

Local Services and Facilities Bill

A Bill to require government departments and public bodies to take certain steps and involve certain persons when they propose to end the provision of local services and facilities; to require companies that own public houses to take steps to enable direct delivery of beers to them; to require local planning authorities to take into consideration schemes for the retention of services or facilities before granting change of use applications; and for connected purposes.

1 Public Services

(1) This section applies where a government department or other public body proposes to

- (a)** close an office or other building delivering a public service ('closure') or
- (b)** terminate the provision of a public service from any office or other building ('termination').

(2) Before taking the final decision the Department shall

- (a)** assess the social exclusion and environmental and effects of that decision
- (b)** publish that assessment
- (c)** take reasonable steps to inform persons who may be affected by the decisions or the assessment and in particular any
 - i** parish or community council whose residents may be affected
 - ii** residents or community based association whose members may be affected
 - iii** trade union branch whose members may be affected.
 - iv** Local businesses that may be affected
 - v** Organisations representing local businesses that may be affected.
- (d)** consider any representations made by all such persons and any other persons.

(3) If

- (a)** that assessment indicates that there would be significant adverse effects in at least two of the criteria specified in section 2(a) above or representations made pursuant to section (2) above have produced substantial new evidence of adverse effects; and
- (b)** there have been a significant number of objections to the closure or termination in representations from persons specified in section 2(c) above

then the closure or termination shall not proceed unless the relevant body takes reasonable steps to ameliorate those effects.

(4) In this section

'environmental effects' includes effects relating to the emissions of carbon dioxide and other air pollutants; effects on the volume of road traffic; effects in relation to noise pollution; and general effects on the countryside.

'social exclusion effects' includes effects on old people, single parents, children, people on low incomes, people with disabilities and ethnic minorities

'public services' means any provision by or on behalf of a government department or other public body

'other public body' means any body established by statute

Importance for our local sustainability campaign

Where a government department or other public body intends to close a local office offering public services, or to end the provision of a service from an office the Bill says that they must assess the local community impacts (ethnic, environmental and social) of the proposed closure.

They will then have to inform all those affected (parish and community councils, residents and community associations, businesses and trade union branches) and consider any representations made by them before taking the final decision about the closure.

Thus those bodies (and their members) gain the right to be given information; the right to make representations and the right to have them considered properly before the decision is taken.

(3) gives those bodies real power to challenge assessments and ensure that reasonable steps are taken to ameliorate the adverse effects of closure on local communities.

If the social or environmental affects are shown to be large (i.e. damaging to local communities), this would make it far more difficult for a government department or other public body to close the office or end a service without taking steps to protect local communities - **that** is the legitimate relevance of this to this campaign: **the protection of sustainable local communities.** Indeed the very first indicator in our Sustainable Communities Bill is about just that - protecting local facilities to prevent the further spread of Ghost Town Britain.

2 Exclusive Supply Obligations

- (1) This section applies**
- (a)** to any pub company that enforces an exclusive supply obligation on their tenants or lessees; and
 - (b)** where a brewer and a public house both specify a wish for a local direct delivery

(2) The section does not apply to public houses owned by a brewery.

- (3) A pub company to which this section applies must:**
- (a)** assess the environmental effects of allowing breweries approved by that pub company to deliver direct to local public houses.
 - (b)** publish that assessment
 - (c)** take reasonable steps to inform persons who may be affected by the decisions of that assessment and in particular any parish or community council whose residents may be affected
 - (d)** consider any representations made by all such persons or any other persons as regards the benefits of permitting breweries approved by that pub company to deliver direct to a local public house with a view to ending or amending their exclusive purchasing obligation and permitting direct delivery

- (4) In this section**
- ‘environmental effects’ includes effects relating to the emissions of carbon dioxide and other air pollutants; effects on the volume of road traffic; and effects in relation to noise pollution.
- ‘exclusive supply obligation’ means an obligation causing the purchaser to purchase the goods or services specified in the agreement only from one supplier for the purposes of a specific use or for resale.

This section tries to end the ridiculous situation whereby brewers must send their beer (usually by lorry!) to a depot which may be 100 miles away, for it then to be sent back (by lorry!) to a local public house perhaps a mile or two from the brewery. Excessive numbers of lorries and the pollution and noise caused by them have been identified by our own survey and by a survey by the National Federation of Women’s Institutes as a major concern of people everywhere.

Pub companies are required to assess the environmental benefits of allowing ‘direct delivery’; to publish that assessment and to inform residents and community organisations and parish and community councils of the assessment – and then consider any representations made by them ‘with a view to ending or amending’ the exclusive purchasing obligation and allowing direct delivery.

The aim is to put great community pressure on pub companies to allow direct delivery – in the interests of local communities and local sustainability.

3 Change of use applications

- (1)** Where a local planning authority has to consider an application for change of use of any building providing a service or facility, the authority shall, before determining that application consider any scheme proposed by a parish or community council or any other person for the retention of that service or facility.

- (2)** A local planning authority may postpone its determination of any such application if in its opinion there is a reasonable likelihood that any such postponement may allow a parish or community council or any other person to propose a viable scheme for the retention of the service or facility.

- (3)** In this section ‘service or facility’ includes but is not restricted to retail outlets, public houses, banks, health facilities including hospitals and pharmacies, social housing, post offices, schools, eating places, leisure facilities and open spaces.

This gives planning authorities a duty to consider community schemes for retention of any specified service or facility before deciding upon an application for change of use; and it gives communities the right **and opportunity** to submit such schemes by allowing a planning authority to delay its decision to give them time to do so. **Thus, for instance, where a parish or community council, or group of residents decides that the service or facility should be retained, it is given the chance to achieve this.**