

Briefing Note for Parishes Liaison meeting, 16th February 2010

The Localism Bill

1 BACKGROUND

1.1 The Localism Bill was published on December 13th and received its Second Reading in the House of Commons on 17th 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.