

**Democratic Services**

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**Your ref:**

**Our ref:**

**Date:** 8 February 2011

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**To:** The Chairperson and Clerk of each Parish and Town Council in Bath & North East Somerset and the Chairpersons of Parish Meetings

Copy to :

Group Leaders:

Cabinet Members: Councillor Terry Gazzard (Cabinet Member for Development and Major Projects), Councillor Charles Gerrish (Cabinet Member for Service Delivery), Councillor Malcolm Hanney (Cabinet Member for Resources), Councillor Vic Pritchard (Cabinet Member for Adult Social Services and Housing) and Councillor Chris Watt (Cabinet Member for Children's Services)

Chief Executive and other appropriate officers  
Press and Public

Dear Member

**Parishes Liaison Meeting: Wednesday, 16th February, 2011**

You are invited to attend a meeting of the **Parishes Liaison Meeting**, to be held on **Wednesday, 16th February, 2011 at 6.30 pm** in the **Council Chamber - Keynsham Town Hall**.

The agenda is set out overleaf.

Yours sincerely

Ann Swabey  
for Chief Executive

**If you need to access this agenda or any of the supporting reports in an alternative accessible format please contact Democratic Services or the relevant report author whose details are listed at the end of each report.**

*This Agenda and all accompanying reports are printed on recycled paper*

## NOTES:

- 1. Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact Ann Swabey who is available by telephoning Bath 01225 394416 or by calling at the Riverside Offices Keynsham (during normal office hours).
- 2. Public Speaking at Meetings:** The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. Advance notice is required not less than two full working days before the meeting (this means that for meetings held on Wednesdays notice must be received in Democratic Services by 4.30pm the previous Friday)

The public may also ask a question to which a written answer will be given. Questions must be submitted in writing to Democratic Services at least two full working days in advance of the meeting (this means that for meetings held on Wednesdays, notice must be received in Democratic Services by 4.30pm the previous Friday). If an answer cannot be prepared in time for the meeting it will be sent out within five days afterwards. Further details of the scheme can be obtained by contacting Ann Swabey as above.

- 3. Details of Decisions taken at this meeting** can be found in the minutes which will be published as soon as possible after the meeting, and also circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting Ann Swabey as above.

Appendices to reports are available for inspection as follows:-

**Public Access points** - Riverside - Keynsham, Guildhall - Bath, Hollies - Midsomer Norton, and Bath Central, Keynsham and Midsomer Norton public libraries.

**For Councillors and Officers** papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Rooms.

- 4. Attendance Register:** Members should sign the Register which will be circulated at the meeting.
- 5. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.**
- 6. Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted.

Arrangements are in place for the safe evacuation of disabled people.

**Parishes Liaison Meeting - Wednesday, 16th February, 2011**

**at 6.30 pm in the Council Chamber - Keynsham Town Hall**

**A G E N D A**

1. WELCOME AND INTRODUCTIONS

The Chair of Council, Councillor Sarah Bevan, will chair the meeting.

2. EMERGENCY EVACUATION PROCEDURE

*The Chair will draw attention to the emergency evacuation procedure as follows:*

*If the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted. Arrangements are in place for the safe evacuation of disabled people. The assembly point is on the footpath by the lawned area in front of the Town Hall.*

3. APOLOGIES FOR ABSENCE

4. URGENT BUSINESS AS AGREED BY THE CHAIR

The Chair will announce any items of urgent business accepted since the agenda was prepared

5. MINUTES OF THE PREVIOUS MEETING ON WEDNESDAY 20TH OCTOBER 2010  
(Pages 5 - 10)

To adopt the minutes of the previous meeting as an accurate record.

6. B&NES COUNCIL EMPTY PROPERTIES POLICY (Pages 11 - 16)

The Empty Property Policy is attached to the agenda. The Associate Director for Housing and Health will attend the meeting to answer questions.

7. B&NES COUNCIL'S ENVIRONMENTAL SUSTAINABILITY PROJECTS (Pages 17 - 18)

A briefing note is attached. The Corporate Sustainability Officer will attend the meeting to answer questions.

8. THE OUTCOME OF THE HIGHWAYS WINTER MAINTENANCE REVIEW (Pages 19 - 20)

The Service Manager for Highways and Parking has provided a written statement which is attached to the agenda.

9. THE TERMS OF REFERENCE OF THE B&NES TRANSPORT COMMISSION

The Strategic Director for Service Delivery will give a verbal update to the meeting on

the draft Terms of Reference.

10. THE FUTURE ORGANISATION OF B&NES COUNCIL

The Cabinet Member for Resources will give a presentation and answer questions.

11. REVIEW OF THE PARISH CHARTER

The Strategic Director for Service Delivery and the Secretary of the B&NES Local Councils Association will update the meeting on the progress with the review.

12. THE LOCALISM BILL (Pages 21 - 44)

A briefing note and a guide to the Localism Bill are attached to the agenda. The Group Manager for Partnership Delivery and the Policy and Environment Manager will attend the meeting to answer questions.

13. DRAFT CORE STRATEGY - PRELIMINARY ANALYSIS OF THE CONSULTATION RESPONSE

The Divisional Director for Planning and Transport Development and the Policy and Environment Manager will attend the meeting to answer questions.

14. DATES OF FUTURE MEETINGS

The date of the next meeting will be on Wednesday 15<sup>th</sup> June 2011.

The Committee Administrator for this meeting is Ann Swabey who can be contacted on 01225 394416.

## Bath and North East Somerset Council

### PARISHES LIAISON MEETING

#### **Minutes of the Meeting held**

Wednesday, 20th October, 2010, 6.30 pm

Councillors: Peter Edwards (Vice-Chair) (In place of Sarah Bevan), Francine Haeberling (Leader of the Council), Malcolm Hanney (Cabinet Member for Resources), Charles Gerrish (Cabinet Member for Service Delivery), Vic Pritchard (Cabinet Member for Adult Social Services and Housing), Neil Butters, Les Kew, Brian Simmons, Simon Allen and Victor Clarke

Representatives of: Batheaston, Cameley, Camerton, Chew Stoke, Claverton, Clutton, Combe Hay, Compton Dando, Corston, Dunkerton, Englishcombe, Farmborough, Farrington Gurney, Freshford, Keynsham, Marksbury, Monkton Combe, Norton Malreward, Paulton, Publow with Pensford, Saltford, South Stoke, Stanton Drew, Timsbury, Ubley, Whitchurch Town/Parish Councils

Peter Duppa-Miller (Secretary, B&NES Local Councils Group)

Also in attendance: David Trigwell (Divisional Director - Planning and Transport), Glen Chipp (Strategic Director for Service Delivery), Adrian Clarke (Transportation Planning Manager) and Paula Bromley (Principal Youth Officer)

#### **18 WELCOME AND INTRODUCTIONS**

Councillor Edwards (chair for this meeting) welcomed everyone to the meeting.

#### **19 EMERGENCY EVACUATION PROCEDURE**

The Chair drew attention to the emergency evacuation procedure.

#### **20 APOLOGIES FOR ABSENCE**

Apologies had been received from representatives of Camerton, Charlcombe and Norton Radstock Town/Parish Councils.

Apologies had also been received from Councillors Sarah Bevan, Eleanor Jackson, Douglas Deacon and Eric Potter (Chair of the Local Councils Association)

#### **21 URGENT BUSINESS AS AGREED BY THE CHAIR**

The Chair made an announcement on behalf of Councillor Sarah Bevan (Chair of Council) regarding the launch of the display of Parish and Town Council Parish Plans as part of the exhibition called Parish and Town Councils; Celebrating Excellence. The meeting was informed that the launch would be on Wednesday 27<sup>th</sup> October at 6.00pm in the Guildhall, to which representatives of all parish and town councils were invited. The plans would remain on display until May 2011.

## **22 MINUTES OF THE PREVIOUS MEETING ON WEDNESDAY JUNE 2010**

The Minutes were agreed and signed as a correct record.

## **23 BATH AND NORTH EAST SOMERSET DRAFT CORE STRATEGY AND THE ACCOMPANYING SUITE OF DEVELOPMENT PLAN DOCUMENTS AND SPDS**

David Trigwell (Divisional Director – Planning and Transport) introduced this report and informed the meeting that the Core Strategy was entering its next phase and that the draft version would be considered by full Council. Since the Regional Spatial Strategy had been cancelled, this would be the first core strategy published in response to the new government localism agenda. The strategy would be published in December and then issued for a 6 – 7 week consultation period. Mr Trigwell further informed the meeting that all resources had been diverted to completing the core strategy at present and that as a result, other policy making work had been deferred.

Emerging issues for the planning authority included the potential impact of the disposal of MOD land and also the effects of the recent Strategic Defence Review. The Site Allocation DPDs will identify in detail how sites will be developed across the district. Mr Trigwell went on to summarise the current state of the Gypsies and Travellers SPD, the World Heritage Site and its setting SPD and the Extension to the Cotswolds Area AONB, details of which are in the written report.

A representative from Freshford enquired whether there was any further news about the Community Right to Build proposals, but was informed that the department were still awaiting further information from the government.

The Chair thanked David Trigwell for his report and for the update.

## **24 REVIEW OF THE PARISH CHARTER AND UPDATE ON OUTCOMES OF ASSOCIATED WORKSHOPS**

Glen Chipp (Strategic Director, Service Delivery), gave a presentation on the progress of the review of the Parish Charter (*a copy of which is attached to these minutes*). He informed the meeting that the various workshops had been very informative and that there had been a wide spectrum of engagement. The resulting amended draft Charter would be sent to Parishes by the end of October. He asked that feedback be forwarded to the Parish Charter Working Group during November and December in the hope that a joint decision on the final draft will be taken in January 2011. Following this, It was proposed that the refined Charter would be adopted in February 2011.

Peter Duppa-Miller informed the meeting that they were seeking expressions of interest from all Parish Councils to take part in a working party on future joint

collaboration. There was the possibility that training could be provided on planning policy and also policies against which planning applications are assessed.

A representative from Clutton asked that details of the workshop outcomes be circulated to the Parishes and was informed that this information will be included in the appendices to the draft Charter.

A representative from Timsbury welcomed the revision of the Charter, but asked that all B&NES officers be informed of its existence as some seemed unaware of the agreement. Glen Chipp replied that he had briefed all senior officers within his department, but that despite his best efforts, there were areas outside his remit who might still not be familiar with the Charter.

The Chair thanked Glen Chipp and Peter Duppa-Miller for the presentation.

## **25 MANAGEMENT OF CIVIL EMERGENCIES**

Richard Look (Business Continuity and Emergency Planning Manager), gave a presentation (*a copy of which is attached to these minutes*) on the proposed responses to potential future emergencies including the impact of climate change, peak oil, demographic change and the rise of the tiger economies. He informed the meeting that it was important to rise to these challenges early and to build in resilience at all levels of community life. For some parts of society, this could mean a deep-seated cultural change. Work was underway to develop a Community Risk Register to identify and assess all the main hazards to the community. The authority already has a small network of Community Emergency Resource Advisers (CERAs) but the current arrangements are not satisfactory with poorly defined roles, responsibilities and limits to authority. It was hoped that in future their role would be enhanced as part of a general Community Resilience Strategy. As ever with these kinds of initiatives, good communication and close partnership working was the key to their success. There was already close working with Neighbourhood Watch and other established community organisations. A Community Resilience Manual will be available from December.

A representative from Corston expressed concern that there might be an overlap of responsibilities with other existing organisations and therefore potential duplication of effort. He suggested the appointment of a Resilience Champion to provide a focus for support and advice. Richard Look replied that he hoped the Community Champions would fill that role and provide signposting to services.

A representative from Combe Hay enquired about the timetable for publication of the Community Risk Register and was informed that it was currently in draft form and there was no firm timeframe as yet.

A representative from Freshford asked whether these plans were being replicated in neighbouring authorities and was informed that it was a country-wide initiative. The briefing paper was being shared with local councils in order to promote debate.

A representative from Batheaston asked whether the Parish Councils would be consulted and was informed that they would be involved and asked to collaborate.

The Chair thanked Richard Look for his presentation and requested that the Malcolm Hanney (Cabinet Member for Resources) look into the appointment of a Resilience Champion, which Cllr Hanney agreed to do.

## 26 COUNCIL YOUTH SERVICE - THE WAY FORWARD

Paula Bromley (Principal Youth Officer) introduced this report and informed the members that the Youth service was under severe financial pressures. The budget reduction proposals had been discussed with key internal stakeholders (including staff) and were about to be published for consultation with external bodies, including parish and town councils. She drew the members attention to the proposed reduced provision as laid out in the report. However, more positively, Southside Youth Hub had received a £2.2m grant from the government and would be developed into a first-class facility. There was also funding for a mobile service which would be taken out to rural areas. Paula Bromley acknowledged the important role of the voluntary sector and informed the meeting that a development worker was to be appointed to work with that sector – the focus would be on vulnerable young people and those in rural areas. A public consultation would start in late October, the outcome of which would identify which parts of the youth service the public wished to prioritise.

A representative from Batheaston commented that the Parish Council had not yet heard anything about this consultation and were concerned that the final decisions about the service had already been made. Paula Bromley replied that no final decisions had been made and that she had been in discussion with the Parish clerk and the local management committee about other potential funding streams. The representative expressed further concern about inaccuracies in the youth service newsletter and that the provision in rural areas was being sacrificed to keep Bath groups going. Malcolm Hanney (Cabinet Member for Resources) commented that the cuts in the youth service had already been signalled in the previous budget and so it was widely acknowledged that it was impossible for the service to continue in its present form. The entire council budget had to be cut by 28% over the next four years, so prioritisation was vital. He acknowledged that there would be inequity in certain areas but that it was necessary to develop a youth service that was viable across the whole authority.

Peter Duppa-Miller commented that he understood the need for a targeted budget, but he was concerned that help was being focussed on the more populous areas to the detriment of the smaller rural communities which were isolated through lack of reliable public transport. Paula Bromley acknowledged that it was more difficult to deliver services to some parts of the rural areas, but it was hoped to take the mobile service out to them and also make use of detached youth workers.

A representative from Clutton enquired whether B&NES Council could help their village youth club with a grant towards the cost of a lease. Paula Bromley and Malcolm Hanney agreed to look into the request.

A representative from Keynsham commented that the youth service in the town was in the position of having a building but no staff. Despite having recognised pockets of social deprivation, there was nowhere for young people to go. Paula Bromley replied that the needs in Keynsham were recognised and that the youth clubs were well used. It was intended to approach Cadburys and other local companies for additional funding to secure future youth activities in the town.



The Chair thanked Paula Bromley for attending and for her contribution.

## **27 CONCLUSIONS AND RECOMMENDATIONS OF THE A AND B ROAD SPEED LIMITS REVIEW**

Adrian Clarke (Transportation Planning Manager) introduced the report and explained that the speed limit recommendations are required of the local authority following government guidance. The aim is to ensure consistency and not to have sudden significant changes of speed limit on through routes. The recommendations are aimed at delivering accident and casualty savings, improved journey times and reduced emissions. The next step is a more detailed consultation with the Parish and Town Councils.

A representative from Combe Hay asked whether the consultation would be with individual Parish Councils, or clusters or as a whole. He commented that individual consultation would be the most effective. Adrian Clarke replied that they would be using a route-based approach on the 15 main routes, which was considered to be the most effective.

A representative from Corston asked for support from the department for the extension of the 30mph limit on the A4 between the Globe roundabout and Saltford Hill. There was concern about the safety of people having to cross a fast stretch of road to get to the bus stop. At present the recommendation was to reduce the limit to 50mph.

A representative from Dunkerton asked when the consultation would take place and whether it would also be combined with addressing specific local problems in some parishes. Adrian Clarke confirmed that it would make sense to co-ordinate the speed limit scheme with other local projects to reduce costs.

Vic Pritchard (Cabinet member for Adult Services and Housing) commented that, as the average speed in many areas was below the recommended speed limit, what was the point of going to the expense of changing the signage. Adrian Clarke replied that they would take that factor into account when looking at the priorities, but that there was a clear correlation between reducing speed and the casualty rate which delivered road safety benefits. He stated that new limits would not be imposed if the villages were happy with the current speed limit.

A representative from Claverton commented that the A36 was omitted from the report and that the Parish Council had been trying to get a speed limit through the village for many years. Charles Gerrish added that he supported the campaign and had been in talks with the Highways Agency

The Chair thanked Adrian Clarke for attending and for his contribution.

## **28 THE OUTCOME OF THE HIGHWAYS WINTER MAINTENANCE REVIEW**

A late briefing report from Kelvin Packer (Service manager - Highway Maintenance) was presented at the meeting and the main issues were summarised by Peter Duppa-Miller.

A representative of Keynsham asked whether the Council was well-stocked for grit to cope with the coming winter. Charles Gerrish replied that the store at Clutton was at

maximum capacity and that they had emergency stocks elsewhere amounting to 15 days' supply. The final report arising out of the review would be available soon.

**29 PLANNING AND TRANSPORT DEVELOPMENT SERVICE - ORGANISATION DIAGRAM**

The diagram had been circulated to all parishes.

**30 DATES OF FUTURE MEETINGS**

The Chair advised Members that the next meeting would be on 16<sup>th</sup> February 2011.

The Chair concluded the meeting and thanked everyone for their attendance and contributions.

The meeting ended at 8.00 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

## Empty Property Policy

### 1. Introduction

This policy sets out how Housing Services will work to bring empty properties back into use. This policy contributes to the Housing and Wellbeing Strategy.

Bringing Empty Properties back into use can achieve a number of benefits including:

- Helping to meet local housing demand;
- Reducing the need for new developments
- Reducing the crime & vandalism which empty properties often attract
- Reducing problems to neighbouring properties which poorly maintained empty properties can sometimes cause
- Improve & regenerate localities

Housing Services will

- Use the following twin track approach to bring empty properties back into use:
  1. Provide advice, assistance and incentives to all owners to help them bring empty properties back into use; and
  2. Prioritise properties which have been empty for over 1 year as for targeted action.
- Respond to complaints about empty properties in line with this twin track approach and as detailed in section 3.3

### 2. Empty Properties in Bath and North East Somerset

This policy defines an empty property is one which has been unoccupied for six months or more and is substantially unfurnished (Housing Services use the Council Tax definition of empty property). There are approximately 500 empty properties within the area. Properties empty less than six months fall outside this policy, as do second homes.

### 3. Action on Empty Properties

#### 3.1 Properties empty less than 1 year

Based on Council Tax data over half of empty properties will be reoccupied within one year. For this reason Housing Services will not take action on properties empty less than one year. However, we will include these owners in regular mailing lists to inform owners of their options to bring the property back into use and provide advice to owners if requested. More information on this is detailed below in the section – “Informal advice, assistance and incentives for owners”.

### 3.2 Properties empty over 1 year

All properties which have been empty for over 1 year will be prioritised using a points based system. Prioritisation allows resources to be used appropriately and effectively. The following criteria will be used to prioritise properties and can be seen in Appendix 1:

- Length of time empty – the longer a property is empty, the higher the priority
- Condition of property – the worse the condition, the higher the priority
- Impact of property on neighbours and local community – the bigger the impact on neighbours and community, the higher the priority

Once prioritised, Housing Services will concentrate case action on high priority properties. There are a range of options available to Housing Services to help bring the property back into use. These options fall into two broad categories.

- (1) Informal advice, assistance and incentives; and
- (2) Enforcement action to bring the property back into use.

#### Informal advice, assistance and incentives for owners

Housing Services will provide advice on a regular basis for all empty property owners to assist them to bring their property back into use. We will work with owners to provide them a tailored package of advice, assistance and incentives specific to their needs. The following list provide examples of the advice, assistance and incentives made available to owners (this list is not exhaustive)

- Information on selling the property
- Information on renting the property
- Contact list for architects, financial advisors etc who offer free consultations
- Access to free legal help scheme
- Financial incentives, where available, will be detailed in the Housing Renewal Policy.

#### Enforcement to bring the property back into use

For priority properties Housing Services will work to establish the owner of the property and then contact the owner to engage with them. Housing Services will initially offer to work with the owner to bring the property back into use.

Housing Services will then consider the use of enforcement action in the following circumstances:

- (1) The Council has made numerous attempts to engage with the owner, all reasonable offers of assistance have been made to the owner and these offers have not been acted upon; and
- (2) There is no prospect of the house being brought back into use by the owner within a reasonable time period; and

(3) There is a housing need and/or the property is causing a significant problem in the local neighbourhood: and

(4) A cost-benefit analysis demonstrates that enforcement action both financially viable and appropriate.

Enforcement action to bring the property back into use will only be taken when the above criteria is met. Enforcement action with significant financial implications will only be taken following a single member decision by the Executive Member for Adult Social Services & Housing. Should the case for enforcement action not be demonstrated then no enforcement action will be taken.

Enforcement action to bring the property back into use may include Empty Dwelling Management Orders, Compulsory Purchase Orders or other appropriate action.

### **3.3 Complaints about empty properties**

Housing Services will respond to complaints received about empty properties. Housing Services will:

- Investigate whether the property is an empty property.
- Inform the complainant whether the property is classified as empty or not.
- If the property is empty, visit the property to investigate the problem, prioritise and establish if the Council needs to take further action.
- In certain circumstances the case will be referred to another Council department such as Building Control, Planning Enforcement, or Environmental Health.
- Contact the owner to inform them a complaint has been made and to advise of any actions recommended to remedy the problem.
- Follow up actions recommended
- Contact the complainant and update as appropriate

It may be necessary for Housing Services to take action under the existing Housing Services Enforcement Policy to resolve problems associated with disrepair. These powers will only be used where Housing Services have tried to engage with the owner to persuade them to undertake works to remedy the problem and these efforts have failed.

## **5. Partnership Working**

Housing Services will work in partnership with other organisations to further the aims of this policy where appropriate and beneficial.

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## Empty Property Prioritisation Sheet

Address	Description of property

<b>Date of assessment</b>		<b>Visited</b>	Yes / No	<b>Flat over shop</b>	
<b>Officer</b>		<b>Listed</b>	Yes / No	<b>Flat</b>	
				<b>Residential</b>	

Property condition	tick	0	Description – factors to consider
Good condition/no disrepair		0	No visible signs of disrepair or neglect
Visibly neglected/minor disrepair		10	Overgrown garden/damaged fencing, blocked guttering, internal damp or condensation due to it being unheated & vacant. (i.e. individual empty flat)
Poor condition/major disrepair		20	Significant disrepair affecting neighbouring property, major refurbishment needed before habitable to amenities and/or structure
Very poor condition/derelict		40	Uninhabitable, major structural repairs required, demolition a possible option. No services (gas, water, electricity) connected. Devalued and removed from council tax register

Social impact on immediate neighbours and local neighbourhoods			
Factors to consider	tick		tick
Front and/or gardens overgrown	10	Incidents of fire/arson at property	10
Evidence/likelihood of vandalism	10	Reports of vermin (check uniform)	10
Evidence/likelihood of squatting	10	Complaints received (check uniform)	15
Rubbish or Fly tipping occurring	10	Other;	
Property Terraced/Semi-Detached	10		
Located on main road/ housing estate	10	<b>Total</b>	

To be completed in office – check council records

### No. Years Empty

<b>Check CT records</b>	Over 1 yr -	5	Over 3 yrs -	20	Over 5 yrs -	35	10 + yrs	50
<b>tick</b>	Under 3 yrs		Under 5 yrs		Under 10 yrs			

Empty Property Priority										Priority score				
P1		100 +	P2		80 - 99	P3		60 - 79	P4		40 - 59	P5		0 - 39
HIGH			MEDIUM					LOW						

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**Parishes Liaison Meeting  
Wednesday 16<sup>th</sup> February 2011**

**Sustainability Team: Updates and Opportunities**

**1. Bath Community Energy: Renewable Energy for Community Benefit**

Our Sustainable Community Strategy commits us to building a prosperous future whilst doing our part to address climate change. We now have an opportunity to do both.

Renewable energy is now a sound investment due to the “Feed-In Tariff” (FIT) that is paid for each unit of renewable electricity generated. Time is of the essence: the level of the FIT for solar PV for example will start to decrease from April 2012, reducing the potential community benefits significantly.

Many commercial companies are profiting from the FIT but ideally, profits from renewable energy could be re-invested locally to benefit our communities. For this reason, we are developing a partnership with Bath Community Energy (BCE). BCE is a registered not-for-profit community enterprise<sup>[1]</sup> founded by local people who have many years experience of renewable energy, energy efficiency and community projects.

BCE intend to deliver renewable energy projects throughout Bath and North East Somerset. They will identify locations, develop the projects and own and operate the technologies. BCE would set up a lease arrangement with the land owner to cover any nominal rent, and an agreement around the sale of electricity as appropriate. BCE would collect the Feed-in Tariff.

BCE intend to use a community investment model. Some funds will be raised through a “community share issue” where residents invest in projects, become shareholders and members of BCE and get a return on their investment. Thus residents would literally own and benefit financially from energy assets.

Most importantly, BCE will use the revenue from its renewable energy installations to establish a revolving community fund to re-invest in more local energy projects to tackle fuel poverty and climate change. The aim is to install 1.5 megawatts of renewable energy over the next few years which would generate a significant annual fund for re-investing in further projects.

Currently, BCE are developing several projects: a hydro-power scheme; solar panels on school roofs and a car park. BCE is currently looking for further sites for solar, hydro and wind turbines, since well-sited turbines have a shorter pay back time than either solar PV or hydro schemes and will generate greater community benefits as a result.

**For further information on BCE see [www.bathcommunityenergy.co.uk](http://www.bathcommunityenergy.co.uk). If you have questions about BCE, please contact Peter Capener: [pete\\_capener@blueyonder.co.uk](mailto:pete_capener@blueyonder.co.uk) or 07775781331**

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<sup>[1]</sup> IPS BENCOM : Industrial and Provident Society established for the benefit of the community, see <http://www.businesslink.gov.uk/bdotg/action/detail?itemId=1077475850&type=RESOURCES>.

If your Parish might have potential sites for any of the technologies above, we would be happy to discuss further. Please contact Sara Grimes: 01225 395418  
[sara\\_grimes@bathnes.gov.uk](mailto:sara_grimes@bathnes.gov.uk)

## **2. Local Energy Champions**

It's not too late for your Parish Council or community group to join the Local Energy Champions Scheme, and win £1000. Groups are doing a wide range of projects and receiving expert support from Community Sustainability Officer Kathy Tate. So far the following groups are participating:

- Somer Sustainability Forum
- People and Planet, University of Bath
- Transition Larkhall
- Timsbury Environment Group
- Radstock Action Group
- Energy Efficient Widcombe

The deadline for Local Energy Champions is the 13th of May. There will be a celebration event in June where the prize will be awarded to the group that has made the most progress.

## **3. Keynsham Sustainable Energy Plan**

**Are you interested in creating a Sustainable Energy Plan for your area, perhaps to augment your Parish Plan?** Transition Keynsham is being supported to undertake a Sustainable Energy Plan in association with The Converging World. An example of the Sustainable Energy Plan which the Keynsham group are working towards can be found at the link below:

[file:///S:/Policy%26Pships/Corporate%20Sustainability/4.%20TEAM%20WORKSTREAMS\\_NEW/COMMUNITY\\_ENGAGEMENT/Community%20Carbon%20Footprinting/SEP\\_Redl and.pdf](file:///S:/Policy%26Pships/Corporate%20Sustainability/4.%20TEAM%20WORKSTREAMS_NEW/COMMUNITY_ENGAGEMENT/Community%20Carbon%20Footprinting/SEP_Redl and.pdf)

## **4. Home Electricity Monitor Loan Scheme**

The Sustainability Team and the Library Service joined forces to launch the Home Electricity Monitor Loan Scheme in October 2010. They are available from Bath Central, Keynsham and Midsomer Norton Libraries and have so far proved very popular.

**For more information on Local Energy Champions, Sustainable Energy Plans or the monitor loan scheme, please contact Kathy Tate: 01225 477528**  
[Kathy\\_tate@bathnes.gov.uk](mailto:Kathy_tate@bathnes.gov.uk)

Author: Sara Grimes, 1/2/2011

## Parish Liaison Briefing Note

### Winter Maintenance Review

Parish and Town Councils were key stakeholders participating in the review. At the last Parish Liaison meeting the interim findings of the review was reported in the form of a briefing note. The progress with the review was also reported to the Council's Safer and Stronger Communities Overview and Scrutiny Panel which met on 18<sup>th</sup> November 2010.

The review has focussed on the following key issues identified by staff and stakeholders.

- ❖ Requests for more grit bins.
- ❖ Requests for additional roads to be salted
- ❖ Requests for guidance/advise on self help and snow clearance
- ❖ Managing the salt stock
- ❖ Re-deployment of staff from other services
- ❖ Supporting Emergency Services, hospitals and education
- ❖ Drivers working hours restrictions
- ❖ Communication and information
- ❖ Use of local farmers
- ❖ Winter Maintenance Manual

By the time of the Parish Liaison on 16<sup>th</sup> February all Parish and Town Councils should be in receipt of the officer's report detailing the outcome of the review.

The Council agreed to also publish a leaflet on self help giving guidance to residents and local communities on appropriate actions to assist with snow clearing etc. This leaflet is currently being printed and will be distributed as soon as it is available.

The leaflet will also be available in an electronic form on the Council's website and in the Council's reception areas. One stop shops.

Many residents, parishes and Town Councils have identified new issues since the review and have reported these to the Authority. Officers request Parish and Town Councils continue to report issues and concerns regarding Winter Maintenance operations through Council Connect in order that these can be considered.

The Council's policy on Winter Maintenance will be considered by the Council's Safer and Stronger Communities O&S Panel meeting on 24<sup>th</sup> March 2011.

**Kelvin Packer**  
**Service Manager Highways and Parking**

**8<sup>th</sup> February 2011**

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## Briefing Note for Parishes Liaison meeting, 16<sup>th</sup> February 2010 The Localism Bill

### 1 BACKGROUND

1.1 The Localism Bill was published on December 13<sup>th</sup> and received its Second Reading in the House of Commons on 17<sup>th</sup> January. The Government describes the aim of the Bill as being to “shift power from central government back into the hands of individuals, communities and councils”. To accompany the Bill the Government published a document ‘Decentralisation and the Localism Bill: an essential guide’ which may be found here:

<http://www.communities.gov.uk/documents/localgovernment/pdf/1793908.pdf>

1.2 The Guide identifies the following principles upon which the Bill is based:

- (1) Lift the burden of bureaucracy
- (2) Empower communities to do things their way
- (3) Increase local control of public finance
- (4) Diversify the supply of public services
- (5) Open up government to public scrutiny
- (6) Strengthen accountability to local people

### 2 THE BILL- SUMMARY

2.1 The bill consists of 405 pages, 208 clauses and 24 schedules. There is also an Explanatory Note which runs to 103 pages. These documents may be found in full on the following website.

<http://services.parliament.uk/bills/2010-11/localism/documents.html>

2.2 DCLG have also produced a document entitled “The Localism Bill: A Plain English Guide” which sets out the key aspects of the Bill. This has been circulated alongside this Briefing Note. The BBC have also produced an at-a-glance guide to the Localism Bill which may be found here:

<http://www.bbc.co.uk/news/uk-politics-11985408>

2.3 The Bill will introduce:

- a new **general power of competence** for Councils - the legal capacity to do anything that an individual can do that is not specifically banned by other laws
- a **specific criminal offence** relating to Councillors who deliberately withhold or misrepresent a personal interest – alongside the abolition of the Standards Board regime
- new provisions for **predetermination** to make it clear that Councillors can play an active part in local discussions (e.g. relating to planning), without risk of legal challenge

2.4 New “community rights” will also be created by the Bill, including:

- **A Community right to challenge** - groups will have the right to express an interest in taking over the running of a local service and the local authority must consider and respond to this challenge.

- **A Community right to buy assets of Community Value.** Local authorities must maintain a list of assets of community value, with communities able to nominate. Groups will be given time to develop a bid for the asset when it comes on the open market or changes use.

2.5 The Government is currently consulting on the detail of these proposals and details of this may be found at the following websites

<http://www.communities.gov.uk/publications/localgovernment/righttochallengeconsultation>

<http://www.communities.gov.uk/publications/localgovernment/righttobuyconsultation>

2.6 In addition, the Bill provides for local referendums if the local authority receives a petition signed by 5% of the electors and is a “local matter” or if a Council proposes to raise Council Tax faster than a “ceiling” rate.

2.7 There are also significant changes proposed to the planning system. These include

- Abolition of **Regional Strategies** (as previously announced)
- Any “qualifying body” (including Parish Councils) will be able to initiate a process whereby Councils prepare **Neighbourhood Plans and Neighbourhood Development Orders**. A Neighbourhood Plan must be subject to examination and a referendum and should in general conform to the Local Plan. They will therefore require local authority validation
- A new **Community Right to Build**- again, subject to referendum- is part of this neighbourhood planning package,
- Amendments to the Community Infrastructure Levy will require a portion of developer contributions to go to local communities

2.8 In addition, under the provisions of the Bill:

- The Planning Authority will have the power to decline retrospective planning applications once an enforcement order has been served.
- Applications for a planning control order can now be made up to six months after evidence of a breach is made available.
- There are revised arrangements for nationally significant infrastructure

2.9 Finally, the Bill provides for changes in social housing with a new tenure type, to be run alongside the existing “social tenancy” model. It gives Registered Social Landlords the option to charge up to 80% of “market rent” and fixed term tenancies as short as 2 years for new tenants. Tenancy term could reflect personal circumstances.

### **3 REQUEST TO PARISHES LIAISON MEETING**

3.1 The legislation is now at line-by-line in Committee Stage. It is understood that there is still considerable debate about the definition of “communities” and “neighbourhoods”. The National Association of Local Councils, gave evidence to MPs on the Bill on 27th January

3.2 Parishes Liaison is requested to identify any aspects of the Bill where it may wish to request further detail, information or update as the Bill proceeds.



## A plain English guide to the Localism Bill



## A plain English guide to the Localism Bill

January 2011  
Department for Communities and Local Government



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# Foreword

“The time has come to disperse power more widely in Britain today.”

*The Prime Minister and the Deputy Prime Minister, Coalition Agreement, May 2010*

For too long, central government has hoarded and concentrated power. Trying to improve people’s lives by imposing decisions, setting targets, and demanding inspections from Whitehall simply doesn’t work. It creates bureaucracy. It leaves no room for adaptation to reflect local circumstances or innovation to deliver services more effectively and at lower cost. And it leaves people feeling “done to” and imposed upon – the very opposite of the sense of participation and involvement on which a healthy democracy thrives.

I have long believed there is a better way of doing things. Eight years ago I wrote a book called *Total Politics* which set out the case for a huge shift in power – from central Whitehall, to local public servants, and from bureaucrats to communities and individuals.

Today, I am proud to be part of a Government putting this vision into practice. We think that the best means of strengthening society is not for central government to try and seize all the power and responsibility for itself. It is to help people and their locally elected representatives to achieve their own ambitions. This is the essence of the Big Society.

We have already begun to pass power back to where it belongs. We are cutting central targets on councils, easing the burden of inspection, and reducing red tape. We are breaking down the barriers that stop councils, local charities, social enterprises and voluntary groups getting things done for themselves.

But we can go a lot further by changing the law. The Localism Bill was published in December 2010. It sets out a series of proposals with the potential to achieve a substantial and lasting shift in power away from central government and towards local people. They include: 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, and reform to ensure that decisions about housing are taken locally.

This document summarises each of the main ideas proposed in the Bill, and explains the overall difference that they could make. I am looking forward to a great debate about them in parliament over the coming months.

I also hope to see a debate in the wider country – among councils, community groups, volunteers, social activists and many more people – about how they can seize the opportunities this historic Bill represents, and use the rights and freedoms it offers to make a difference in their community.

A handwritten signature in black ink that reads "Greg Clark". The signature is written in a cursive, slightly informal style.

**Rt Hon Greg Clark MP, Minister of State for Decentralisation**

# About this Guide

This document describes the main measures of the Localism Bill 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

The proposals described in this document are subject to parliamentary debate. They can only be put into practice when parliament agrees to them. The will be discussed at length by both the House of Commons and the House of Lords. You can read more about how a Bill becomes law on the parliament website

<http://www.parliament.uk/about/how/guides/factsheets/legislation/l1/>

Members of parliament can suggest changes to the Bill. This document describes what the Bill looked like when it was first published in December 2010: it does not reflect any changes that may be made later on.

This document is designed to give an overview only. You can read the Bill and its explanatory notes in full, and follow its progress through parliament, on the parliament website:

<http://services.parliament.uk/bills/2010-11/localism.html>

The document *Decentralisation and the Localism Bill: an essential guide* also gives further background. It explains how the principles that underpin the Localism Bill also inform other government policies:

<http://www.communities.gov.uk/decentralisationguide>

# New freedoms and flexibility for local government

Local government plays a crucial role in the life of the nation. It is directly responsible for important public services, from street lighting, to social care, to libraries and leisure centres. It makes sure that other services work together effectively for the good of the community. And with councillors elected by and accountable to local people, local government provides democratic leadership.

The Government is committed to passing new powers and freedoms to town halls. We think that power should be exercised at the lowest practical level – close to the people who are affected by decisions, rather than distant from them. Local authorities can do their job best when they have genuine freedom to respond to what local people want, not what they are told to do by central government. In challenging financial times, this freedom is more important than ever, enabling local authorities to innovate and deliver better value for taxpayers' money.

The Localism Bill contains a number of proposals to give local authorities new freedoms and flexibility.

## **General power of competence**

Local authorities' powers and responsibilities are defined by legislation. In simple terms, they can only do what the law says they can. Sometimes councils are wary of doing something new – even if they think it might be a good idea – because they are not sure whether they are allowed to in law, and are concerned about the possibility of being challenged in the courts.

The Government thinks that we need to turn this assumption upside down. Instead of being able to act only where the law says they can, local authorities should be free to do anything – provided they do not break other laws.

The Localism Bill includes a “general power of competence.” It will give local authorities the legal capacity to do anything that an individual can do that is not specifically banned by other laws: they will not, for example, be able to impose new taxes, as other laws make clear they cannot.

The new general power will give councils more freedom to work with others in new ways to drive down costs. It will give them increased confidence to do creative, innovative things to meet local people's needs. Councils have asked for this power because it will help them get on with the job.

## **Abolition of the Standards Board**

Councillors play a crucial role in local life. The people who elect them have the right to expect the highest standards of behaviour. The Government thinks it is important to have safeguards to prevent the abuse of power and misuse

of public money. Currently, all local authorities must, by law, have a standards committee to oversee the behaviour of their councillors and receive complaints. A central body, the Standards Board for England, regulates each of these committees.

In practice, however, this system of safeguards is ineffective. It is too easy for people to put forward ill-founded complaints about councillors' conduct. Lengthy debates about petty complaints or deliberately harmful accusations can undermine people's faith in local democracy and put them off standing for public office.

In the Localism Bill, the Government will abolish the Standards Board regime. Instead, it will become a criminal offence for councillors to deliberately withhold or misrepresent a personal interest. This means that councils will not be obliged to spend time and money investigating trivial complaints, while councillors involved in corruption and misconduct will face appropriately serious sanctions. This will provide a more effective safeguard against unacceptable behaviour.

### **Clarifying the rules on predetermination**

In parallel with the abolition of the Standards Board, the Government intends to use the Localism Bill to clarify the rules on "predetermination." These rules were developed to ensure that councillors came to council discussions – on, for example, planning applications – with an open mind. In practice, however, these rules have been interpreted in such a way as to reduce the quality of local debate and stifle valid discussion. In some cases councillors have been warned off doing such things as campaigning, talking with constituents, or publicly expressing views on local issues, for fear of being accused of bias or facing legal challenge.

The Localism Bill will make it clear that it is proper for councillors to play an active part in local discussions, and that they should not be liable to legal challenge as a result. This will help them better represent their constituents and enrich local democratic debate. People can elect their councillor confident in the knowledge that they will be able to act on the issues they care about and have campaigned on.

### **Directly elected mayors**

Almost every major city in the world has a powerful executive mayor. Evidence suggests that mayors can provide visible local leadership, strengthen economic growth, and boost democratic engagement. There are currently only 12 elected mayors in England. The Government thinks that a new generation of elected mayors with wide-ranging responsibilities and powers could raise the profile of English cities and strengthen local democracy.

The Localism Bill will give more cities the opportunity to decide whether they want a mayor. After the Bill has been passed, the Government intends to make the council leaders in 12 cities "shadow mayors." This will give local people an insight into what it is like to be governed by a mayor. Each city will

then hold a referendum on local Election Day in May 2012 to decide whether to have an elected mayor for the long term. For areas that vote in favour, mayoral elections will then be held at the same time as local elections in May 2013. People in other areas of the country will be able to use existing laws to call for their own referendum on whether to have an elected mayor.

### **London**

The Localism Bill will pass greater powers over housing and regeneration to local democratically elected representatives in London. It will empower the democratically elected Mayor to carry on housing investment activities currently carried out by the Homes and Communities Agency, and the economic development work done by the London Development Agency.



# New rights and powers for communities

Greater freedom and flexibilities for local government are vital for achieving the shift in power the Government wants to see. But, on their own, these measures will not be enough. Government alone does not make great places to live, people do: people who look out for their neighbours, who take pride in their street and get involved – from the retired teacher who volunteers in the village shop once a month, to the social entrepreneur who runs the nursery full time.

Until now, however, many people have found that their good ideas have been overlooked and they have little opportunity to get on and tackle problems in the way they want. Voluntary and community groups often find that their potential contribution is neglected, when, in fact, they carry out some of the most innovative and effective work in public services and we should be encouraging them to get more involved.

We want to pass significant new rights direct to communities and individuals, making it easier for them to get things done and achieve their ambitions for the place where they live.

## **Community right to challenge**

The Government thinks that innovation in public services can offer greater value for taxpayers' money and better results for local communities. The best councils are constantly on the look out for new and better ways to design and deliver services. Many recognise the potential of social enterprises and community groups to provide high-quality services at good value, and deliver services with and through them.

In some places, however, voluntary and community groups who have bright ideas find that they do not get a proper hearing. The Localism Bill will give these groups the right to express an interest in taking over the running of a local service. The local authority must consider and respond to this challenge. This will make it easier for local groups with good ideas to put them forward and drive improvement in local services.

## **Community right to bid**

Every town, village or neighbourhood is home to buildings or businesses that play a vital role in local life. They might include meeting rooms, swimming pools, village shops, markets or pubs. Local life would not be the same without them, and if they are closed or sold into private use, it can be a real loss to the community.

In many places across the country, when local amenities have been threatened with sale or closure, community groups have taken them over. In some cases, however, community groups who have attempted to take assets over have faced significant challenges. They often need more time to

organise a bid and raise money than the private enterprises bidding against them.

Proposals in the Localism Bill will require local authorities to maintain a list of assets of community value. Communities will have the opportunity to nominate for possible inclusion the assets that are most important to them. When listed assets come up for sale or change of ownership, community groups will have time to develop a bid and raise the money to buy the asset when it comes on the open market. This will help local communities keep much-loved sites in public use and part of local life.

### **Local referendums**

In many other countries around the world, communities have the right to put any local issue to a local vote. The ability to trigger a referendum can enliven local democratic debate and give people a way of making their voice heard on the issues that are close to their heart. Currently, in this country, communities can only trigger a local referendum in limited circumstances, and on a very limited range of questions. The Localism Bill will give local people the right to suggest votes on any local issue that they think is important. Local authorities and other public bodies will be required to take the outcome into account as they make their decisions.

### **Right to veto excessive Council Tax rises**

Local authorities derive a significant proportion of their revenue from Council Tax. The money raised through Council Tax is spent on supporting vital local services. But it is also important that Council Tax be set at a reasonable and affordable rate, and that it be managed very carefully to avoid waste.

Currently, central government has the power to “cap” Council Tax rises. If Ministers think that local authorities are proposing to raise taxes at a rate that goes beyond what is reasonable or affordable, they can stop them doing so. But we think that local people are in a better position than Ministers to say what is fair.

The Localism Bill will give local communities a greater say. The Secretary of State and the House of Commons will agree on a “ceiling” for Council Tax rises. If a local authority proposes to raise taxes faster than this rate, local people will have the right to approve or to veto the rise in a referendum. This means that local authorities will need to convince local voters of the case for significant rises in local taxes.

# Reform to make the planning system clearer, more democratic and more effective

The planning system helps decide who can build what, where and how. It makes sure that buildings and structures that the country needs (including homes, offices, schools, hospitals, roads, train lines, power stations, water pipes, reservoirs and more) get built in the right place and to the right standards. A good planning system is essential for the economy, environment and society.

There are, however, some significant flaws in the planning system as it stands. Planning does not give members of the public enough influence over decisions that make a big difference to their lives. Too often, power is exercised by people who are not directly affected by the decisions they are making. This means, understandably, that people often resent what they see as decisions and plans being forced on them. The result is a confrontational system where many applications end up being fought over.

The Localism Bill contains proposals to make the planning system clearer, more democratic, and more effective.

## **Abolition of regional strategies**

“Regional strategies” were first required by law in 2004. These strategies set out where new development needs to take place in each part of the country. They include housing targets for different areas, set by central government. Local communities had relatively limited opportunities to influence the strategies.

The Government thinks that this centrally-driven approach to development is bureaucratic and undemocratic. Rather than helping get new houses built, it has had the effect of making people feel put upon and less likely to welcome new development.

The Secretary of State has already written to local authorities to tell them that the Government intends to abolish regional strategies. The Localism Bill will fulfil this intention, and get rid of the law that requires regional strategies.

## **Neighbourhood planning**

Instead of local people being told what to do, the Government thinks that local communities should have genuine opportunities to influence the future of the places where they live. The Bill will introduce a new right for communities to draw up a “neighbourhood development plan.”

Neighbourhood planning will allow people to come together through a local parish council or neighbourhood forum and say where they think new houses,

businesses and shops should go – and what they should look like. These neighbourhood development plans could be very simple, or go into considerable detail where people want. Local communities would also be able to grant full or outline planning permission in areas where they most want to see new homes and businesses, making it easier and quicker for development to go ahead.

Provided a neighbourhood development plan is in line with national planning policy, with the strategic vision for the wider area set by the local authority, and with other legal requirements, local people will be able to vote on it in a referendum. If the plan is approved by a majority, then the local authority will bring it into force.

Local planning authorities will be required to provide technical advice and support as neighbourhoods draw up their plans. The Government will also fund sources of help and advice for communities. This will help people take advantage of the opportunity to exercise influence over decisions that make a big difference to their lives.

### **Community right to build**

As part of neighbourhood planning, the Bill will give groups of local people the ability to bring forward small developments. These might include new homes, businesses and shops. The benefits of the development, for example, profits made from letting the homes, will stay within the community.

### **Requirement to consult communities before submitting very large planning applications**

To further strengthen the role of local communities in planning, the Bill will introduce a new requirement for developers to consult local communities before submitting planning applications for very large developments. This will give local people a chance to comment when there is still genuine scope to make changes to proposals.

### **Strengthening enforcement rules**

For people to have a real sense that the planning system is working for them, they need to know that the rules they draw up will be respected. The Localism Bill will strengthen planning authorities' powers to tackle abuses of the planning system, such as making deliberately misleading planning applications.

### **Reforming the community infrastructure levy**

As well as being able to influence planning decisions, local people should be able to feel the benefits of new development in their neighbourhood. Local authorities are allowed to ask developers to pay a levy (charge) when they build new houses, businesses or shops. The money raised must go to support new infrastructure – such as roads and schools. This is called the community infrastructure levy.

The Localism Bill proposes changes to the levy to make it more flexible. It will allow the money raised to be spent on maintaining infrastructure, as well as

building new infrastructure. It will give local authorities greater freedom in setting the rate that developers should pay in different areas. And crucially, the Bill will give the Government the power to require that some of the money raised goes directly to the neighbourhoods where development takes place. This will help ensure that the people who say “yes” to new development feel the benefit of that decision.

### **Reform the way local plans are made**

Local planning authorities play a crucial role in local life, setting a vision, in consultation with local people, about what their area should look like in the future. The plans that local authorities draw up set out where new buildings, shops, businesses and infrastructure need to go, and what they should look like.

The Government thinks it is important to give local planning authorities greater freedom to get on with this important job without undue interference from central government. The Localism Bill will limit the discretion of planning inspectors to insert their own wording into local plans. It will also ensure that rather than focusing on reporting plans’ progress to central government, authorities focus on reporting progress to local communities.

### **Duty to cooperate**

Not all planning decisions can, or should, be made at a neighbourhood or local level. In many cases there are very strong reasons for neighbouring local authorities, or groups of authorities, to work together on planning issues in the interests of all their local residents. This might include working together on environmental issues (like flooding), public transport networks (such as trams), or major new retail parks.

In the past, regional strategies formed an unaccountable bureaucratic layer on top of local government. Instead, the Government thinks that local authorities and other public bodies should work together on planning issues in ways that reflect genuine shared interests and opportunities to make common cause. The duty will require local authorities and other public bodies to work together on planning issues.

### **Nationally significant infrastructure projects**

Some planning decisions are so important to our overall economy and society that they can only be taken at a national level. These include decisions on nationally significant infrastructure projects such as major train lines and power stations. Currently, these decisions lie in the hands of an unelected public body, called the Infrastructure Planning Commission. It is not directly accountable to the public. The Government thinks that these important decisions should be taken by Government Ministers, who are democratically accountable to the public. The Localism Bill will abolish the Infrastructure Planning Commission and restore its responsibility for taking decisions to Government Ministers. It will also ensure the National Policy Statements, which will be used to guide decisions by Ministers, can be voted on by parliament. Ministers intend to make sure that major planning decisions are

made under the new arrangements at least as quickly as under the present system.

# Reform to ensure that decisions about housing are taken locally

Social housing provides eight million people in England with a decent home at an affordable rent. It can make an immense difference to their health, happiness and quality of life, and have significant wider consequences for their families, neighbours and employers.

But the current social housing system has some fundamental flaws. The rules are too rigidly set by central government, so that councils find it hard to adapt and meet local needs. Social landlords don't have enough discretion over how they manage their housing in the best interest of their local community. And in some cases social housing rules actually trap people in difficult circumstances – making it hard to move for work, for example – with the result that the system fails the very people it is designed to help.

The Localism Bill proposes reforms that will mean more decisions about housing are taken locally, and make the system fairer and more effective.

## **Social housing tenure reform**

Currently, social landlords are normally only able to grant lifetime tenancies. Sometimes this can mean that people acquire a social home at a moment of crisis in their life, and continue to live there long after their need for it has gone. Meanwhile there are people waiting for a social home who face much more difficult circumstances. This is unfair, and represents a poor use of valuable public resources.

The Government has made clear that all current social tenants will keep their current tenancy arrangements. Anyone who has a lifetime tenancy today will keep that lifetime tenancy. However, proposals in the Localism Bill will allow for more flexible arrangements for people entering social housing in the future. Social landlords will be able to grant tenancies for a fixed length of time. The minimum length of tenancy will be two years, and there is no upper limit on the length of tenancy. Councils will continue to be able to offer lifetime tenancies if they wish. More flexible tenancies will allow social landlords to manage their social homes more effectively and fairly, and deliver better results for local communities.

## **Social housing allocations reform**

At the moment almost anyone can apply to live in social housing, whether they need it or not. As social housing is in great demand and priority is rightly given to those most in need, many applicants have no realistic prospect of ever receiving a social home. The current arrangements encourage false expectations and large waiting lists.

The Bill will give local authorities greater freedom to set their own policies about who should qualify to go on the waiting list for social housing in their area. This means that they will be able, if they wish, to prevent people who



have no need of social housing from joining the waiting list. Authorities will continue to be obliged to ensure that social homes go to the most vulnerable in society and those who need it most.

### **Reform of homelessness legislation**

People who experience a homelessness crisis need somewhere suitable to live. Councils have a duty to house people who are eligible, in priority need and unintentionally homeless and this duty will remain in place. Central government will also continue to fund support and advice to prevent homelessness and rough sleeping.

However, under the current rules, people who become homeless are able to refuse offers of accommodation in the private rented sector, and insist that they should be housed in expensive temporary accommodation until a long-term social home becomes available. This can mean that in some circumstances people in acute but short-term housing need acquire a social home for life, although they may not need one, while other people who do need a social home in the longer term are left waiting.

The Localism Bill will let local authorities meet their homelessness duty by providing good quality private rented homes. This option could provide an appropriate solution for people experiencing a homelessness crisis, at the same time as freeing up social homes for people in real need on the waiting list.

### **Reform of council housing finance**

The Localism Bill will change the way social housing is funded to pass more power to a local level. Currently, local authorities collect rent from their social tenants then send the money to central government. Central government collects all the money raised this way into a single pot. Local authorities are then paid a sum out of the pot each year for the upkeep, renovation and repair of social homes.

In the future, instead of having to send the money raised by rent to central government and wait to see each year what share they get allocated back, councils will be able to keep the rent and use it locally to maintain their social homes. This will give them a more predictable and stable basis to plan for the long term.

### **National Homeswap Scheme**

There are lots of reasons why people move house: to take up a new job, to be nearer to family members who need care, to give a young family more space to grow or to find a smaller, more manageable home in later life. Evidence suggests, however, that it is less straightforward for people who live in social housing to move than for other people. Fewer than one in 20 households move within the social housing sector each year, for example, compared to almost one in four private renters.

The Localism Bill will pave the way for a national home swap scheme. This would enable people who would like to swap their social home to access



details of all other tenants who may be a suitable match. This has the potential to enable social tenants to find a home that better meets their needs and to exercise greater control over their lives.

### **Reform of social housing regulation**

The Bill will reform the way that social housing is regulated. The Bill will provide social tenants with stronger tools to hold their landlords to account. Landlords will be expected to support tenant panels – or equivalent bodies – in order to give tenants the opportunity to carefully examine the services being offered. The Bill will also abolish the Tenant Services Authority and transfer its remaining functions to the Homes and Communities Agency.

The Bill will also change the way that complaints about social landlords are handled. Currently, there are two separate ombudsmen (the Local Government Ombudsman and the Independent Housing Ombudsman) handling social tenants' complaints about their landlord. In the future, a single watchdog (the Independent Housing Ombudsman) specialising in complaints about social housing will ensure greater consistency across the sector.

# The overall effect of the Bill

Taken together, the measures in the Bill mean:

**New freedoms and flexibilities for local government.** The Bill will:

- give local authorities everywhere the formal legal ability and greater confidence to get on with the job of responding to what local people want
- cut red tape to enable councillors everywhere to play a full and active part in local life without fear of legal challenge
- encourage a new generation of powerful leaders with the potential to raise the profile of English cities, strengthen local democracy and boost economic growth
- reform the governance of London so that more power lies in the hands of elected representatives who are democratically accountable to London's citizens

**New rights and powers for local communities.** The Bill will:

- make it easier for local people to take over the amenities they love and keep them part of local life
- ensure that local social enterprises, volunteers and community groups with a bright idea for improving local services get a chance to change how things are done
- give people a new way to voice their opinions on any local issue close to their heart
- enable local residents to call local authorities to account for the careful management of taxpayers' money

**Reform to make the planning system clearer, more democratic and more effective.** The Bill will:

- place significantly more influence in the hands of local people over issues that make a big difference to their lives
- provide appropriate support and recognition to communities who welcome new development
- reduce red tape, making it easier for authorities to get on with the job of working with local people to draw up a vision for their area's future
- reinforce the democratic nature of the planning system – passing power from bodies not directly answerable to the public, to democratically accountable Ministers

**Reform to ensure that decisions about housing are taken locally.** The Bill will:

- enable local authorities to make their own decisions to adapt housing provision to local needs, and make the system fairer and more effective
- give local authorities more control over the funding of social housing, helping them to plan for the long term
- give people who live in social housing new ways of holding their landlords to account, and make it easier for them to move

This is, in sum, a Bill with the potential to effect a significant change in national life, passing power to a local level, creating space for local authorities to lead and innovate, and giving people the opportunity to take control of decisions that matter to them.

The Government has already begun consultation on how it might use some of the powers and provisions contained in the Bill – so that when the Bill is approved by parliament, it will be possible to make the most of the opportunity it presents to achieve widespread, swift and lasting change.

Together with other, wider Government reforms, putting the Bill into practice will represent a major milestone towards the transfer of power and control set out in the coalition agreement.

You can find updates about various consultations about the use of the powers in the Localism Bill, and about the Department for Communities and Local Government's wider work on the Department's website:

<http://www.communities.gov.uk/corporate/whatsnew>

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