

## Localism Act 2011 – Implementation Plan

Key Area	Summary	Lead Officer	General Update	RAG status / due date
<b>New freedoms and flexibility for local government</b>				
<b>General power of competence</b>	Local authorities can only do what the law says they can. The Act has turned this assumption upside down. Instead of being able to act only where the law says they can, local authorities will be freed to do anything - provided they do not break other laws. It gives local authorities the legal capacity to do anything that an individual can do that is not specifically prohibited; they will not, for example, be able to impose new taxes, as an individual has no power to tax.	Mike Horn (BDC) / Vicky Thomson	Save to say that the General Power of Competence provisions have now been enacted into Law, there isn't anything else that per se, needs to be done. BDC and SHDC now has a General Power of Competence	18/2/12 & 4/4/12
<b>Abolition of the Standards Board</b>	Through the Localism Act, the Government has abolished the Standards Board regime. Instead, local authorities will draw up their own codes, and it will become a criminal offence for councillors to deliberately withhold or misrepresent a financial interest.	Vicky Thomson	Final arrangements approved SHDC – 27.6.12 & BDC – 5.7.12. Implemented.	1/7/12
<b>Clarifying the rules on predetermination</b>	The Localism Act makes 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.	Vicky Thomson & Paul Jackson	Briefing included agenda at Planning meetings. Training provided to members.	15/2/12

Key Area	Summary	Lead Officer	General Update	RAG status / due date
<b>Greater local control over business rates</b>	The Localism Act gives councils more freedom to offer business rate discounts - to help attract firms, investment and jobs. Whilst councils would need to meet the cost of any discount from local resources, they may decide that the immediate cost of the discount is outweighed by the long-term benefit of attracting growth and jobs to their area.	Mark Finch	Evaluating the impact on the consultation published July 2012. Using support from LG Futures. Financial impact to be incorporated into Medium Term Plan	Amber  Jan/Feb 2013
<b>Directly elected mayors</b>	Using powers in the Act, the Government intends to trigger a referendum in the largest cities outside London, inviting local people to decide whether they want to have an elected mayor. People in other areas of the country will continue to be able to call for their own referendum on whether to have an elected mayor.	N/A		
<b>London</b>	The Localism Act passes greater powers over housing and regeneration to local democratically elected representatives in London.	N/A		
<b>Empowering cities and other local areas</b>	The Act also enables Ministers to transfer local public functions from central government and remote quangos to local authorities, combined authorities and economic prosperity boards.	N/A		
<b>Other freedoms for councils</b>	The Localism Act free councils to go about their business in a way that suits their local circumstances. includes allowing councils, where they wish, to move away from an executive form of governance to a committee system. The Act also removes previous constraints around the timing of when councils can change their governance models.	N/A		
<b>New rights and powers for communities</b>				
<b>Community right to challenge</b>	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	Riana Rudland / Emily	All public facing information is now available on the South	Green

Key Area	Summary	Lead Officer	General Update	RAG status / due date
	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.	Holmes	Holland website to explain to community groups what the Act means and how to make an approach. Draft material is currently being approved at Breckland with a view to upload on the website in the same manner. The procedure to process applications is still unclear at this point, however, research is under way with other Authorities.	
<b>Community right to bid (assets of community value)</b>	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.	Rob Walker / Capita	No update at this stage. Lead responsibility recently confirmed and work to be commence imminently.	
<b>Right to approve or veto excessive council tax rises</b>	The Localism Act gives local communities the power to decide. The Secretary of State will determine a limit for council tax increases which has to be approved by the House of Commons. If an authority proposes to raise taxes above this limit they will have to hold a referendum to get approval for this from local voters who will be asked to approve or to veto the rise. This means that local authorities will need to convince local voters, rather than central government of the case for excessive rises in council taxes.	Mark Finch	Both Medium Term Plans and Budgets were mindful of this when Council Tax levels were set. The same will apply for this year's programmes	Green Jan/Feb 2013

Key Area	Summary	Lead Officer	General Update	RAG status / due date
<b>Transparency over senior council officials' pay</b>	Councillors will need to vote on and publish a statement of their policies on pay. This will include the salaries of senior officials working in local authorities, but also the lowest paid employees.	Natalie King	Revised pay policy statement for 2013/14 in preparation.	Green

Key Area	Summary	Lead Officer	General Update	RAG status / due date
<b>Getting rid of fines and charges for rubbish collection</b>	The Climate Change Act 2008 gave councils the ability to charge families for overfilling their bin and to introduce extra tariffs for taking away household waste. In the Localism Act, this ability has been removed. Separately, the Government is also providing extra support to councils who wish to offer their residents weekly bin collections.	Dale Robinson	Noted – Previous powers not used or considered as a viable option	Green
<b>Reform to make the planning system clearer, more democratic and more effective</b>				
<b>Abolition of regional strategies</b>	The Secretary of State wrote to local authorities in 2010 to tell them that the Government intended to abolish regional strategies.	Paul Jackson / Dave Spencer	Breckland – East of England RSS abolished January 2013. South Holland – Revocation of East Midlands RSS will follow, already having been the subject of SEA. Both Councils' Local Plan processes have taken the implications fully on board.	Green Jan 2013 and ongoing.
<b>Duty to cooperate</b>	The duty requires local authorities and other public bodies to work together on planning issues.	Paul Jackson / Dave Spencer	Duty to Co-operate firmly embedded in Local Plan processes at Breckland and South Holland. Legislatively conjoined working arrangements with Boston BC and Lincolnshire CC at South Holland aimed at meeting Local Plan tests of soundness.	Green Jan 2013 and ongoing.

Key Area	Summary	Lead Officer	General Update	RAG status / due date
<b>Neighbourhood planning</b>	<p>Neighbourhood planning will allow communities, both residents, employees and business, 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.</p> <p>These plans can be very simple and concise, or go into considerable detail where people want. Local communities will be able to use neighbourhood planning 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.</p> <p>Provided a neighbourhood development plan or order 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 of those who vote, then the local authority will bring it into force.</p>	Paul Jackson / Dave Spencer	Legislative processes embedded at both Breckland and South Holland. Both Council received frontrunners funding aimed at engaging the communities of Attleborough (Breckland) and Holbeach (South Holland). This work is ongoing.	Green Jan 2013 and ongoing.
<b>Community right to build</b>	<p>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.</p>	Paul Jackson / Dave Spencer	Both Breckland and South Holland Councils strategically aware of community right to build. To date only Great Ellingham Parish Council have signalled an intention to pursue rights under the provisions of this part of the Localism Act. Regular meetings and support being	Green Jan 2013 and ongoing.

Key Area	Summary	Lead Officer	General Update	RAG status / due date
			given to Great Ellingham.	
<b>Requirement to consult communities before submitting certain planning applications</b>	<p>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.</p>	<p>Paul Jackson / Dave Spencer</p>	<p>The pre-consultation thresholds limit this requirement to certain types of development, notably large housing schemes of 200 plus units and developments exceeding 10,000 sqm. Developers will need to ensure that their consultation process is robust to avoid challenges. Although most large-scale developers have traditionally engaged in pre-application discussion, the move to make this compulsory is likely to involve additional time and cost at the pre-application stage in some instances, as well as a need to ensure careful compliance with requirements. Both Councils will have an important role to play</p>	<p>Green Jan 2013 and ongoing</p>

Key Area	Summary	Lead Officer	General Update	RAG status / due date
			in making sure that adequate and effective consultation takes place.	
<b>Strengthening enforcement rules</b>	The Localism Act will strengthen planning authorities' powers to tackle abuses of the planning system, such as deliberately concealing new developments.	Paul Jackson / Dave Spencer	Rules have been strengthened, notably in relation to the power to take action against unauthorised works where they have been deliberately concealed. Both Councils cognisant with the relevant legislative changes.	Green Jan 3013 and ongoing.
<b>Reforming the community infrastructure levy</b>	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. 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.	Paul Jackson / Dave Spencer	Both Councils are moving forwards with key viability work aimed at introducing CIL at an appropriate level, within an appropriate timescale, cognisant of the need to ensure compliance with the legislative framework.	Green Jan 2013 and ongoing
<b>Reform the way local plans are made</b>	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.	Paul Jackson / Dave Spencer	Local Plan work at both authorities is proceeding in line with the relevant legislative framework in order to meet the required tests	Green Jan 2013 and ongoing.

Key Area	Summary	Lead Officer	General Update	RAG status / due date
			of soundness.	
<b>Nationally significant infrastructure projects</b>	The Localism Act abolishes the Infrastructure Planning Commission and restores its responsibility for taking decisions to Government ministers. It also ensures the national policy statements, which will be used to guide decisions by ministers, can be voted on by Parliament.	Paul Jackson / Dave Spencer	Both Councils acutely aware of the legislative changes.	Green Jan 2013 and ongoing.
<b>Reform to ensure that decisions about housing are taken locally</b>				
<b>Social housing allocations reform</b>	The Act gives 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 are now able, if they wish, to prevent people who have no need of social housing from joining the waiting list. Authorities are still obliged to ensure that social homes go to the most vulnerable in society and those who need it most.	Duncan Hall	(BDC).Report with recommendations due to go to Cabinet in September 2012, and subsequently to Council  (SHDC) Consultation completed, revised Allocations Policy due to Cabinet October 2012 Subject to member consultation, some further detail and minor amendments will be made to the Policy Proposal.	Green
<b>Social housing tenure reform</b>	The Localism Act allows for more flexible arrangements for people entering social housing in the future. Social landlords will now be able to grant tenancies for a fixed length of time. The minimum length of tenancy will be two years in exceptional circumstances with five years or more being the norm. There is no upper limit on the length of tenancy. Councils can still offer lifetime tenancies if they wish.	Duncan Hall	BDC - Tenancy Strategy endorsed by Council May 2012.  (SHDC) Revised tenancy strategy due to Cabinet October	Green

Key Area	Summary	Lead Officer	General Update	RAG status / due date
			2012	
<b>Reform of homelessness legislation</b>	The Localism Act lets local authorities meet their homelessness duty by providing good quality private rented homes.	Duncan Hall	Required secondary legislation in consultation phase – due to be passed September 2012. Need to agree approach of both Councils once legislation is clarified. It is anticipated that where it is necessary to utilise PRS homes – schemes involving registered providers will be favoured over direct contractual relationships with individual private landlords.	Amber
<b>Reform of council housing finance</b>	The Localism Act changes the way social housing is funded to pass more power to a local level. Now, 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.	Mark Finch	Modelling and borrowing completed in readiness for 2012/13	Green
<b>National home swap scheme</b>	The Localism Act paves the way for a national home swap scheme. This will enable people who would like to swap their social home to access details of all other tenants who may be a suitable match.	Duncan Hall	SHDC is subscribing to national Homewap Direct scheme	Green
<b>Reform of social housing regulation</b>	The Act provides social tenants with stronger tools to hold their landlords to account. Landlords will be expected to support tenant panels - or similar bodies - in order to give tenants the opportunity to carefully examine the services	Duncan Hall	SHDC has a tenant panel of long-standing.	Green

Key Area	Summary	Lead Officer	General Update	RAG status / due date
	<p>being offered. The Act also abolishes the Tenant Services Authority and transfers its remaining functions to the Homes and Communities Agency.</p> <p>The Act also changes the way that complaints about social landlords are handled. . In the future, a single watchdog (the Independent Housing Ombudsman) specialising in complaints about social housing will ensure greater consistency across the sector.</p>			
<b>Abolition of Home Information Packs</b>	The Localism Act has repealed once and for all the original laws that called for Home Information Packs.	Duncan Hall	Noted	Green