

2012 No. 1523

LOCAL GOVERNMENT, ENGLAND

The Sustainable Communities Regulations 2012

Made - - - - *13th June 2012*

Laid before Parliament *18th June 2012*

Coming into force - - *26th July 2012*

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 5B and 5D(1) of the Sustainable Communities Act 2007(a) and after having consulted—

- (a) local authorities; and
- (b) such other persons who represent the interests of local authorities as the Secretary of State thought fit,

in accordance with section 5B(5) of that Act.

Citation, commencement and application

- 1. These Regulations—
 - (a) may be cited as the Sustainable Communities Regulations 2012;
 - (b) come into force on 26th July 2012; and
 - (c) apply in relation to England only.

Interpretation

- 2. In these Regulations—
 - “the Act” means the Sustainable Communities Act 2007;
 - “interested local persons” in relation to a local authority’s proposal means persons living, working or studying in the authority’s area who have an interest in the subject matter of a proposal;
 - “proposal” means a proposal made by a local authority in response to an invitation by the Secretary of State under section 5A(b) (subsequent invitations) of the Act; and
 - “publish” means publish on a publicly accessible website.

Local authorities: mandatory steps before making proposals

- 3. Before making a proposal, a local authority must—

(a) 2007 c. 23. Section 5B was inserted by section 2 of the Sustainable Communities Act 2007 (Amendment) Act 2010 (c. 21).
(b) Section 5A was inserted by section 2 of the Sustainable Communities Act 2007 (Amendment) Act 2010.

- (a) consult and try to reach agreement about the proposal with persons who in the opinion of the authority are representatives of interested local persons; and
- (b) have regard to guidance issued by the Secretary of State.

Duties of the Secretary of State in response to a proposal

4. In response to a proposal, the Secretary of State must—
- (a) consider the proposal and decide whether to implement it, in whole or in part;
 - (b) publish—
 - (i) the decision in relation to the proposal, giving reasons; and
 - (ii) the action that is to be taken, if the proposal is implemented, in whole or in part.
 - (iii) an update in relation to implementation if that action has not been completed within one year from the date the proposal was submitted by the local authority.

Role of the selector

- 5.—(1) The Secretary of State must appoint a person (the “selector”).
- (2) The selector must be a person who represents the interests of local authorities.
- (3) A local authority whose proposal has been rejected, in whole or in part, by the Secretary of State may submit that proposal to the selector.
- (4) The role of the selector is to—
- (a) consider a proposal, or part of a proposal, submitted to it under paragraph (3);
 - (b) in considering whether or not to submit a proposal under sub-paragraph (c), or part of a proposal, to take into account the views of the advisory panel, consisting of such other persons who represent the interests of local authorities or interested local persons as the selector thinks fit;
 - (c) submit that proposal, or part of a proposal, to the Secretary of State for reconsideration if, in its opinion, it would—
 - (i) promote the sustainability of local communities; and
 - (ii) could and should be taken forward by the Secretary of State;
 - (d) at that same time as the proposal or part of a proposal is submitted under sub-paragraph (c), submit its reasons for holding that opinion.

Duties of the Secretary of State in response to a resubmitted proposal

6. After receiving a submission with reasons from the selector under regulation 5(4)(c) and (d) the Secretary of State must—
- (a) publish the submission of the selector with its reasons;
 - (b) consult and try to reach agreement with the selector before making a decision as to whether or not to implement the submitted proposal, in whole or in part;
 - (c) publish the decision of the Secretary of State as to whether or not the submitted proposal is to be implemented, in whole or in part, giving reasons; and
 - (d) where the proposal is to be implemented, in whole or in part, publish—
 - (i) the action that is to be taken; and
 - (ii) an update in relation to implementation if that action has not been completed within one year from the date the proposal was submitted by the selector.

Signed by authority of the Secretary of State for Communities and Local Government

Greg Clark
Minister of State

13th June 2012

Department for Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations govern the process for dealing with proposals submitted by local authorities in response to an invitation issued by the Secretary of State under section 5A (subsequent invitations) of the Sustainable Communities Act 2007 (“the Act”). Proposals must be ones which authorities consider would contribute to promoting the sustainability of local communities, as defined in the Act.

Regulation 2 contains definitions for the purposes of the Regulations. In particular, a requirement to “publish” means a requirement to publish on a publicly accessible website.

Regulation 3 requires local authorities, before making a proposal, to consult and try to reach agreement about the proposal with representatives of interested local persons, and to have regard to guidance issued by the Secretary of State.

Regulation 4 requires the Secretary of State to consider each proposal, and to publish the decision, giving reasons, and the action to be taken if the proposal is to be implemented. If the action is not completed within a year of the submission by the local authority, an update about implementation must be published by the Secretary of State.

Regulation 5 sets out the appointment and role of the selector by the Secretary of State. Local authorities whose proposals have been rejected by the Secretary of State may submit their proposals to the selector, who must decide whether to submit them to the Secretary of State for reconsideration, giving reasons. The selector shall appoint an advisory panel to assist it in deciding whether these proposals should be submitted for reconsideration.

Regulation 6 requires the Secretary of State to publish proposals resubmitted by the selector with its reasons. The Secretary of State must then consult and try to reach agreement with the selector, before publishing the subsequent decision and giving reasons. The Secretary of State must specify the action to be taken if the proposal is to be implemented. If the action is not completed within a year of the submission by the selector, an update about implementation must be published by the Secretary of State.

An impact assessment has not been produced for this instrument as no impact on business or the private or voluntary sectors is foreseen.

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