

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

12 January 2011

Report of the Chief Executive

Part 1- Public

Matters for Information

1 LOCALISM BILL

The purpose of this report is to inform Members of the publication of the Localism Bill.

1.1 Introduction

1.1.1 On 13 December 2010, the Government published the Localism Bill. This is a wide ranging set of measures that is designed to give effect to many of the commitments set out in the Coalition Agreement.

1.1.2 The Bill is divided into two volumes. The first contains the clauses setting out the measures to be enacted and the second contains the Schedules to the Bill wherein lies much of the detailed legal provisions.

1.1.3 The bill is very substantial in size, with Volume I running to 171 pages and Volume II containing a further 235 pages, making a total of 406. For this reason it is not practicable to reproduce the Bill as an annex to this report.

1.2 Content of the Bill

1.2.1 The Bill is organised into 8 Parts with a varying number of chapters in each Part.

1.2.2 I give below a brief description of each of the Parts of the Bill:-

Part 1 - Introduces a general power of competence for local authorities; abolishes the present Standard regime; introduces new provisions for Members to set the remuneration structure for senior staff; gives more flexibility for authorities to determine their governance arrangements.

Part 2 - Makes it possible for the Government to require local authorities to pay fines levied on the UK by the European Union.

- Part 3 - Introduces various measures in connection with business rates; including business rate supplements and new provisions in relation to discretionary and small business relief.
- Part 4 - Introduces new requirements for authorities to hold referendums in response to petitions; abolishes council tax capping powers but introduces requirements to hold a referendum if a council tax increase is above a rate set by the Secretary of State; gives communities the right to express an interest in providing a service or services; gives communities a right to seek to acquire community assets held privately if they are to be disposed of.
- Part 5 - Abolishes regional spatial strategies; makes changes to the LDF process; changes the way in which the Community Infrastructure Levy will operate; introduces the concept of neighbourhood planning; introduces new consultation requirements in respect of planning applications; makes changes to planning enforcement and retrospective planning application procedures; abolishes the Infrastructure Planning Commission.
- Part 6 - Makes a series of significant changes to housing legislation provisions, including allocation of housing accommodation, duties to homeless persons, tenancy strategies, introduction of flexible tenancies, abolition of Housing Revenue Account subsidy, changes to tenancy exchange provisions, transfer of functions from the Office for Tenants and Social Landlords to the Homes and Communities Agency, and the abolition of home information packs.
- Part 7 - Contains provisions relating to Mayoral Development Areas in London.
- Part 8 - Deals with general provisions and matters arising from the rest of the Bill.

1.2.3 It will be seen just how wide ranging the Bill is in terms of what it covers and, when enacted in its final form, it will undoubtedly have profound implications for all local authorities.

1.2.4 I have attached at Annex 1 a media release from the Department of Communities and Local Government that gives greater detail on many of the proposals and the rationale behind them.

- 1.2.5 Given the wide ranging nature of the proposals it is the Management Team's intention to report in more detail to the various Advisory Boards on parts of the Bill that impact upon their areas of responsibility. For example, the housing changes will go to the Strategic Housing Advisory Board and the planning changes to the Planning and Transportation Advisory Board.
- 1.2.6 The more general elements of the Bill will be reported to a future meeting of the Cabinet.

1.3 Legal Implications

- 1.3.1 As this is a Bill at this stage there are no legal implications arising, although the Council should begin to consider how it wishes to deal with matters such as the conduct of Members when the legislation is enacted.

1.4 Financial and Value for Money Considerations

- 1.4.1 None at this stage.

1.5 Risk Assessment

- 1.5.1 Fundamental changes are being proposed that will have resource and other implications for the Council. As the Bill progresses through its committee stages in Parliament it will be important that a proper risk and financial assessment is undertaken.

Background papers:

Contact: David Hughes

Nil

David Hughes
Chief Executive