

**TO: THE ENVIRONMENT, CULTURE AND COMMUNITIES OVERVIEW AND
SCRUTINY PANEL
10 JANUARY 2012**

**THE LOCALISM ACT 2011
Director of Corporate Services – Legal**

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to apprise Members of the Panel of those parts of the Localism Act 2011 ("the Act") which will most directly affect the Environment, Culture and Communities Department.

2 RECOMMENDATION(S)

- 2.1 **That the Panel note the contents of the briefing note attached as Annexe A to this report.**

3 REASONS FOR RECOMMENDATION

- 3.1 Not applicable.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 None.

5 SUPPORTING INFORMATION

- 5.1 The Localism Bill received Royal Assent in November 2011. The Act spans a large range of topics and runs to 483 pages; it is a major piece of legislation which is likely to have a significant impact upon local government.
- 5.2 Although a few of the provisions of the Act have already come into force the large majority of it will be brought into force by regulations.
- 5.3 In terms of the workings of the Environment, Culture and Communities Department the three most relevant areas covered by the Act are:-

Planning

Of particular note are:-

- abolition of Regional Strategies
- amendments to the Community Infrastructure Regime to allow CIL to be used for future maintenance of infrastructure and to provide for a portion of CIL receipts to be allocated to Parish Councils
- proposals to promote Neighbourhood (i.e. Parish) Planning
- various amendments to Development Control legislation
- further powers to tackle unauthorised advertisements and graffiti

Housing

Of particular note are:-

- more flexibility is afforded in the allocation of housing
- a requirement to publish a Tenancy Strategy
- the introduction of “Flexible Tenancies” (i.e. tenancies of a fixed term of two years or more)

Assets of Community Value

The aim of this part of the Act is to afford local communities the opportunity to express an interest in purchasing land or buildings considered to be of community value. This part of the Act in particular will be “fleshed out” in regulations to be issued by the Secretary of State. Given that the ACV provisions do not (notwithstanding some press reports to the contrary) confer a “right to buy” but merely a right to express an interest in buying it is uncertain to what extent the right to nominate will be used. However, if a significant number of nominations for land/buildings to be registered as ACV’s are made that will entail a significant workload for EC&C (and even more so if nominated land/buildings are registered).

Predetermination

The common law which has evolved in respect of a local authority decisions being rendered unlawful by virtue of the decision maker (normally a Member) having predetermined the issue in advance of the decision being taken has been problematic for many years. In particular many Members have felt strongly that they should not be barred from participating in the deliberations of the Planning Committee when it is considering an application which they have campaigned for or against. The Act does not seek to entirely abolish the rule against pre-determination but it does contain provisions which are aimed at allowing Members to express a view in advance of a meeting.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The Borough Solicitor is the author of this report.

Borough Treasurer

- 6.2 Not consulted.

Equalities Impact Assessment

- 6.3 Not required.

Strategic Risk Management Issues

- 6.4 Not applicable.

7 CONSULTATION

Principal Groups Consulted

- 7.1 None.

Unrestricted

Background Papers

None.

Contact for further information

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Aj/f/reports/Environment Culture and Communities – The Localism Act 2011