undesirable to do so, and in any such case the Appropriate Authority shall state its reasons for not including any such targets or new indicators. 40

- (3) Subject to the following subsections and to section 5 below, it shall be the duty of the Appropriate Authority to implement the final strategy and achieve as far as is reasonably practicable the targets specified in the strategy.
- (4) Subject to subsection (5) below the Appropriate Authority, or the Secretary of State in respect of the provisions of section 5(2), shall not implement any measures or seek to achieve any targets in any region if a majority of principal councils in that region have stated in writing their opposition to those measures or targets and in any such case any such statement by a principal council shall be available for inspection and copying by members of the public at all reasonable hours.
- (5) Subsection (4) shall not apply if in the opinion of the Appropriate Authority, or the Secretary of State in respect of the provisions of section 5(2) –
- (a) any opposition to any measures or targets by principal councils does not have the support of the majority of electors in the region; or
 - (b) paragraph (a) applies in as many principal councils in a region as would deprive those councils in that region of a majority under subsection (4) above,
- and in such cases the Appropriate Authority shall publish its reasons for reaching that opinion.
- (6) A principal council –
- (a) shall take such steps as it deems appropriate to –
 - (i) implement any measures that are within its power; and
 - (ii) assist with the achievement, as far as is reasonably practicable, of any targets
 which have been suggested by it in its report laid under section 3 and which are contained in the final strategy;
 - (b) may resolve to implement the strategy as regards its area and set targets which it will seek to achieve; and
 - (c) shall publish a statement of the reasons for any decision taken pursuant to this subsection and, for the avoidance of doubt, it is hereby stated that this paragraph shall apply if the council declines to –
 - (i) take any action regarding measures to which paragraph (a) above applies; or
 - (ii) pass a resolution pursuant to paragraph (b) above.
- (7) Where a principal council resolves to implement the strategy in accordance with the provisions of subsection (6)(b), it shall be the duty of the council to take steps to achieve those targets as far as is reasonably practicable.

5 Wales and Greater London

- (1) In Wales and Greater London the duty of the Appropriate Authority to implement measures and achieve targets pursuant to this act shall be subject to the powers of the relevant Appropriate Authority.
- (2) As regards any measures in the final strategy for Wales and Greater London that are not within the power of the relevant Appropriate Authority, the Secretary of State shall consider implementing such measures.
- (3) If the Secretary of State declines to implement any measures to which subsection (2) refers he shall publish his reasons for declining to do so.

6 Interpretation

In this Act—

“Appropriate Authority” means—

(a) in Wales, the National Assembly for Wales;

(b) in London, the Mayor; and

(c) in England other than London, the Secretary of State;

“Local authority” and “principal council” have the same meaning as in the Local Government Act 1972 (c. 70) ;

“London” has the same meaning as Greater London in the London Government Act 1963 (c. 33); and

“Region” has the same meaning as in the Regional Development Agencies Act 1998 (c. 45).

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7 Financial provisions

There shall be paid out of money provided by Parliament—

(a) *any expenditure incurred by the Appropriate Authority in consequence of this Act;*

(b) *a reasonable allowance for any expenditure required to be incurred by a principal council in consequence of this Act; and*

(c) *any increase attributable to this Act in sums payable out of money so provided by virtue of any other Act.*

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8 Short title and extent

(1) This Act may be cited as the Local Communities Sustainability Act 2003.

(2) This Act extends to England and Wales only.

SCHEDULE

Section 1

INDICATORS

- 1 The indicators referred to in section 1(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 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) the number of local jobs,
 - (e) the quantity of energy supplies which are produced from sustainable sources within a 50 mile radius of the region in which they are consumed,
 - (f) measures taken to reduce the level of road traffic including, but not restricted to, local public transport provision and measures to decrease the amount of product miles,
 - (g) the increase in social inclusion, including an increase in involvement in local democracy,
 - (h) measures to increase mutual aid and other community projects,
 - (i) measures designed to decrease emissions of greenhouse gases, and
 - (j) measures designed to increase community health and well being.
- 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;
 - “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;
- “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 5
- “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. 10