

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

11 January 2012

Report of the Management Team

Part 1- Public

Executive Non Key Decisions

1 LOCALISM ACT (2011)

Summary

This report advises Members of the various strands of work being undertaken to identify the key implications for the Council arising from the Localism Act

1.1 Introduction

1.1.1 The Localism Bill received Royal Assent on 15 November 2011. The Act, applicable to England and Wales, contains a wide range of measures described under four headings:

- *“New freedoms and flexibilities for local government*
- *New rights and powers for communities and individuals*
- *Reform to make the planning system more democratic and more effective*
- *Reform to ensure that decisions about housing are taken locally”*

1.2 Implications of the Act

1.2.1 The Localism Act is broad with wide ranging aspects and associated impacts for this Authority and our communities. This paper does not aim to provide detailed consideration of the Act, and the associated detailed explanatory notes, but seeks to give Members a framework identifying key strands and a context for the considerations that may impact on this authority. Members will already be familiar with some of the measures, but not all. Management Team are currently developing a template which identifies the key elements of the Act insofar as is possible at this time. This template (Annex1) is work in progress and will be circulated in advance of the meeting.

1.2.2 Different parts of the Act come into effect at different times. In many cases, there remains a need for further detail from the Government, such as the exact rules on how different community rights will work. Parliament will also have the chance to

consider the rules and vote on them. This will affect exactly when the different parts of the Act come into force. In some areas of the Act, there is also the need for the Government to publish further secondary legislation. As such definitive implementation dates are not available.

1.2.3 Current plans suggest that the Government aims for many major measures to come into effect from April 2012. These include

- The general power of competence for local authorities
- The community right to build
- Planning reforms including changes to planning enforcement rules
- Reforms to social housing tenure and council housing finance.

1.3 Legal Implications

1.3.1 As set out above and in Annex 1

1.4 Financial and Value for Money Considerations

1.4.1 There are financial and value for money implications arising from this report. The implications associated with each of the measures will be considered as work on each measure evolves.

1.5 Risk Assessment

1.5.1 It is essential that we have a full understanding of the measures in the Act, the legislative details and the implementation dates.

1.6 Equality Impact Assessment

1.6.1 See 'Screening for equality impacts' table at end of report

1.7 Recommendations

1.7.1 It is recommended that Members endorse the approach being adopted in relation to the Localism Act.

Background papers:

contact: Julie Beilby

Nil

Julie Beilby

Central Services Director on behalf of Management Team.

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	This is a scoping report for Members' awareness.
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	This is a scoping report for Members' awareness.
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		

In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.