

# Wolverhampton City Council

## OPEN INFORMATION ITEM

Committee/ Panel	<b>STANDARDS COMMITTEE</b> Date: <b>13 JANUARY 2011</b>
Originating Service Group(s)	<b>CUSTOMER AND SHARED SERVICES</b>
Contact Officer(s)/	<b>S KEMBREY/F DAVIS</b>
Telephone Number(s)	<b>4910/4932</b>
Title/Subject Matter	<b><u>LOCALISM BILL</u></b>

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### **Recommendations**

1.1 The Standards Committee is requested to note the contents of this report.

## 1. **Purpose**

- 1.1 To advise the Joint Audit/Standards Committee of the publication of the Localism Bill on 13 December 2010; to summarise the content of the Bill and to advise the Joint Committee of arrangements to disseminate information relating to the Bill throughout the Authority.

## 2. **Background**

- 2.1 The Localism Bill has been widely anticipated since the Coalition Government came to power and contains proposed provision for wide ranging changes to Local Government and the Public Sector.

- 2.2 The Bill covers a very wide range of issues, but is mostly concerned with:-

- The structures and governance of local authorities in England
- Extending the ability of electors to take or influence decisions at local levels
- Reforming aspects of Planning law and process
- Changing aspects of managing social housing in England
- Local Government in London

- 2.3 The purpose of the proposed legislation in the Bill is to help build the Big Society by radically transforming the relationships between central and local government.

- 2.4 The provisions proposed in the Bill have significant implications for the Council and are contained in 207 clauses and 24 schedules which are arranged into 7 parts.

- 2.5 A summary of the provisions in the Bill is set out below:-

2.5.1 A general power of competence. Local authority's as statutory organisations are currently permitted to act only when Parliament has given authority by statute. This is in contrast to an individual who can lawfully do anything unless prevented from doing so by statute. The general power of competence set out in Clause 1 enables the Local Authority to do anything that individuals may generally do. Boundaries of the general power are proposed in Clause 2.

2.5.2 The Bill includes provisions relating to predetermination which devolves powers to Councils so that Councillors will no longer be prevented from voting on campaign issues.

2.5.3 There is a new power to create directly elected mayors.

2.5.4 Abolition of the current Standards regime and the introduction of local standards processes administered by the individual authority.

2.5.5 Provision of information on relating to pay and remuneration.

2.5.6 There are provisions for community empowerment with powers to devolve services and finances locally. This includes provisions for communities to:-

- (a) Challenge to take over services
- (b) Bid to buy local assets
- (c) Veto excessive Council Tax rises through a referendum
- (d) repeal Bin Tax Laws.

2.5.7 There are extensive provisions in Part 5 of the Bill relating to Planning. There are measures to replace the infrastructure planning commission with a democratically accountable system for major infrastructure and the abolition of current regional planning processes. The details of these provisions will be reported to Planning Committee in due course.

2.5.8 Regulation of Social Housing. There are measures in the Bill affecting social housing. There is a new community right to build which gives communities the freedom to build new homes and amenities and there are provisions relating to allocation and tenure of social housing with the aim of giving authorities the flexibility to use their social housing stock to maximum effect and reduce waiting lists.

2.6 The Bill's key Public engagement provisions are:

- Local Referendums!
  - Upon request
  - Re Council tax
  - Re Directly-elected Mayors
    - Re Neighbourhood Planning (including the '**Right to Build**')
- A '**community right to challenge**' and express an interest to deliver services
- A '**community right to buy**' listed assets
- Pre-application consultation for large developments
- Local planning at Neighbourhood levels

2.7 In view of the wide ranging implications of the Bill a seminar for members and officers is being arranged by Democratic Support to take place this month.

2.8 The Bill is likely to be subject to some amendment as it passes through Parliament. The second reading of the bill is due on 17 January 2011.

### 3. Legal Implications

3.1 The legislation when enacted will have significant legal implications affecting a number of areas of Council business.

[FD/05012011/K]

### 4. Financial Implications

4.1 The legislation when enacted will have significant financial implications which will need to be evaluated as the Bill passes through Parliament.

[DM/06012011/A]

### 5. Equalities Implications

5.1 The Bill is likely to have equalities implications which will be evaluated as the bill passes through Parliament.

### 6. Environmental Implications

6.1 There are likely to be environmental implications arising from the legislation which includes changes to the planning system and repeal of Bin Tax.