

Sustainable Energy (Local Action) Bill

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TO

Promote energy efficiency; to require specified bodies to publish sustainable energy plans; to make provision for the transfer of functions to principal councils; 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 Purpose

The purpose of this Act is to facilitate involvement in action taken by the bodies specified in section 6 and citizens resident in their areas to promote sustainable energy policies in order to achieve the following objectives—

- (a) the achievement of national carbon reduction targets; 5
- (b) the security of energy supplies; and
- (c) the achievement of national fuel poverty targets.

2 Sustainable energy plans

- (1) Every specified body may, and if the condition specified in subsection (3) is satisfied must, publish a sustainable energy plan (“a plan”), specifying the body’s contribution to achieving the purpose specified in section 1. 10
- (2) Subsection (1) is subject to section 5.
- (3) The condition referred to in subsection (1) is that a petition requesting the publication of a plan, signed by—
 - (a) in the case of a principal council or a regional development agency, at least 5 per cent of the electors in the area of the council or agency; or 15
 - (b) in the case of any other body specified by the Secretary of State under section 6, such proportion of electors in that body’s area as may be specified, by order, by the Secretary of State,
 has been delivered to the council, regional development agency or other body concerned. 20

- (4) The Secretary of State must, within 12 months of the passing of this Act, make regulations about the drawing up and presenting of petitions under this section.

3 Content of sustainable energy plans

- (1) A plan must specify the steps that the body proposes to take to promote – 5
- (a) energy efficiency in buildings,
 - (b) microgeneration,
 - (c) renewable energy,
 - (d) low carbon energy,
 - (e) identification, development and utilisation of local sources of biomass, and 10
 - (f) community-scale renewable energy generation.
- (2) A plan must specify the carbon outcomes of the measures that it contains.
- (3) Any body that has published a plan must produce an annual carbon budget for the measures in the plan. 15
- (4) A plan prepared by a principal council may –
- (a) request that such new functions be conferred on the body as in the opinion of the body would enable it to make a greater contribution to achieving the purpose specified in section 1; and
 - (b) make a recommendation to the Secretary of State for a transfer of functions from one person to another. 20
- (5) A principal council may not make a recommendation for a transfer of functions pursuant to subsection (4) unless it has consulted –
- (a) the person to whose functions it relates; and
 - (b) the person to whom the body considers the functions should be transferred. 25
- (6) Within 6 months of receiving any request pursuant to subsection (4)(a) or recommendation pursuant to subsection (4)(b) the Secretary of State must –
- (a) adopt and implement, or take the necessary action to commence the process of implementation, or 30
 - (b) reject,
- the request or recommendation and in either case shall give reasons for his decision.
- (7) *Where any functions are conferred or transferred under this section, the Secretary of State shall ensure that the moneys necessary for the discharge of those functions are provided or transferred.* 35
- (8) Any body on which functions are conferred or to which functions are transferred under this section may determine how the functions are then performed.
- (9) At least once in every calendar year following the year in which this Act is passed the Secretary of State must publish a report listing all decisions taken by him pursuant to this section and containing the reasons for those decisions. 40

4 Duty to provide resources

- (1) *The Secretary of State shall provide resources for a specified body to implement measures which in his opinion –*
 - (a) *are a more efficient way of achieving the objectives set out in section (1) in that area than existing expenditure, or* 5
 - (b) *offer better value in achieving those objectives in that area than existing expenditure.*
- (2) In deciding which measures are a cost effective method of achieving his energy policy objectives the Secretary of State shall consult the specified body concerned. 10

5 Sustainable energy plans: public involvement

- (1) Before drawing up a plan a specified body must –
 - (a) consult such persons in its area as in its opinion will have an interest in the plans;
 - (b) establish a panel of representatives of local persons; 15
 - (c) consult and try to reach agreement with the panel about the content of the plan; and
 - (d) have regard to any guidance issued, or deemed to be issued, under subsection (2) or (3).
- (2) The Secretary of State must, subject to subsection (3), issue guidance to local authorities about public involvement in drawing up plans and the establishment of panels which must include guidance about the inclusion among those persons and panels of persons from under-represented groups. 20
- (3) If the Secretary of State is of the opinion that guidance issued under any other enactment satisfies the requirements of subsection (2), he may deem such guidance to be guidance issued pursuant to this Act. 25
- (4) A panel established pursuant to this section must, subject to subsection (5), include representatives of parish councils in the specified body's area.
- (5) A specified body shall select the representatives of parish councils to be members of any such panel, unless the parish council nominates or otherwise selects a member to serve on the panel within 6 months of its establishment. 30
- (6) A specified body shall have regard, when preparing its plan, to any parish plan published by a parish or community council.
- (7) A specified body may act jointly with another specified body whose functions cover all or part of its area in discharging its duty pursuant to this section. 35

6 Specified bodies

- (1) The following bodies are specified bodies under this Act –
 - (a) regional development agencies, and
 - (b) principal councils.
- (2) The Secretary of State may by order specify other bodies. 40

7 Orders and regulations

- (1) Any power to make an order or regulations under this Act is exercisable by statutory instrument.
- (2) A statutory instrument containing an order or regulations under this Act is subject to annulment in pursuance of a resolution of either House of Parliament. 5

8 Interpretation

In this Act—

- “carbon budget” shall be construed in accordance with the Climate Change Act 2008; 10
- “carbon outcome” means the impact on the net UK carbon account, construed in accordance with the Climate Change Act 2008;
- “community-scale renewable energy generation” means the generation of electricity or heat up to 5mW;
- “fuel poverty” shall be construed in accordance with section 1 of the Warm Homes and Energy Conservation Act 2000; 15
- “principal council” means a county borough council, a district council, a metropolitan district council or a London Borough Council;
- “microgeneration” has the same meaning as in section 26 of the Climate Change and Sustainable Energy Act 2006; 20
- “regional development agency” has the same meaning as in the Regional Development Agencies Act 1998;
- “under-represented groups” has the same meaning as in such regulations as may be made under the Sustainable Communities Act 2007.

9 Financial provisions 25

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.* 30

10 Short title and extent

- (1) This Act may be cited as the Sustainable Energy (Local Action) Act 2010.
- (2) This Act extends to England and Wales.

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To promote energy efficiency; to require specified bodies to publish sustainable energy plans; to make provision for the transfer of functions to principal councils; and for connected purposes.

*Presented by Alan Simpson,
supported by
Mr John Gummer, Mr Gordon Prentice,
Andrew Stunell, Mr David Amess,
Mr Andrew Dismore, David Howarth,
Mark Durkan, Andrew George,
Mr David Drew, Bob Russell
and Steve Webb.*

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