

Agenda Item No: **Report No:**

Report Title: **Localism Act 2011 – Opportunities for Towns and Parishes**

Report To: **Scrutiny Committee** **Date:** **6 September 2012**

Cabinet Member: **Councillor James Page**

Ward(s) Affected: **All**

Report By: **Corporate Head – Legal and Democratic Services**

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Purpose of Report:

1. To inform the Scrutiny Committee of new powers as set out in the Localism Act 2011.

Officers' Recommendations:

1. To consider the range of initiatives open to Town/Parish Councils and members of the community under the Localism Act.
 2. To consider the circulation of a briefing note to all Town and Parish Councils to set out the range of initiatives open to under the Localism Act.
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Reasons for Recommendations

- 1 To ensure that Councillors and towns/parishes are fully aware of new powers as set out in the Localism Act 2011.

Background Information

1. The Localism Act sets out a series of measures 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.

New freedoms and flexibilities for local government

- 2.1 The Government's ambitions for local government under the Act are as follows:
 - to give local authorities everywhere the formal legal ability and greater confidence to get on with the job of responding to what local people want

- to cut red tape to enable councillors everywhere to play a full and active part in local life without fear of legal challenge

New rights and powers for local communities

2.2 The Act:

- makes it easier for local people to take over the amenities they value and keep them part of local life
- ensures 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

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

2.3 The Act:

- places significantly more influence in the hands of local people over issues that make a big difference to their lives
- provides appropriate support and recognition to communities who welcome new development
- reduces 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

Detail and potential for Lewes District Council Involvement

Community right to challenge (This provision came into force on 27 June 2012)

- 3.1 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.
- 3.2 In some places, however, voluntary and community groups who have innovative ideas find that they do not get a proper hearing. The Localism Act gives these groups, parish councils and local authority employees the right to express an interest in taking over the running of a local authority service. The local authority must consider and respond to this challenge; and where it accepts it, run a procurement exercise for the service in which the challenging organisation can bid. This makes it easier for local groups with good ideas to put them forward and drive improvement in local services.

Community right to bid (assets of community value) (This provision if not yet in force)

- 3.3 Every town, village or neighbourhood is home to buildings or amenities that play a vital role in local life. They might include community centres, libraries, 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.
- 3.4 The Localism Act requires local authorities to maintain a list of assets of community value which have been nominated by the local community. When listed assets come

up for sale or change of ownership, the Act then gives community groups the time to develop a bid and raise the money to bid 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.

Neighbourhood planning (Partially in force)

- 3.5 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 Act introduces a new right for communities to undertake neighbourhood planning, which will either be in the form of a neighbourhood plan, or a neighbourhood order. Neighbourhood plans will allow communities, both residents, employees and business, to come together through a local town/parish council, or specially constituted neighbourhood forums in non-parished areas, to say where they think new houses, businesses and shops should go and what they should look like. These plans can be very simple and concise, or go into considerable detail where people want.
- 3.6 Neighbourhood orders are where local communities will be able to grant consent for a certain type of development in a particular location without the need for full or outline planning permission to be obtained. The idea behind these orders is that it will make it easier and quicker for development to go ahead.
- 3.7 Provided a neighbourhood plan, or order, is in line with national planning policy, the strategic plan prepared by the local planning authority and other legal requirements (to be tested by an independent Examiner), local people will be able to vote on it in a referendum. If the plan/order is approved by a majority of those who vote, then the local planning authority will have to adopt it as part of the development plan for the area.
- 3.8 Local planning authorities have a duty to provide technical advice and support as neighbourhoods draw up their proposals. Those who undertake neighbourhood planning can also obtain assistance from Government funded support agencies, such as Locality and Planning Aid. Such support should aid in the take-up of neighbourhood planning, which is only a discretionary power that neighbourhoods can use.

LDC Involvement

- 3.9 As mentioned earlier, the Localism Act places a duty on the local planning authority to support town/parish councils who undertake neighbourhood planning. To help meet this duty, LDC have a dedicated neighbourhood planning officer post, which is undertaken on a job-share basis. Working alongside the South Downs National Park Authority, the LDC officers undertaking the neighbourhood planning officer role are currently gauging the interest of each town and parish in undertaking neighbourhood planning, including what support they will be specifically seeking from the Council.
- 3.10 Three Parish Council's have so far given a commitment to preparing a neighbourhood plan in Lewes District, namely Hamsey, Newick and Ringmer. In accordance with the Neighbourhood Planning Regulations, Cabinet will be asked on the 1st October to formally designate these parish areas as appropriate for undertaking neighbourhood planning. It is anticipated that further town and parish councils will also formally apply to undertake neighbourhood planning in the coming months.

Community right to build (Partially in force)

- 3.11 As part of neighbourhood planning, the Act gives groups of local people the power to deliver the development that their local community want. They may wish to build new homes, businesses, shops, playgrounds or meeting halls. A community organisation, formed by members of the local community, will be able to bring forward development proposals which, providing they meet minimum criteria and can demonstrate local support through a referendum, will be able to go ahead without requiring a separate traditional planning application. The benefits of the development, such as new affordable housing or profits made from letting the homes, will stay within the community, and be managed for the benefit of the community. The Government will also fund sources of help and advice for communities who want to bring forward development under the community right to build.

LDC Involvement

- 3.12 Support Town and Parish Councils in preparing neighbourhood plans, and “community right to build “initiatives, in assessing local housing needs and in identifying sites to meet those needs. – Taken from The Provision of Affordable Housing in Rural Areas report to council by the Scrutiny Committee 17 Apr 2012.

Requirement to consult communities before submitting certain planning applications (Not yet in force)

- 3.13 To further strengthen the role of local communities in planning, the Act introduces a new requirement for developers to consult local communities before submitting planning applications for certain developments. This gives local people a chance to comment when there is still genuine scope to make changes to proposals.

LDC Involvement

- 3.14 Potential to be used in the proposed future developments in Newhaven.

Reforming the community infrastructure levy (This provision came into force on 16 November 2011)

- 3.15 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 require developers to pay a levy 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.
- 3.16 The Localism Act will change the levy to make it more flexible. It allows some of the money raised to be spent on things other than infrastructure. It will give local authorities greater freedom in setting the rate that developers should pay. And crucially, the Act gives the Government the power to require that some of the money raised from the levy go 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 (This came into force on 15 January 2012)

- 3.17 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 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 Act will limit the discretion of planning inspectors to insert their own wording into local plans. It also ensures that rather than focussing on reporting progress in making plans to central government, authorities focus on reporting progress to local communities.

Financial Appraisal

- 4 There are no specific financial implications resulting from this Report.

Risk Appraisal

- 5 There are no risk management implications arising from this Report.

Sustainability Implications

- 6 I have not completed the Sustainability Implications Questionnaire as this Report is exempt from the requirement because it is an Information Report.

Equality Considerations

- 7 As no potential negative impacts were identified, a full equality impact assessment is not required.