

**WEST MIDLANDS FIRE AND RESCUE AUTHORITY**

**14<sup>th</sup> February 2011**

1. **LOCALISM BILL 2010-11**

Report of the Clerk Designate and Monitoring Officer.

RECOMMENDED

THAT members note the contents of the Localism Bill and receive future reports on the specific implications for the West Midlands Fire and Rescue Authority.

THAT members comment on the report, consider areas requiring particular advance work by the officers and to identify any areas on which the Authority might lobby for change during the passage of the Bill through Parliament.

2. **PURPOSE OF REPORT**

- 2.1 The purpose of the report is to formally inform members of the Localism Bill and to facilitate a continuing discussion within the Authority about the direct and indirect impact of the proposed legislative changes on the Authority.

3. **BACKGROUND**

- 3.1 The Localism Bill 2010-11 was presented to Parliament on 13<sup>th</sup> December 2010. The House of Commons debated the main principles of the Bill on 17<sup>th</sup> January 2011. The Commons decided that the Bill should be given its Second Reading and sent it to a Public Bill Committee for scrutiny. The Localism Bill Committee is now accepting evidence.
- 3.2 It will then proceed to the report stage and subsequently move to consideration by the House of Lords. Following consideration of amendments it is likely to receive Royal Assent later this year.
- 3.3 The Bill is intended to devolve greater powers to councils and neighbourhoods and give local communities more control over housing and planning decisions.

### 3.4 The key provisions relating to councils include:

- giving councils a general power of competence
- allowing councils to choose to return to the committee system of governance and allowing for referendums for elected mayors in certain authorities
- abolishing the Standards Board regime and the model code of conduct, and introducing local accountability and a criminal offence of deliberate failure to declare a personal interest in a matter
- giving residents the power to instigate local referendums on any local issue and the power to veto excessive council tax increases
- allowing councils more discretion over business rate relief
- providing new powers to help save local facilities and services threatened with closure, and giving voluntary and community groups the right to challenge local authorities over their services.

#### The housing provisions will

- abolish the requirement to have a Home Improvement Pack
- reform the Housing Revenue Account system
- provide for a new form of flexible tenure for social housing tenants
- allow local authorities to discharge their duties to homeless people by using private rented accommodation
- give local authorities the power to limit who can apply for social housing within their areas
- abolish the Tenant Services Authority and provides for a transfer of functions to the Homes and Communities Agency
- amend the way in which a social tenant can make a complaint about their landlord
- improve the ability of social tenants to move to different areas.

#### The planning and regeneration provisions will

- abolish Regional Spatial Strategies

- abolish the Infrastructure Planning Commission and return to a position where the Secretary of State takes the final decision on major infrastructure proposals of national importance
- amend the Community Infrastructure Levy, which allows councils to charge developers to pay for infrastructure. Some of the revenue will be available for the local community
- provide for neighbourhood plans, which would be approved if they received 50% of the votes cast in a referendum
- provide for neighbourhood development orders to allow communities to approve development without requiring normal planning consent
- give new housing and regeneration powers to the Greater London Authority, while abolishing the London Development Agency.

3.5 A plain English guide to the Localism Bill is attached as Appendix 1.

3.6 One aspect of specific relevance to the Authority is the provision of general powers for fire and rescue authorities. The functions and actions of these authorities are governed by statute, primarily prescribed by the Fire and Rescue Services Act 2004. Wider general powers are intended to empower fire and rescue authorities with greater freedoms and flexibilities to act in the interests of delivering their purpose, except where otherwise prohibited. The Bill also amends the current restrictive charging regime in place for all fire and rescue authorities and aims to enable them to deliver more personalised effective and efficient services for individuals and communities. The provisions in the Bill would not change the single purpose status of fire and rescue authorities.

3.7 The Bill contains provisions relating to pre-determination and standards. It seeks to widen the scope for elected members to participate in decision making when they have expressed pre-determined positions. It introduces a duty on local authorities to promote and maintain high standards of conduct whilst at the same time replacing the nationally prescribed model code of conduct for elected members with the option to adopt local voluntary codes of conduct.

- 3.8 The Bill introduces a requirement for authorities to prepare and publish a senior pay policy statement including the authority's policies relating to the remuneration of chief and deputy chief officers.

#### **4. EQUALITY IMPACT ASSESSMENT**

- 4.1 The Department of Communities and Local Government published a set of impact assessments on 31<sup>st</sup> January 2011. These report on the potential impact of implementing the decentralisation and localism elements of the Government's Coalition Agreement. They include evidence underpinning the measures in the Localism Bill.
- 4.2 In preparing this report a local initial Equality Impact Assessment is not required and has not been carried out.

#### **5. LEGAL IMPLICATIONS**

- 5.1 When enacted the Localism Bill will have an effect on the legislative framework within which the authority operates. There may be some provisions of direct relevance to the Authority and other provisions may impact more indirectly.

#### **6. FINANCIAL IMPLICATIONS**

- 6.1 There may be some resource implications for the Authority dependant upon the legislation that is actually enacted and any consequent decisions taken by the Authority in the future particularly with regard to enabling powers and exercise of discretions.

**N SHARMA  
CLERK DESIGNATE AND MONITORING OFFICER**