

	<p>The table below summarises the key provisions of the Localism Act which gained Royal Assent on 15th November 2011</p>
1	<p>Local Authority general power of competence - Section 1</p> <p>With this power, local authorities will be able to do anything that an individual may do. This does not enable local authorities to ignore any existing or future express limitations on its powers.</p> <p>The general power confers a power to charge (but not make a profit) for a service only where:</p> <ol style="list-style-type: none"> there is no statutory duty to provide the service the person has agreed to its being provided and putting the general power and section 93 of the Local Government Act 2000 to one side, there is no power to charge
2	<p>Governance - Section 21 and Schedule 2</p> <p><i>The provisions enabling the Secretary of State to make regulations and orders under Schedule 2 commenced on 3 December 2011. (Section 23 allowing the Secretary of State to make regulations in advance of the new governance provisions coming into force commenced on 15 November 2011)</i></p> <p>The new arrangements allow for authorities to operate either under an executive or a committee structure.</p> <p>With the committee system, local authorities will have flexibility as to how this will operate, though the Secretary of State is given power to specify by regulation any functions which must be exercised by full council. There will be no obligation to operate a formal overview and scrutiny committee, but where this is done the Secretary of State may prescribe, by regulations, how it is to operate.</p> <p>In a change to the original drafting, Lords amendments which were approved in the Commons on 7th November mean that the earliest change of governance arrangements that would be possible for BHCC would be following the next annual meeting of the Council ie in May 2012. A resolution of full council is required. It is possible to make the resolution and specify that the change will take effect at a later annual meeting.</p>
3	<p>Predetermination - Section 25</p> <p><i>Commencement date: 15 January 2012</i></p> <p>The Act aims to clarify the rule on predetermination. The provisions make it clear that councillors have a right to have a preliminary view and can freely discuss and publicise their view and voting intentions as they see fit. However, this is on the basis that councillors must be prepared to listen to all of the arguments and evidence before making their decision.</p>

4	<p>Standards - Sections 26 – 37</p> <p><i>Section 37 allowing orders and directions to be made by the Secretary of State in connection with the abolition of the Standards Board for England and for transitional provisions to be made in relation to the new standards regime commenced on 15 November 2011.</i></p>
	<p>Councils are required under the Act to adopt a code of conduct for members. The Code must be consistent with the Nolan principles (selflessness, integrity, objectivity, accountability, openness, honesty, leadership.) The Code must cover registration and disclosure of pecuniary and non pecuniary interests.</p> <p>The Council must put in place arrangements under which written allegations of a breach of the Code can be investigated and decisions on allegations can be made. These arrangements must include the appointment of at least one Independent Person whose view must be sought and taken into account by the Council before it makes its decision on an allegation it has decided to investigate. Councils will need to rely on existing options - such as a formal letter or other recording – or political actions such as a Notice of Motion or removal from a Committee by Groups.</p> <p>Detailed requirements in relation to the disclosure by Members of pecuniary interests are set out in the Act.</p> <p>Failure to declare or register pecuniary interests, or a councillor voting on a matter where he or she has a pecuniary interest, will be a criminal offence only where the councillor does not have a reasonable excuse or where the councillor deliberately or recklessly provides information that he knows to be false or misleading.</p>
5	<p>Pay Accountability - Sections 38-43</p> <p><i>Commencement date: 15 January 2012</i></p>
	<p>For each financial year from 2012-13 onwards, local authorities must prepare a pay policy statement relating to the remuneration of their Chief Officers. The pay policy statement must also include details of remuneration of its lowest paid employees and include details of the relationship between the remuneration of Chief Officers and the remuneration of employees who are not Chief Officers. Remuneration is defined widely to include salary, bonuses, allowances, and compensation.</p> <p>In preparing statements, regard must be had to any guidance issued or approved by the Secretary of State. The pay policy statement must be approved by Full Council before it comes into force. The first statement must be prepared and approved before 31st March 2012.</p> <p>In any financial year beginning on or after 1 April 2012, local authorities must comply with its pay policy statement when making a determination relating to the remuneration or other terms and conditions of a chief officer.</p>

6	<p>EU Fines - Section 48-57</p> <p>These provisions enable responsibility for passing EU fines in infraction cases to Local Authorities. The process for this has been significantly tightened so that Local Authorities will have significantly more protection than was originally envisaged. The Act now requires an independent advisory panel to be established to assess in each case whether it is appropriate to pass on the fine.</p>
7	<p>Referendums - Section 72</p> <p><i>Commencement date: 3 December 2011</i></p> <p>Where an authority proposes a Council Tax increase in excess of the specified threshold, a referendum is required seeking agreement for the proposal for that financial year. Referendums are also required in the neighbourhood area to which a proposed Neighbourhood Development Order relates. Finally referendums are required where there is a proposed change in governance arrangement and the existing arrangement was approved in a referendum.</p> <p>All of the other (extensive) provisions requiring local authorities to hold referendums where 5% of the electorate or ward requested it have been removed.</p>
8	<p>Community Right to Challenge - Section 81-86</p> <p><i>The parts within these sections that allow regulations to be made by the Secretary of State on the Community Right to Challenge commenced on 15 November 2011, as did section 86 which allows the Secretary of State to provide advice and assistance.</i></p> <p>A local authority will be under a duty to consider an expression of interest in providing or assisting in providing a relevant service, if it is made by a relevant body. A 'relevant service' means any service provided by the authority except any service specified by regulations made by the Secretary of State.</p> <p>A 'relevant body' means a voluntary or community body, a charity, a parish council, two or more of the authority's employees and any other person or body specified in regulations made by the Secretary of State.</p> <p>The Local Authority will determine the timescales for the procurement exercise in each case.</p>
9	<p>List of assets of community value - Sections 87-92</p> <p><i>The parts within these sections that allow regulations to be made by the Secretary of State on Assets of Community Value commenced on 15 November 2011, as did section 103 which allows the Secretary of State to provide advice and assistance.</i></p> <p>Councils will be required to keep a list of 'assets' that are considered to have community value. These will be land or buildings that 'further the social, economic, or environmental well-being or interests of the local community'. Social interests are defined as including sporting, cultural or recreational interests. The landowner will have a right to request a council review of its decision to include property on the list.</p>

	<p>Until the necessary secondary legislation is made, the detailed procedure will remain uncertain</p> <p>The effect of registration will be a prohibition on ‘disposal’ other than in accordance with the prescribed procedure. Except in certain cases (such as gifts, sales to family members, sales by lenders in possession or bankruptcy disposals and inheritance disposals) a landowner wishing to dispose of an interest will be required to notify the council, triggering an interim moratorium period – six weeks – during which no disposal will be allowed to take place. A voluntary of community body with a local connection (to be further defined by Regulations) will then have those six weeks to register an interest as a potential bidder and trigger a further full moratorium period of 6 months. The purpose of these two moratorium periods is to allow communities the chance to bid for the asset in question. There will be no requirement on the vendor to accept such a bid, or any prohibition on approaching the wider market.</p>
10	<p>Non-domestic rates - Section 68</p>
	<p>This introduces a power to grant discretionary relief from business rates.</p>
11	<p>Planning: Plans and Strategies - Part 6 - Section 109</p> <p><i>The underlying legislation which established regional strategies was repealed on 15 November 2011; the provision giving the Secretary of State the power to abolish the strategies themselves also came into force on the same date.</i></p>
	<p>Regional Spatial Strategies are to be abolished and Councils are to be given greater flexibility in relation to the statutory examination of their development plans.</p>
12	<p>Planning: Local Development Schemes – Section 111 and Part 17 Schedule 25</p> <p><i>Commencement date: 15th January 2012</i></p>
	<p>This introduces a requirement for Local Authorities to publish up to date information direct to the public on local development schemes and removes the requirement to submit such schemes to the Secretary of State.</p>
13	<p>Planning: Development Plan Documents – Section 112</p> <p><i>Commencement date: 15th January 2012</i></p>
	<p>Introduces a new requirement that, when considering a development plan document, the planning inspector must recommend adoption where it would be reasonable to conclude that the document satisfies statutory requirements and can be considered sound. The strict requirement that local planning authorities must implement the inspectors recommendations is removed and local planning authorities are given the power to withdraw a development plan document at any time before its adoption.</p>

14	<p>Planning: Information about local development schemes – Section 113</p> <p><i>Commencement date: 15th January 2012</i></p>
	<p>This section requires local authorities to publish information about the implementation of their local development schemes and local development policies direct to the public at least once yearly instead of sending a report to the Secretary of State.</p>
15	<p>Community Infrastructure Levy (CIL) - Section 114-115</p> <p><i>Section 114 (the process of approval for charging schedules) commenced on 17 November 2011.</i></p>
	<p>Reporting requirements in relation to the CIL (a charge for development) are reduced and the Secretary of State will have the power to require local authorities to pass CIL onto other bodies.</p>
16	<p>Neighbourhood planning - Sections 116-121</p> <p><i>The provisions allowing the Secretary of State to make regulations on the neighbourhood planning provisions before they are brought into force commenced on 15 November 2011; as did the provision allowing the Secretary of State to provide advice and assistance (including financial assistance) and in respect of allowing regulations to be made to provide for the imposition of charges by local authorities in relation to their neighbourhood planning functions.</i></p>
	<p>The Act introduces a new right for communities to draw up a ‘neighbourhood development plan’. Areas that do not have a parish council can form a neighbourhood forum (with at least 21 members) to decide on local planning issues. Local planning authorities will be required to provide technical advice and support as neighbourhoods draw up their plans.</p>
17	<p>Planning: Pre-application Consultation - Section 122</p> <p><i>The part within section 122 enabling the making of requirements in development orders about consultation in relation to applications for planning permission commenced on 15 November 2011.</i></p>
	<p>Developers will be required to engage local communities in the pre-application consultation on major schemes (within a centrally determined threshold).</p>
18	<p>Planning Enforcement - Section 123</p>
	<p>Local planning authorities will have the power to decline retrospective planning applications once an enforcement order has been served. The Act also creates a “Planning Enforcement Order” which will allow local authorities to take enforcement action against a planning breach even where the standard time limits have expired.</p>
19	<p>Nationally Significant Infrastructure Projects - Sections 128-142</p>
	<p>National infrastructure decisions are transferred from the Infrastructure Planning</p>

	Commission to the Secretary of State.
20	<p>Planning: Local finance considerations – Section 143</p> <p><i>Commencement date: 15th January 2012</i></p>
	<p>This section adds local finance considerations (defined as either a grant from Government or sums received in payment of the Community Infrastructure Levy) as a matter to which the local planning authority must have regard when determining a planning application.</p>
21	<p>Allocation of housing accommodation and homelessness - Section 145-149</p>
	<p>Removes the requirement that existing social tenants wishing to transfer are included along with other applicants for social housing within an authority's allocations scheme</p> <p>Clarifies the classes of person who are not eligible to be allocated social housing</p> <p>Introduces greater flexibility for local housing authorities to allocate social housing accommodation, while retaining the current groups to whom "reasonable preference" must be given</p> <p>Allows authorities to discharge their homelessness duty by placing households in private sector lets of a minimum of 12 months' term without the express permission of the applicant household</p> <p>Confers a duty on the local housing authority to assist homeless households should they become homeless again within two years of being placed</p>
22	<p>Social housing tenure reform - Section 150-166</p>
	<p>Requires local housing authorities to prepare a "tenancy strategy" to which other registered providers of social housing must have regard when allocating their own accommodation</p> <p>Allows local authorities and other social landlords to grant "flexible tenancies" of a minimum two year term.</p> <p>For new tenants following the provisions coming into force, limits the right of succession to a secure tenancy to a spouse or civil partner living in the tenant's home at the time of the tenant's death while allowing authorities the flexibility to offer additional contractual rights.</p>
23	<p>Housing Finance - Section 167-175</p> <p><i>The calculation of settlement payments and limits on indebtedness in relation to local housing authorities and the alteration of use of capital receipts from disposal of housing land came into force on 15 November 2011.</i></p>
	<p>Abolishes the Housing Revenue Account (HRA) subsidy system.</p>

	<p>Provides for “settlement payments” to be made (relating to the distribution of the national HRA debt amongst local housing authorities).</p> <p>Gives powers to the Secretary of State to be able to re-open the debt settlement.</p> <p>Places a cap on the total amount of housing debt an authority might hold.</p>
24	Housing Mobility - Section 176
	<p>Empowers the Secretary of State to give direction to the Social Housing Regulator on methods of assisting tenants to exchange tenancies. The idea is for the “national home swap scheme” to assist tenants to move out of their social rented property into owner occupation of another dwelling.</p>
25	Regulation of Social Housing - Section 178
	<p>The Tenant Services Authority will be abolished with its functions transferred to the Homes and Communities Agency. Complaints about social landlords will in future only be dealt with by the Independent Housing Ombudsman (instead of the current dual system of the Local Government Ombudsman and the Independent Housing Ombudsman).</p>
26	HMOs and Tenancy Deposit Schemes (TDS) - Section 184-185
	<p>Buildings run by co-operatives will be exempt from HMO licensing rules.</p> <p>The rules governing TDSs are tightened, placing strict liability on landlords to protect a tenant’s deposit and provide the mandatory information required within 30 days; where a landlord has failed in its obligations tenant’s will be allowed to make an application to the court even when the tenancy has ended; the court must also makes an order for the return/payment of a deposit and payment of a penalty charge.</p>

