

Council

Localism Act 2011 - Update

27 February 2012

Report of Head of Law and Governance

PURPOSE OF REPORT

To enable Council to receive an update on the provisions of the Localism Act 2011 that are now in force, note the areas of the Act in respect of which the Executive has requested further reports from officers and approve the statement of pay policy for 2012/13.

This report is public

Recommendations

Council is recommended to:

- (1) Note the implications of the Localism Act 2011 as previously circulated to Members and reported to Executive.
- (2) Note the provisions of the Act which are already in force.
- (3) Note the provisions of the Act in respect of which Executive has requested further reports from officers at the appropriate time.
- (4) Approve the appended statement of pay policy for 2012/13 as required by the Act.

Details

- 1.1 All Members have received a briefing note on the Act's provisions and this has also been reported to Executive at its February meeting.
- 1.2 Most of the Act has yet to come into force and a lot of the provisions are dependent on detailed Regulations which have yet to be produced. However the provisions of the Act relating to the following broad areas are now in force:-
 - Transfer of functions
 - Governance arrangements
 - Pre-determination

- Transitional provisions for standards including cessation of the role of Standards for England by 31 January 2012
- Pay accountability
- Non domestic rates (in part)
- Council Tax referenda for “excessive” increases
- Abolition of home information packs

1.3 At its February meeting Executive resolved that the relevant officers should report to a future meeting on the detailed provisions in the following areas when they are known:-

- the duty to co-operate with other local planning authorities;
- community infrastructure levy;
- neighbourhood planning;
- referenda for excessive council tax increases.

1.4 With reference to the last of these it can be reported that for 2012/13 the Secretary of State has set the excessiveness threshold at a level of increase of 3.5% for major precepting authorities (i.e. the County Council, the District Council and the Police Authority) but has refrained from setting a threshold for Town and Parish Councils when setting their precepts. He has, however, indicated that he will review the outcome of this year’s town and parish precepting process before determining whether to apply a threshold to those councils for 2013/14 and subsequent years.

1.5 As indicated above the pay accountability provisions of the Act are in force and this obliges the Council to approve a statement of pay policy for 2012/13 by 31 March 2012. This is an annual requirement. The Act prescribes the mandatory components of this document and these are contained in the statement of policy contained at Appendix 1. It should be noted that a shared policy statement has been created with South Northamptonshire Council given the fact that the Joint Management Team is on the same terms and conditions. Where there are differences in policy between the two Councils these are highlighted in the statement.

Conclusion

1.6 The Act contains a number of provisions that will have significant implications for the Council although not much of it is yet in force and further regulatory detail is awaited in a number of areas. It is however necessary for the Council to approve a statement of pay policy at this meeting.

Key Issues for Consideration/Reasons for Decision and Options

2.1 The following options have been identified. The approach in the recommendation is believed to be the best way forward.

Option One To accept the recommendations.

Option Two To amend the statement of pay policy. This is not recommended as the appended version meets the legal requirements imposed by the Act.

Consultations

None

Implications

Financial There are no immediate financial implications at this stage. Future reports back to the Executive on the indicated areas will identify any that are specific to them.

Comments checked by Karen Curtin Head of Finance and Procurement – 0300 00300106

Legal The approval of the statement of pay policy by full Council before 31 March 2012 is a legal requirement.

Comments checked by Kevin Lane Head of Law and Governance – 0300 0030107

Risk Management There are no immediate risk management implications at this stage although some aspects of the new Act will need to be factored into the Council's ongoing risk management strategy and reports back to Executive on the indicated areas will identify any risk implications that are specific to them.

Comments checked by Claire Taylor Corporate Performance Manager – 0300 0030113.

Document Information

Appendix No	Title
1	Statement of pay policy 2012/13
Background Papers	
None	
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